



Board of Commissioners Agenda

Town of Swansboro

Monday, August 14, 2023

Board Members

John Davis, Mayor | Frank Tursi, Mayor Pro Tem | Pat Turner, Commissioner | Harry PJ Pugliese, Commissioner | Larry Philpott, Commissioner | Jeffrey Conaway, Commissioner

I. Call to Order/Opening Prayer/Pledge

II. Public Comment

Citizens have an opportunity to address the Board for no more than three minutes per speaker regarding items listed on the agenda. There is a second opportunity at the end of the agenda for the public to address the Board on items not listed on the agenda.

III. Adoption of Agenda and Consent Items

The Town Clerk respectfully submits to the Board, the Regular Agenda and the below consent items, which are considered to be of general agreement and little or no controversy. These items may be voted on as a single group without Board discussion "or" if so desired, the Board may request to remove any item(s) from the consent agenda and placed for consideration separately.

III. Consent Items:

[a.](#) March 12, 2023, Regular Meeting Minutes

[b.](#) March 27, 2023, Regular Meeting Minutes

[c.](#) Budget Ordinance Amendment #2024-1

IV. Appointments/Recognitions/Presentations - *None*

V. Public Hearing - *None*

VI. Business Non-Consent

[a.](#) Social District Consideration

Presenter: Rebecca Brehmer – Projects/Planning Coordinator

The Board of Commissioners expressed interest in learning more about implementing a social district downtown. The topic was first brought to the Board by staff on March 27, 2023, and staff was instructed at the July 10th meeting to bring it back with a few adjustments.

Recommended Action: Motion to approve or deny the draft ordinance or amend as directed.

b. Parking Ordinance Discussion

Presenter: Dwayne Taylor – Police Chief

The Board expressed their desire to review the parking ordinance with specific attention related to downtown parking.

Recommended Action: Review and provide further guidance to staff.

c. Samuel Swann Bland Outstanding Community Service Award Revision Consideration

Presenter: Alissa Fender – Town Clerk

The Samuel Swann Bland Outstanding Community Service Award will be discussed and reviewed for revisions.

Recommended Action: Determine when the recipient will be announced, at the December Board meeting, or at the banquet.

VII. Items Moved from Consent

VIII. Public Comment

Citizens have an opportunity to address the Board for no more than five minutes regarding items not listed on the Agenda.

IX. Manager's Comments

X. Board Comments

XI. Closed Session

- a. *Recommended Action: Motion to enter closed session pursuant to NCGS 143-318.11 (a) (3) to allow the Town Attorney to provide updates on legal matters under the attorney-client privilege.*

XII. Adjournment

Town of Swansboro
Board of Commissioners
March 13, 2023, Regular Meeting Minutes

In attendance: Mayor John Davis, Mayor Pro Tem Frank Tursi, Commissioner PJ Pugliese, Commissioner Larry Philpott, Mayor Pro Tem Tursi, Commissioner Pat Turner, and Commissioner Jeffrey Conaway.

Call to Order/Opening Prayer/Pledge

The meeting was called to order at 5:30 pm. Mayor Davis led the Pledge of Allegiance.

Public Comment

Citizens were offered an opportunity to address the Board regarding items listed on the agenda. No comments were given.

Adoption of Agenda and Consent Items

On a motion by Commissioner Turner, seconded by Commissioner Conaway, the amended agenda to add discussion for Emergency Services and Onslow Soil & Water presentation were approved unanimously.

Public Hearing

Text Amendments related to Demolition by Neglect and Enforcement

Planner Correll shared that following review of Demolition by Neglect draft ordinances and specific statues related to such, and in working with the Town Attorney, a text amendment to Sections 152.485 through 152.488 was recommended. The Planning Board recommended approval of the proposed text amendment at the regular meeting on December 6, 2022.

The public hearing was opened at 5:35 pm then closed, no comments were offered.

On a motion by Commissioner Conaway, seconded by Commissioner Philpott, Ordinance 2023-O1 amending Sections 152.485 through 152.488 related to Demolition by Neglect was approved unanimously.

Business Non-Consent

Zoning Map Amendment to Rezone Parcels Along Water Street from B2HDO to R6SF

Planner Correll reviewed that the Town of Swansboro Board of Commissioners has expressed interest to down zone the parcels along Water Street from Drudy Lane to Casper's Marina from B2HDO to R6SF. Following the public hearing held on December 12, 2022, the board tabled voting on the rezoning until after the Demolition by Neglect and Massing Text amendments were heard and approved.

On a motion by Commissioner Conaway, seconded by Commissioner Turner, Ordinance 2023-O3 to rezone the parcels on Water Street from Drudy Lane to Casper's Marina from B2HDO to R6SF was approved unanimously.

In response to inquiries from the board, Planner Correll confirmed that this rezoning would not affect the recommended future plans for a sidewalk along the street in the Waterfront Plan.

Future Agenda Topics

Future agenda items were shared for visibility and comment. In addition, an opportunity was provided for the Board to introduce items of interest and subsequent direction for placement on future agendas.

The following items were addressed:

- Review of the Watershed Plan was added as a possible future agenda item.
- EOC/PSB update would be given on April 10th.

Emergency Services Discussion

Commissioner Philpott shared that he had requested this item be added for discussion so that the board could provide clear direction to the Town Manager on what to pursue.

Manager Webb was directed to contact the Onslow County EMS director and find out what the issues were with response times for Swansboro as well as obtain a report of their response times. The results of her findings would determine if the Town needed to pursue obtaining their own EMS services.

Commissioner Conaway shared that consideration should be given to returning the fire department back to the county.

Mayor Davis shared that the Mayor of Jacksonville offered to meet with Town staff to discuss how they handle EMS services. He also stated that he did not agree with Commissioner Conaway's comment with regard to returning Fire back to the county and the Town should find a way to increase pay in order to keep personnel in Fire and Police.

Onslow Soil & Water Conservation District Presentation

Commissioner Philpott shared that he had requested this item be added for discussion so that clarification could be provided for what Mr. Johnson would give as a presentation.

In making contact with the Director for the district in an attempt to get ahold of Mr. Johnson, town staff were informed that any information provided by Mr. Johnson would be of his own info and not representative of the district.

Mayor Davis shared that Mr. Johnson offered to explain what he could do.

Board members were in support of a presentation by Mr. Johnson, and the staff was directed to inform him that he would need to familiarize himself with the town's watershed plan before he presents. The board then agreed that they as a whole needed to review the plan prior as well.

Public Comment

Citizens were offered an opportunity to address the Board regarding items not listed on the agenda. No comments were given.

Manager's Comments

Manager Webb reviewed the following items not covered in her Managers report.

- Reminded the board of the upcoming Advisory Board Appreciation Banquet and to RSVP.
- One way sign for Church Street were in place and a press release would be issued before they were uncovered and enforced.
- Repair on the cross pipe at Hammocks Beach Road by NCDOT was almost complete.
- An update on Fire Fighters and Police Officer's pay as requested by the board had been provided along with Overtime pay out considerations.

Board Comments

Commissioner Turner shared that the Fire Department's visit to her grandson's birthday party was a big hit and thanked them for their visit.

Mayor Davis shared that the poles for the Queen Creek Road traffic light at the High School had been installed.

Adjournment

On a motion by Mayor Pro Tem Tursi, seconded by Commissioner Philpott, the meeting adjourned at 6:10 pm.

Town of Swansboro
Board of Commissioners
March 27, 2023, Regular Meeting Minutes

In attendance: Mayor John Davis, Mayor Pro Tem Frank Tursi, Commissioner PJ Pugliese, Commissioner Larry Philpott, Mayor Pro Tem Tursi, Commissioner Pat Turner, and Commissioner Jeffrey Conaway.

Call to Order/Opening Prayer/Pledge

The meeting was called to order at 5:30 pm. Mayor Davis led the Pledge of Allegiance.

Public Comment

Ann Schuller of Front Street shared that she cares for the town and the quaintness it has. She was not in favor of the Town creating a social district downtown.

Adoption of Agenda and Consent Items

On a motion by Mayor Pro Tem Tursi, seconded by Commissioner Conaway, the agenda and the below consent items were approved unanimously.

Meeting Minutes:

- November 14, 2022, Regular Meeting
- November 14, 2022, Closed Session

Tax Refunds

- Ervin, Kathryn Marvel & Steidel, Donna Jean \$9.89 Tag Surrender
- Puca, Michael Robert Jr. \$31.32 Tag Surrender
- Stanley, June Meadows \$19.72 Tag Surrender

Appointments/Recognitions/Presentations

Life Saving Awards

Assistant Fire Chief William Stanley shared that Captain Robert Hannon and firefighters Michael Beck and Ethan Polk responded to a 911 call for a car accident in which they along with 2 bystanders provided life saving techniques on March 8 ,2023. After being transported to a nearby hospital the victim survived, and his survival was attributed to the efforts provided on scene to him at the accident.

A lifesaving award was presented to Captain Robert Hannon and firefighters Michael Beck and Ethan Polk. Mr. Brown, the victim, was present also to express his gratitude.

Employee Introduction

Manager Webb introduced Fire Chief Jacob Randall who would begin on April 3, 2023, and shared that he held a Master's Degree in Emergency Management, and was a level three fire inspector as well as holding many certificates.

Mr. Randall shared that he was excited for the opportunity and was looking forward to getting to know the community and increasing the level of service provided to the citizens.

Business Non-Consent*Social District Discussion*

Planner Correll shared that the Board of Commissioners had expressed interest in learning more about a possible downtown social district. She reviewed that many of the requirements proposed were required by state statute. Businesses downtown were given a survey to provide feedback and to specify their desire to have or not have a social district downtown. Of the 12 businesses surveyed, only 2 were not in favor. This proposed district was indicated on the map herein attached as *Attachment A*.

In response to inquiries from the Board staff provided the following clarifications:

- No increase in DWI's in the other municipalities that have social districts.
- Most DWI issued are to drivers coming from the beach.
- PD does not have the manpower for an officer to be there half the day.
- Area proposed was a suggestion and could be changed.

Board members shared their concerns including enforcement, loopholes, litter increasing and that only businesses were surveyed. The establishment of the district was not supported but if revisited in the future a survey to include the residents and a possible reduction in the size of the area should be considered.

Commissioner Pugliese commented that the concern shared could occur regardless of whether there was a social district downtown or not and that he felt the district would be a good benefit for the community and the businesses.

Church St. Dock-Updated Standard Operating Procedures

Parks & Recreation Director Stanley reviewed that Church Street Dock Standard Operating Procedures were updated to include additional general rules and regulations, emergencies, safety measures, code of conduct, and new procedures of assigning boat slips upon completion of the neighboring dock.

In response to inquiries from the Board, Mrs. Stanley clarified the following.

- People who arrive for docking needs after hours are to call the # posted on the dock. If they do not do so, then it is lost revenue if not caught the next day.
- A camera recently installed will assist with enforcement of reservations.
- Online reservations cannot differentiate the boat size restrictions that are needed to certain slips, and one side is restricted to certain size boats or smaller due to neighboring Bake Bottle and Brew dock that will be constructed.

Board members were in support of the updated procedures but requested that the recommendations regarding the maximum boat sizes that was provided by the consultant due the Bake Bottle and Brew Special Use Permit hearing, with regards to the use of the dock on the side of the Bake, Bottle and Brew dock should be incorporated.

Budget Ordinance Amendment #2023-4

Finance Director Johnson reviewed that a budget amendment was needed to replace a patrol vehicle that was struck by another vehicle on February 25, 2023. A claim was filed with the NCLM and the total cost of repairs is \$8,285.20. The actual cash value is \$6,348.50; therefore, the NCLM deemed it a total loss. The Town will be receiving insurance proceeds in the amount of \$6,348.50. The cost to purchase another vehicle is \$40,688. There for the request was for \$34,339.50 to be appropriated from fund balance and \$6,348.50 from insurance proceeds for its intended purpose.

Additionally, she reviewed that quotes to complete the dredge work for the Dockwalk Extension/Day Docks Project came in over the amount indicated last year by \$13,000. The request was for the funds to be appropriated to the project, so the contract can be signed, and work started.

On a motion by Commissioner Pugliese, seconded by Commissioner Philpot Budget Ordinance Amendment #2023-4 was approved unanimously.

Ordinance Amendment #2 to the Swansboro Bicentennial Park Boardwalk Extension with Public Day Docks Project

Finance Director Johnson reviewed that with approval of the Budget Amendment #2023-4 an amendment to the project ordinance was now needed to appropriate the funds to the project so the contract can be signed and work started.

On a motion by Commission Philpot, seconded by Commissioner Conaway, Ordinance Amendment #2 to the Swansboro Bicentennial Park Boardwalk Extension with Public Day Docks Project was approved unanimously.

Financial Report as of February 28, 2023

Finance Director Johnson reviewed details from the monthly financial report, attached herein with the PowerPoint presentation of the meeting.

Mrs. Johnson shared that expenses will be forthcoming for resurfacing of streets and purchase of capital items so the Powell Bill streets % spent would be more in line in the coming months.

Future Agenda Topics

Future agenda items were shared for visibility and comment. In addition, an opportunity was provided for the Board to introduce items of interest and subsequent direction for placement on future agendas.

The following items were addressed:

- Due to resignations that occurred, Board Appointments would be scheduled for the April 10, 2023, Regular Meeting
- Onslow United Transit System director was interested in providing a presentation to the board on their efforts on community outreach. The board was in favor of having his present at a future meeting.
- Dr. Gross's suggested concepts were shared with the board in regard to ways to hold High School Recognitions. The concepts were not supported, and the Board agreed that Mayor Davis would contact Dr. Gross to discuss them further.
- Future discussion on considerations to change the movement direction of Moore Street
- Resolution in opposition of Senate Bill 200 that dealt with publication requirements for public hearings.
- GFL was requested to attend a future meeting to address the recent poor services that have been provided.

Public Comment

Paula Keagy Webb shared that she was pleased with the board's decision not to move forward with the social district downtown.

Manager's Comments

Manager Webb shared the following in addition to what was included in her report.

- FEMA funds in the amount of \$290,000 were received.
- Dockwalk project will be moving forward.
- All easements were received for Priority 5 & 6 sidewalk projects.

- Church Street traffic movement change has been successful, no major complaints.
- Will be reaching out to Dockwa to discuss the situation with their contract.
- The Emmerton School project architect had to withdraw from the project due to health concerns.

Board Comments

Mayor Davis shared that there would be Memorial Day service at Sanders Park and inquired if the board desired to partner with them on the event.

Board members were in support of being involved but it needed to be pursued through the Parks & Recreation department and a partnership developed from the start as all other events are handled. It was not soon enough for this year but should be considered for next year.

Mayor Pro Tem Tursi shared that he was proud to honor the Firefighters.

Adjournment

On a motion by Commissioner Conaway, seconded by Commissioner Philpott, the meeting adjourned at 7:36 pm.



0 60 120 Feet

Swansboro Social District (Proposed)

Produced by Onslow County GIS.
This map is intended for reference only.
All dimensions are approximate.
As per NCGS 132-10 this map is not to be resold or
otherwise used
for commercial purposes.
3/9/2023.



Board of Commissioners Meeting Agenda Item Submittal

Item To Be Considered: **Budget Ordinance Amendment #2024-1**

Board Meeting Date: **August 14, 2023**

Prepared By: **Sonia Johnson – Finance Director**

Overview:

- 1. Fire:** Back in FY 2018-19, the Town was awarded \$37,685.71 for the Assistance to Firefighters Grant (AFG) to install a vehicle exhaust system for all diesel exhaust apparatus at the Fire Department. As a condition of the grant, the Town was required to contribute non-Federal funds equal to five percent of Federal funds awarded or \$1,884.29 for a total project cost of \$39,570. The cost to install the exhaust system was \$27,722.63. As part of the program guidelines, there were various options to utilize the excess funds once the scope of the work was completed. The Town was allowed reimbursement for extrication equipment we had purchased up to \$11,847.37. In FY 22/23 an amendment was submitted and approved for \$11,847.37.

The funds were received in FY 22/23 and went back to fund balance because they were not used prior to the end of the Fiscal Year. The Fire Chief is requesting reappropriation of the funds for uniforms and training. The increase in personnel has created the need for uniforms for our paid and part-time employees.

Source of Funds: Appropriated Fund Balance

- 2. Reappropriations:** Funds that went back to fund balance because they were not used prior to the end of last Fiscal Year.

Source of Funds: Appropriated Fund Balance

Department	Purpose	Amount
Fire Department	Assistance To Firefighters Grant-Reimbursement	\$11,847
Emergency Management	Upfit Emergency Operations Center-BA #2022-7 \$49,159.52; \$7,765.81 was spent in FY 22/23	\$41,394
Fire Department	VFIS-Insurance Proceeds-Lost Zoll AED	\$1,558
Fire Department	Donations received but not used in FY 22/23 \$1,000 Firefighter equipment only/\$100 unrestricted	\$1,100

Background Attachment(s): Budget Ordinance Amendment #2024-1

Recommended Action: Motion to approve Budget Ordinance Amendment #2024-1

Action: _____

BUDGET ORDINANCE AMENDMENT #2024-1

BE IT ORDAINED by the Board of Commissioners of the Town of Swansboro that the following amendment be made to the annual budget ordinance for fiscal year ending June 30, 2024:

Section 1. To amend the General Fund budget, the following changes are to be made:

<u>Appropriations</u>	<u>Increase</u>
Fire Department	\$14,505
Emergency Management	\$41,394

<u>Revenues</u>	<u>Increase</u>
Appropriated Fund Balance	\$55,899

Section 2. Copies of this budget amendment shall be furnished to the Town Clerk, the Budget Officer, and the Finance Director, to carry out their duties.

Adopted by the Board of Commissioners in regular session, August 14, 2023.

John Davis, Mayor

Attest:

Alissa Fender, Town Clerk



Board of Commissioners Meeting Agenda Item Submittal

Item To Be Considered: **Social District Consideration**

Board Meeting Date: **August 14, 2023**

Prepared By: **Rebecca Brehmer – Projects/Planning Coordinator**

Overview: The Board of Commissioners expressed interest in learning more about implementing a social district downtown. The topic was first brought to the Board by staff on March 27, 2023, and staff was instructed at the July 10th meeting to bring it back with a few adjustments.

An updated survey was distributed to both residential and business owners within the proposed boundary on August 4, 2023, along with an updated draft ordinance, boundary map to limit the district to span Front Street and go up Church Street stopping at the Visitors Center and outlining a new condition of the district just being open during event/festivals only. Survey results will be made available at the meeting. Responses are due by Friday, August 11th.

During the team meeting comprised of the Manager, Police Chief, Planner, Clerk, and Projects/Planning Coordinator we identified reasons why the Board may want to consider allowing the social district from Wednesday – Sunday from 5-11pm. In regard to frequent staff turnover at local businesses and an influx of people from out of town during the busy tourist season, we feel a set schedule would be easier to establish continuity with all parties involved in regulating and enforcing the social district.

Background Attachment(s):

1. Downtown Social District Draft Ordinance
2. Downtown Social District Survey
3. Social District Participant Acknowledgement Form
4. Proposed Social District Location Map
5. NCLM Summary

Recommended Action: Motion to approve or deny the draft ordinance or amend as directed.

Action: _____

CHAPTER 113: ALCOHOLIC BEVERAGES

Section

113.01 Sunday sales

113.02 Downtown Social District

§ 113.01 SUNDAY SALES.

The sale of malt beverages, unfortified wine, fortified wine and mixed beverages shall be allowed within the town's corporate limits at any premises licensed pursuant to G.S. § 18B-1001 on Sundays beginning at 10:00 a.m.

(Ord. 2017-09, passed 8-8-17)

§ 113.02 DOWNTOWN SOLICAL DISTRICT

The Town of Swansboro hereby creates and designates the Swansboro Downtown Social District that includes both the indoor and outdoor areas of establishments as well streets and sidewalks as shown on the map. (See figure 113.02.1). The purpose of the subsequent standards is to enable a Social District to allow residents and visitors to enjoy alcoholic beverages in a designated location within a limited area downtown which is delignated by signage around the boundaries of the Social District. The social district is further established because of the number of festivals and events which includes large numbers of people on the streets and sidewalks downtown. A Social District is exempt from the North Carolina open container law. Therefore, all alcohol in specified containers must be disposed of before exiting the district or entering a vehicle.

The following regulations will be enforced.

- A. All ABC permitted establishments must meet all legal requirements for carding and limiting consumption of alcoholic beverages.
- B. All participating establishments in the Social District must complete the Town of Swansboro acknowledgment form.
- C. Alcoholic beverages sold within the designated district and taken out of an establishment must only be carried in a container that meets the following requirements.
 1. Upon leaving an establishment with an alcoholic beverage, the alcoholic beverage must be contained in a labeled cup and the label must display the following details.
 - i. ID of the ABC permittee from which the alcoholic beverage was purchased.
 - ii. The terms "Downtown Swansboro Social District"
 - iii. The terms "Drink Responsibly - Be 21" in size 12 font or larger
 2. The container must meet the following regulations.
 - i. Shall be approved by Town of Swansboro administration before being used by establishment.
 - ii. Shall not hold more than 16 fluid oz.
 - iii. Shall not be made of glass.
- D. Alcoholic beverages may be consumed in the Social District during the established hours of events and festivals only or 5pm to 11pm, Wednesday – Sunday. (A Board decision will need to be made for this provision)
- E. The Town of Swansboro will provide window clings to establishments within the Social District to include three types of decals.
 1. Beverages Sold Here
 2. Beverages Welcomed
 3. Please no Beverages
- F. The Town of Swansboro will provide and establish the Swansboro Downtown Social District boundary designation signage.

Figure 113.02.1





Swansboro Downtown Social District

The Board of Commissioners has asked staff to revisit the proposed Social District, originally discussed in March 2023, with a few updates. We appreciate your time in responding to this survey for input.

This survey is intended to gather thoughts on establishing a Social District in Downtown Swansboro. This would allow residents and visitors to enjoy alcoholic beverages in a designated district downtown both in participating establishments as well as on streets and sidewalks in the district. The district would use labeled plastic cups, window cling labels at businesses, and district boundary signs downtown. The idea was formed due to the number of festivals and events downtown where there are large number of people on the streets and sidewalks and to encourage visitors/sales downtown.

Attached to this survey is a proposed ordinance that would be added to the Town Code/UDO under Section 93.110 Alcoholic Beverage. This ordinance was drafted from NCGS Chapter 18B and recently adopted House Bill 211.

Please fill out below questions:

- 1. Do you think creating a Social District in downtown Swansboro would be beneficial for our town?**

Yes

No

Need more information

- 2. Would you prefer having a Social District during set events/festivals only or having one during outlined days/times (example: Wednesday-Sunday from 5pm-11pm)?**

Events/Festivals

Set Days/Times

3. **Would your downtown business be open to participating in a Social District downtown, which would include using required labeled plastic cups and provided window decals?**

Yes

No

Need more information

4. **Regarding participation in the district, establishments would be given 3 options with what their window decals would display, which option would your business use?**

Alcohol Sold Here

Alcoholic Beverages Welcome

Please no alcoholic Beverages

5. **Please include your name, contact info, and business name, if applicable, as well as any questions, concerns, or additional comments.**

***Please return this survey to Town Hall or email to rbrehmer@ci.swansboro.nc.us by Friday, August 11, 2023.**

***There will be an opportunity for public discussion on this topic at the August 14th Board of Commissioners meeting at 5:30pm**

TOWN OF SWANSBORO

FRIENDLY CITY BY THE SEA * Established 1783

601 W. Corbett Avenue Swansboro, NC 28584 910-326-4428

Town of Swansboro Downtown Social District

Participant Acknowledgement Form

Date: _____ Parcel Identification Number: _____

ABC Permit Establishment Name: _____

Establishment Address: _____

ABC Permit Holder Contact Name: _____

Contact Email: _____ Contact Phone #: _____

Applicant's Signature: _____ Date: _____

By signing acknowledgment, you represent that you have read and understood the attached Downtown Social District Ordinance under section 113: Alcoholic Beverages. The Town of Swansboro reserves the right to prohibit participation in the Downtown Social District after violation of the ordinance.

Required attachment: Example of cup the establishment will use for participation in the district.





0 60 120 Feet

Swansboro Social District (Proposed)

Produced by Onslow County GIS.
 This map is intended for reference only.
 All dimensions are approximate.
 As per NCGS 132-10 this map is not to be res
 otherwise used
 for commercial purposes.
 8/4/2023.

North Carolina's Updated Laws on Social Districts

In September 2021, Governor Roy Cooper signed into law House Bill 890 (HB 890) – ABC Omnibus Legislation – which passed both the House and Senate with bi-partisan support. Included in HB 890 was a provision allowing local governments to create social districts in North Carolina. The North Carolina Retail Merchants Association (NCRMA) was the major interest group pushing for the passage of this important legislation to drive foot traffic to downtown businesses and level the playing field for brick-and-mortar businesses with ABC permits. In a little less than a year since the enactment of HB 890, nearly twenty municipalities have successfully created social districts in towns as small as Norwood to cities as big as Greensboro. Numerous other cities are investigating the creation of social districts based on how successful the social districts have become with customers and businesses alike.

The passage of legislation creating social districts also resulted in some legal questions posed to the North Carolina Alcoholic Control Commission, Alcohol Law Enforcement, and local city attorneys.

In June 2022, House Bill 211 (HB 211) – Social District/Common Area Clarifications - passed both the House and Senate with bi-partisan support and was subsequently signed into law by the Governor on July 7, 2022. This legislation provides some much-needed clarity to the original social district legislation and includes more detail on the inter-workings of social districts.

The sections of the North Carolina General Statutes regulating social districts contained in HB 890 were repealed and replaced with a brand-new section of Chapter 18B to regulate social districts. However, any social districts created in 2021 remain in place. The information detailed below provides context on North Carolina's initial law allowing for the creation of social districts and clarifications to this law established via the recent passage of HB 211.

What is a Social District?

A social district is a defined area in which a person may consume alcoholic beverages sold by an ABC permittee located within the social district. A social district may include both indoor and outdoor areas of businesses within or contiguous to the defined area during the days and hours set by the local government in creating the social district. A social district may include privately owned property, including permittees and non-permittee businesses, and multi-tenant establishments, as well as public streets, crosswalks, or parking areas whether the streets or parking areas are closed to vehicle traffic.

This revised definition clears up any confusion as to whether a social district can cross a public street or road and whether a social district may be created in a privately owned area of a local government jurisdiction, such as a shopping center. It also clarifies that a social district may include both indoor and outdoor areas of businesses within, or contiguous to, the defined area during the days and hours set by the local government. It should be noted that it is the sole decision of a business located within the geographic area of a social district whether to participate in the activities of the social district.

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Who Can Designate a Social District?

Neither HB 890 nor HB 211 created a statewide social district, but instead allows cities and counties to “opt-in” to social districts via an ordinance.

- A city may adopt an ordinance designating an area within the municipal limits as a social district under G.S. 160A-205.4.
- A county may adopt an ordinance designating a social district from an area located outside a municipal boundary under G.S. 153A-145.9.
- Once created, a local government may also eliminate a social district by ordinance.
- HB 211 did clarify that a local government may create more than one social district within its jurisdiction.

What are the Requirements for a City or County to Create a Social District?

- Social districts must be clearly defined, and signage must be posted in conspicuous locations indicating:
 - The geographic area included in the social district.
 - The days and hours during which alcoholic beverages can be consumed in the social district.
 - The telephone number for the ALE Division and Local Law Enforcement with jurisdiction over the social district.
 - A clear statement that an alcoholic beverage purchased for consumption in a social district shall:
 - only be consumed within the social district and
 - be disposed of before the person possessing the alcoholic beverage exits the social district unless the person is reentering the licensed ABC premises where the alcoholic beverage was purchased.
- Social districts are only allowed to operate during hours defined under G.S. 18B-1004:
 - From 7:00 am until 2:00 am Monday – Saturday; and
 - From Noon until 2:00 am on Sunday
 - If the local government has allowed for earlier Sunday Sales, a social district may operate beginning at 10:00 am on Sunday
- A local government creating a social district is required to establish management and maintenance plans for the social district and post these plans, along with a drawing of the boundaries and the applicable days and hours of the social district, on the local government’s website. A social district must be maintained in a manner that protects the health and safety of the general public.
 - Under HB 211, a local government is now authorized to delegate the management and maintenance of the social district to a private entity, such as a downtown development organization, local chamber of commerce or owner of a shopping center.
 - A local government may also establish guidelines in their social district allowing for suspension of regular days and hours of alcohol consumption in all or part of a social district during events requiring special events ABC permits.
- Before a social district can become operational, a local government must submit to the North Carolina Alcoholic Beverage Control (ABC) Commission a detailed map of the social district with the boundaries clearly marked and the days and hours during which alcoholic beverages can be consumed (G.S. 18B-904.1(c)(3)).
 - The ABC Commission has created a specific form for a local government to submit this documentation and can be found here:
 - [NC ABC Commission Social District Registration Link](#)
 - A local government is only required to submit a revised map to the ABC Commission if the local government changes the geographic area of a social district. It should be noted that a local government is not required to identify the businesses or ABC permittees located within the social district or if there is a change in businesses located within the social districts that are participating in the social district.

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- A local government is required to develop or approve uniform signs indicating that a non-permittee business is included in the social district and allows alcoholic beverages on its premises when the social district is active and distribute the signs to non-permittee businesses that are included in the social district.
 - The signs may be in the form of a sticker, placard, or other format as deemed appropriate by the local government.
 - A non-permittee participating in the social district and allowing alcohol on their premises is required to always display the uniform sign during the times when the social district is active.
 - A customer may not bring an alcoholic beverage into a non-permittee business that does not display the uniform sign.
 - A local government may now delegate the designing of signage, cups, and window clings to a private entity such as a downtown development authority, local chamber or property management group with the local government maintaining ultimate decision-making on these items.

Who Can Sell Alcohol in a Social District?

A business holding any of the following ABC permits may sell alcohol to be consumed in a social district:

- 1) An on-premises malt beverage permit issued pursuant to G.S. 18B-1001(1).
- 2) An on-premises unfortified wine permit issued pursuant to G.S. 18B-1001(3).
- 3) An on-premises fortified wine permit issued pursuant to G.S. 18B-1001(5).
- 4) A mixed beverages permit issued pursuant to G.S. 18B-1001(10).
- 5) A distillery permit issued pursuant to G.S. 18B-1001(5).
- 6) A wine shop permittee issued pursuant to G.S. 18B-1001(16).

Special one-time permits: The ABC Commission may issue special one-time permits pursuant to G.S. 18B-1002(a)(2) or (a)(5) for events occurring on premises located partially or entirely within the boundaries of a social district. This was an important clarification to the social district law contained in HB 211 because some local governments questioned whether they could create social district in an area where the local government conducted annual festivals where alcohol was sold.

What Additional Rules Do ABC Permittees Have to Follow to Sell Alcohol Within a Social District?

An ABC permittee must be located in or contiguous to the social district in which it is selling alcohol to be consumed.

The ABC permittee is only allowed to sell and serve alcoholic beverages on its licensed premises. In other words, the ABC permittee cannot sell alcoholic beverages in the street or down the street from its licensed premises just because the ABC permittee is located in, or contiguous to a social district.

Alcoholic beverages that are being sold to be consumed in a social district can only be sold in a container that meets all the following requirements:

- 1) The container clearly identifies the ABC permittee from which the alcoholic beverage was purchased.
- 2) The container clearly displays a logo or some other mark that is unique to the social district in which it will be consumed.
- 3) The container is not made of glass.
- 4) The container displays, in no less than 12-point font, the statement, "Drink Responsibly – Be 21."
- 5) The container cannot hold more than sixteen fluid ounces.

A local government may now create its social district ordinance so an ABC permittee or non-permittee business allow a customer to possess and consume on the business’s premises alcoholic beverages purchased from any ABC permittee located in or contiguous to the social district.

- This is a major change from HB 890 enacted in 2021 which prohibited a customer who had purchased an alcoholic beverage from one ABC permittee to enter the premises of another ABC permittee located in the social district.

In summary, an ABC permittee in a social district is no longer prohibited from allowing a patron to enter their premises with an alcoholic beverage purchased at a different ABC permittee located within the social district if the local government chooses to write its social district ordinance to allow for this activity.

Another major policy change contained in HB 211 allows ABC permittee and non-permittee businesses in multi-tenant establishments to be included and participate in a social district. This allows for a social district to be created in an area that is privately-owned such as in a mixed-used shopping center which contains residential units as well as businesses that sell or do not sell alcohol.

If I am a Business in the Social District, but I Do Not Want Customers Coming into My Store with Alcoholic Beverages, Do I Have to Participate?

No, any business without an ABC permit located in, or contiguous to, the designated social district has the option to participate, or not, in allowing customers with beverages to enter their premises. For example, Printers’ Books may remain open during designated social district hours but decide to post a sign that alcoholic beverages (or any beverages) are not allowed in their store even if they are located inside of the social district.

Likewise, a business with an ABC permit located in, or contiguous to, the social district may decide to participate or not participate in allowing customers to leave their premises with an open container.

HB 211 contained several clarifying changes concerning this question, including:

- A participating non-permittee business is now required to always display the uniform sign during the times when the social district is active as to whether the business allows for patrons to enter their business with alcohol.
- All non-permittee businesses that are part of a social district and allow customers to bring alcoholic beverages onto their premises are required to clearly post signage on any exits that do not open to the social district indicating that alcoholic beverages may not be taken past that point.
 - As example, if a non-ABC permittee has two points of ingress and egress with one point entering and exiting into the social district and one entering and exiting into an area not in the defined social district the business would have to post signage warning their customers not to exit the business with alcohol into the area not contained in the social district. This is to prevent a patron from unknowingly possessing an open container of alcohol outside of the social district.
- During the days and hours when the social district is active, a non-permittee business that allows customers to bring alcoholic beverages onto its premises is required to allow law enforcement officers access to the areas of the premises accessible by customers.
- In a major policy change from HB 890, HB 211 allows an ABC permittee or a non-permittee to possess and consume on the business’ premises alcoholic beverages purchased from any permittee located in the social district. HB 890 previously prohibited a local government from creating a social district that allowed an ABC permittee to allow a customer to bring an alcoholic beverage from a different ABC permittee onto their premises. G.S. 18B-300.1(f) allows an ABC permittee to allow a person to bring an alcoholic beverage purchased at a different ABC permittee onto their premises. Again, while this activity is allowed, the decision on whether to allow for this activity within a social district is up to the local government and how the local government determines to write their ordinance creating a social district.

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What Requirements Do Customers Have to Follow Within a Social District?

A person can only possess and consume alcoholic beverages purchased from an ABC permittee located in, or contiguous to, the social district. A person cannot bring their own personal beer or wine into the social district for consumption.

A person, including a customer who is in possession of an open container of an alcoholic beverage, may possess alcoholic beverages in closed containers in a social district to the extent allowed by law (ex: a person can buy a beer to drink in the required social district cup and take a four-pack to consume at home from a bottle shop).

Any alcoholic beverages consumed in the social district must be consumed from the required container described above. In other words, a person cannot pour their wine or beer into a personal solo cup or any type of container other than the one meeting all the requirements for social districts.

Alcoholic beverages shall only be possessed and consumed in the social district during the days and hours set by the city or county. If a city designates an area as a social district from 9:00 pm until midnight on Friday and Saturday, a person cannot consume alcohol in the social district at 9:00 pm on Wednesday.

The sale and delivery of alcohol in a social district is subject to the same limitations for sales and deliveries of alcohol in North Carolina:

- No more than two malt beverages or wine drinks at one time to a single patron
- No more than one mixed beverage or spiritous liquor drink at one time to a single patron

A person is required to dispose of any alcoholic beverage in the person's possession prior to exiting the social district. In other words, if a person is leaving the social district area, they must pour out or throw away their alcohol.

Can Common Area Entertainment (CAE) Permits and Social Districts Co-Exist?

In 2019, prior to the enactment of social district authorizing legislation, the General Assembly passed SB 290 – ABC Regulatory Reform Bill – that created a Common Area Entertainment (CAE) Permit. While individual tenants in multi-tenant establishments, like food halls, were already allowed to serve alcohol within their defined premises – the multi-tenant establishment did not have its own permit to allow customers to flow within the “common area” itself.

This new CAE permit allowed the property owner or property owner's association of a “multi-tenant establishment” with two or more alcohol-permitted businesses to have a designated consumption area on the property where individuals could purchase alcohol at establishments and take the open containers of this alcohol (including beer, wine, and spiritous liquor) in specially-designated cups off the designated premises of those businesses into a designated consumption area, or back onto the premises of a business, with permission of the business owner.

Fast-forward to the 2021 legislative session, when the legislature passed HB 890 authorizing local governments to pass ordinances to designate social districts whereby customers of businesses located contiguous to the social district could take open containers of alcohol (including beer, wine, and spiritous liquor) in specially-designated cups off the premises of an ABC permitted establishment and into any areas designated as part of the social district.

During the 2022 legislative session, HB 211 included clarifying provisions to answer questions that arose on the interaction of CAE permits and social districts such as:

- Could CAEs be issued to mixed-use developments that had private streets open to vehicular traffic?
- Can local governments pass ordinances designating social districts in mixed-use developments and/or privately-owned property?
- Can a social district and a special event permit work in tandem?

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HB 211 makes the following clarifications to the existing CAE and social district laws to address those questions:

- A mixed-use development may obtain a CAE that encompasses the development, including privately owned streets, sidewalks, and courtyards and does not have to restrict or close these areas through the delineation of vertical boundaries.
- A city or county may pass a social district ordinance that encompasses a mixed-use development and/or private property and may delegate management of that social district to the property owner or property owner’s association.
- Various types of special event permits may act in conjunction with social districts, and cities/counties have flexibility to implement this process. For example, street festivals in a downtown area can operate in conjunction with a social district.
- Property owners and cities/counties have flexibility to implement management and maintenance plans, which include limiting hours of consumption, creating signage, and providing security.

The CAE permit will continue to be issued to the owner or property owners' association of a multi-tenant establishment, but a common area would be defined as "an indoor or outdoor portion of a multi-tenant establishment that is open to the public" and the permit holder can designate common areas to be "designated consumption areas" where consumption of alcoholic beverages is allowed.

The designated consumption area may include:

- Any indoor or outdoor area of a permittee business that is contiguous to a designated common area or
- Any indoor or outdoor area of a non-permittee business that is contiguous to the designated common area and that chooses to allow customers to bring open containers of alcoholic beverages onto its premises.

Additional requirements and clarifications involving a CAE Permit:

- A permittee can be included in the designated consumption area even if it chooses to exclude open containers of alcoholic beverages purchased from other permittees.
- Non-permittee businesses are not responsible for enforcing the alcohol laws but must allow law enforcement officers access to the areas of the premises accessible by customers.
- The designated consumption areas must be submitted to and approved by the ABC Commission and be marked in a way that clearly indicates to customers where the boundaries of the designated consumption area are located.
- Open containers sold by a permittee for consumption in a designated consumption area must be in a container meeting several criteria, and the possession of closed containers would be allowed to the extent otherwise allowed by law.



Board of Commissioners Meeting Agenda Item Submittal

Item To Be Considered: **Parking Ordinance Discussion**

Board Meeting Date: **August 14, 2023**

Prepared By: **Alissa Fender – Town Clerk, Dwayne Taylor – Police Chief**

Overview: The Board expressed their desire to review the parking ordinance with specific attention related to downtown parking.

Currently there are no provisions to restrict parking in the right-of-way downtown. There are provisions for blocking driveways under [§72.10 \(A\) \(2\)](#). It should be noted that in general streets downtown are anywhere from 30 feet to 40 feet wide with a 15 foot or 20foot right-of-way on either side.

Creating language that could prohibit all other parking except for residential property owners/tenants would prove challenging for the following reasons.

- a. How would we handle visitors and guests of residents? (HVAC repair, lawncare, etc.)
- b. How would we handle AirBNB’s? These renters change weekly
- c. Numerous properties downtown do not have driveways or room for a driveway

Contact was made to nearby communities with downtown’s similar to Swansboro, and neither have regulations that differ from ours.

Staff Recommendation: Staff recommends leaving the Ordinance as is, as prohibiting parking along the roadside right-of-way would affect the residences that do not have driveways, making enforcement difficult.

Background Attachment(s):

- 1. Town Code Chapter 72: Stopping, Standing and Parking
- 2. Town Code chapter 75: Parking Schedules

Recommended Action: Review and provide further guidance to staff.

CHAPTER 72: STOPPING, STANDING AND PARKING

Section

Method of Parking

- 72.1 Standing or parking close to curb
- 72.2 Unattended vehicles
- 72.3 Parking spaces for mobility handicapped persons

Stopping, Standing or Parking Prohibited in Specified Places

- 72.10 Stopping, standing or parking prohibited; no signs required
- 72.11 Parking not to obstruct traffic
- 72.12 Parking in alleys
- 72.13 Standing or parking for certain purposes prohibited
- 72.14 No stopping, standing or parking near hazardous or congested places
- 72.15 Stopping, standing or parking for primary purpose of advertising, prohibited
- 72.16 Time limit parking
- 72.17 Improper parking and storage

Stopping for Loading or Unloading

- 72.30 Loading and unloading zones
- 72.31 Loading zones for freight and goods
- 72.32 Public carrier stops and stands

Restriction or Prohibitions on Certain Streets

- 72.40 Application of subchapter
- 72.41 Parking prohibited at all times on certain streets
- 72.42 Parking time limited on certain streets
- 72.43 Parking signs required

METHOD OF PARKING

§ 72.01 STANDING OR PARKING CLOSE TO CURB.

No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right hand wheels of the vehicle within 18 inches of the curb or edge of the roadway except as otherwise provided in this chapter.

(OC, § 7-1-121) Penalty, see § 70.99

§ 72.02 UNATTENDED VEHICLES.

It shall be unlawful for any person to leave running the engine or motor of any unattended motor vehicle while it is standing parked upon the streets.

(OC, § 7-1-122) Penalty, see § 70.99

§ 72.03 PARKING SPACES FOR MOBILITY HANDICAPPED PERSONS.

For every 20 parking places in front of or adjacent to any public buildings, there shall be one space marked distinctly "Parking for Persons With a Mobility Handicap or Those Using Wheelchairs." It shall be unlawful for any persons without a mobility handicap or using a wheelchair to park in any space reserved for such handicapped persons; provided, however, a driver of a vehicle used in transporting such handicapped persons may park in those spaces.

(OC, § 7-1-123) (Ord. passed 5-3-84) Penalty, see § 70.99

STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES

§ 72.10 STOPPING, STANDING OR PARKING PROHIBITED; NO SIGNS REQUIRED.

(A) No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in

compliance with law or the directions of a police officer or traffic control device, in any of the following places:

Item VI - b.

- (1) On a sidewalk or parkway;
- (2) At any place where a vehicle would block the use of a public or private driveway;
- (3) In any intersection or within 15 feet of any intersection;
- (4) Within 15 feet of a fire hydrant;
- (5) On a crosswalk or within 15 feet of any crosswalk;
- (6) Within 15 feet of a crosswalk or an intersection;
- (7) Within 15 feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of the roadway;
- (8) Between a safety zone and the adjacent curb or within 30 feet of a point on the curb immediately opposite the end of a safety zone, unless signs or markings indicate a different length;
- (9) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station, or within 75 feet of the entrance when properly sign posted;
- (10) Within 50 feet of the nearest rail of a railroad crossing;
- (11) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
- (12) On a roadway side of any vehicle stopped or parked at the edge or curb of the street;
- (13) Upon any bridge, viaduct or other elevated structure upon a highway or within a highway tunnel, subway or the approach thereto;
- (14) At any place where official signs prohibit parking or stopping;
- (15) Along any curb painted with a yellow, red or white paint to signify a "No Parking" zone;
- (16) At any place where the standing of a vehicle will reduce the usable width of the roadway for moving traffic to less than 18 feet;
- (17) Within 15 feet of a traffic signal, beacon or sign on the approaching side.

(B) No person shall move a vehicle not lawfully under his control into any prohibited area or away from a curb any distance as is unlawful.

(OC, § 7-1-131) (Am. Ord. passed 5-3-84) Penalty, see § 70.99

§ 72.11 PARKING NOT TO OBSTRUCT TRAFFIC.

No person shall park any vehicle upon a street, other than an alley, in a manner or under any conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic.

(OC, § 7-1-132) Penalty, see § 70.99

§ 72.12 PARKING IN ALLEYS.

No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in a position as to block the driveway entrance to any abutting property.

(OC, § 7-1-133) Penalty, see § 70.99

§ 72.13 STANDING OR PARKING FOR CERTAIN PURPOSES PROHIBITED.

It shall be unlawful for any person to stand or park a vehicle upon any street of the town for the principal purposes of the following:

- (A) Displaying for sale;
- (B) Washing, greasing or repairing a vehicle, except repairs made necessary by a bona fide emergency;
- (C) Storing by garages, dealers or other persons when the storing is not incident to the bona fide use and operation of the automobile or other vehicle;
- (D) Storing of any detached trailer or van when the towing unit has been disconnected or for the transferring merchandise or freight from one vehicle to another;
- (E) Peddling of merchandise from vehicle; or
- (F) Parking or storing any towable equipment, boats, other non-self-propelled vehicles, or vehicles not eligible for motor

vehicle licenses or not properly licensed or tagged.

(OC, § 7-1-134) (Am. Ord. passed 5-3-84; Am. Ord. 2011-08, passed 2-15-11 Penalty, see § 70.99

§ 72.14 NO STOPPING, STANDING OR PARKING NEAR HAZARDOUS OR CONGESTED PLACES.

When official signs are erected at hazardous or congested places no person shall stop, stand or park a vehicle in any designated place.

(OC, § 7-1-135) Penalty, see § 70.99

§ 72.15 STOPPING, STANDING OR PARKING FOR PRIMARY PURPOSE OF ADVERTISING, PROHIBITED.

No person shall stand or park, on any street, any vehicle for the primary purpose of advertising.

(OC, § 7-1-136) Penalty, see § 70.99

§ 72.16 TIME LIMIT PARKING.

Except on Sundays or holidays, it shall be unlawful to park any vehicle for a longer consecutive period of time than that designated between the hours of 8:00 a.m. and 6:00 p.m. in any area designated and marked as a limited parking area.

(OC, § 7-1-137) (Am. Ord. passed 5-3-84) Penalty, see § 70.99

§ 72.17 IMPROPER PARKING AND STORAGE.

It shall be unlawful to park construction vehicles or equipment - other than for brief periods of unloading or delivery - on streets with less than 32 feet of paved width. (Vehicles and equipment of governmental entities and public utilities that are actively involved in construction or maintenance work shall be exempt from this provision.) It shall be unlawful to place or store construction supplies or materials on public streets or sidewalks.

(Ord. 2011-08, passed 2-15-11) Penalty, see § 70.99

STOPPING FOR LOADING OR UNLOADING

§ 72.30 LOADING OR UNLOADING ZONES.

(A) Whenever vehicle loading and unloading zones are designated and described by this subchapter and when signs are placed, erected or installed, giving notice thereof, it shall be unlawful for any person to stop, stand or park any vehicle for any purpose or period of time except in accordance with the requirements of this subchapter.

(B) It shall be unlawful for the driver of a vehicle to stand a passenger vehicle for a period of time longer than is necessary for the loading or unloading of passengers, not to exceed three minutes, and for the driver to stand any freight carrying vehicles for a period of time longer than is necessary to load, unload and deliver materials, not to exceed 30 minutes, in any place designated by the president and board of trustees as a loading zone and marked as such or in any of the following designated places:

(1) At any time not to exceed 75 feet along the curb before the entrance to any hospital or hotel at any time;

(2) At any place not to exceed 75 feet along the curb before the entrance to a public building between 8:00 a.m. and 6:00 p.m. except on Sunday.

(OC, § 7-1-141) (Ord. passed 5-3-84) Penalty, see § 70.99

§ 72.31 LOADING ZONES FOR FREIGHT AND GOODS.

The streets, or parts thereof, that may be designated as freight loading and unloading zones by the town from time to time, will be set forth in Ch. 75 of this code. No person shall stop, stand or park a vehicle therein during the hours of 8:00 a.m. to 6:00 p.m. for any purpose other than the expeditious loading or unloading of freight, equipment or other goods and then only for a period not to exceed one hour. Loading or unloading of freight shall also be conducted consistent with the requirements of § 72.30.

(OC, § 7-1-142) (Am. Ord. passed 5-3-84) Penalty, see § 70.99

§ 72.32 PUBLIC CARRIER STOPS AND STANDS.

Bus stands, taxicab stands and stands for other passenger common carrier motor vehicles, designated by appropriate signs, shall be as specified by the town from time to time and set forth in Ch. 75 of this code. No person shall stop, stand or park a vehicle other than a bus in a bus stop, or other than a licensed taxicab in a taxicab stand when any stop has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when stopping does not interfere with any bus or taxicab waiting to enter or about to enter the zone.

(OC, § 7-1-143) Penalty, see § 70.99

RESTRICTION OR PROHIBITIONS ON CERTAIN STREETS

§ 72.40 APPLICATION OF SUBCHAPTER.

The provisions of this subchapter prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.

(OC, § 7-1-151)

§ 72.41 PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS.

When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets described in Ch. 75, Sch. I.

(OC, § 7-1-152) Penalty, see § 70.99

§ 72.42 PARKING TIME LIMITED ON CERTAIN STREETS.

When signs are erected in each block giving notice thereof, no person shall park a vehicle for longer than the times specified within the district or upon any of the streets as the town may designate from time to time.

(OC, § 7-1-153) Penalty, see § 70.99

§ 72.43 PARKING SIGNS REQUIRED.

Whenever by this or any other section, any parking time limit is imposed or parking is prohibited in designated streets, there shall be appropriate signs giving notice thereof. No regulations shall be effective unless the signs are erected and in place at the time of any alleged offense.

(OC, § 7-1-154)

Schedule

- I. Parking prohibited at all times
- II. Parking prohibited at designated times
- III. Overnight parking prohibited

SCHEDULE I. PARKING PROHIBITED AT ALL TIMES.

Parking shall be prohibited at all times on the following streets.

<i>Location</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Church Street from Webb Street to Sabiston Drive	–	11-10-88
Church Street, southwest side, from Front Street northwest to Webb Street	2011-O19; 2013-O16	6-21-11; Am. Ord. 8-20-13
Water Street, east side, from Church Street to Drudy Lane	2013-O16	8-20-13
North side of Main Street from the entrance to Second Wind on Main Street West to the easternmost entrance to the First Citizen’s Bank and Trust Company parking lot on Main Street	–	5-3-84
On that part of Elm Street between Church Street and Highway 24	–	5-3-84
The northern part of Main Street from the mean high water mark of the White Oak River a distance of fifty feet towards the intersection of Main Street and Front Street	2013-O16	11-10-88; Am. Ord. 8-20-13
South side of Moore Street to the dead end	2005-O7	6-21-05
The west side of Water Street, south from the intersection with Spring Street for approximately 466 feet to the intersection with Elm Street	2014-O8	4-15-14

(OC, App. I § 128) (Am. Ord. 2005-07, passed 6-21-05; Am. Ord. 2011-019, passed 6-21-11; Am. Ord. 2013-O16, passed 8-20-13; Am. Ord. 2014-O4, passed 2-18-14; Am. Ord. 2014-O18, passed 4-15-14) Penalty, see § 70.99

SCHEDULE II: PARKING PROHIBITED AT DESIGNATED TIMES.

Designated parking times will be in effect for the following areas.

<i>Location</i>	<i>Ord. No.</i>	<i>Date passed</i>
Moore Street from Front Street to Water Street Daily from 5 am to 11 am	2023-O8	07-10-2023

SCHEDULE III: OVERNIGHT PARKING PROHIBITED.

Overnight parking shall be prohibited in the following areas.

<i>Location</i>	<i>Ord. No.</i>	<i>Date passed</i>
All municipal parks/parking lots	2007-8	11-20-07

(Ord. 2007-8, passed 11-20-07)



Board of Commissioners Meeting Agenda Item Submittal

Item To Be Considered: **Samuel Swann Bland Outstanding Community Service Award
Revision Consideration**

Board Meeting Date: **August 14, 2023**

Prepared By: **Alissa Fender – Town Clerk**

Overview: The Samuel Swann Bland Outstanding Community Service Award will be discussed and reviewed for revisions.

Background: In February 2009, the Samuel Swann Bland Community Service Award was established in honor of Sam Bland, the former superintendent of Hammocks Beach State Park. Sam’s outstanding dedication to the improvement of community services, diligence, hard work, and leadership exhibited during his career are the principles for the award.

This award is to be given annually to a public employee, civic leader, or community volunteer that has demonstrated the qualities outlined above. Traditionally, recipients are announced and recognized at a Board meeting and presented with a plaque.

In August and September of 2022, the Board expressed its desire to elevate the award by expanding the selection criteria, changing the name, and to make the recognition more formal. For FY 23-24, funds in the amount of \$1,400 were allocated to accomplish a more formal recognition of the award, even making the event more of an alumni reunion. In addition to the individual plaque, the names of all recipients will be placed in the lobby of Town Hall, and a more formal banquet will be held where the next year’ recipient will be celebrated and/or announced.

Currently, nominations are solicited through our Facebook Page, Constant Contact, the Newsletter, and Tideland News. We can also send the nomination form out to churches, schools, and organizations. We do not recommend advertising on the radio or TV because the goal is to recognize someone in our community, not someone in Greenville or Wilmington where our local TV stations broadcast too. TV and radio ads will require additional funding as well.

The current nomination criteria describe the contributions Sam Bland made within the community and for which the award was established.

- **Nomination Criteria:** There are five principal criteria that will be considered in the evaluation of nominations for the award. *On a separate sheet or sheets*, the nominating person must explain the extent to which the nominee has demonstrated the following qualities:

Action: _____

1. *Impact.* Describe the extent to which the nominee has consistently and diligently pursued her public, civic, or volunteer responsibilities in a manner which clearly and visibly contributes to improvement of the community.

2. *Effort.* How has the nominee exhibited dedicated and conscientious pursuit of public, civic, or volunteer responsibilities in a manner that significantly exceeds the normal requirements of time and attention to duty?

3. *Stewardship.* How has the nominee demonstrated the ability to marshal, acquire, and/or cost-effectively use necessary and available human, physical, and/or financial resources to accomplish projects or programs for the benefit of the Swansboro community?

4. *Initiative.* How has the nominee demonstrated willingness and ability to exercise personal vision and initiative to address community needs, accomplish community improvements, and/or improve the quality of life for Swansboro residents?

5. *Innovation.* How has the nominee demonstrated willingness and ability to use new or improved methods that accomplish, in a unique and/or expeditious manner, important tasks or projects that benefit the Swansboro community?

Staff Recommendation: Staff recommends leaving the nomination criteria as originally created in honor of Sam Bland’s outstanding dedication to the improvement of community services, diligence, hard work, and leadership. Elevate the recognition of the award by holding an Alumni Banquet where the new recipient is inducted into this elite group annually. Invite all past recipients to the banquet each year.

Background Attachment(s):

- 1. Samuel Swann Bland Outstanding Community Service Award Nomination form
- 2. Board of Commissioners Policy No.12 – Samuel Swann Bland Outstanding Community Service Award

Recommended Action: Determine when the recipient will be announced, at the December Board meeting, or at the banquet.

**NOMINATION
SAMUEL SWANN BLAND
OUTSTANDING COMMUNITY SERVICE AWARD**

The Samuel Swann Bland Community Service Award was created to honor the diligence, hard work, leadership, and dedication that characterized the contributions of Sam Bland to the public and the Swansboro community. The award is made annually to a public employee, civic leader, or community volunteer that has demonstrated the qualities of outstanding dedication to the improvement of community services that were exhibited in the career and contributions of Samuel Swann Bland.

A. Person Nominated _____

B. Address _____ Phone Number _____

C. Check Eligibility Category: Public Employee Civic Leader Community Volunteer

D. Role(s) in which person is nominated: _____

E. Nomination Criteria. There are five principal criteria that will be considered in the evaluation of nominations for the award. *On a separate sheet or sheets*, please explain the extent to which the nominee has demonstrated the following qualities:

1. *Impact*. Describe the extent to which the nominee has consistently and diligently pursued his or her public, civic, or volunteer responsibilities in a manner which clearly and visibly contributes to the improvement of the community.
2. *Effort*. How has the nominee exhibited dedicated and conscientious pursuit of public, civic, or volunteer responsibilities in a manner that significantly exceeds the normal requirements of time and attention to duty?
3. *Stewardship*. How has the nominee demonstrated the ability to marshal, acquire, and/or cost-effectively use necessary and available human, physical, and/or financial resources to accomplish projects or programs for the benefit of the Swansboro community?
4. *Initiative*. How has the nominee demonstrated willingness and ability to exercise personal vision and initiative to address community needs, accomplish community improvements, and/or improve the quality of life for Swansboro residents?
5. *Innovation*. How has the nominee demonstrated willingness and ability to use new or improved methods that accomplish, in a unique and/or expeditious manner, important tasks or projects that benefit the Swansboro community?

F. Nominator: _____ Date _____

Name Printed

Signature

Address _____

G. Deadline: **Nominations must be submitted to the Town Clerk of the Town of Swansboro by October 31 of the current year.**

Board of Commissioners Policy No.12

Samuel Swann Bland Outstanding Community Service Award

A. Background

The Swansboro Board of Commissioners created, in February 2009, The Samuel Swann Bland Community Service Award to honor diligence, hard work, leadership, and dedication that characterized the outstanding contributions of Sam Bland, the former superintendent of Hammocks Beach State Park, to the public and to the Swansboro Community.

This award is to be annually awarded to public employees, civic leader, or community volunteer that has demonstrated the qualities of outstanding dedication to the improvement of community services that were exhibited in the career and contributions of Samuel Swann Bland.

B. Nominations

The Town shall annually, in July or August of each year, advise the public (via the news media) and local community organizations that it is accepting nominations for the Samuel Swann Bland Community Service Award. Nominations shall be submitted in a form specified by the Town Manager. Nominations shall be submitted by October 31 of each year.

C. Selection

Unless otherwise specified by the Board of Commissioners, the nominations shall be reviewed by the Mayor and the Board of Commissioners. The principal criteria for selection of an award recipient shall be as follows:

1. Impact. Consistent and diligent pursuit of public, civic, or volunteer responsibilities in a manner which clearly and visibly contributes to the improvement of the community;
2. Effort. Dedicated and conscientious pursuit of public, civic, or volunteer responsibilities in a manner that significantly exceeds the normal requirements of time and attention to duty;
3. Stewardship. Demonstrated ability to marshal, acquire, and/or cost-effectively use necessary and available human, physical, and financial resources to accomplish projects or programs for the benefit of the Swansboro community;
4. Initiative. Demonstrated willingness and ability to use new or improved methods that accomplish, in a unique and/or expeditious manner, important tasks or projects that benefit the Swansboro community.

The selection process shall be completed during the month of November each year.

D. Award

The award recipient shall be announced in December of each year at a regular or special meeting of the Board of Commissioners. The recipient of the award shall be recognized through the award of a plaque, or other such commemorative as may be preferred by the Board of Commissioners and may also receive such other prizes that the Board may, in its discretion, elect to include as part of the award or which may be contributed by the community.

In addition, award recipient shall be added to the plaque displayed in the lobby of Town Hall and a banquet/reception will be held in honor of the recipients to include their family and friends and past recipients in January at the Recreation Center.

Approved 7/21/09

Amended 8/22/2022