



Board of Commissioners Agenda

Town of Swansboro

Monday, July 24, 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 for adoption.

IV. Appointments/Recognitions/Presentations - None

V. Public Hearing

a. Text Amendment to 152.179 Table of Permitted/Special Uses *Presenter: Rebecca Brehmer - Projects/Planning Coordinator*

The Town received a request from Swansboro High School to allow the replacement of the existing band tower in the front yard of the High School. Since 2000, accessory structures have not been permitted in front yards. However, in 2020 Ordinance 2020-06 was passed to allow accessory structures in the front yard on lots two (2) acres or greater. The purpose of this amendment is to include Government/Educational (G/E) properties to be permitted as a use in this category.

*Recommended Action: 1. Hold a Public Hearing
2. Motion to approve or deny Ordinance 2023-09 amending the Unified Development Ordinance to include Section 152.179 to allow accessory structures in the front yard on lots two (2) acres or greater in the Governmental/Educational Zoning District and the Comprehensive Plan Consistency Statement.*

VI. Business Non-Consent

a. Duck Population Control Measures

At the board's request, staff researched possibilities for duck population control. Two local wildlife rehabilitation organizations will provide information on control methods.

Recommended Action: Receive information and provide direction to staff.

b. Text Amendment/Town Code Chapter 34: Fire Department

Presenter: Jacob Randall – Fire Chief

After carefully reviewing the ordinances relating to the organization of the Fire Department and fire prevention, most all ordinances were outdated on current methodologies, industry standards, approaches, or evolved operations. An amendment is recommended to realign, amend, and strengthen the adopted ordinances relating to the organization of the fire department.

Recommended Action: Motion to approve Ordinance 2023-010 amending Town Code Chapter 34: Fire Prevention

c. Town Code Amendment to Chapter 50: Refuse, Solid Waste and Recycle, § 50.26 Curbside pickup

Presenter: Gerald “Tank” Bates – Public Works Director

At the board’s request, staff has drafted an amendment to the Town Code § 50.26 Curbside pickup, to apply a location designation for curbside collection area and restriction on the amount of time trash and recycle containers can be curbside for collection.

Recommended Action: Motion to approve Ordinance 2023-011 amending § 50.26 Curbside pick up to restrict the amount of time trash and recycle containers can be curbside for collection.

d. Financial Report as of June 30, 2023

Presenter: Sonia Johnson – Finance Director

e. Future Agenda Topics

Presenter: Alissa Fender – Town Clerk

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

Recommended Action: Discuss and provide any guidance

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) (5) to instruct the public body's staff on negotiating terms for property acquisition.*

XII. Adjournment



Board of Commissioners Meeting Agenda Item Submittal

Item To Be Considered: **Text Amendment to 152.179 Table of Permitted/Special Uses**

Board Meeting Date: **July 24, 2023**

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

Overview: The Town received a request from Swansboro High School to allow the replacement of the existing band tower in the front yard of the High School. Since 2000, accessory structures have not been permitted in front yards. However, in 2020 Ordinance 2020-06 was passed to allow accessory structures in the front yard on lots two (2) acres or greater. The purpose of this amendment is to include Government/Educational (G/E) properties to be permitted as a use in this category.

The Planning Board heard this application on July 11, 2023, and recommended it with the Comprehensive Plan Consistency Statement to the Board of Commissioners.

Background Attachment(s):

- 1. Application to Amend Unified Development Ordinance
- 3. Comprehensive Plan Consistency Statement
- 4. Ordinance 2023-09

Recommended Action:

- 1. Hold a Public Hearing
- 2. Motion to approve or deny Ordinance 2023-09 amending the Unified Development Ordinance to include Section 152.179 to allow accessory structures in the front yard on lots two (2) acres or greater in the Governmental/Educational Zoning District and the Comprehensive Plan Consistency Statement.

Action: _____

Town of Swansboro
601 W. Corbett Avenue Swansboro, NC 28584
Phone (910) 326-4428 - Fax (910) 326-3101

APPLICATION FOR ZONING & ORDINANCE AMENDMENTS

Check the Appropriate Blank

- Add a Use to a Zoning District
- Remove a Use from a Zoning District
- Create a New Zoning District
- Future Land Use Map Amendment

Application No. _____

- Amend Code of Ordinances
- Amend Unified Development Ordinance
- Zoning District Designation Change

A complete application must be received with the fee by the third Friday prior to the month of review.

Property Owner Name Onslow County Swansboro Phone # 910-326-4300

Address of Zoning Request 161 Queens Creek Rd.

Mailing Address 161 Queens Creek Rd.

Zoning Amendments

Attach a copy of the legal description of the property (including address if assigned) that is requested for a zoning change (i.e. metes and bounds). The application will not be scheduled for review until these items are received.

Provide a list names and mailing address of adjacent property owner on the reverse side of this application. The application will not be scheduled for review until these items are received.

Present Zoning _____ Desired Zoning _____

Probable Use of Property _____

Reason for Zoning Change Request _____

Ordinance Amendments

Code Section to be amended 152.179

Print clearly the code section wordage to be amended Accessory structures located in front yard of G/E.

Print clearly the code section wordage as suggested _____

Accessory structures located in the front yard of government or school facilities.

Reason for requested amendment To replace existing band tower with a new one in the front yard of Swansboro High School on the practice field.

Signature [Signature] Date 6-22-23

Future Land Use Map Amendment

Present Future Land Use Category _____ Desired Future Land Use Category _____

Use of Property _____

Reason for Future Land Use Map Change Request _____

Town Hall Use Only

Fee Paid 400.00 Date Received 6/22/2023 Date scheduled for Planning & Zoning Board review 7/11/23

Recommendation from Planning & Zoning Board _____

Public Hearing Run Dates _____ Date of Public Hearing _____

Effective Date of Change _____ Ordinance Number _____

Proposed amendment highlighted in yellow

TITLE XV: LAND USAGE

CHAPTER 152: UNIFIED DEVELOPMENT ORDINANCE

§ 152.179 TABLE OF PERMITTED/SPECIAL USES.

PERMITTED/ SPECIAL USES	CON	RA	R6	R6SF	R8SF	R10SF	R15SF	R20SF	R40SF	PUD ^b	MHP	MHS	MHS- 15SF	MHS-O ^c	O/I	G/E	B1 ^d	B2 ^e	B3 ^f	B2HDO ^f	MI ^h
Accessory uses/structures incidental to any permitted use (see Note 7, § 152.180)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Accessory structures located in the front yard on lots two acres or greater, flag lots, or on a double frontage lots	MS	MS	MS	MS	MS	MS	MS	MS	MS	MS	MS	MS	MS	MS							
Accessory structures located in the front yard of government or school facilities.																P					

**TOWN OF SWANSBORO PLANNING AND ZONING BOARD
STATEMENT OF CONSISTENCY**

On July 11, 2023, the Planning Board heard the requested text amendment to allow accessory structures on lots greater than two (2) acres in Government/Educational zoned properties and recommended unanimous approval of the text amendment to the Town Unified Development Ordinance as followed: § 152.179 Table of Permitted/Special Uses.

The Town’s Planning Board finds that the proposed text amendment is consistent with the current Comprehensive Plan and other applicable plans and policies and considers the action taken to be reasonable and in the public interest because it provides the structure, for Town staff to proactively address issues related to impacts caused by development in order to protect the health, safety, and welfare of the Town’s residents.



Planning Board Chair



Town Planner

ORDINANCE 2023-09
AN AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE
§ 152.179 TABLE OF PERMITTED/SPECIAL USES

WHEREAS North Carolina General Statute 160D-605 and 160D-701 requires that zoning regulations shall be made in accordance with a Comprehensive Plan; and

WHEREAS the Board of Commissioners finds that the proposed text amendments to the Unified Development Ordinance regarding referenced above to be consistent with the Town of Swansboro CAMA LAND USE Plan updated January 22, 2019.

NOW BE IT ORDAINED by the Town of Swansboro Board of Commissioners that the Town Unified Development Ordinance be amended.

TITLE XV: LAND USAGE
CHAPTER 152: UNIFIED DEVELOPMENT ORDINANCE
§ 152.179 TABLE OF PERMITTED/SPECIAL USES.

(This space left blank intentionally)

PERMITTED/ SPECIAL USES	CON	RA	R6	R6SF	R8SF	R10SF	R15SF	R20SF	R40SF	PUD ^b	MHP	MHS	MHS- 15SF	MHS-O ^c	O/I	G/E	B1 ^d	B2 ^e	B3 ^f	B2HDO ^g	MI ^h
Accessory structures located in the front yard on lots two acres or greater, flag lots, or on a double frontage lots	MS	MS	MS	MS	MS	MS	MS	MS	MS	MS	MS	MS	MS	MS		P					

This Ordinance shall be effective upon adoption.

Adopted by the Board of Commissioners in regular session, July 24, 2023.

John Davis, Mayor

Attest:

Alissa Fender, Town Clerk



Board of Commissioners Meeting Agenda Item Submittal

Item To Be Considered: **Duck Population Control Measures**

Board Meeting Date: **July 24, 2023**

Prepared By: **Gerald “Tank” Bates – Public Works Director**

Overview: At the board’s request, staff researched possibilities for duck population control. Two local wildlife rehabilitation organizations will provide information on control methods.

Representatives from the Outer Banks Wildlife Shelter and Possumwood Acres Wildlife Sanctuary will present information on their sanctuaries control methods.

Recommended Action: Receive information and provide direction to staff.

Action: _____



Board of Commissioners Meeting Agenda Item Submittal

Item To Be Considered: **Text Amendment/Town Code Chapter 34: Fire Department**

Board Meeting Date: **July 24, 2023**

Prepared By: **Jacob Randall – Fire Chief**

Overview: After carefully reviewing the ordinances relating to the organization of the Fire Department and fire prevention, most all ordinances were outdated on current methodologies, industry standards, approaches, or evolved operations. An amendment is recommended to realign, amend, and strengthen the adopted ordinances relating to the organization of the fire department.

The ordinances appear to address the organization under a blanket of a volunteer agency, either a contracted entity or a non-affiliated town department. The defined rank structure does not reflect the professional development plan or operational guidelines, nor should they place restrictions on positions aside from the approved job description. The significant roles or duties of the Fire Chief are revised and defined, though placing a reference to the approved job description allows for adequate planning and development of all personnel positions. The operations and service delivery approaches are antiquated, having not received any alterations, amendments, enhancements, or updates since 2006. Finally, the organization of the fire department chapter should relate to operational structure versus community risk reduction, as many of the subsections provide oversight for items that should be addressed in Chapter 91.

Background Attachment(s): Ordinance 2023-O10

Recommended Action: Motion to approve Ordinance 2023-O10 amending Town Code Chapter 34: Fire Prevention

Action: _____

**AN ORDINANCE AMENDING THE SWANSBORO TOWN CODE OF
ORDINANCES TO MODIFY § Chapter 34: FIRE DEPARTMENT
(2023-O10)**

THE BOARD OF COMMISSIONERS OF THE TOWN OF SWANSBORO ORDAINS:

Section 1. “That the following section of the Code of Ordinances, Town of Swansboro, North Carolina, be hereby amended to read as follows:

§ Chapter 34: FIRE DEPARTMENT

Section

34.01 Organization

34.02 Fire Chief Duties

~~34.03 Deputy Fire Chief duties~~

~~34.04 Fire Marshal duties~~

~~34.05 Fire Traffic Control Officer duties~~

~~34.06 Authority of officers during a fire~~

~~34.07 Notice of fire drills~~

~~34.08 Owner’s responsibility to secure vacant structures; non-compliance.~~

~~34.09 Following fire equipment~~

~~34.10~~³ Interference with firefighters, apparatus, or equipment

~~34.11 Mitigation rates for the deployment of emergency services by the Fire Department~~

Cross-reference:

For fire prevention, see Ch. 91

§ 34.01 ORGANIZATION.

(A) ~~The Fire Department shall consist of the Chief of the Fire Department, Deputy Chief, Fire Marshal, Fire Traffic Control Officer, other fire officers as required and a sufficient number of firefighters (voluntary, part-, or full-time) to maintain and operate the department. The Fire Department shall establish, maintain, train and equip a hazardous material response team which may, upon proper request, operate outside the Swansboro Fire Department response area. The Chief of the Fire Department and the Deputy Chief shall be appointed by the Town Manager. The Fire Department shall be a legally established agency through the departmental charter and any associated amendments adopted by the local governing body.~~

(B) ~~The Fire Department may adopt its own rules and regulations governing the Department subject to the approval of the Board of Commissioners. Rules and regulations shall include the~~

following provisions for monthly training: The Fire Department shall also be a division of the Town of Swansboro, conforming to all associated town policies and procedures.

(1) Monthly business meetings shall not be accredited to training;

(2) General fire service training for all Fire Department personnel for a minimum of three hours per month;

(3) Hazardous material training for Fire Department personnel assigned to the Haz-Mat Team in addition to the general fire service training for a minimum of three hours per month.

(C) Any member who is absent for four consecutive meetings and/or does not comply with required training of 36 hours per minimum per annum shall be dropped from the Department. The Fire Department shall meet and maintain all requirements defined in the Fire Suppression Rating Schedule (FSRS) to earn a Public Protection Classification (PPC) of 9S.

(D) The Fire Department shall maintain awareness of and conform to all applicable legal requirements and associated changes from local, state, and federal governments.

(E) The Fire Department organizational structure shall be clearly defined with supporting references for all positions and roles, including each job classification's responsibilities, qualifications, and functions.

(F) The Fire Department shall reserve the ability to develop, maintain, and implement intradepartmental operational guidelines aligning with the organization's mission, vision, and goals. Unless otherwise approved by the Town Manager, the intradepartmental policies or operational guidelines shall not supersede other town policies, procedures, or guidelines.

(G) The primary responsibility of the Fire Department shall be Fire Protection for the Swansboro Fire District and any other districts as contracted. Services provided by the Town of Swansboro Fire Department shall include but are not limited to:

(1) Fire Suppression

(2) Emergency Medical Services

(3) Technical Rescue

(4) Hazardous Materials Response

(5) Fire Prevention/Inspections/Enforcement

(6) Community Risk Reduction/Fire Life Safety Education

(7) Fire Investigations

(8) Emergency Management/Domestic Preparedness

(H) The Fire Department shall review, update, maintain, and abide by any terms related to services established or defined in contracts.

(I) The Fire Department shall review, update, maintain, and abide by terms relating to or established in mutual or automatic aid agreements with other agencies.

(OC, § 3-2-1) (Am. Ord. 2006-04, passed 2-21-06)

Statutory reference:

Fire protection generally, see G.S. §§ 160A-291 et seq.

G.S. 160A-291 Article 14 & Article 14A

§ 34.02 FIRE CHIEF DUTIES

—The duties of the Chief, subject to supervision by the Board of Commissioners of the town shall be as follows: The Fire Chief for the Town of Swansboro Fire Department, supervised by the Town Manager, shall be responsible for planning, directing, managing, and overseeing daily activities and operations for the Fire Department including but not limited to.

(A) General control of the Fire Department, the personnel, apparatus and fire alarm systems. Overall control of the Fire Department includes but is not limited to personnel, apparatus, and equipment management.

(B) Appointment of a Deputy Chief and additional positions identified in the Fire Department's table of organization as required to meet the obligations of the Department. Implement policies, guidelines, and procedures related to fire department operations.

(C) Appointment of the Fire Marshal and the Fire Traffic Control Officer who shall be members of the department and shall be selected for their fitness to the position; Development and oversight of annual training plans for career and volunteer personnel, coordinating training exercises with mutual and automatic aid agencies, and ensuring accurate documentation of the events.

(D) Command of the Fire Department, supervision of the firefighting and extinguishing of all fires and authority to keep away from the vicinity of all fires, any and all idle, disorderly or suspicious persons; Maintaining or Improving the town's ISO rating.

(E) Inspect or cause to be inspected all trucks and other equipment of the Fire Department each and every week to ascertain that the equipment is being kept in proper condition and report annually to the Board of Commissioners the condition of all equipment; Maintain awareness of legislative or industry changes that may alter, deviate, or require new services.

(F) Inspect or cause to be inspected all fire hydrants and fire alarm systems at least once every three months and make a report of the inspection to the Town Manager; Review all potential developments for the Town and ETJ.

(G) Insure that the contents of the current NFPA 101 Life Safety Code, NFPA 1 Fire Protection Code, and Ch. 91 of this code shall be enforced; Promote continuous improvement throughout the organization supported by data-driven performance metrics.

(H) To the extent permissible by law, authorization at all reasonable times to enter and examine any private or public building, vehicle or premise for the purpose of making fire safety inspections; before entering a private building or dwelling the Fire Chief shall obtain the consent of the owner or occupant thereof or obtain a search warrant authorizing entry for the purpose of inspection. The Fire Chief may enter without a warrant when there is probable cause to believe

that circumstances or conditions exist in the structure which reasonably may constitute immediate and substantial danger to life and property; Ensure that Chapter 91 of this code, the North Carolina Fire Prevention Code, and other adopted standards are enforced.

(I) Investigate or cause to be investigated all complaints of violations of NFPA 101 Life Safety Code, and/or of this chapter. Function as the Town of Swansboro Emergency Manager.

(OC, § 3-2-3) (Am. Ord. 2006-04, passed 2-21-06)

§ 34.03 DEPUTY FIRE CHIEF DUTIES.

—The duties of the Deputy Chief, subject to the supervision of the Chief and the Board of Commissioners, shall be as follows:

—(A) In the absence of the Chief, assume all the duties of the Chief;

—(B) Shall be assigned as the Fire Department's training officer and will insure that the minimum regular and hazardous material training hours are met;

—(C) Shall be assigned as procurement officer and will be responsible for all purchases made by the Department in accordance with town purchasing policies;

—(D) Shall oversee the proper administration of the Department and the files that must be maintained and preserved;

—(E) Shall oversee the functions of the Department's treasury and will be accountable for all monies received and purchases made by the Department;

—(F) Shall oversee the security of all historical documents concerning the Department;

—(G) Shall perform any other functions that the Chief may so direct.

(OC, § 3-2-4)

§ 34.04 FIRE MARSHAL DUTIES.

—The duties of the Fire Marshal, subject to the supervision of the Chief, shall be the following:

—(A) Administration of the Division of Loss Control/Investigation;

—(B) Shall be governed by §§ 91.37, 91.38 and 91.43 of this code;

—(C) Shall perform any other functions that the Chief may so direct.

(OC, § 3-2-5)

§ 34.05 FIRE TRAFFIC CONTROL OFFICER DUTIES.

—The duties of the Fire Traffic Control Officer, subject to the supervision of the Chief of the Department, shall be as follows:

—(A) Shall be responsible to the Incident Commander for the safety of firefighters and fire fighting apparatus in the incident area in so far as vehicle traffic is concerned;

—(B)— Shall keep all vehicles, except emergency vehicles, out of the incident zone unless otherwise directed by competent authority in accordance with G.S. § 20-114.1(b);

—(C)— Shall keep vehicle traffic moving safely, smoothly and expeditiously as the incident may dictate in accordance with G.S. § 20-114.1(b);

—(D)— Shall be relieved only by the Chief of the Fire Department, Incident Commander or competent authority consistent with G.S. § 20-114.1(b);

—(E)— Shall perform any other functions that the Chief may so direct.

(OC, § 3-2-6)

§ 34.06 AUTHORITY OF OFFICERS DURING A FIRE.

—(A)— The Incident Commander shall have authority to summon aid and no citizen so summoned may refuse to help in extinguishing the fire or in protecting exposed property.

—(B)— During the continuance of a fire, the Fire Chief, his designee, Incident Commander or the Mayor shall have authority to call upon any citizen to render assistance in pulling down or demolishing any building, or in removing goods or furniture from a building on fire or in danger of fire but not without the consent of the Incident Commander.

—(C)— It shall be unlawful to congregate on the streets or alleys near a fire in a manner which would interfere with the activities of the Fire Department.

—(D)— In the event of an alarm of fire, the apparatus of the Fire Department responding to the alarm shall have the right of way in and upon all streets, lanes, alleys and other public ways.

—(E)— Upon the approach of fire apparatus, the drivers of all other vehicles shall immediately bring their vehicles to a stop on the right hand side of the street in the direction in which they are facing and shall not move their vehicles until the fire apparatus has passed.

(OC, § 3-2-7(a) (e)) Penalty, see § 10.99

§ 34.07 NOTICE OF FIRE DRILLS.

—It shall be the responsibility of the principal or his/her designee of any public school within the jurisdictional area to notify the Fire Chief or his/her designee of the date and time of scheduled or unscheduled fire drills under G.S. § 115C-288(d) and to furnish the Fire Chief or his/her designee with a copy of their fire drill report.

(OC, § 3-2-7(f))

§ 34.08 OWNER'S RESPONSIBILITY TO SECURE VACANT STRUCTURES; NONCOMPLIANCE.

It shall be the responsibility of the owner of a structure or structures left vacant and unattended for a period of one year or longer to properly secure the structure(s) so as to deny entry to unauthorized persons. Violators of this chapter will have 30 days to comply after receipt of

written notification. Failure to comply will result in the structure being properly secured at the owner's expense and the assessment of a penalty of \$100 per day of noncompliance.

(OC, § 3-2-7)

§ 34.09 FOLLOWING FIRE EQUIPMENT.

—It shall be unlawful to follow, by automobile or any other vehicle, any fire apparatus which is responding to a fire call unless the apparatus is used for transporting firefighters to the scene of the fire. A vehicle may follow at a distance no closer than one city block, may not pass the fire apparatus nor park within the same block in which a fire is in process.

(OC, § 3-2-8) Penalty, see § 10.99

§ 34.10-03 INTERFERENCE WITH FIREFIGHTERS, APPARATUS OR EQUIPMENT.

(A) No person shall interfere with a firefighter in the discharge of their duty or hinder in the performance of their duty consistent with G.S. §§ 58-82-1 et seq.; nor shall any person other than a member of the Fire Department loiter about any fire station, or change, handle or meddle in any manner with any fire engine or any other fire apparatus or equipment.

—(B) No person other than a bona fide member of the Fire Department shall mount any fire engine or apparatus before it leaves the station or while on its way to or from an incident or at any other time, unless by permission of the driver/operator or officer in charge of the engine or apparatus.

—(C) (B) It shall be unlawful for any person, firm, or corporation to drive over or in any way damage or mutilate any fire hose or fire equipment in use at a fire or otherwise.

—(D) (C) It shall be unlawful for any person, firm, or corporation to obstruct in any manner or to park or station a vehicle, not being a firefighting apparatus, within ten feet, in any given direction, of a fire hydrant. The vehicles and/or obstructions shall be removed at the owner's expense.

(OC, § 3-2-9) Penalty, see § 10.99

§ 34.11 MITIGATION RATES FOR THE DEPLOYMENT OF EMERGENCY SERVICES BY THE FIRE DEPARTMENT.

—(A) The town shall initiate mitigation rates for the delivery of emergency services by the Fire Department for personnel, supplies and equipment to the scene of motor vehicle incidents and other emergency incidents as listed in the "Cost Recovery Fee Schedule" attached to Ordinance 2014-013. The mitigation rates shall be based on actual costs of the services and that which is usual, customary and reasonable (UCR), as shown in the "Cost Recovery Fee Schedule", which may include any services, personnel, supplies and equipment.

—(B) The mitigation rates shall be filed to the responsible party, representing an add-on cost of the claim for damages of the vehicles, property and/or injuries. The claim costs shall be filed to

~~the insurance coverage of the owner of a vehicle, owner of property, or responsible parties. In some circumstances, the responsible party will be billed directly.~~

~~—(C) The Town Manager may make rules or regulations and from time to time may amend, revoke or add rules and regulations, not consistent with this section, as they may deem necessary or expedient in respect to billing for these mitigation rates or the collection thereof.~~

~~—(D) These mitigation rates will only apply to persons not residing within the town as the residents within the town boundaries currently subsidize these emergency service costs through their property taxes. Responses involving intoxicated drivers, hazmat clean up, and negligent acts may be subject to all applicable rates regardless of residency.~~

~~(Ord. 2014 O13, passed 6 18 14)~~

This ordinance shall become effective upon adoption.

Adopted this 24th day of July 2023.

John Davis, Mayor

Attest:

Alissa A. Fender, Town Clerk



Board of Commissioners Meeting Agenda Item Submittal

Item To Be Considered: **Town Code Amendment to Chapter 50: Refuse, Solid Waste and Recycle, § 50.26 Curbside pickup**

Board Meeting Date: **July 24, 2023**

Prepared By: **Gerald “Tank” Bates – Public Works Director**

Overview: At the board’s request, staff has drafted an amendment to the Town Code § 50.26 Curbside pickup, to apply a location designation for curbside collection area and restriction on the amount of time trash and recycle containers can be curbside for collection.

The timeframe recommended is placement no earlier than 6 pm the night before collection and removal no later than 6 am the day following collection. Allowing residents to place containers curbside the night before and remove the day following collection, provides an adequate timeframe for all persons to accommodate placing and removing their containers based on their schedules and to account for possibly delays or issues. This timeframe for containers to be curbside would be for a total of 36 hours.

Trash and recycle collection are contracted with GFL and they are not to begin the collection of residential refuse on any given day before 7:00 am. and such collection is not to be continued after 7:00 pm, except for occasions when the CONTRACTOR is forced to continue collection due to weather, heavy volumes of waste, or mechanical problems.

Background Attachment(s): Ordinance 2023-O11

Recommended Action: Motion to approve Ordinance 2023-O11 amending § 50.26 Curbside pick up to restrict the amount of time trash and recycle containers can be curbside for collection.

Action: _____

AN ORDINANCE AMENDING THE SWANSBORO TOWN CODE OF ORDINANCES TO MODIFY § 50.26 CURBSIDE PICKUP (2023-O11)

THE BOARD OF COMMISSIONERS OF THE TOWN OF SWANSBORO ORDAINS:

That the following section of the Code of Ordinances, Town of Swansboro, North Carolina, be hereby amended to read as follows:

§ 50.26 CURBSIDE PICKUP.

All solid waste, recycling, or other refuse shall be placed on the curbside by the property owner for collection by the collector, except businesses and apartment complexes, where refuse shall be placed in a duly designated, easily accessible area for pickup. The curbside area should be in front of the property and at least 3 feet from other objects such as mailboxes, vehicles, and utilities poles. Containers should not be placed at the curb any earlier than 6 pm the night before the scheduled collection day and should be removed from the curb no later than 6 am the day following collection. All loose refuse (for example, leaves, grass clippings, and the like) shall be placed in outdoor leaf and lawn style paper bags during all months of the year. Tree limbs shall be no larger than six inches in diameter and in lengths not to exceed eight feet. Yard waste generated by a professional landscaping service, tree service, lot clearing, or by a voluntary removal of trees will not be collected or disposed of by the town.

(OC, § 4-2-14) (Ord. passed 11-10-88; Am. Ord. 2014-O11, passed 5-20-14; Am. Ord. 2015-O2, passed 8-18-15; Am. Ord. 2018-O11, passed 8-14-18; Am. Ord. 2020-O5, passed 5-11-20) Penalty, see § 10.99

This ordinance shall become effective upon adoption.

Adopted this 24th day of July 2023.

John Davis, Mayor

Attest:

Alissa A. Fender, Town Clerk

**TOWN OF SWANSBORO
FINANCIAL REPORT
(AS OF JUNE 30, 2023)**

REVENUES

EXPENDITURES

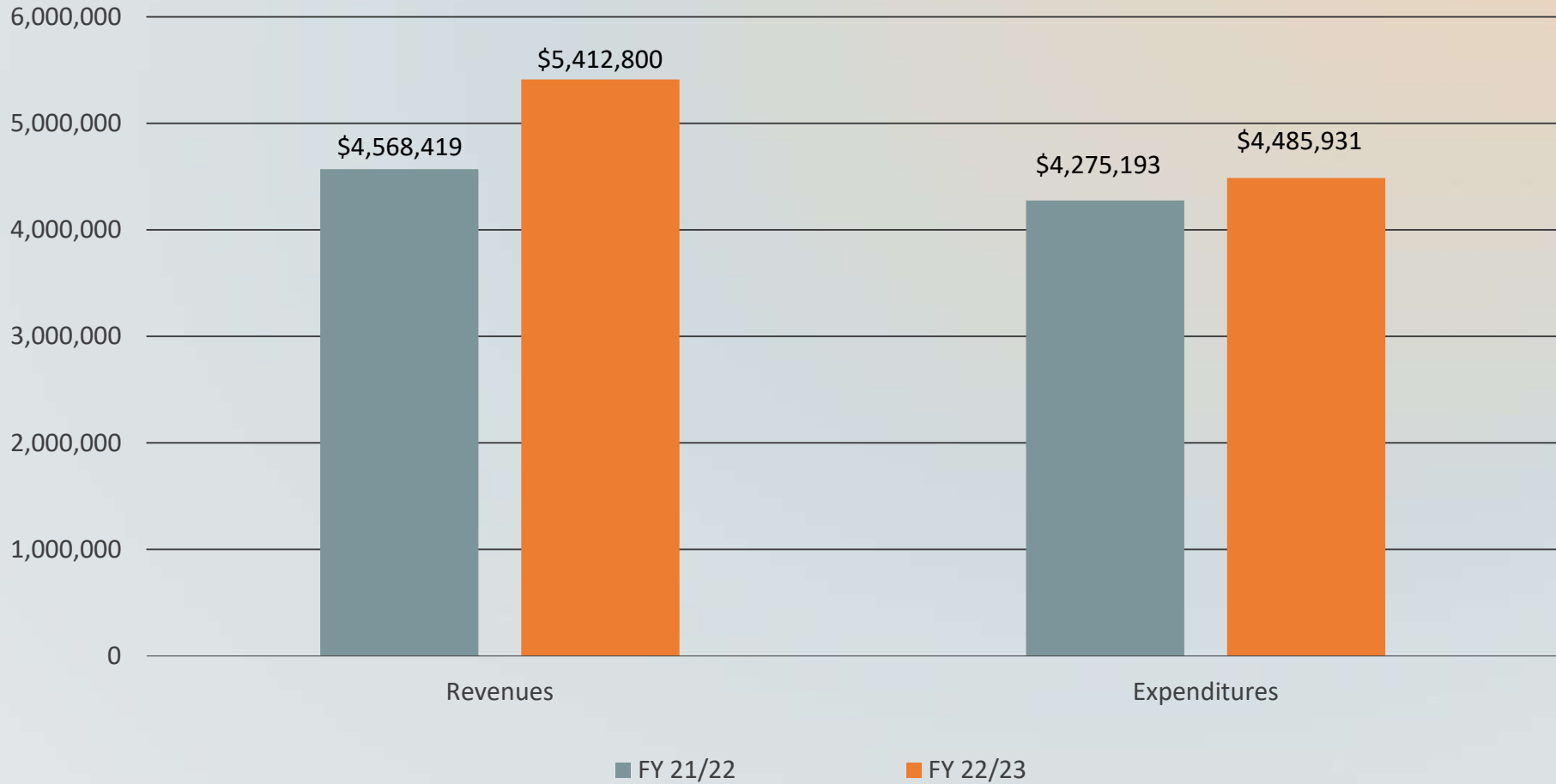
LOAN PAYMENTS

INVESTMENTS

**TOWN OF SWANSBORO
REVENUES/EXPENDITURES
TWO YEAR COMPARISON
(AS OF JUNE 30, 2023)**

Item VI - d.

GENERAL FUND

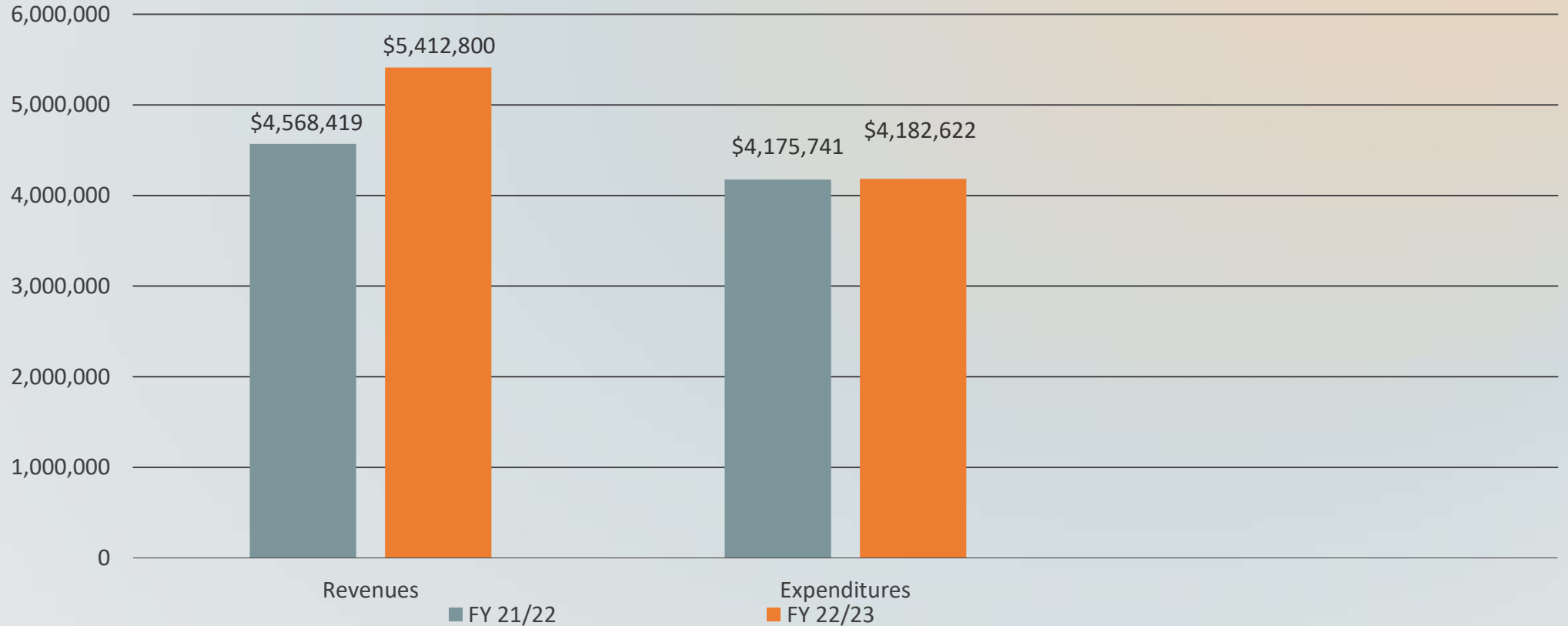


ENCUMBRANCES INCLUDED
Total Excess of Revenues Over Expenditures \$926,869

**TOWN OF SWANSBORO
REVENUES/EXPENDITURES
TWO YEAR COMPARISON
(AS OF JUNE 30, 2023)**

(ACTUAL)

GENERAL FUND



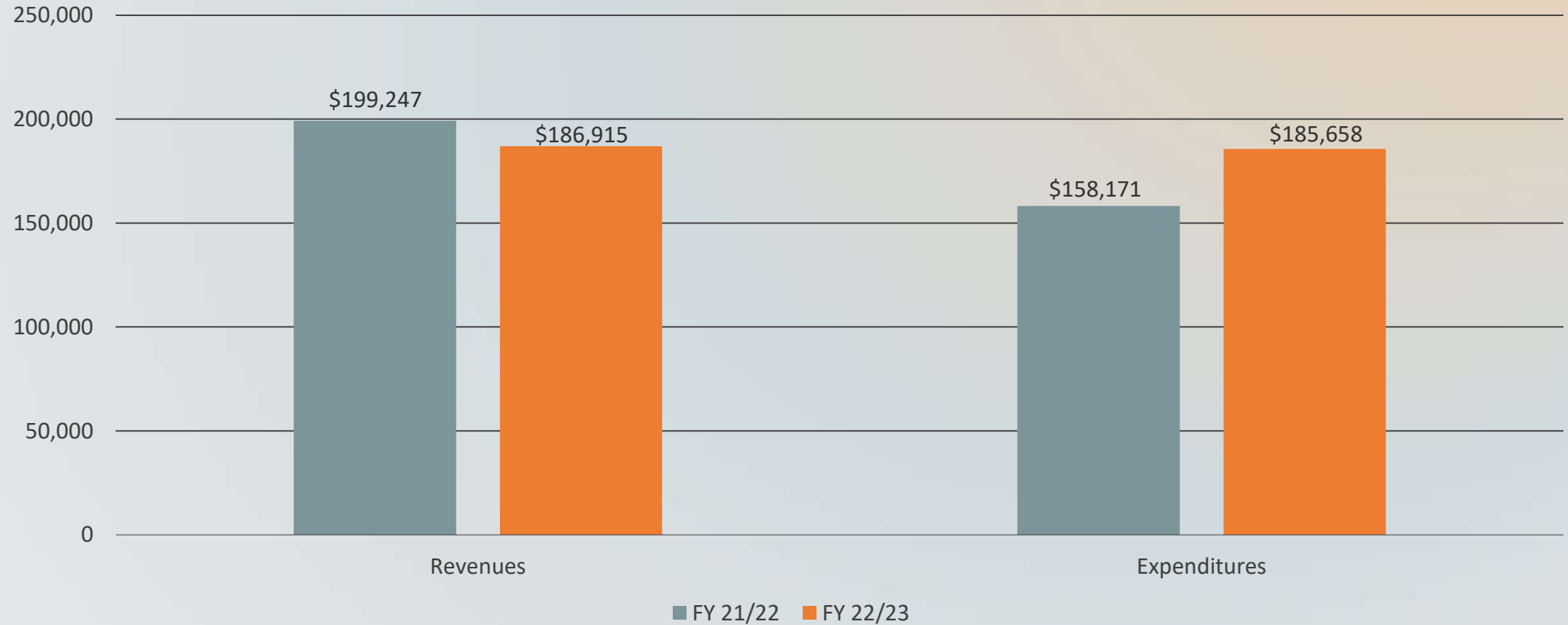
(ENCUMBRANCES NOT INCLUDED)

Total Excess of Revenues Over Expenditures \$1,230,178

DEPT.	BUDGET	YTD ACTUAL	(PURCHASE ORDERS) ENCUMBERED BALANCE	SPENT % June 30, 2023
GOVERNING BODY	29,902	23,579	-	78.9%
ADMIN SERVICES	376,563	352,449	4,773	94.9%
FINANCE	265,670	253,807	8,633	98.8%
LEGAL	43,000	38,257	-	89.0%
PUBLIC BUILDINGS	389,207	322,929	17,467	87.5%
FIRE	1,097,803	907,848	60,562	88.2%
PERMITTING	362,328	290,210	5,442	81.6%
POLICE	1,143,718	887,504	53,316	82.3%
PUBLIC WORKS-STREETS	375,286	260,640	22,766	75.5%
POWELL BILL-STREETS	135,830	10,465	78,874	65.8%
PARKS & RECREATION	376,204	322,037	19,021	90.7%
CHURCH STREET DOCK	9,454	7,061	810	83.2%
EMERGENCY MANAGEMENT	2,700	2,700	-	100.0%
FESTIVALS & EVENTS	124,449	85,481	4,525	72.3%
NON DEPARTMENTAL	524,972	416,608	27,121	84.5%
TOTAL	5,257,085	4,181,575	303,309	85.31%

**TOWN OF SWANSBORO
REVENUES/EXPENDITURES
TWO YEAR COMPARISON
(AS OF JUNE 30, 2023)**

STORMWATER ENTERPRISE FUND

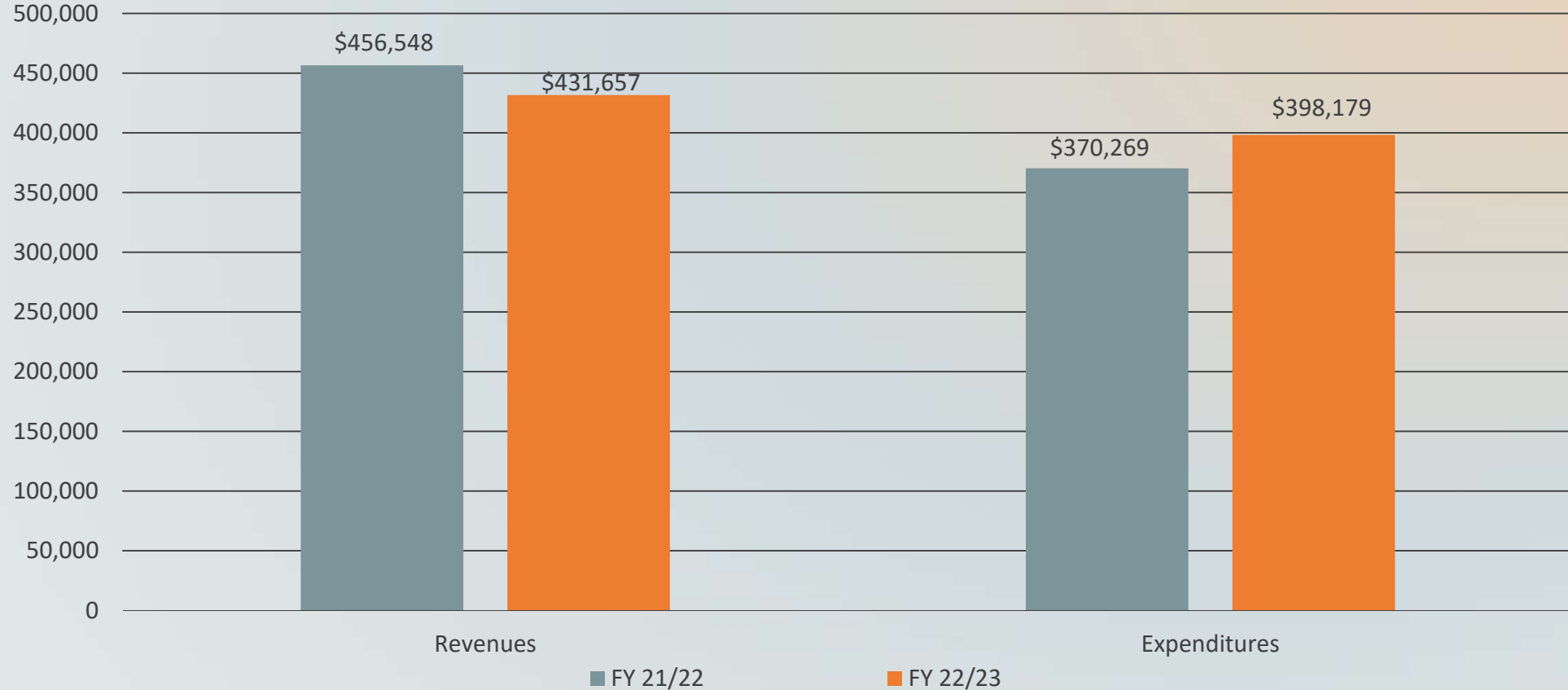


ENCUMBRANCES INCLUDED
Total Excess of Revenues Over Expenditures **\$1,257**

**TOWN OF SWANSBORO
REVENUES/EXPENDITURES
TWO YEAR COMPARISON
(AS OF JUNE 30, 2023)**

Item VI - d.

SOLID WASTE ENTERPRISE FUND



ENCUMBRANCES INCLUDED
Total Excess of Revenues Over Expenditures \$33,478

**TOWN OF SWANSBORO
LOAN REPORT
(AS OF JUNE 30, 2023)**

Item VI - d.

Item	Principal Balance	Interest Rate	End Date	Annual Debt Service
Town Hall/Tanker	\$391,469	2.69	03/21/2028	\$84,724
Public Safety Facility	\$80,000	2.58	12/22/2024	\$42,064
Fire Truck	\$179,671	2.08	11/01/2026	\$47,512
Sleeping Quarters	\$100,000	2.43	12/14/2026	\$28,038
Grapple Truck/Town Hall Generator	\$93,416	1.72	6/25/2025	\$47,917
Vehicles(Police & Fire Department) & Software	\$67,627	1.84	7/15/2026	\$23,377
Total Debt	\$912,183			\$273,632

**TOWN OF SWANSBORO
CASH & INVESTMENTS REPORT
(AS OF JUNE 30, 2023)**

CASH & INVESTMENTS

BANK	BALANCE	INTEREST RATE
First Citizens Bank	6,646,653	.10%
NC CMT-General	\$5,544,748	5.0%

OSBM Funds included in First Citizens Bank balance- \$6,100,000

- **Emergency Operations Center-\$6,000,000**
- **Sidewalks-\$100,000**

GRANT UPDATE

	Budget	YTD Expenditures	Encumbrances	Unencumbered
American Rescue Plan Act Fund	\$1,065,725	\$769,616	\$51,707	\$244,402
Swansboro Bicentennial Park Boardwalk Extension	\$176,350	\$28,878	\$0	\$147,472
Emergency Operation Center	\$6,005,995	\$18,280	\$0	\$5,987,715
Emmertton School Repairs	\$424,000	\$4,180	\$0	\$419,820
Total Outstanding Grants	\$7,672,070	\$820,954	\$51,707	\$6,799,409

Any Questions

?



Board of Commissioners Meeting Agenda Item Submittal

Item To Be Considered: **Future Agenda Topics**

Board Meeting Date: **July 24, 2023**

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

Overview: The purpose of this memo is to provide the Board with matters that staff anticipates/proposes for upcoming meetings. It should be noted that these items are tentatively scheduled for the specified monthly agenda but are subject to change due to preparation of materials, public notice requirements, etc.

In providing this memo each month, we hope it will also provide an opportunity for the Board to introduce items of interest and subsequent direction for placement on future agendas, which will allow staff the opportunity to plan accordingly.

August 14th or 28th

- * Samuel Swann Bland Community Service Award policy revisions
- * Parking Ordinance Review (Downtown, Festivals)
- * Social District Consideration for Festivals & Town Partnered Events

September Meeting Dates

Regular – 11th
Regular – 25th

Future Agenda Items

- * American Rescue Plan Funding Recommendations (updates)
- * Further LUP Review/Amendments – Comprehensive Transportation Plan Revisions
- * Text Amendments – R/A Zoning Uses – *referred back to Planning Board*
- * Sub-committee designations for Strategic Plan Implementation (*Eco Dev Committee est. Oct 2020*)
- * Building Standards (*Concerns with tarps and homes in poor repair all around town brought up 2.14 meeting*)
- * Board Meeting Alternatives for Public viewing (*undergoing further research*)
- * Swimming Pool/Consideration for Establishing a Pool Committee (*on hold for P&R Master Plan*)
- * Samuel Swann Bland Community Service Award policy revisions (*ongoing*)
- * Wetlands Policy (*creation & review by planning board*)
- * Duke Energy Presentation
- * Major Subdivision Final Plat – Parrish Green
- * Onslow County Soil & Water Presentation
- * Wayfinding Signs
- * High School Recognitions – *revisit/revise*
- * Swansgate Street Acceptance
- * Text Amendment – Airbnb regulations
- * Highway 24 Superstreet Presentation – *rescheduled to later date*
- * Waterfront Access and Development Plan (review/revision considerations)
- * Town Code Amendment to Chapter 91: Fire Prevention