



Board of Commissioners Agenda

Town of Swansboro

Tuesday, July 23, 2024

Board Members

John Davis, Mayor | William Justice, Mayor Pro Tem | Pat Turner, Commissioner
Jeffrey Conaway, Commissioner | Douglas Eckendorf, Commissioner | Joseph Brown, 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 26, 2024, Regular Meeting Minutes
- b. April 9, 2024, Regular Meeting Minutes
- c. April 9, 2024, Closed Session Minutes
- d. April 23, 2024, Regular Meeting Minutes

IV. Appointments/Recognitions/Presentations

- a. **Employee Introduction and Oath of Office**
Presenter: Dwayne Taylor – Police Chief

- b. **Board Appointments**
Presenter: Alissa Fender – Town Clerk

Due to a resignation, there is now a vacancy on the Historic Preservation Commission.

Recommended Action: Consider appointment to the Historic Preservation Commission.

V. Public Hearing

a. UDO Text Amendment to Section 152.073 Moratoria

Presenter: Rebecca Brehmer, CFM, CZO – Town Planner,

After a review of North Carolina General Statutes and UDO on Moratoria at a recent Board of Commissioners meeting, the Town Attorney has advised that the UDO Section 152.073, Moratoria, is not consistent with G.S. § 160D-107 Moratoria in that it is missing a portion of the first sentence under section (A) Authority.

Recommended Action:

1. Hold a public hearing
2. Motion to approve Ordinance 2024-011 amending Section 152.073 Moratoria.

b. UDO Text Amendment to Section 152.196 Notes to the Table of Area, Yard, and Height Requirements

Presenter: Rebecca Brehmer, CFM, CZO – Town Planner

A text amendment is purposed to UDO Section 152.196 Notes to the Table of Area, Yard, and Height Requirements, (F) Note 6, to outline when a zoning permit and building permit is needed for new accessory structures.

Recommended Action:

1. Hold a public hearing
2. Motion to approve Ordinance 2024-012 amending Section 152.196 Notes to the Table of Area, Yard, and Height Requirements, (F) Note 6.

c. UDO Text Amendment to Section 152.445 Coastal High Hazard Areas (Zone VE)

Presenter: Rebecca Brehmer, CFM, CZO – Town Planner

UDO Section 152.445 Coastal High Hazard Areas (Zone VE) (Q) in the Flood Damage Prevention Ordinance of the UDO is not feasible and needs to be deleted.

Recommended Action:

1. Hold a public hearing
2. Motion to approve Ordinance 2024-013 amending Section 152.445 Coastal High Hazard Areas (Zone VE)

VI. Business Non-Consent

a. Town Code Amendment to Chapter 93: Streets and Sidewalks, Section 93.007 Playing Games in Streets

Presenter: Rebecca Brehmer, CFM, CZO – Town Planner

After direction from the Board of Commissioners and Town Manager, due to enforcement capabilities, a text amendment has been proposed to remove Town Code Section 93.007 Playing Games in Street. Allowing this activity to take place in Town Limits.

Recommended Action: Motion to approve Ordinance 2024-014 amending Town Code Chapter 93: Streets and Sidewalks, Section 93.007 Playing Games in Streets.

b. Town Code Amendment to Section 150.45 Permits Required

Presenter: Rebecca Brehmer, CFM, CZO – Town Planner

A text amendment is proposed to Town Code Section 150.45 Permits Required to have a zoning permit added to the list of permits required for any new development.

Recommended Action: Motion to approve Ordinance 2024-015 amending Town Code Section 150.45 Permits Required.

c. Development Agreement

Presenter: Jon Barlow – Town Manager

The proposed Development Agreement is a joint effort between the Town of Swansboro and Jacksonville Onslow Economic Development Partnership (JOED). Specifically, the agreement seeks to describe the future acquisition and development of approximately 30 acres of undeveloped land located at 1476 W. Corbett Ave.

Recommended Action: Motion to approve the Development Agreement as presented.

d. Monthly Financial Report as of June 30, 2024

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

a. Projects Report

b. Department Reports

X. Board Comments

XI. Closed Session

a. *Recommended Action: Motion to enter Closed Session pursuant to NCGS 138.143-11 (a)(3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege, and (5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease.*

XII. Adjournment

Town of Swansboro
Board of Commissioners
March 26, 2024, Regular Meeting Minutes

In attendance: Mayor John Davis, Mayor Pro Tem William Justice, Commissioner Joseph Brown, Commissioner Douglas Eckendorf and Commissioner Pat Turner. Commissioner Jeffrey Conaway was absent.

Call to Order/Opening Prayer/Pledge

The meeting was called to order at 6:00 pm. Mayor Davis gave the invocation and 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 Eckendorf, the agenda along with the below consent item was approved unanimously.

- September 11, 2024, Regular Meeting Minutes

Appointments/Recognitions/Presentations

Recognition of Trevor Hucal

Mayor Davis recognized Trevor Hucal by presenting him with a proclamation for his outstanding performance at the NCHSAA 3-A Swimming and Diving State Championships securing the State Title for the 100-yard breaststroke. Additionally, Swansboro High School Swim coach, Scott Evans, presented Trevor with a plaque naming him Swimmer of the Year in the 3A Conference division.

Employee Introductions

Police Chief Dwayne Taylor introduced the Police Departments newest employee, Daniel Wilson. Mayor Davis administered the Oath of Office to Mr. Wilson.

Fire Chief Jacob Randall introduced the Fire Department's newest employee, Riggs, a 3-year-old chocolate lab. He shared that Riggs was rescued for the purpose of providing fire assistance.

Center for Public Safety Excellence - Program Selection

Fire Chief Randall reviewed that the Fire Department was 1 of 10 agencies selected to participate in the Center for Public Safety Excellence's Beta Testing for the Community Risk Assessment (CRA) / Standards of Cover (SOC) Certificate Program. The CRA/SOC was a significant component of completing the Agency Accreditation process.

Public Hearing

Zoning Map Amendment to rezone parcel on Swansboro Loop Road from RA to R20SF Conditional Zoning

Planner Andrea Correll reviewed that Sand Dollar Homes was seeking a conditional rezoning for 27.287 +/- acres on a parcel of land identified as Tax Parcel ID 019324, from RA (Agricultural Residential) to R-20SF CZ (Single Family Conditional Rezoning) to develop a cluster subdivision.

In response to inquiries from the board Planner Correll clarified the following details:

- The developer met all standards set forth for Residential Cluster Standards provided in the Unified Development Ordinance found in Sections 152.225-152.228.
- Annexation cannot be considered as part of the determination of the rezoning

The public hearing was opened at 6:30 pm. The following individuals spoke.

Andy Underseth of 110 Stillwater Drive shared that he owned the property across the street from the proposed development. Mr. Underseth shared that he did not support cluster development and felt the development could be done another way instead. He also shared that he had stormwater concerns.

Laurent Meilleur of 220 River Reach Drive shared that he was interested to know about the roads and the town acceptance of those in this development. Planner Correll shared that the roads would not be accepted by the Town unless the project was annexed, but either way the road would have to meet the standards.

Lisa Maness of Sabiston Drive inquired if there was any discussion with NCDOT about Swansboro Loop Road, and what taxes would this development pay. Planner Correll shared that the development would only pay Swansboro taxes if they were to annex and NCDOT had been engaged on the project and moving forward a Traffic Impact Analysis would be required, and any improvements determined necessary by that process.

Johnny Newby of Rooster Run, directly abutting the proposed development, shared that he was going to be the most affected by this development because his property would likely end up getting flooded when it rains.

The public hearing was closed at 6:41 pm.

Commissioner Turner shared that according to the Tideland Newspaper article, the HOA of the development would cover street and stormwater maintenance.

On a motion by Commissioner Eckendorf, seconded by Commissioner Turner, Ordinance 2024-O5 for a conditional rezoning of 27.287 +/- acres on a parcel of land identified as Tax Parcel ID019324, from RA (Agricultural Residential) to R-20SF CZ (Single Family Conditional Rezoning) which includes six required conditions to develop a cluster subdivision and the consistency statement was unanimously approved.

Business Non-Consent

Charleston Park Street Acceptance

Interim Manager Jon Barlow reviewed that in October 2009, the original developer H.M Wilson submitted construction plans to the Town which were deemed acceptable. A surety bond was obtained from the developer to ensure the proper installation of infrastructure including streets. Ultimately the streets and associated infrastructure were installed but did not meet minimum Town standards. In the meantime, the surety bond had expired without being called in by the Town. Thus, the streets were never accepted by the Town. In June 2011, the Town Board of Commissioners adopted Policy #15 which essentially provides that sub-standard streets shall not be accepted by the Town as public streets and shall remain private streets. At its March 12, 2024, regular meeting the Board of Commissioners amended Policy #15 to allow exceptions under certain conditions. Mr. Barlow also shared that the acceptance of the streets does not create funding but assists with putting a plan in motion.

The exceptions to accepting the streets in Charleston Park as Town streets were as follows:

1. Pending issues of tax equity for the owners and residents of the Subdivision and possible legal claims;
2. The history of the Town's development review, evaluation, approval and enforcement process with respect to the subdivision;
3. The substantial amount of time which has elapsed since the installation of the streets.

Board members shared that this was just 1 of many steps to correct the issue and that it would not occur immediately.

On a motion by Commissioner Brown, seconded by Mayor Pro Tem Justice, Resolution 2024-R5 to formally accept certain streets in the Charleston Park subdivision as public streets in the Town of Swansboro was approved 3:1.

Ayes: Brown, Justice, Eckendorf

Noes: Turner

Commissioner Turner shared that she supported correcting safety issues but did not support the way this was being handled.

EOC/PSB Site Selection Committee Land Solicitation Packet and Ad

EOC/PSB Site Selection Committee Chair, Keith Walsh, shared that the EOC/PSB Site Selection Committee has developed a Land Solicitation Packet and a corresponding newspaper ad to aid in the search for available land suitable for the EOC Public Safety Building. He requested the board's approval to proceed and begin sharing the packet immediately.

On a motion by Commissioner Eckendorf, seconded by Commissioner Turner the EOC/PSB Site Selection Committee and staff was unanimously authorized to proceed with publishing the packet and newspaper ad.

Budget Ordinance Amendment #2024-8

Finance Director Sonia Johnson reviewed that a Budget Ordinance Amendment was requested for the Fire Department and the ARP Fund totaling \$53,511.

In the Fire Department additional funding that was needed to complete the current FY 23/24 due to uncontrollable emergent apparatus repairs of \$7,025, building repairs \$1,435, increased volunteer/part-time personnel involvement/longevity/FICA \$26,500, and accepted/approved funding for FY 2022 AFG grant (Resolution 2023-R6) \$3,551.

On February 27, 2024, the Board of Commissioners approved to appropriate \$15,000 from the ARP fund balance to purchase shade structures for the Splash Pad Enhancement Project at Municipal Park.

On a motion by Commissioner Turner, seconded by Commissioner Eckendorf, Budget Ordinance Amendment #2024-8 was unanimously approved.

Ordinance Amendment #3 to the Grant Project Ordinance Budget for the American Rescue Plan Act of 2021: Coronavirus State and Local Fiscal Recovery Funds

Finance Director Johnson reviewed that with approval of the previous Budget Ordinance to appropriate \$15,000 from fund balance to purchase shade structures for the Splash Pad Enhancement Project at Municipal Park, an Ordinance Amendment was then needed to the Grant Project Ordinance Budget for the American Rescue Plan Act of 2021: Coronavirus State and Local Fiscal Recovery Funds.

On a motion by Commissioner Turner, seconded by Mayor Pro Tem Justice, Ordinance Amendment #3 to the Grant Project Ordinance Budget for the American Rescue Plan Act of 2021: Coronavirus State and Local Fiscal Recovery Funds was unanimously approved.

Monthly Financial Report as of February 29, 2024

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

In response to inquiries from the board Finance Director Johnson clarified the following.

- A budget ordinance amendment will be needed for legal services, and was unsure if there would be other departments that would also need amendments at this time
- Debt Service would be increasing due to 2 new loans

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. No new items were added.

Public Comment

Matthew Prane of 309 Baffle Court spoke about the student recognized for the swimming title and shared that he is really interested in building a pool in Swansboro. A swimming pool provides services for all ages and the Town should come up with a plan for one.

In response to inquiries from the Board Mr. Prane provided the following details.

- The school system does not have a location/land or funds to construct a pool
- Student practice at the pool in Cedar Point or on base

Manager's Comments

Interim Manager Barlow shared that notification had been received early today from ONWASA providing a notice that they would be conducting smoke testing on their collection system.

Attorney Rasberry shared that details would be forthcoming related to reopening the skatepark in the coming months.

Board Comments

Commissioner Eckendorf commented that if Mayor Davis was to get elected to the County Commissioners maybe he could assist with getting a pool.

Mayor Davis shared that there was confusion at prior meetings for what the board desired to see for the upcoming budget and he believes that it was desired to have a 2-cent tax rate reduction and suggested a hiring freeze. Additionally funds for fixing the safety issues in Charleston Park needed to be considered.

Finance Director Johnson shared that it would take some time to rework the budget for a tax reduction, of at least a month, if the board desired that change. By consensus of the board direction was given to work towards a 2-cent tax reduction.

Adjournment

On a motion by Commissioner Turner, seconded by Commissioner Eckendorf the meeting adjourned at 7:39 pm.

Town of Swansboro
Board of Commissioners
April 9, 2024, Regular Meeting Minutes

In attendance: Mayor John Davis, Mayor Pro Tem William Justice, Commissioner Pat Turner, Commissioner Jeffrey Conaway, Commissioner Joseph Brown, and Commissioner Douglas Eckendorf.

Call to Order/Opening Prayer/Pledge

The meeting was called to order at 6:00 pm. Mayor Davis led the Pledge of Allegiance.

Public Comment

Junior Freeman of 108 Ridge Cove Lane shared that the Planning Board met on April 2, 2024, and unanimously denied recommendation to rezone the parcels requested because it was not consistent with the Land Use Plan. He further stated that he had appeared before the Planning Board multiple times and one of those times the rezoning was approved as OI (Office Institutional) but there was limited use. He expressed to the board that he would appreciate consideration to be heard in two weeks.

Adoption of Agenda and Consent Items

On a motion by Commissioner Eckendorf, seconded by Commissioner Turner, the agenda was amended to include Closed Session pursuant to NCGS 143.318.11 (a) (3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege and unanimously approved.

On a motion by Commissioner Turner, seconded by Commissioner Conaway the below consent items were approved unanimously.

- October 23, 2023, Regular Meeting
- October 23, 2023, Closed Session
- November 27, 2023, Regular Meeting
- December 11, 2023, Organizational Meeting

Appointments/Recognitions/Presentations

Recognition of Swansboro Middle School Girls Volleyball Team

Mayor Davis recognized the girls Volleyball Team by presenting them with a proclamation for their outstanding performance and dedication for being undefeated for three consecutive seasons.

Proclamation – Onslow County Senior Games

Mayor Davis presented a proclamation for the Onslow County Senior Games. Parks and Recreation Director Anna Stanley shared that in the past three years Onslow County Senior Games had increased participation.

Employee Introductions

Police Chief Dwayne Taylor introduced two new Officers, Kymberly Schott, who joined the department with five years of experience in law enforcement and one year as an investigator, and Officer Brennan McMullin who served in the United States Marine Corps and the Airforce. Mayor Davis administered the oaths of office to officers Kymberly Schott and Brennan McMullin.

Business Non-Consent

Direction on scheduling Public Hearing for Rezoning Request

Interim Town Manager Barlow reviewed that per the board of Commissioners Policy #9, public hearings related to proposed changes in the official zoning map were authorized to be scheduled when supported by both the Planning Board and the staff, and direction was requested on scheduling the public hearing

The board agreed unanimously to schedule the public hearing for the rezoning request at the April 23, 2024, regular meeting.

Fee Schedule amendment for Church Street Town Dock Fees

Dock Master/Downtown Supervisor Justin Webb reviewed that a proposed fee schedule amendment for the Church Street Town Dock was requested to increase the usage rate from \$1.50 to \$2.00 per foot/per night and raising the power charge from \$5.00 to \$10.00 per night.

In response to inquiries from the board Dock Master/Downtown Supervisor Webb clarified the following:

- There were power pedestals on the dock that have been there since the dock was built, and they will need to be replaced in the near future.
- One power pedestal was currently damaged and would need to be replaced, this would help to offset the cost.
- Upon researching fifteen marinas between Oriental and Wilmington, the majority charge at least \$2.00 per day.
- The funds would go back towards the dock.

On a motion by Commissioner Brown, seconded by Commissioner Conaway the proposed fee schedule amendment for the Church Street town dock usage fees was unanimously approved.

Digital Sign Discussion

Finance Director Johnson shared that the digital sign had been inoperable for some time. Public works was able to locate a refurbished part and it had temporarily fixed the issue unfortunately it was unknown how long the temporary fix would work. The digital sign

was 10 years old, and had surpassed its life expectancy. Staff requested direction on replacing during the current budget or to place into consideration in the future budget.

In response to inquiries from the board, Finance Director Johnson clarified the following:

- The vendors staff had met with shared that the life expectancy of a digital sign was 7-8 years.
- 3 quotes had already been acquired for replacement.
- The quotes included a 6mm pixel sign which would make photos and graphics much clearer.
- There were not any ARP funds remaining to use for this purchase.

By consensus of the board, since the digital sign industry was so large, staff was directed to obtain additional quotes.

Future Agenda Items

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:

- A budget meeting would be scheduled in the coming weeks

Public Comment

Citizens have an opportunity to address the Board for no more than five minutes regarding items not listed on the agenda. No comments were given.

Board Comments

Commissioner Brown recommended that we could possibly inquire with the vendor where the digital sign replacement part was purchased and if they stocked that part to possibly prolong the life of the digital sign a bit longer and replace the sign next year. Additionally, he also acknowledge Parks & Recreation Director Anna Stanley for bringing the Senior Games to Swansboro.

Commissioner Conaway apologized for missing the last meeting and thanked the staff for the flowers that were sent. Additionally, he expressed his satisfaction with the decisions that were being made by the board, the staff, and the advisory boards.

Commissioner Eckendorf shared that the staff was living up to the challenges and making progress on the decisions that the Board of Commissioners have put before them. He also commented on that fact that Swansboro had a surprisingly good athletic program and wanted to make sure that the board was building a future for them. He felt that the

board's support of "Project Coffee" for improvements in our industrial zoning area was a step in the right direction.

Board members shared their appreciation to staff for their hard work and for the citizens in attendance.

Closed Session

On a motion by Commissioner Conaway, seconded by Commissioner Turner the board entered into closed session at 6:37 pm pursuant to NCGS 143.318.11 (a) (3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege.

Pursuant to a motion duly made and seconded in closed session the board returned to open session.

Adjournment

On a motion by Commissioner Conaway, seconded by Commissioner Turner, the meeting adjourned at 7:04 pm.

Town of Swansboro
Board of Commissioners
April 23, 2024, Regular Meeting Minutes

In attendance: Mayor John Davis, Mayor Pro Tem William Justice, Commissioner Pat Turner, Commissioner Jeffrey Conaway, Commissioner Joseph Brown, and Commissioner Douglas Eckendorf.

Call to Order/Opening Prayer/Pledge

The meeting was called to order at 6:00 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 Conaway, seconded by Commissioner Eckendorf, the agenda was amended in add discussion on One Harbor Sidewalk requests at Municipal Parks. The amended agenda along with the below consent items were approved unanimously.

- December 15, 2024, Special Meeting Minutes
- December 15, 2023, Closed Session Minutes
- December 19, 2023, Special Meeting Minutes
- December 19, 2023, Closed Session Minutes
- January 8, 2024, Special Meeting Minutes
- January 8, 2024, Closed Session Minutes
- Budget Ordinance Amendment #2024-9
- Tax Refund Requests

Appointments/Recognitions/Presentations

Recognition of Swansboro High School Boys Basketball Team

Mayor Davis presented the Varsity Boys Basketball team with a proclamation recognizing them for their achievement of Coastal 3-A Conference Champions.

Administrative Professionals Week & Municipal Clerks Week

Mayor Davis acknowledged Administrative Professionals Week, April 21st-27th, and Municipal Clerks Week May 5th-11th. Board members expressed their appreciation to Admin Assistant Jackie Stevens, Permit Technician Linda Stegall, Programs & Event Manager Sara Elliott, Admin Assistant Tom Peluso, Deputy Town Clerk Aliette Cuadro, and Town Clerk Alissa Fender.

Employee Introduction

Parks & Rec Director Anna Stanley introduced Sara Elliott, the new Program and Events Supervisor. She shared that Sara joined the department with 8 years' experience having worked for Ohio State University and Onslow County Parks & Recreation.

BackPack Friends

Danielle Abraham the Director for BackPack Friends shared details about the program which started only with a handful of bookbags filled with nonperishable food were disbursed to only a handful of schools, 14 years ago had grown to over 1,000 bags disbursed to 24 schools in 3 different counties. Improvements in test scores, behavior and better communication with parents had been attributed to what this program has done for improvements in the schools it supports. Each week over 100 volunteers gather to pack those bags and then they are all prayed over. Mrs. Abraham shared that the program was working to build a new building for operations.

ONWASA Community and Partner Agency Update

Franky Howard, CEO of ONWASA reviewed an update of the company's operations and plans. His presentation is attached herein with the power point presentation of the meeting. A few key takeaways included:

- ONWASA was 24 years old
- The Board of Directors are comprised of area elected officials, 1 from the County and 1 each from each jurisdiction in Onslow County (Jacksonville, Richlands, Swansboro, Holly Ridge, and North Topsail Beach)
- 2nd largest water & sewer authority in the state of North Carolina
- 25 Capital Projects – with cost estimates for these projects at over \$296M in the next 5-10 years
- New revenue stream created by management of timber on 1,790 acres of land
- Provides Mutual aid through NCWaterWarn

Questions from the public were allowed.

Chris Zepata, a member of the Pirates Cove HOA shared that there were road repairs needed in that development as a result of pipes and manholes that were in need of repair.

Mr. Howard advised that he would have this looked into.

The Board took a recess from 6:46 pm to 6:53 pm.

Public Hearing

Re-zoning Request- 140, 144, 160 Queens Creek Road

Projects/Planning Coordinator Rebecca Brehmer reviewed that Emerald Coast, Inc., on behalf of themselves and other property owners had submitted a rezoning request for four parcels located on Queens Creek Road from O/I (Office and Institutional) to B-1 (Business). The areas were further identified as 140 Queens Creek Road containing 0.48 acres (tax parcel ID 1313-88), 144 Queens Creek Road containing one acre (tax parcel ID 1313-87), and 160 Queens Creek Road containing 5 acres (tax parcel ID 1313- 85.1). The total acreage requested for rezoning was +/-6.49 acres. Mr. Brehmer shared that the planning board heard the request for all parcels listed here plus the parcel of 150 Queens Creek Road and recommended approval, however since that time the property owner of 150 Queens Creek Road had notified the Town that they did not support the rezoning so that parcel was no longer part of the consideration.

The public hearing was opened at 7:00 pm.

For entry into the official record, Projects/Planning Coordinator Brehmer read 3 letters related to the rezoning request from Stuart Murchinson-Robb, Cecil S. Hargett Jr., and Matthew McNear. *See Attachment A.*

Josh Edmondson of 604 E Cedar Point Blvd, with Tidewater and Associates spoke on behalf of Emerald Coast LLC, and pointed out that the town's CAMA Land Use Plan Update of 2019 reflects in the Urban Suitability map shows that the area was suited for development. Additionally, all parcels surrounding this location were zoned B1.

Patricia Murchinson of 150 Queens Creek Road shared that she was not in support of this rezoning, indicating that she had seen many vehicle wrecks at the high school. She questioned what would happen to the road if the rezoning was approved.

Chris Zepata of 44 Pirates Cove Drive shared that he was against the rezoning stating that there is already a flooding issue at the rear of that property and traffic already makes it difficult for him to get out of the neighborhood. He feared that development of the property is increase traffic and likely increase the flooding issue. A photo was shown to the board of the flooding that was taken around May of 2020.

Junior Freeman, the applicant, owner of Emerald Coast LLC, shared that the flooding issue that was mentioned had been ratified with a swell and ditch that had been installed sometime after May of 2020. He shared the zoning designation of O/I provided more restrictions than allowances and they wanted to be B1 in order to better market the property. With regards to the traffic comments, he shared that the newly installed traffic light at the high school had helped tremendously in his opinion. Additionally, all

developments that happen on Queens Creek Road are beyond his control and contributes to traffic on that road.

The public hearing was closed at 7:31 pm.

In response to inquires from the board, Projects/Planning Coordinator Brehmer and/or Junior Freeman clarified the following:

- 4 rezoning requests have been made for this property to date
- Approximately \$10,000 had been spent by the applicant on this process

After discussion, on a motion by Commissioner Eckendorf, seconded by Commissioner Brown, Ordinance 2024-O6 to rezone the four parcels identified along Queens Creek Road from O/I (Office Institutional) to B-1 (Business), along with the consistency statement was approved. The motion carried 3:2.

Ayes: Eckendorf, Brown, Justice

No: Conaway, Turner

Board members shared appreciation of Mr. Freeman for projects he handled in the town over the years, stating many properties are better now than they were before, specifically the Bamboo restaurant.

Text Amendment to Section § 152.179 Table of Permitted/Special Uses and § 152.212 Use Standards to enable Food, Beverage & Craft Processing and Production with Retail Sales
Town Planner Andrea Correll reviewed that the purpose of this text amendment was to enable food, beverage, and craft processing and production with retail sales in the B2HDO and MI zoning districts. Processing and production shall be limited to less than 50% of the subject property in the B2HDO zoning district. Retail sales in the MI zoning district shall occupy no more than 50% of the total square footage devoted to the operation. This use standard was intended for a larger brewery with tap room. The created use standards would enable breweries, wineries, and specialty foods such as chocolates.

The use was consistent with the descriptions found in Chapter 5 of the 2019 CAMA Land Use Plan Update and the Planning Board unanimously recommended approval at their April 2, 2024, regular meeting.

The public hearing was opened at 8:06 pm then closed, no comments were offered.

On a motion by Commissioner Conaway, seconded by Commissioner Turner Ordinance 2024-O7 amending section §152.179 Table of Permitted/Special Uses and §152.212 Use Standards to enable Food, Beverage & Craft Processing and Production with Retail Sales was unanimously approved.

The board took a recess from 8:07 pm to 8:13 pm

Text Amendment to Section §152.009 (E) Maintenance of the Official Zoning Map
Town Planner Correll reviewed that the purpose of the text amendment was to amend the time that the official zoning maps were to be changed after rezonings from two weeks to sixty days of notification.

The public hearing was opened at 8:15 pm, then closed, no comments were made.

On a motion by Commissioner Conaway, seconded by Commissioner Eckendorf Ordinance 2024-O8 amending Section §152.009 (E) Maintenance of the Official Zoning Map was unanimously approved.

Text Amendment to Appendix III Historic District Design Standards, Section 3: Roofs and Section 5: Windows and Doors

Projects/Planning Coordinator Brehmer reviewed that the Historic Preservation Commission had recommended amendments to Appendix III Historic District Design Standards, Section 3: Roofs and Section 5: Windows and Doors. At the February 20, 2024, Swansboro Historic Preservation Commission meeting, the historic board created a subcommittee consisting of town staff, Elaine Justice, Lauren Brown, and Kim Kingrey to review and draft a text amendment. The draft was reviewed and approved by the historic board and the planning board recommended both recommending approval to the Board of Commissioners. Overall, the amendments to Section 3: Roofs and Section 5: Windows and Doors were to add more standards on the best practices and materials to continue maintaining and preserving the historic roofs, windows, and doors in our historic district as well as ensure new material is historically accurate and consistent. Details about terne or double lock roof forms were added as well as appropriate material and color options for new or replacement roofs. Additionally, a roof expert spoke with the subcommittee and presented at a historic board meeting, and he provided valuable input and technical terminology. The goal was to also to educate homeowners on resources such architectural salvage companies that were available for replacement options, if necessary.

In response to inquires from the board, Projects/Planning Coordinator Brehmer clarified the following:

- Property owners who come to Town Hall before starting projects are well educated by staff
- Staff tried to monitor the area for unpermitted or authorized work, but it was impossible to catch all, as some come and go over a weekend.

The public hearing was opened at 8:25 pm.

The Historic Preservation Commission's Vice Chair Kim Kingrey shared with the board that many people do not understand the importance of a historic district and registry. To prevent the possible loss of a historic designation the board is reviewing many ordinances and there would be more amendments come. Additionally, she shared that she has seen residents to what they want even after they have been educated otherwise.

In response to inquiries from the board the following was clarified by either Ms. Kingrey, Ms. Brehmer or Attorney Rasberry.

- Workshops have been offered but there is not much participation
- Educational techniques that have been utilized have been workshops as mentioned, newsletters, and flyers
- Requiring material be supplied at closing is beyond the town's legal authority
- Options and examples are provided in the UDO for the historic district

The public hearing was closed at 8:45 pm.

On a motion by Commissioner Conaway, seconded by Commissioner Eckendorf Ordinance 2024-O9 amending Appendix III Historic District Design Standards, Section 3: Roofs and Section 5: Windows and Doors was unanimously approved.

Business Non-Consent

Request to Proceed with Cost-Recovery Program

Fire Chief Jacob Randall reviewed that the cost of emergency services was continuously increasing. After evaluating the service users, non-residents of Swansboro or Onslow County, further exploration of cost-recovery revenue programs was initiated. Further administrative support and changes are required before officially starting the cost-recovery process.

Chief Randall shared that in order to initiate the process of establishing a cost recovery program, a resolution must be adopted. The resolution was consistent with the direction provided to staff on February 27, 2024, by the Board of Commissioners to only bill non-Swansboro or Onslow County residents' insurance. No individual will receive a bill. The ability to begin cost recovery will take effect approximately thirty days (30) after executing this resolution and agreement with Fire Recovery USA.

On a motion by Commissioner Eckendorf, seconded by Commissioner Conaway Resolution 2024-R6, outlining the establishment of a cost-recovery program and providing the ability to the Town Manager or their designee to enter into an agreement with Fire Recovery USA, LLC to perform the collections was unanimously approved.

Digital Sign Discussion

Town Clerk Alissa Fender reviewed that after the digital sign located at Town Hall became inoperable, at its April 9, 2024, Regular Meeting, staff was directed to obtain additional quotes, and return for further consideration. 3 quotes were already obtained, and 3 more companies were contacted for quotes and either they did not offer the same sign specifies or did not respond to the request at all. Direction was requested for replacement of the sign during the current FY 23-24, requiring a budget amendment or to add for consideration in the next FY 24-25 budget.

By consensus staff was directed to submit for consideration in FY 24-25 budget.

Monthly Financial Report as of March 31, 2024

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

Mayor Davis inquired about what was being done to address the legal budget being high which was at 91.6% of budget. Finance Director Johnson shared that the board has just approved a Budget Amendment in the consent items for this meeting.

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:

- Budget discussion added to the May 14, 2024, meeting
- Consider ordinance amendment to boat storage as a result of the recent Board of Adjustment appeal of an administrative hearing
- Improvement to pickleball courts was to be added to the budget considerations for FY24/25

One Harbor Church Sidewalk Connection to Municipal Park

On February 13, 2024, Interim Manager Barlow shared with the board that One Harbor Church was requesting an easement to connect sidewalks to the Municipal Park sidewalks. At that time Mr. Barlow was provided with direction to researching to ensure that the allowance of sidewalks would not jeopardize any grants provided for future funding. At this time One Harbor Church was agreeing to cover all costs associated with the installation and it was noted that these sidewalks also provide an additional parking area for access to the park.

On a motion by Mayor Pro Tem Justice, seconded by Commissioner Eckendorf, the Interim Manager and Interim Town Attorney were authorized to proceed with moving forward with executing an easement and a hold harmless clause to complete the sidewalks. The motion was unanimously approved.

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

Interim Manager Barlow did not have any additional details to add to his report, however he did want to mention that at this point in the fiscal year, incoming revenues had likely all been received.

Board Comments

Board members thanked staff and shared their appreciation for the successful Touch-a-truck event.

Mayor Davis shared that he had been working with the Interim Town Manager on the following items.

- Resolutions
 - o Supporting paving of Main Street Extension by NCDOT
 - o Opposition of a median on Highway 24, per the Superstreet preliminary plan
- Letter to Onslow County conveying his discontent with a meeting held at Queens Creek Elementary School on matters that should be relayed to the Town
- \$500,000 for Sidewalks in the FY 24/25 budget
- Adding Funds for getting more Christmas lights on Highway 24 and downtown

Additionally, Mayor Davis thanked the Fire department for their response to the Pizza Forno restaurant fire.

Adjournment

On a motion by Commissioner Turner, seconded by Commissioner Conaway, the meeting adjourned at 9:16 pm.

Rebecca Brehmer

From: Stuart Murchison <stuart.rob11@gmail.com>
Sent: Tuesday, April 23, 2024 5:32 PM
To: Rebecca Brehmer
Subject: Rezoning of 150 Queens Creek

Hello,

Hi my name is Stuart Murchison-Robb, I am the owner of 150/154 queens creek road. This email is in regards to us not wanting to rezone.
Please contact me at (916) 280-5021 if there are further questions.

Thank you.

Rebecca Brehmer

From: Cshargettjr <cshargettjr@gmail.com>
Sent: Tuesday, April 16, 2024 9:31 AM
To: Rebecca Brehmer
Subject: Rezoning notice

I am the owner of 140 Queens Creek Rd., and I am 100% in favor of the request to rezone those parcels in question to B-1 (Business). I serve on the Board of JOEMC, and we have a meeting the night of April 23, which will prevent me from attending the public hearing in Swansboro.
Please record a notice of my approval, long overdue, of this request for a rezoning to B-1 (Business).
Respectfully, Cecil S. Hargett, Jr.

Sent from my iPhone

Rebecca Brehmer

From: Matthew McNear <mmcnear@hotmail.com>
Sent: Tuesday, April 23, 2024 1:11 AM
To: Rebecca Brehmer
Subject: Emerald Coast, Inc. Rezoning Request

Ms. Rebecca Brehmer,

I recently received a letter from you regarding the Emerald Coast, Inc. request for a rezoning of ~7.83 acres of land at 140 Queens Creek Road.

I was called out of town and cannot attend the meeting on Tuesday, April 23rd, but wanted to express my objection to this rezoning.

The current open space is very nice for those who reside near by. However, my biggest objection is related to the rezoning for anything but residential purposes. We have a lot of under-developed land on 24 as well as land and structures that should be redeveloped to make our community more appealing. Based on property values and the lack of affordable rental housing, there is clearly a shortage of housing in the Swansboro area. Add to this the fact that the growth of Hubert has created quite a traffic situation at the light between 24 and Queens Creek Road, and this makes this space unnecessary for rezoning at this time.

I'm not certain if this objection will be heard or simply noted in the Board of Commissioners meeting tomorrow, but I appreciate your time and attention.

Sincerely,

Matthew McNear
93 Century Court
Swansboro, NC 28584



Board of Commissioners Meeting Agenda Item Submittal

Item To Be Considered: **Board Appointments**

Board Meeting Date: **July 23, 2024**

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

Overview: Due to a resignation, there is now a vacancy on the Historic Preservation Commission.

There are three (3) applications on file. See talent bank sheet.

Background Attachment(s):

NCGS 128-1.1

Talent Bank Sheet

Recommended Action: Consider appointment to the Historic Preservation Commission.

Action: _____

§ 128-1.1. Dual-office holding allowed.

(a) Any person who holds an appointive office, place of trust or profit in State or local government is hereby authorized by the General Assembly, pursuant to Article VI, Sec. 9 of the North Carolina Constitution, to hold concurrently one other appointive office, place of trust or profit, or an elective office in either State or local government.

(b) Any person who holds an elective office in State or local government is hereby authorized by the General Assembly, pursuant to Article VI, Sec. 9 of the North Carolina Constitution to hold concurrently one other appointive office, place of trust or profit, in either State or local government.

(c) Any person who holds an office or position in the federal postal system or is commissioned as a special officer or deputy special officer of the United States Bureau of Indian Affairs is hereby authorized to hold concurrently therewith one position in State or local government.

(c1) Where authorized by federal law, any State or local law enforcement agency may authorize its law enforcement officers to also perform the functions of an officer under 8 U.S.C. § 1357(g) if the agency has a Memorandum of Agreement or Memorandum of Understanding for that purpose with a federal agency. State and local law enforcement officers authorized under this provision are authorized to hold any office or position with the applicable federal agency required to perform the described functions.

(c2) Repealed by Session Laws 2015-201, s. 3(b), effective August 5, 2015.

(d) The term "elective office," as used herein, shall mean any office filled by election by the people when the election is conducted by a county board of elections under the supervision of the State Board of Elections. (1971, c. 697, s. 2; 1975, c. 174; 1987, c. 427, s. 10; 2006-259, s. 24(a); 2011-31, s. 13; 2014-100, s. 14.11(b); 2015-201, s. 3(b); 2015-241, s. 14.30(u); 2017-6, s. 3; 2018-146, ss. 3.1(a), (b), 6.1.)

Historic Preservation
Planning Board
Board of Advisors
Park Board
Tourism Authority
Other

Item IV - b.

THUMBNAIL PROFILES TALENT BANK APPLICANTS

Ruth White Town Limits (919)614-4996 (4/2023)

Interested in Park Board

- Retired Practice Manager of Medical office
- Associate degree: Medical Secretary
- Volunteered at schools, served on beautification committee for Raleigh High School, volunteer with Brownie Troop
- Has worked daily with the Parks & Rec department since 2019 on behalf of the Pickle Ball program. Assisted with raising funds to purchase nets and balls and assisted with creating of the courts by painting them and patching holes. Accustomed to working as part of a team and problem solving.
- Interested in serving the Swansboro community, events and festivals and would like to contribute.

John Fitzgerald Town Limits (910)382-4292 (2/2023) – Appointed to BOA April 2023

Interested in Historic Preservation Planning Board Park Board Tourism Authority Other

- Retired
- Bachelor of Arts: Urban Planning, Master of Administration, Master of Arts National Strategic Studies
- Highly experienced leader with over 40 years of logistics managerial experience with both the Departments of State and Defense. Undaunted when faced with complex logistical problems, draws on vast experience operating at the tactical, operations, and strategic levels of the US government to apply a logical well-throughtout approach to solve problems.

Lawrence Abalos Town Limits (910) 389-7500 (11/2022) – Appointed to Parks Board Aug 2020

Interested in Tourism Authority

- Self Employed
- Bachelor’s degree
- Current member of Parks & Rec board, Vice President of Swansboro Century Club, Coastal FCS Board member, Youth Sports Coach
- Would like to be a part of our community growth and development.

Michael Alden Diehl Town Limits (252)646-9221 (11/2023)

Interested in Planning Board Park Board – appointed to TDA on 1/23/2024

- Marine Superintendent – Duke University Marine Labs
- Bachelor Degree
- Community involvement includes Travis Manion Foundation, Team Rubicon, Tunnels to Towers, Mountain to Sea Trail Angel
- Has worked around the world, in the military and as a civilian. Has ample experience building teams and working with diverse stakeholders to meet consensus and accomplish goals.
- Desires a more active role serving the community and working with citizens to continue building on the great work that Swansboro a wonderful place.

Gary Keroack Town Limits (904)537-7273 (11/2023)

Interested in Planning Board Other

- Retried, Occasional Math Tutor
- MBA, M.A. Math Education (6-12)
- HOA Design Board Member in Florida and Halls Creek
- Special skills include meteorology, oceanography, and business administration
- Desire to volunteer his free time to become more involved in the community

*Note: Applications are kept on file for one year.
(Updated 2/2024) afender Z:\Town Clerk\Advisory Board Members*



Board of Commissioners Meeting Agenda Item Submittal

Item To Be Considered: **UDO Text Amendment to Section 152.073 Moratoria**

Board Meeting Date: **July 23, 2024**

Prepared By: **Rebecca Brehmer, CFM, CZO – Town Planner**

Overview: After a review of North Carolina General Statutes and UDO on Moratoria at a recent Board of Commissioners meeting, the Town Attorney has advised that the UDO Section 152.073, Moratoria, is not consistent with G.S. § 160D-107 Moratoria in that it is missing a portion of the first sentence under section (A) Authority.

The proposed text amendment to UDO Section 152.073 Moratoria will have the first sentence (A) Authority to read “As provided by G.S. § 160D-107, the Board of Commissioners may adopt temporary Moratoria on any development approval required by law, except for the purpose of developing and adopting new or amended plans or development regulations governing residential uses.” in order to be consistent with 160D-107 Moratoria. The Planning Board unanimously recommended approval at their July 2, 2024, regular meeting.

Background Attachment(s):

1. Ordinance 2024-O11
2. Comprehensive Plan Consistency Statement

Recommended Action:

1. Hold a public hearing
2. Motion to approve Ordinance 2024-O11 amending Section 152.073 Moratoria.

Action: _____

**ORDINANCE 2024-011
AN AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE
§152.073 MORATORIA, (A) AUTHORITY.**

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, and amended August 28, 2023.

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
§ 152.073 MORATORIA, (A) AUTHORITY.***

(A) *Authority.* As provided by G.S. § 160D-107, the Board of Commissioners may adopt temporary moratoria on any development approval required by law, **except for the purpose of developing and adopting new or amended plans or development regulations governing residential uses.** The duration of any moratorium shall be reasonable in light of the specific conditions that warrant imposition of the moratorium and may not exceed the period of time necessary to correct, modify, or resolve such conditions.

This Ordinance shall be effective upon adoption.

Adopted by the Board of Commissioners in regular session, July 23, 2024.

John Davis, Mayor

Attest:

Alissa Fender, Town Clerk

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

On July 2, 2024, the Planning Board heard the requested text amendments and recommended unanimous approval of the text amendments to the Town Unified Development Ordinance as followed: § 152.073 Moratoria, (A) Authority.

The Town's Planning Board finds that the proposed text amendments are 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



Board of Commissioners Meeting Agenda Item Submittal

Item To Be Considered: **UDO Text Amendment to Section 152.196 Notes to the Table of Area, Yard, and Height Requirements**

Board Meeting Date: **July 23, 2024**

Prepared By: **Rebecca Brehmer, CFM, CZO – Town Planner**

Overview: A text amendment is purposed to UDO Section 152.196 Notes to the Table of Area, Yard, and Height Requirements, (F) Note 6, to outline when a zoning permit and building permit is needed for new accessory structures.

Note 6 will give new accessory structures specific guidelines added to differentiate when a building permit is required, or a zoning permit is required for any new accessory structure. Per NC Building Code, an accessory structure that is less than 12 feet in any direction does not require a building permit, but still needs to be inspected for proper tie downs due to the wind zone. As of July 1, 2024, the Town’s 2024-2025 fee schedule will be implemented, and a Zoning Permit and fee will be separate from a Building Permit. Previously, the Zoning Permit/sign off was combined to be a part of the Building Permit.

Background Attachment(s):

1. Ordinance 2024-O12
2. Comprehensive Plan Consistency Statement

Recommended Action:

1. Hold a public hearing
2. Motion to approve Ordinance 2024-O12 amending Section 152.196 Notes to the Table of Area, Yard, and Height Requirements, (F) Note 6.

Action: _____

ORDINANCE 2024-012
AN AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE
§152.196 NOTES TO THE TABLE OF AREA, YARD, AND HEIGHT REQUIREMENTS, (F)
NOTE 6. ACCESSORY STRUCTURES.

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, and amended August 28, 2023.

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
§152.196 NOTES TO THE TABLE OF AREA, YARD, AND HEIGHT REQUIREMENTS,
(F) NOTE 6. ACCESSORY STRUCTURES.

- (F) Note 6. Accessory structures.
 - (1) Accessory structure setbacks shall also apply to the placement of swimming pools.
 - (2) No accessory building or use shall be erected in any front yard, or within six feet of the rear lot line unless otherwise allowed by the following, or if the rear lot line abuts navigable waters, and it is therefore subject to the CAMA rules.
 - (a) Exception, that any “T” or “L” shaped lot may have accessory uses or structures in what is defined by the Unified Development Ordinance as the front yard or side yard as long as that front or side yard does not have a road or street adjacent to the front yard or side yard of the lot.
 - (b) Accessory structures may be constructed or placed in the front yard on residential lots two acres or greater and on flag lots provided that a special use permit is obtained, and the structure meets the required front and side setbacks for principal structures in the applicable zoning district.
 - (c) Double frontage lots in residential districts, including double frontage lots on a corner, will require a special use permit to construct or place accessory structures on the property
 - (3) A permit is required for any new accessory structure. A zoning permit will be required as well as a building permit if the accessory structure exceeds 12 feet in any direction (length, width, or height).

This Ordinance shall be effective upon adoption.

Adopted by the Board of Commissioners in regular session, July 23, 2024.

John Davis, Mayor

Attest:

Alissa Fender, Town Clerk

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

On July 2, 2024, the Planning Board heard the requested text amendments and recommended unanimous approval of the text amendments to the Town Unified Development Ordinance as followed: § 152.196 Notes to the Table of Area, Yard, and Height Requirements, (F) Note 6 Accessory Structures.

The Town’s Planning Board finds that the proposed text amendments are 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.

Christina Ramsey
Planning Board Chair

Rebecca Bendu
Town Planner



Board of Commissioners Meeting Agenda Item Submittal

Item To Be Considered: **UDO Text Amendment to Section 152.445 Coastal High Hazard Areas (Zone VE)**

Board Meeting Date: **July 23, 2024**

Prepared By: **Rebecca Brehmer, CFM, CZO – Town Planner**

Overview: UDO Section 152.445 Coastal High Hazard Areas (Zone VE) (Q) in the Flood Damage Prevention Ordinance of the UDO is not feasible and needs to be deleted.

After contact with our State NFIP Coordinator, the discussion behind this text amendment is FEMA guidelines do not specifically call out the number of outlets and switches that can be installed. They simply recommend minimizing secondary electrical components below base flood elevation unless they are specially designed. The goal in deleting UDO Section 152.445 (Q) is to both follow FEMA guidelines more accurately as well as give homeowners/business owners more options when it comes to outlets and switches being installed in a flood zone. The Planning Board unanimously recommended approval at their July 2, 2024, regular meeting.

Background Attachment(s):

1. Ordinance 2024-O13
2. Comprehensive Plan Consistency Statement

Recommended Action:

1. Hold a public hearing
2. Motion to approve Ordinance 2024-O13 amending Section 152.445 Coastal High Hazard Areas (Zone VE)

Action: _____

ORDINANCE 2024-013
AN AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE
§152.445 COASTAL HIGH HAZARD AREAS (ZONE VE)

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, and amended August 28, 2023.

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
§ 152.445 COASTAL HIGH HAZARD AREAS (ZONE VE)

~~(Q) No more than four electrical outlets and no more than four electrical switches may be permitted below RFPE unless required by building code.~~

This Ordinance shall be effective upon adoption.

Adopted by the Board of Commissioners in regular session, July 23, 2024.

John Davis, Mayor

Attest:


Alissa Fender, Town Clerk

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

On July 2, 2024, the Planning Board heard the requested text amendments and recommended unanimous approval of the text amendment to the Town Unified Development Ordinance as followed: § 152.445 Coastal High Hazard Areas (Zone VE), section (Q).

The Town's Planning Board finds that the proposed text amendments are 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.


Christina Ramsey
Planning Board Chair


Rebecca Bender
Town Planner



Board of Commissioners Meeting Agenda Item Submittal

Item To Be Considered: **Town Code Amendment to Chapter 93: Streets and Sidewalks, Section 93.007 Playing Games in Streets**

Board Meeting Date: **July 23, 2024**

Prepared By: **Rebecca Brehmer, CFM, CZO – Town Planner**

Overview: After direction from the Board of Commissioners and Town Manager, due to enforcement capabilities, a text amendment has been proposed to remove Town Code Section 93.007 Playing Games in Street. Allowing this activity to take place in Town Limits.

Section 93.007 Playing Games in Streets currently reads, “No person shall play baseball, football or any other game of ball, or shall pitch or catch a ball on any street or sidewalk within the corporate limits of the town.”

Background Attachment(s): Ordinance 2024-O14

Recommended Action: Motion to approve Ordinance 2024-O14 amending Town Code Chapter 93: Streets and Sidewalks, Section 93.007 Playing Games in Streets.

Action: _____

ORDINANCE 2024-014
AN AMENDMENT TO THE SWANSBORO TOWN CODE OF ORDINANCES
TO MODIFY §93.007 PLAYING GAMES IN STREETS.

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:

TITLE IX: GENERAL REGULATIONS
CHAPTER 93 STREETS AND SIDEWALKS:
§93.007 PLAYING GAMES IN STREETS

No person shall play baseball, football or any other game of ball, or shall pitch or catch a ball on any street or sidewalk within the corporate limits of the town.
(OC, § 6-2-6) [Penalty, see § 10.99](#)

This Ordinance shall be effective upon adoption.

Adopted by the Board of Commissioners in regular session, July 23, 2024.

John Davis, Mayor

Attest:

Alissa Fender, Town Clerk



Board of Commissioners Meeting Agenda Item Submittal

Item To Be Considered: **Town Code Amendment to Section 150.45 Permits Required**

Board Meeting Date: **July 23, 2024**

Prepared By: **Rebecca Brehmer, CFM, CZO – Town Planner**

Overview: A text amendment is proposed to Town Code Section 150.45 Permits Required to have a zoning permit added to the list of permits required for any new development.

As of July 1, 2024, the Town’s 2024-2025 fee schedule will be implemented, and a Zoning Permit and fee will be separate from a Building Permit. Previously, the Zoning Permit/sign off was combined to be a part of the Building Permit. The purpose of this addition is to simply list a Zoning Permits as one of the needed applications for new development.

Background Attachment(s): Ordinance 2024-O15

Recommended Action: Motion to approve Ordinance 2024-O15 amending Town Code Section 150.45 Permits Required.

Action: _____

**ORDINANCE 2024-015
AN AMENDMENT TO THE SWANSBORO TOWN CODE OF ORDINANCES
TO MODIFY §150.45 PERMITS REQUIRED.**

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:

***TITLE IX: GENERAL REGULATIONS
CHAPTER 150 BUILDING REGULATIONS:
§150.45 PERMITS REQUIRED***

(A) *Building permits.* No person shall commence construction, addition, alteration, reconstruction, extensive repairs, reconstruction after damage, moving, demolition or change of use of any type of building without first securing from the Inspector a permit to engage in the work.

(B) *Plumbing permits.* No person shall commence with the installation, extension, alterations or general repairs of any plumbing system without first securing from the Inspector a permit to engage in the work.

(C) *HVAC permits.* No person shall commence with the installation, erection or alteration of any mechanical systems consisting of heating, ventilating, air conditioning and refrigeration systems, fuel burning equipment and appurtenances, without first securing from the Inspector a permit to engage in the work.

(D) *Commercial sign permits.* No person shall commence with the erection, construction, alteration or maintenance (except as provided in the North Carolina State Building Code) of any commercial sign without first securing from the Inspector a permit to engage in the work.

(E) *Electrical permits.* No person shall commence or proceed with the installation, erection, alteration or substantial repair of electrical systems and appurtenances thereof, without first securing from the Inspector a permit to engage in the work.

(F) *Zoning permits.* No person shall commence or proceed with any new development without first securing the Planner a permit to engage in the work.

(OC, § 9-1-22) (Am. Ord. 2005-03, passed 3-15-05; Am. Ord. 2005-04, passed 4-13-05) [Penalty, see § 150.99](#)

This Ordinance shall be effective upon adoption.

Adopted by the Board of Commissioners in regular session, July 23, 2024.

John Davis, Mayor

Attest:

Alissa Fender, Town Clerk



Board of Commissioners Meeting Agenda Item Submittal

Item To Be Considered: **Development Agreement**

Board Meeting Date: **July 23, 2024**

Prepared By: **Jon Barlow – Town Manager**

Overview: The proposed Development Agreement is a joint effort between the Town of Swansboro and Jacksonville Onslow Economic Development Partnership (JOED). Specifically, the agreement seeks to describe the future acquisition and development of approximately 30 acres of undeveloped land located at 1476 W. Corbett Ave.

JOED, acting as the developer, would acquire the land with the intent to develop it for both light industrial and commercial activities. The Town’s primary function would be to assist JOED in obtaining, managing and distributing grant funds used in the development of streets, water and sewer, and stormwater water systems.

Background Attachment(s): Development Agreement

Recommended Action: Motion to approve the Development Agreement as presented.

Action: _____

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (the "Agreement") is made this ____ day of July 2024, (the "Effective Date"), by and between JACKSONVILLE ONSLOW ECONOMIC DEVELOPMENT PARTNERSHIP, INC. a North Carolina Non-Profit Corporation, (the "Developer") and the TOWN OF SWANSBORO, a municipal corporation existing under the Laws of the State of North Carolina (the "Town.")

WITNESSETH:

WHEREAS, Developer currently owns, or is under contract or option to purchase, or plans to acquire that certain tract of land identified as Parcel No. 011942, located at 1476 W. Corbett Avenue, Swansboro, Onslow County, North Carolina, consisting of approximately 30 acres within the extraterritorial jurisdiction of the Town, and as is more particularly described on **EXHIBIT A** attached hereto and incorporated herein by reference (the "Property"); and

WHEREAS, Developer intends to develop a light industrial park consisting of up to seven (7) separate parcels, including approximately five (5) acres of commercial area on the Property, together with supporting public and private infrastructure, such as streets, water/sewer lines, storm drainage improvements, and/or other facilities (the "Project"); and

WHEREAS, the Project will offer numerous benefits to the Town, including, but not limited to: (i) facilitation of new above-average paying primary jobs; (ii) expansion of the Town's tax-base; (iii) provision of public and private services to the Property; (iv) improvement of the Town's overall business and job diversity; (v) general quality of life in the Town; and (vi) the Town supports the proposed Project and desires that Developer proceed with the same; and

WHEREAS, Developer has requested or will request municipal and other public services from the Town to permit orderly Project development, and subject to compliance by Developer with all prerequisites to receipt of municipal services and approvals, the Town intends to provide such services as the Project progresses.

NOW, THEREFORE, in consideration of the mutual covenants, promises, and agreements contained herein, the benefits that will accrue to both parties from development of the Project within the corporate limits of the Town, and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, the parties agree as follows:

ARTICLE 1 GENERAL

SECTION 1.1 – DEFINITIONS. Whenever used in this Agreement, the following terms shall have the definitions indicated as set forth in this Section:

- A. "Developer" shall mean, JACKSONVILLE ONSLOW ECONOMIC DEVELOPMENT PARTNERSHIP, INC., a North Carolina Non-Profit Corporation, and its officers, employees, successors, assigns, and successors in title.

- B. "Infrastructure" shall mean all Public Infrastructure (as defined below) and/or Private Infrastructure (as defined below) necessary to serve the Property and installed in accordance with the Standard Specifications, including water mains, valves, fittings, fire hydrants, service connections, service lines, shutoffs, meter boxes, sewage pumping stations, force-mains, gravity sewer mains, manholes, laterals, streets, curbs, gutters, sidewalks, storm drainage facilities, and storm water retention facilities.
- C. "Laws" shall mean all laws, ordinances, resolutions, regulations, comprehensive plans, land development regulations, policies, and rules adopted by the Town, the State of North Carolina, the United States of America and any other governmental authority or body with jurisdiction over the Property or the development of the Project, including all laws and regulations governing permitted uses of the Property, density, design, and improvements.
- D. "Offsite" shall mean any area that is not Onsite (as defined below). Offsite includes any area that a governmental authority having jurisdiction over the Development and may be materially impacted by the same.
- E. "Onsite" shall mean any area that is within the boundaries of the Property or within any public right of way adjacent to or adjoining the Property.
- F. "Private Infrastructure" shall mean any infrastructure not owned by or conveyed or dedicated to a governmental or public entity or authority.
- G. "Project" shall mean that light industrial park development consisting of up to seven (7) separate parcels, including approximately five (5) acres of commercial area on the Property, together with supporting public and private infrastructure, such as streets, water/sewer lines, storm drainage improvements, and/or other facilities to be developed by Developer.
- H. "Standard Specifications" shall mean the standards and specifications applicable to the development of the Project and the Infrastructure and all development documents necessary for approval of the Project, including all standards and conditions set forth in any zoning approvals, special use permits, subdivision plats, site plans, subdivision plat(s), and construction drawings required by the State of North Carolina, Onslow County, ONWASA, and/or the Town.
- I. "Town" shall mean the Town of Swansboro, a municipal corporation existing under the laws of the State of North Carolina and its officers, employees, successors, assigns, and successors in title.

SECTION 1.2 – TERM. The term of this Agreement shall be for five (5) years after the Effective Date (the "Term"), unless otherwise amended by the parties in accordance with the terms contained herein.

ARTICLE 2
DEVELOPMENT TIMING AND STANDARDS

SECTION 2.1 – PHASING SCHEDULE. Developer shall develop the Project and infrastructure substantially in accordance with the phasing schedule set forth in the attached **EXHIBIT B** (the "Phasing Schedule") and pursuant to permitted uses as identified on **EXHIBIT C** attached hereto and incorporated herein by reference.

SECTION 2.2 – PERMITS AND APPROVALS. Developer shall obtain (without limitation) the following permits, as applicable, to develop the Project; provided that this Agreement's failure to address a particular permit, condition, term, or restriction does not relieve Developer of the necessity of complying with the law governing their permitting requirements, conditions, terms, or restrictions:

- A. Annexation into the Town's corporate limits;
- B. Rezoning; and Industrial Park Zoning Overlay;
- C. Special Use Permits;
- D. Subdivision Plat Approvals;
- E. Site Plan Approvals (including approvals for signs and other site- specific design elements);
- F. Right of way encroachments and driveway permits;
- G. Permits for water and sewer lines and extensions;
- H. Wetlands permits;
- I. Building permits; and
- J. Certificates of Occupancy.

SECTION 2.3 – TOWN COOPERATION. The Town agrees to cooperate with and reasonably assist Developer in its efforts to obtain necessary permits, approvals, or licenses from other governmental entities necessary or beneficial for the development of the Project as approved by the Town, including the Department of Transportation, the MPO, and ONWASA.

Furthermore, the Town shall, as soon as is practicable following the execution of this Agreement, request that a Traffic Impact Analysis (TIA) for this project be completed by the Jacksonville Urban Area Metropolitan Planning Organization (JUMPO.) The Town will provide the TIA to Developer upon completion.

SECTION 2.4 – RIGHT TO RESCIND. The obligations of the parties under this Agreement are contingent upon the Developer's obtaining all necessary development plan approvals and ancillary permits, licenses, and consents (collectively, "Approvals") from the Town as required for the performance of this Agreement.

The Developer agrees to use its best efforts to diligently pursue and obtain the required Approvals from the Town in a timely manner. The Town agrees to promptly and diligently review, process, and take appropriate action upon applications for development approval. Each party shall cooperate fully with the other and shall promptly provide any information, documentation, or assistance reasonably required for review, processing, and issuance of the Approvals.

If any required Approval is denied, the Town shall specify in writing the reasons for the non-approval, and provide a reasonable opportunity for resolution of the non-approval. If the Town imposes conditions on the Approvals that are unacceptable to the Developer, the Developer shall promptly notify the Town in writing, specifying the conditions considered unacceptable and the Developer's objections to the conditions.

Upon the Town's non-approval of any application for permits or development approvals; the Town's imposition of approval conditions determined by the Developer to be unacceptable; and the failure of the parties to resolve the disputed matters, either party shall have the right to rescind this Agreement.

In the event of rescission under this Section, this Agreement shall be deemed null and void, and neither party shall have any further rights or obligations under this Agreement, except that:

- A. Expressly subject to applicable provisions of the N.C. General Statutes pertaining to public records, each party shall promptly return to the other any confidential information, documents, or materials received from the other party in connection with this Agreement.
- B. Each party shall bear its own costs and expenses incurred in connection with the negotiation, execution, and performance of this Agreement, including but not limited to efforts to obtain the Approvals.
- C. Notwithstanding the rescission of this Agreement, provisions herein pertaining to confidentiality, governing law, and dispute resolution shall survive and continue in full force and effect in accordance with their terms.

By including this Right to Rescind clause, the parties acknowledge the critical nature of obtaining the necessary Approvals from the Town and provide a mechanism for rescinding the Agreement if such Approvals are not obtained or are obtained with unacceptable conditions.

SECTION 2.5 – DEVELOPMENT STANDARDS.

- A. The effectiveness of this Agreement shall be contingent upon the approval of the Master Plan submitted to the Town by Developer for the Project. Nothing in this Agreement shall abridge or terminate Developer's rights and obligations under the Unified Development Ordinance,

or any adopted ordinances, policies, and schedules of the Town, all of which are ratified, adopted, and incorporated herein by reference as if fully set forth in this Agreement.

- B. The parties acknowledge and agree that, if a state or federal law is changed after the effective date of this Agreement and the change prevents or precludes compliance with one or more provisions of this Agreement, the parties will negotiate in good faith to amend this Agreement in a manner which permits conformance with state or federal law changes.

SECTION 2.6 – DEVELOPMENT COVENANTS. Developer shall, at its own cost, prepare and submit to the Town for prior approval a declaration(s) of restrictive covenants-and easements with respect to the Project that provides for the operation, maintenance, repair, and replacement (and the funding thereof) of all common elements and Private infrastructure in the Project. The Town's review and approval of such document(s) shall not be unreasonably delayed or withheld. Developer shall be responsible for the operation. maintenance. repair. and replacement of all common elements and Private Infrastructure in the Project until such obligations are assumed by the Town in writing or are assigned to a funded property owner's association in the above-referenced declaration(s).

ARTICLE 3 INFRASTRUCTURE

SECTION 3.1 – DESIGN AND APPROVALS FOR INFRASTRUCTURE. Developer shall design, construct, and install all Infrastructure in accordance with the design criteria set forth in the Standard Specifications. Developer shall obtain all required permits and approvals from all governmental agencies with jurisdiction over the infrastructure prior to commencing construction of the infrastructure. In cooperation with the Developer, The Town shall make application for, receive, manage and deploy those grant resources available only to the Town, specifically those from the North Carolina Department of Commerce's Industrial Development Fund. The Developer shall provide the local match required for state-level grants. Utilizing the aforementioned state-level grant funds awarded to the Town, the Town shall reimburse Developer for the costs of designing and constructing the extension of public infrastructure; to include roads, water and sewer improvements on public property within the project.

SECTION 3.2 – DESIGN AND DEDICATION OF PUBLIC INFRASTRUCTURE.

- A. All plans for Public Infrastructure shall be prepared by an engineer(s) properly licensed in the State of North Carolina and acceptable to the Town and ONWASA in their reasonable discretion. Developer shall furnish all engineering and/or design plans and specifications and all revisions for Public Infrastructure of the Town prior to commencing construction on the Public Infrastructure. The Town may disapprove, in writing, such plans or specifications or revisions, and shall provide written explanation of the reasonable grounds for disapproval. All reviews and decisions by the Town with respect to Public Infrastructure under this Agreement shall performed and given in a timely manner. Developer shall obtain, at its expense, all required permits and approvals from all applicable governmental agencies prior to commencing construction of any public infrastructure.

- B. Developer shall construct and dedicate for public use all Public Infrastructure designated for dedication on the applicable subdivision plat, free and clear of all liens and encumbrances, by dedication plat, warranty deed, deed of easement or bill of sale, in form and substance reasonably satisfactory to the Town. Developer also shall convey to the Town and its successors and assigns, perpetual easements over the Property where specifically necessary for repair and maintenance of the Public Infrastructure when such Public infrastructure is not otherwise accessible by a dedicated easement. Easement areas must be accepted and approved by the Town in writing prior to dedication.
- C. Upon dedication or conveyance of any Public infrastructure to the Town, Developer shall deliver to the Town an Owner's Affidavit Regarding Liens with respect to the applicable Public Infrastructure and shall defend and hold harmless the Town with respect to all costs, expenses, fees (including attorney's fees) associated with any action resulting from or related to any statement in the Owner's Affidavit.
- D. Upon final inspection of the Public Infrastructure and acceptance by the Town or other governmental authority, Developer shall assign all contractor and other warranties for the Public infrastructure to the Town.
- E. Developer shall deliver to the Town all original manufacturers' warranties and/or operation manuals, if any, for dedicated Public Infrastructure and one (1) complete set of as-built drawings showing the Public Infrastructure and dedicated easements and rights-of-way, as located by a North Carolina licensed surveyor and certified by Developer's engineer of record. The as-built drawings shall be submitted in a digital format compatible with the Town's GIS system. The Town shall notify Developer and its surveyor and engineer of acceptable digital formats in which the as-built drawings may be submitted.

SECTION 3.3 – PLANS FOR PRIVATE INFRASTRUCTURE. Developer shall deliver to the Town one (1) complete set of as-built drawings showing any Private Infrastructure constructed on the Property and applicable easements and rights-of-way as located by a North Carolina licensed surveyor and certified by Developer's engineer of record. The as-built drawings shall be submitted in a digital format compatible with the Town's GIS system. The Town shall notify Developer and its surveyor and engineer of acceptable digital formats in which the as-built drawings may be submitted.

SECTION 3.4 – PUBLIC INFRASTRUCTURE IMPROVEMENTS.

- A. WATER TRANSMISSION LINE. Developer shall be responsible for the right of way acquisition, design, engineering, construction, permitting, and inspections related to all Onsite water lines necessary to serve the Project and the Offsite water transmission line to be constructed between ONWASA'S existing water transmission main line on Corbett Avenue and the boundary of the Property at a location to be approved in the construction drawings to be prepared and submitted by the Developer to ONWASA. All water line improvements are to be constructed in accordance with the Standard Specifications and shall be accepted and maintained by ONWASA. In cooperation with Developer, The Town shall make application for, receive, manage, and distribute grant funds provided by the state of North Carolina and

its various agencies and departments for all construction of water transmission and distribution lines.

- B. WASTEWATER AND SEWER IMPROVEMENTS. Developer shall be responsible for the right of way acquisition, design, engineering-, construction, permitting, and inspections related to all Onsite wastewater and sewer lines necessary to serve the Project and those certain Offsite wastewater transmission and sewer lines and improvements to be constructed between ONWASA'S existing wastewater transmission system and the Property All wastewater transmission and sewer facilities constructed in accordance with the Standard Specifications shall be accepted and maintained by ONWASA. In cooperation with Developer, The Town shall make application for, receive, manage, and distribute grant funds provided by the state of North Carolina and its various agencies and departments for all construction of wastewater lines and improvements.
- C. ROAD IMPROVEMENTS. Developer shall be responsible for the right of way acquisition, design, engineering, construction, permitting, and inspections related to Onsite road improvements necessary to serve the Project and certain Offsite road improvements required by the Town in the approved Master Plan and the North Carolina Department of Transportation (the "NCDOT") to mitigate the traffic impacts of the Project, including turn-lanes, cross-sectional improvements, and signalization. All Road Improvements constructed in accordance with applicable Standard Specifications shall be accepted and maintained by the Town or the NCDOT, as applicable. All driveway connections to existing public roads shall be made in a manner and at locations to be approved by the NCDOT. The timing and phasing of all Offsite road improvements shall be in accordance with a separate agreement to be entered into by and among the Town, Developer, and the NCDOT; provided, the Town acknowledges and agrees that it shall not require-any Offsite road improvements in addition to those that are required in the Master Plan or by the NCDOT. In cooperation with Developer, the Town shall make application for, receive, manage, and distribute grant funds provided by the state of North Carolina and its various agencies and departments for the construction of all road improvements.

SECTION 3.5 – CONTRACTORS AND CONSULTANTS. All architects, engineers, and contractors engaged by Developer to design, build, or install Onsite or Offsite Infrastructure shall be licensed in North Carolina and insured in amounts and with coverages reasonably acceptable to the Town. All contractors and subcontractors engaged by Developer to perform work on Public infrastructure shall provide performance and payment bonds from nationally recognized sureties in such amounts as are reasonably required by the Town. Notwithstanding anything to the contrary in this Agreement, Developer and all architects, engineers, contractors, and other consultants at all times shall comply with applicable Laws when performing Developer's obligations under this Agreement and shall be subject to all bonding and other security requirements related to the design, engineering, and construction of Infrastructure in connection with the Project as required by the Town's Unified Development Ordinance or any other adopted ordinances, policies, or schedules of the Town of Swansboro.

SECTION 3.6 – REQUIRED PROTECTIONS FOR TOWN IN DEVELOPER'S CONTRACTS. Developer will ensure that all contracts for engineering, design, construction, and/or construction management for Public Infrastructure include specific language that provides: (1) that the contract does not limit any warranties provided under operation of statute or common law concerning the engineering, design, construction, adequacy, or performance of the improvements; (2) the contract does not limit or shorten any statute of limitations provided by law regarding claims concerning the engineering, design, construction, adequacy, or performance of the improvements; (3) the Town is named a third-party beneficiary of the contract for the purpose of making any claims regarding the engineering, design, construction, adequacy, or performance of the improvements; and (4) all warranties available to Developer under the contract are, in addition to Developer, made to, available, and assignable to the Town.

SECTION 3.7 – FEE CREDITS. All reimbursements due to Developer under this Agreement. The Town shall maintain an ongoing accounting of all credits and reimbursements eligible, due, collected, and paid under this Agreement.

SECTION 3.8 – TIMING OF INFRASTRUCTURE IMPROVEMENTS. Infrastructure improvements shall be completed in a timely fashion to enable the development of the Property in accordance with the Phasing Schedule attached as **EXHIBIT B**. Time is of the essence with respect to Developer's compliance with the Phasing Schedule. The Town reserves the right to alter the timing of the Offsite Infrastructure improvements for which it is responsible hereunder due to lack of available funds or other public policy concern directly affecting public health or safety; provided any obligations of Developer to perform under this Agreement that are affected by the Town's delay shall be deemed likewise delayed or amended.

**ARTICLE 4
DEFAULT AND INDEMNIFICATION**

SECTION 4.1 – DEFAULT. The terms and conditions of this Agreement shall be enforceable by actions for specific performance or injunction in addition to any other remedies available at law or in equity, provided that the non-defaulting party provides due notice and an opportunity to cure to the defaulting party and the defaulting party fails to cure the breach within a reasonable time. Any failure or omission of the non-defaulting party to exercise any right or remedy provided herein shall not be deemed a waiver of such party's right to enforce strictly the defaulting party's obligations in any other instance. At least every twelve (12) months after the Effective Date of this Agreement, the Town shall review Developer's progress with the Project. If, as a result of such review, the Town determines that Developer has committed a material breach of this Agreement, the Town shall serve a written notice thereof upon Developer setting forth with reasonable particularity the nature of the breach and the evidence supporting the finding and determination and providing Developer a reasonable time in which to cure the material breach. If Developer fails to cure the material breach within the time given, then, notwithstanding any provision hereof to the contrary, the Town unilaterally may terminate or reasonably modify this Agreement to accommodate Developer's failure to perform hereunder. Notwithstanding the foregoing, the Town's authority or discretion to enforce the terms of the Master Plan, the rezoning of the Property, or any other regulatory approval given with respect to the Project pursuant to the Town's Unified Development Ordinance or any adopted ordinances, policies, or schedules of the Town of Swansboro shall not be limited or affected by this Article 4.

SECTION 4.2 – WAIVER. No action or failure to act by either party shall be deemed to constitute a waiver of any of its rights or remedies that arise out of this Agreement; nor shall such action or failure to act constitute approval of or acquiescence in a breach thereunder, except as may be specifically agreed in writing.

SECTION 4.3 – FORCE MAJEURE. Notwithstanding anything to the contrary herein, neither party shall be liable to the other for any failure to perform under this Agreement as a result of a force majeure, including acts of governmental authorities, embargoes, fire, flood, hurricanes, tornadoes, explosions, acts of God or a public enemy, strikes, labor disputes, vandalism, civil riots, or acts of terrorism; provided. such party: (i) shall notify the other party promptly if the performance of any duty or obligation required under this Agreement will be delayed or prevented by a force majeure; and (ii) shall diligently and in good faith act to the extent within its power to remedy the circumstances affecting its performance.

SECTION 4.4 – INDEMNIFICATION OF TOWN.

- A. As used in this Section 4.4, "Charges" means claims, judgments, costs, damages, losses, demands, liabilities, duties, obligations, fines, penalties, royalties, settlements, and expenses. Included within "Charges" are (1) interest and reasonable attorney's fees and (2) amounts for alleged violations of sedimentation pollution, erosion control, pollution, or other environmental Laws, including any such alleged violation that arises out of the handling, transportation, deposit, or delivery of the items that are the subject of this Agreement.
- B. To the maximum extent allowed by law, Developer shall defend, indemnify, and save harmless the Town from and against all Charges that arise in any manner from, in connection with, or out of this Agreement as a result of acts or omissions of Developer or Developer's contractors or subcontractors or anyone directly or indirectly employed by or contracting with any of them or anyone for whose acts any of them may be liable, except as otherwise limited in this Section 4.4. In performing its duties under this Section, Developer shall, at its sole expense, defend all Charges at Developer's own expense. Notwithstanding the foregoing, Developer shall not be required to indemnify or hold harmless the Town against liability for any Charges or damages arising out of bodily injury or death to persons or damage to property proximately caused by or resulting from the negligence, in whole or in part, or willful misconduct of the Town.
- C. Nothing in this Section 4.4 shall affect any warranties in favor of the Town that are otherwise provided in or arise out of this Agreement. This Section is in addition to and shall be construed separately from any other indemnification provisions that may be in this Agreement.
- D. This Section 4.4 shall remain in force despite termination of this Agreement (whether by expiration of the term or otherwise) for a period of five (5) years after such termination.

ARTICLE 5
MISCELLANEOUS

SECTION 5.1 – ENTIRE AGREEMENT. Except with respect to prior approvals and Laws applicable to the Project and as provided in Section 2.3, this Agreement constitutes the entire agreement between the parties with respect to the matters covered herein and supersedes any prior negotiations, understandings, or agreements in their entirety with respect to the matters contemplated hereby. In the event of a conflict or inconsistency between this Agreement and the approved Standard Specifications, the approved Standard Specifications shall control.

SECTION 5.2 – WRITTEN CONSENTS FROM THE TOWN. When this Agreement refers to written approvals or consents to be given by the Town and the person or position that may give consent is not identified, the authority to give such approvals shall be deemed to be with the Town Manager or his designee, and Developer may rely on such authority and approvals to no detriment of their own. An approval required by this Agreement shall not be effective unless given in writing.

SECTION 5.3 – NO WAIVER OF GOVERNMENTAL AUTHORITY OR DISCRETION. Nothing in this Agreement shall be construed to bind, estop, direct, limit, or impair the future regulatory, legislative, or governmental discretion of the Swansboro Board of Commissioners in a manner not permitted by law. The Town shall incur no liability to Developer for any losses or damages it may incur as a result of or in connection with the Town's exercise or performance of its regulatory, legislative, or governmental powers or functions, or any judicial determination regarding such exercise or performance, provided the Town shall be contractually bound by the terms of this Agreement.

SECTION 5.4 – AUTHORITY. The Town and Developer each respectively warrants and represents to the other that it has full right and authority to enter into this Agreement, that this Agreement has been presented and approved by each party's governing board after proper notice and hearing, and that the person signing on behalf of each party is authorized to do so.

SECTION 5.5 – NO PARTNERSHIP. Nothing contained in this Agreement shall be construed to make the Town a partner with Developer or render either party liable for the debts or obligations of the other.

SECTION 5.6 – CHOICE OF LAW AND FORUM. This Agreement shall be deemed made in Onslow County, North Carolina. This Agreement shall be governed by and construed in accordance with the laws of North Carolina. Except for any cause of action for which a federal court has exclusive jurisdiction, the exclusive forum and venue for all actions arising out of this Agreement shall be the North Carolina General Court of Justice in Onslow County. Such actions shall neither be commenced in nor removed to federal court. This Section shall not apply to subsequent actions to enforce a judgment entered in actions heard pursuant to this Section.

SECTION 5.7 – NO THIRD-PARTY RIGHTS CREATED. This Agreement is intended for the benefit of the Town and Developer and their successors and assigns and not for any other person, and no such persons shall enjoy any right, benefit, or entitlement under this Agreement.

SECTION 5.8 – AMENDMENT. Except as otherwise provided in this Agreement, this Agreement may not be amended or terminated except by written instrument signed by both parties.

SECTION 5.9 – REAL COVENANT: DELEGATION OF DUTIES. This Agreement and the obligations contained herein shall be a real covenant running with the Property, and any portion thereof, as it may be subdivided or recombined, and shall apply to the development of all or any portion of the Property. Developer shall be released from its obligations under this Agreement only upon the assumption of all of Developer's obligations hereunder by a successor in title to the Property and only with the prior written consent of the Town. The Town's consent shall not be unreasonably withheld, conditioned, or delayed if, as reasonably determine by the Town, the party assuming Developer's obligations possesses adequate financial resources, ownership interests and development expertise needed to complete the requirements of this Agreement, and provided Developer delegates, and the proposed assignee assumes and agrees to fulfill, in writing, all of Developer's duties set forth in this Agreement.

SECTION 5.10 – PREAMBLES. The preamble and recitals to this Agreement are part of the agreement between the parties and shall be binding upon the parties in accordance with their terms.

SECTION 5.11 – ENFORCEABILITY. The enforceability and validity of this Agreement, in whole or in part shall not be affected by the unenforceability or invalidity of any particular provision of this Agreement.

SECTION 5.12 – TIME IS OF THE ESSENCE. Time is of the essence in the performance of the obligations set forth in this Agreement.

SECTION 5.13 – PRINCIPLES OF INTERPRETATION AND DEFINITIONS. In this Agreement, unless the context requires otherwise: (1) the singular includes the plural, and the plural includes the singular; the pronouns "it" and "its" include the masculine and feminine; references to statutes or regulations include all statutory and regulatory provisions consolidating, amending, or replacing the statute or regulation; references to contracts and agreements shall be deemed to include all amendments thereto; and the words "include," "includes," and "including" are to be interpreted as if they were followed by either the phrase "without limitation" or "but not limited to;" (2) references to a "Section" or "section" shall mean a section of this Agreement; (3) "Agreement," whether or not capitalized, refers to this instrument; (4) titles of sections, paragraphs, and articles are for convenience only and shall not be construed to affect the meaning of this Agreement; (5) "Duties" includes obligations; (6) the word "person" includes natural persons, firms, companies, associations, partnerships, trusts, corporations, governmental agencies and units, and other legal entities; (7) the word "shall" is mandatory; (8) the word "day" means calendar day; (9) attorneys for all parties have participated in the drafting of this document, and no future interpretation shall favor or disfavor one party over another on account of authorship; and (10) all exhibits, attachments, or documents attached to this Agreement or referred to in this Agreement are incorporated by reference into this Agreement as if fully set forth herein.

SECTION 5.14 – SUCCESSORS AND ASSIGNS. All of the provisions of this Agreement shall be binding upon and shall inure to the benefit of the parties and their respective permitted successors and assigns. Developer may not assign his rights or obligations under this Agreement without the express written approval of the Town, which approval shall not be unreasonably withheld

so long as the assignee has the same resource availability and qualifications as Developer and the assignee assumes and reaffirms all of Developer's obligations and indemnities under this Agreement by a separate written instrument between the Town, Developer and the assignee (in which case, Developer shall be released from such obligations and indemnities). Notwithstanding the foregoing, the Town acknowledges and agrees that Developer shall have the right to engage and utilize other parties not affiliated with Developer to develop all or certain phases of the Project, and the rights and obligations of Developer under this Agreement shall inure to the benefit of such parties (and Developer shall have the right to assign the rights granted under this Agreement), so long as such parties are acting on behalf of and with the consent of Developer and provided that Developer remains liable to the Town for its obligations under this Agreement.

SECTION 5.15 – SEVERABILITY. If any provision of this Agreement, or the application thereof to any person or circumstance, is found to be invalid, illegal, or unenforceable in any respect by a court of competent jurisdiction, the same shall be stricken from this Agreement, and the remaining terms and provisions of this Agreement shall be valid, legal, enforceable, and shall continue in full force and effect, and the parties respective rights and obligations shall be construed and enforced accordingly.

SECTION 5.16 – DISPUTE RESOLUTION. In the event of dispute, claim, or controversy arising out of or relating to this Agreement, or the breach, termination, enforcement, interpretation, or validity thereof (collectively, "Dispute"), the parties agree to first attempt to resolve the Dispute through good faith negotiations. Either party may initiate such negotiations by providing written notice to the other party, outlining the nature of the Dispute. If the Dispute is not resolved within thirty (30) days after the commencement of good faith negotiations, the parties agree to submit the Dispute to mediation, to take place in Onslow County, and the parties shall equally share the costs of the mediation. The mediation shall be conducted by a mediator mutually agreed upon by the parties. If the parties cannot agree on a mediator within ten (10) days of the mediation notice, a neutral party shall appoint a mediator.

If the Dispute is not resolved through mediation within sixty (60) days after the commencement of the mediation process, the Dispute shall be resolved by final and binding arbitration administered by the American Arbitration Association in accordance with its rules. The arbitration shall take place in Onslow County, and judgment on the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof. The arbitrator(s) shall have the authority to award any remedy or relief that a court of competent jurisdiction could order or grant, including, without limitation, specific performance, the awarding of damages, and injunctive relief. The parties shall bear their own costs and expenses, including attorneys' fees, and shall share equally the arbitrators' fees and administrative costs of arbitration, unless the arbitrator(s) determine otherwise.

Expressly subject to applicable provisions of the N.C. Open Meetings Statutes, all negotiations, mediation, and arbitration proceedings pursuant to this Section, including all related documents and communications, shall be confidential and shall not be disclosed by the parties, their representatives, or the mediator/arbitrator(s), except as necessary to enforce any settlement agreement or arbitration award, or as required by law.

The parties hereby waive their right to a trial by jury in any Dispute arising out of or related to this Agreement.

By incorporating this ADR clause into the Agreement, the parties intend to facilitate the resolution of disputes in a manner that is efficient, cost-effective, and respectful of the confidentiality of the proceedings.

This clause ensures that disputes are first attempted to be resolved through negotiation and mediation before moving to binding arbitration, while maintaining confidentiality and allowing for interim relief when necessary.

IN WITNESS WHEREOF, the Town and Developer have caused this Agreement to be duly executed and sealed pursuant to proper authority as of the day and year first above written.

DEVELOPER:

JACKSONVILLE ONSLOW ECONOMIC DEVELOPMENT PARTNERSHIP INC., A North Carolina Non-Profit Corporation.

Mark Sutherland, CEcD Executive Director

TOWN OF SWANSBORO:

John Davis, Mayor

EXHIBIT A

PROPERTY DESCRIPTION

EXHIBIT B

PHASING SCHEDULE

<u>Description</u>	<u>Start</u>	<u>Time Required</u>	<u>Complete</u>
<u>Executed Development Agreement</u>	TBD	N/A	TBD
<u>Due Diligence</u>	TBD	12 months	TBD
<u>Design</u>	TBD	2 months	TBD
<u>Grant Applications / Awards</u>	TBD	3 months	TBD
<u>Contract Bids / Awards</u>	TBD	2 months	TBD
<u>Annexation / Zoning / Permits</u>	TBD	2 months	TBD
<u>Construction</u>	TBD	5 months	TBD
<u>Inspections / Approvals / As-Builts</u>	TBD	2 months	TBD
<u>Lot Sales & Building Construction</u>	TBD	N/A	N/A
<u>Total Time to Market</u>		28 months	

EXHIBIT C
PERMITTED USES

**TOWN OF SWANSBORO
FINANCIAL REPORT
(AS OF JUNE 30, 2024)**

REVENUES

EXPENDITURES

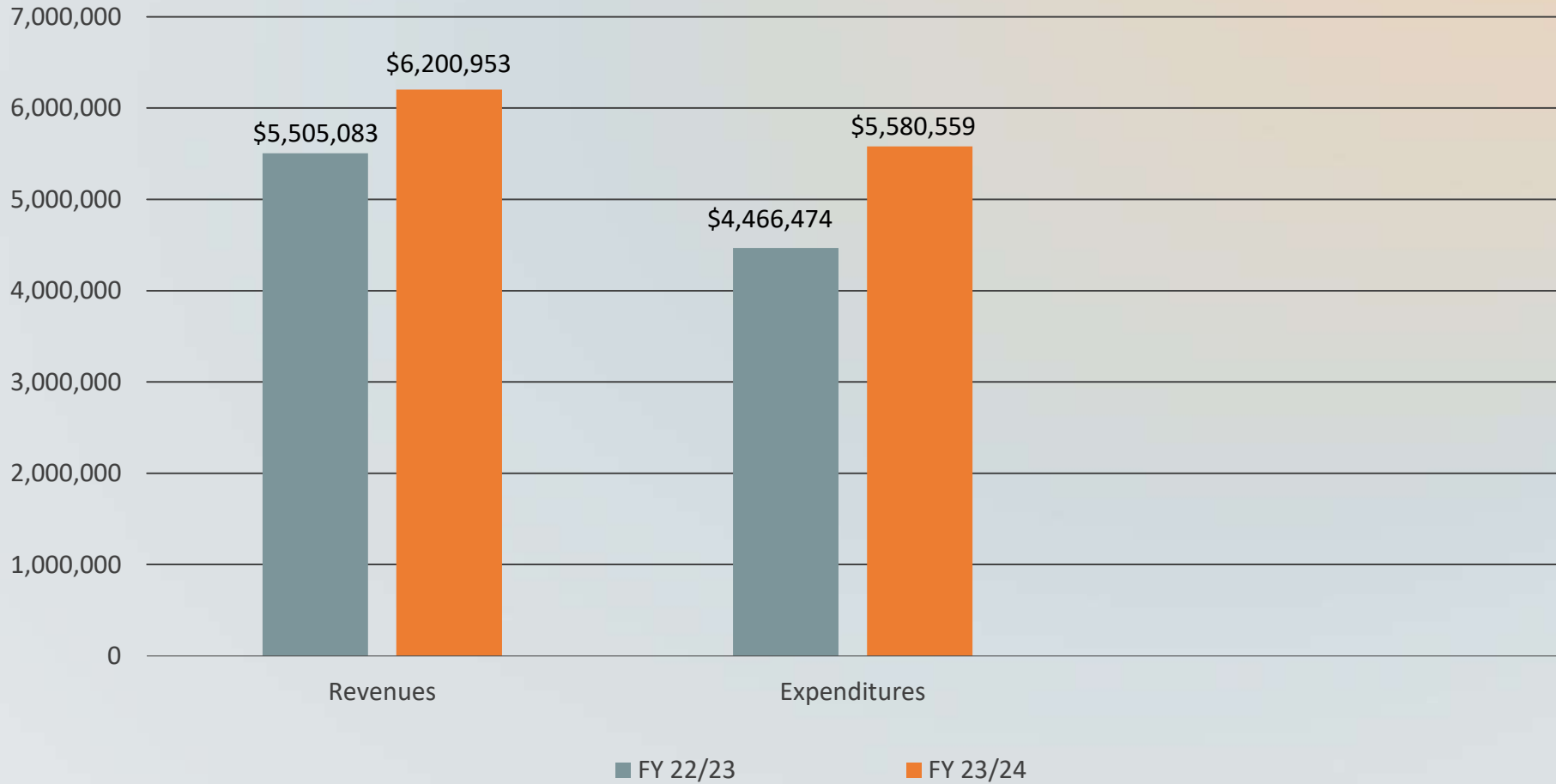
LOAN PAYMENTS

INVESTMENTS

**TOWN OF SWANSBORO
REVENUES/EXPENDITURES
TWO YEAR COMPARISON
(AS OF JUNE 30, 2024)**

Item VI - d.

GENERAL FUND



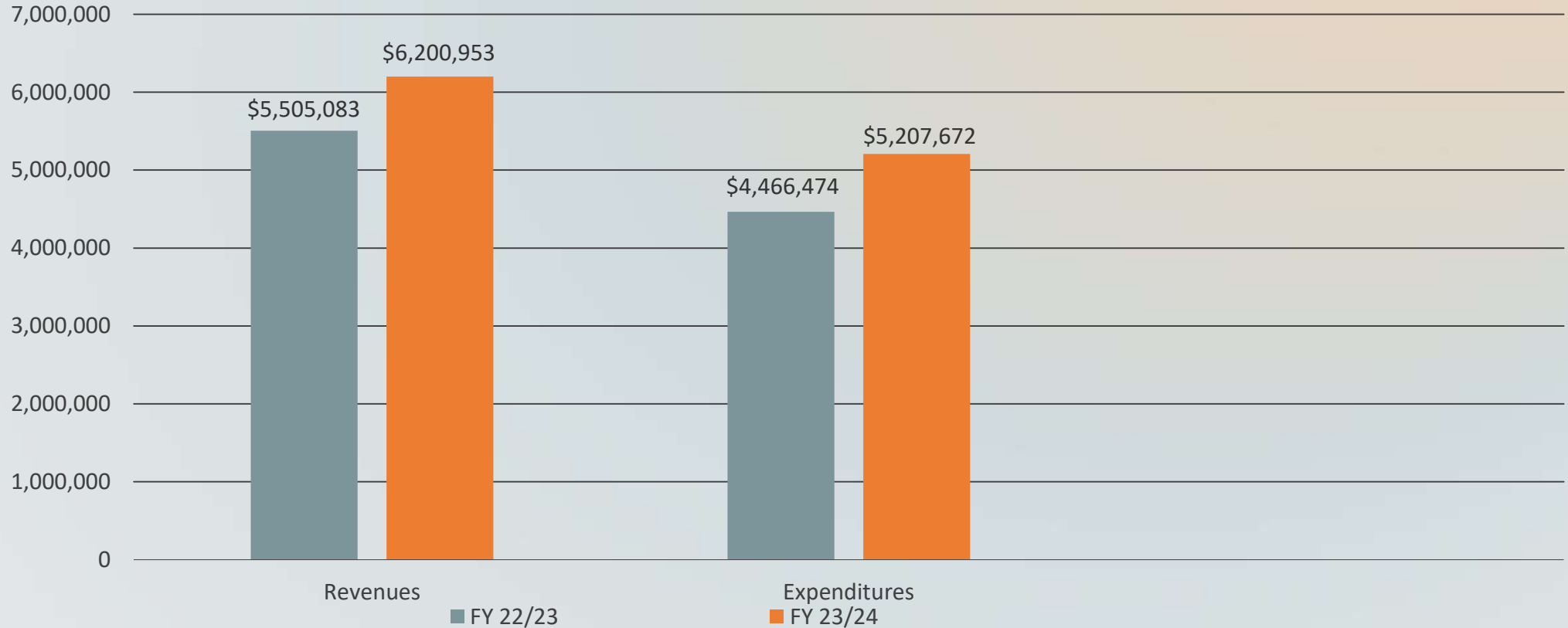
ENCUMBRANCES INCLUDED

Total Excess of Revenues Over Expenditures \$620,394

**TOWN OF SWANSBORO
REVENUES/EXPENDITURES
TWO YEAR COMPARISON
(AS OF JUNE 30, 2024)**

(ACTUAL)

GENERAL FUND



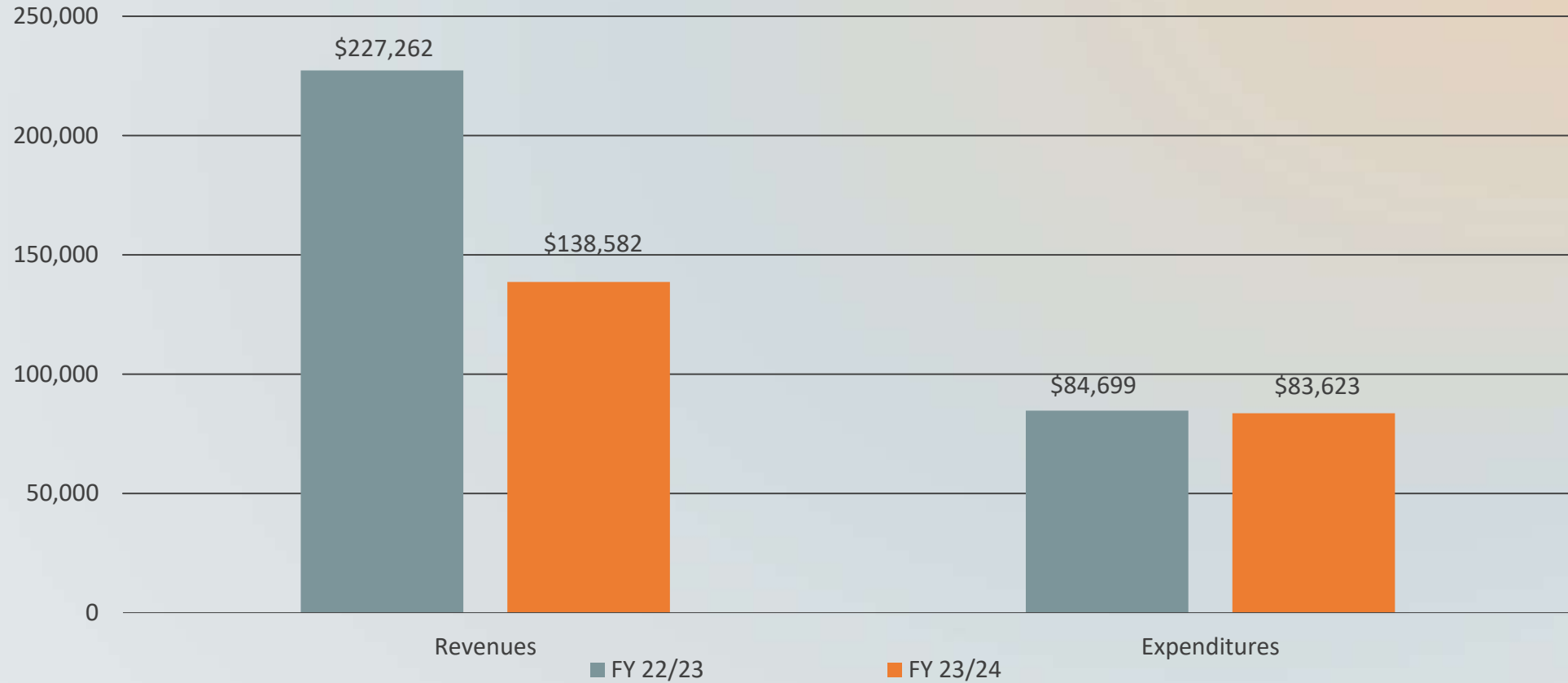
(ENCUMBRANCES NOT INCLUDED)

Total Excess of Revenues Over Expenditures \$993,281

DEPT.	BUDGET	YTD ACTUAL	(PURCHASE ORDERS) ENCUMBERED BALANCE	SPENT % June 30, 2024
GOVERNING BODY	43,476	42,313	16	97.4%
ADMIN SERVICES	449,823	397,982	1,016	88.7%
FINANCE	292,345	281,740	423	96.5%
LEGAL	73,000	58,223	-	79.8%
PUBLIC BUILDINGS	393,435	357,430	1,269	91.2%
FIRE	1,400,815	1,373,147	971	98.1%
PERMITTING	393,592	359,390	-	91.3%
POLICE	1,263,001	1,038,926	5,485	82.7%
PUBLIC WORKS-STREETS	607,148	301,142	249,880	90.8%
POWELL BILL-STREETS	126,636	38,221	78,612	92.3%
PARKS & RECREATION	359,232	309,425	28,849	94.2%
CHURCH STREET DOCK/VISITOE CENTER	179,302	71,403	329	40.0%
EMERGENCY MANAGEMENT	44,306	23,222	1,950	56.8%
FESTIVALS & EVENTS	124,653	116,428	4,088	96.7%
NON DEPARTMENTAL	644,648	438,680	-	68.0%
TOTAL	6,395,412	5,207,672	372,887	87.26%

**TOWN OF SWANSBORO
REVENUES/EXPENDITURES
TWO YEAR COMPARISON
(AS OF JUNE 30, 2024)**

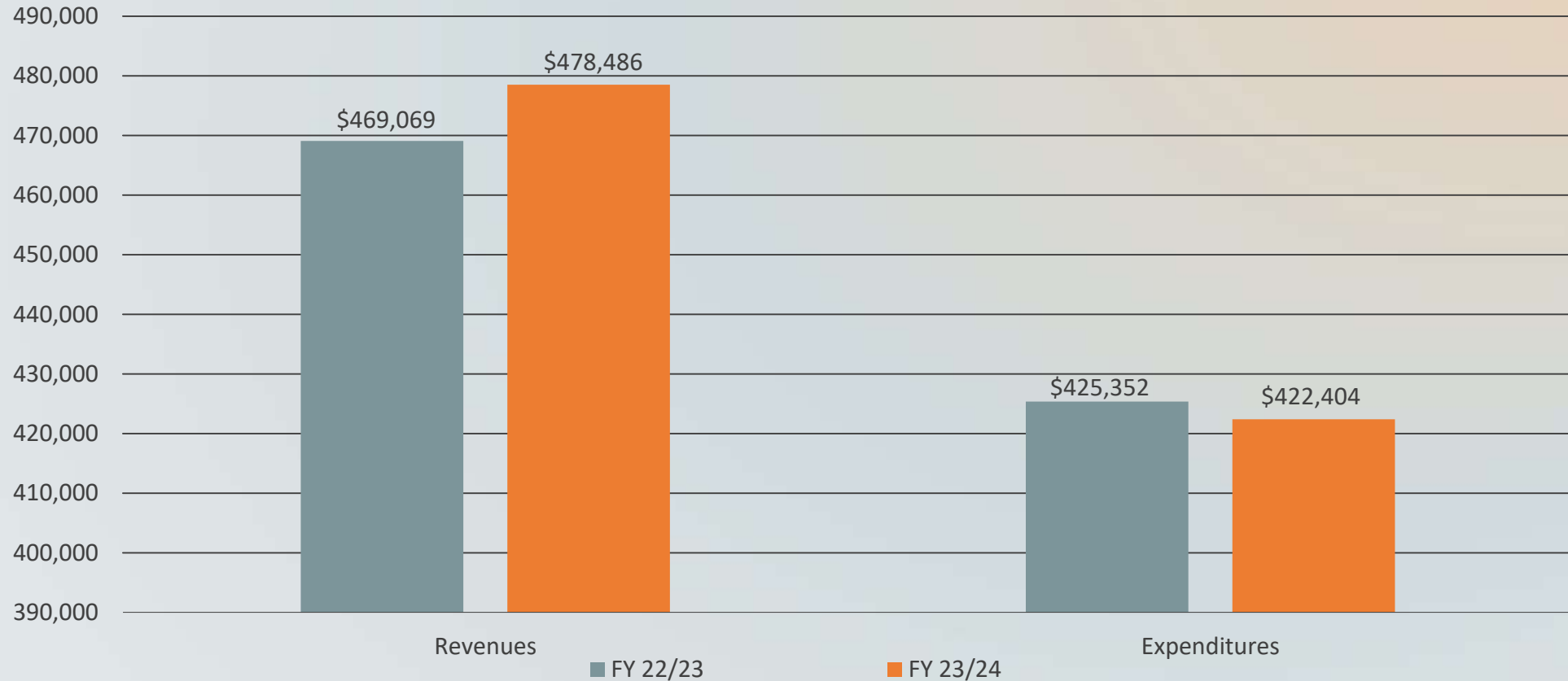
STORMWATER ENTERPRISE FUND



ENCUMBRANCES INCLUDED
Total Excess of Revenues Over Expenditures **\$54,959**

**TOWN OF SWANSBORO
REVENUES/EXPENDITURES
TWO YEAR COMPARISON
(AS OF JUNE 30, 2024)**

SOLID WASTE ENTERPRISE FUND



ENCUMBRANCES INCLUDED
Total Excess of Revenues Over Expenditures \$56,082

**TOWN OF SWANSBORO
LOAN REPORT
(AS OF JUNE 30, 2024)**

Item VI - d.

Item	Principal Balance	Interest Rate	End Date	Annual Debt Service
Town Hall/Tanker	\$317,275	2.69	03/21/2028	\$84,724
Public Safety Facility	\$40,000	2.58	12/22/2024	\$42,064
Fire Truck	\$136,806	2.08	11/01/2026	\$47,512
Sleeping Quarters	\$75,000	2.43	12/14/2026	\$28,038
Grapple Truck/Town Hall Generator	\$47,106	1.72	6/25/2025	\$47,917
Vehicles(Police & Fire Department) & Software	\$45,495	1.84	7/15/2026	\$23,377
Cab Tractor/Dump Truck	\$254,500	4.82	4/3/2029	\$58,491
Total Debt	\$916,182			\$332,123

**TOWN OF SWANSBORO
CASH & INVESTMENTS REPORT
(AS OF JUNE 30, 2024)**

CASH & INVESTMENTS

BANK	BALANCE	INTEREST RATE
First Citizens Bank	\$96,290	.05%
NC CMT-General	\$6,068,874	5.22%
TD Bank (SCIF Funds for EOC & Sidewalks)	\$6,259,731	5.21%

GRANT UPDATE

Item VI - d.

	Budget	YTD Expenditures	Encumbrances	Unencumbered
American Rescue Plan Act Fund	\$1,102,599	\$981,642	\$46,850	\$74,107
Swansboro Bicentennial Park Boardwalk Extension	\$277,800	\$143,552	\$0	\$134,248
Emergency Operation Center	\$6,177,729	\$20,105	\$0	\$6,157,624
Emmerton School Repairs	\$424,000	\$22,125	\$0	\$401,875
Stormwater Master Plan	\$400,000	\$19,050	\$0	\$380,950
Total Outstanding Grants	\$8,382,128	\$1,186,474	\$46,850	\$7,148,804

Any Questions

?



Board of Commissioners Meeting Agenda Item Submittal

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

Board Meeting Date: **July 23, 2024**

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 13th or 27th

- * Swimming Pool Committee Creation and member appointment
- * Fund Balance Threshold Resolution
- * True Justice Community Presentation (27th)
- * EV Charging Fees/Fee Schedule Amendment
- * Public Hearing
 - o UDO Text Amendment/Boat Storage

September meeting dates

10th & 24th

Future Agenda Items

- * Minimum Housing Code
- * High School Recognitions – *Valedictorian/Salutatorian/other achievements (pending response from principal)*
- * Street Acceptance of Swansgate and Shadow Creek (*developer has applied*)
- * Waterfront Access and Development Plan (*review/revision considerations*)
- * Town Code Amendment to Chapter 91: Fire Prevention
- * Community Presentations (ongoing monthly)
- * 2nd Amendment/Weapon Allowance at Town Hall
- * DOD Grant
- * EV Charging fees
- * Text Amendment related to Boat Storage
- * Resolution on Fund Balance threshold
- * Sidewalk Priorities
- * EMS Plan
- * Presentation – Proposal for Heritage Center Museum in Emmerton School Building (*postponed by presenter*)
- * One Place Funding
- * Museum of the Marine Funding
- * UDO/Policy Amendment on acceptance of streets, sidewalks and stormwater infrastructure
- * Consideration to enable paid parking for downtown
- * Scouts' recognition (*awaiting response from troop leader*)
- * Policy Reviews
 - o TDA
 - o Funding to non-profit organizations

PROJECTS REPORT

Town Projects/Initiatives Update

July 2024

Submitted By: Jon Barlow, Interim Town Manager

This report is an on-going list of Town projects/Initiatives. New information received since the previous report is provided in **green**. Items will be removed after noting their completion.

- **Public Safety Building Restoration/Relocation Planning Project/ Swansboro Alternate Emergency Operations Center (Swansboro United Methodist Church-SUMC)**

Details from previous reports have been removed as I believe it's the Board's desire to further investigate options for the Emergency Operations Center (EOC) based on conversation from the September 27, 2021 meeting. Specifically, whether a regional facility or partnership with other neighboring jurisdictions that may have a structure that would provide a higher level of protection was possible. It has also been noted that conversation could be had with other local facilities in Swansboro that have buildings with a higher level of protection for space utilization.

The Town has an agreement in place with the SUMC should it be needed on preparatory measures. Public Safety staff and former Manger Seaberg visited the location at SUMC to verify the areas for town use, if needed, and to ensure communications would be available. The structure provides the structural integrity needed but communications during a storm while in the interior rooms would be difficult. Deputy EOC Coordinator/ Chief Degnan shared with me that arrangements for an antenna through Verizon or ATT would be needed. Board members met on December 9 to tour the SUMC site.

More in depth discussion with Chief Degnan, Chief Jackson, and Sonia Johnson regarding Public Safety Building Restorations will be had in the near future.

During the Board's Planning Retreat March 2, the Board agreed that the Manager would identify a committee and share that with the Board.

Ten people have been identified as the committee:

Chief Degnan	Chief Jackson	Paula Webb	Jennifer Ansell
Alex Wood, PE	Dusty Rhodes	Larry Philpott	Russ Davis
Alissa Fender	Laurent Meilleur, PLB Rep		

I hope to arrange our first meeting the last week of March.

Committee established 4/11 with the addition of Commissioner Conaway, Jr Freeman, and Roy Herrick. The Board of Commissioners held special joint meeting with the committee on 4/14 to give purpose and expectations.

Town of Swansboro, NC Manager's Report

The Committee has met twice with a unanimous consensus gained immediately to proceed with building our own EOC in town, to create a safe place for employees to stand up during emergency operations. Onslow County is no longer interested in a partnership to build a substation since they purchased and are operating the Freedom Way station. Committee members will be making site visits on May 25th and then proceeding to develop an RFP for architect/engineer.

Additional EOC Committee membership changes includes; removing Russ Davis and Alex Wood; adding Brenda Pugliese, Ed McHale and Jonathan McDaniels.

Board discussion on a written action plan and timeline recommended by Mayor Pro Tem Tursi to be held June 27. The committee will re-convene its meetings once that discussion has occurred.

BOC Action Plan distributed to Committee, site discussions, and draft RFQ provided/discussed July 13, 2022.

Consultant Requests for Qualifications sent out August 9, 2022 to six different firms and was located on the website. Five proposals were received on 9/9. The EOC Committee created an interview panel at its 9/14 meeting and determined an interview schedule, draft questions etc. Once the panel decides on three proposals, interviews will be scheduled.

The interview panel consisting of Larry Philpott, Paula Webb, Chief Degnan, Dusty Rhodes, Jonathan McDaniels, and Brenda Pugliese interviewed three firms on 10/18/2022. The Interview Team will share its recommendation with the full EOC Committee on 10/26/22 and then that recommendation will be forthcoming to the BOC 11/14/22.

The Board of Commissioners selected Becker Morgan as the consulting architectural firm at its November 14, 2022 meeting.

Commissioner Philpott, Conaway and the Manager met in early December with Becker Morgan to review the Board's Action Plan for the EOC/PSB. A tour of our current facilities and potential sites were also made. The contract for the feasibility study was approved on January 9, 2023. Becker Morgan met with EOC Committee January 12th for introductions and Q&A. Representatives also made additional site visits on January 18, 2023. Staff continuing meetings with Becker Morgan until more details developed for committee review.

Staff continues to work with Becker Morgan on the feasibility study which we hope to present back to the committee in April.

Ernie Olds/Becker Morgan gave a report to include three options to the committee on April 19. Ernie will firm-up the options as discussed by the committee and share with the staff. The staff met with Becker Morgan again and BM was to firm up the report per discussions and share final deliverable with the Committee for recommendation to the Board of Commissioners.

Town of Swansboro, NC Manager's Report

The final draft feasibility study was presented to the committee on June 21st. The Committee made some suggested clarification points that Becker Morgan incorporated and then the report was forwarded onto the Board of Commissioners in July 2023. The study included four options that captured the space needs in differing ways. In all options the EOC will be designed as a highly secure and hardened facility capable of resisting Category 4 hurricane conditions.

Option A is a concept that identifies all the critical functions of each department and places them in a new secure building or in the more recent additions that do meet code. The remaining existing spaces would largely be used for less critical functions such as physical fitness, storage, and minor work areas. This option should provide the least costly alternative while improving safety and addressing the EOC component fully. This option would include certain structural and exterior envelop enhancements to the existing, original metal building frame housing fire apparatus. Such enhancements cannot bring the original building to current standards but would extend the utility of the present structure to a future date. Option A – \$4.9M in building construction, renovation and demolition costs, 13,658 usable square footage. Site improvements of \$500,000; additional/potential costs of \$374,000 and soft cost of \$540,000. Total budget range (+/- 15%) = \$5.4M to \$7.3M.

Option B is a concept to build a new facility in place of the present Public Safety Facility. This would require demolishing the existing facility and building back a new freestanding building at the same location. This building would incorporate all the needs of each department. Phasing or providing temporary quarters might have to be considered to maintain continuous operations. This option should provide the middle ground in terms of costs as existing utilities, pavements, and stormwater management features are largely in place and adequate. Option B – \$8.8M in building construction, renovation, demolition, and temporary quarters costs, 14,788 usable square footage. Site improvements of \$500,000; additional/potential costs of \$433,000 and soft cost of \$913,000. Total budget range (+/- 15%) = \$9.2M to \$12.5M.

Option C is a concept that also builds a new facility, however, investigates using another location on the town owned site. This eliminates the need to provide temporary quarters or the acquisition of new land while maintaining continuous operation at the existing facility. Once the newly constructed facility is complete, operations can be relocated from the existing building and the building can be demolished or repurposed. This option should also provide middle ground in terms of costs, but may require extension or improvements to existing utilities, and pavements. Option C – \$8.8M in building construction, renovation and demolition costs, 14,788 usable square footage. Site improvements of \$750,000; additional/potential costs of \$376,000 and soft cost of \$922,000. Total budget range (+/- 15%) = \$9.3M to \$12.6M.

Option D is a concept that provides a new free-standing building that incorporates all the needs of each department. Option D would be constructed on a 'greenfield' site, an off campus location. This option is likely the costliest. Careful consideration will need to be given to site selection regarding impacts and expenses of land acquisition, utilities,

Town of Swansboro, NC Manager's Report

drainage, flood plain and emergency response times in addition to the concerns noted previously in the New Site section. Option D – \$8.8M in building construction and renovation costs, 14,788 usable square footage. Site improvements of \$1,500,000; additional/potential costs of \$403,000 and soft cost of \$1.02M. Total budget range (+/- 15%) = \$9.9M to \$13.4M. Note, budget summary does not include land acquisition. Page 11 Swansboro Public Safety Building Feasibility Report – June 2023

The initial expectations for full project costs are in the range of \$5 - 14 million. It will be the Town's obligation to secure funding, administer design and construction above the \$6 million identified and available. The Town may obligate taxpayers through bonds, capital improvements program, or other means. Loans from the U.S. Department of Agriculture are available for up to 40-year terms with no down payment required. Other grants may also be available through the Golden Leaf Foundation, FEMA, and other state or federal sources.

On August 14th, Chairman Philpott gave a briefing on finance options. Due to the length of the meeting, the briefing was added to the August 28th agenda. The Board was asked to provide a firm option selection so that the design schematic and site analysis can be done. Option C was selected and the staff was asked to layout the design on the ground for better visibility at a future meeting.

At the direction of the Board in July, the Manager forwarded an additional funding request to our local legislative delegation. In September, we learned that the Town was awarded an additional \$3 million dollars toward this project in the state budget adoption.

Becker Morgan provided a *preliminary* exterior design schematic for Option C and that layout was mapped out on the ground for visibility on October 23rd. Becker Morgan has also provided a professional services agreement for the next phase – Design and Construction totaling \$840,500, which is approximately 8% of the estimated building and site construction costs. Authorization for the Manager to proceed was requested October 23rd.

On January 23, 2024 the BOC appointed Keith Walsh as Chairman of the newly recreated EOC/PSB site selection Committee. Mr. Walsh was tasked with identifying potential candidates to serve on the committee to the BOC for consideration. On February 12, 2024 the BOC appointed Roy Herrick, Junior Freeman, Doug Eckendorf, and Melissa Anderson as committee appointees. The newly formed committee conducted its first meeting on February 19, 2024. The committee intends to meet every Monday at 5 pm until a new site is secured.

NC DCM Resilient Coastal Communities Program (RCCP) Grant – On March 17, 2021, the North Carolina Department of Environmental Quality's Division of Coastal Management award their first round of RCCP Grant funding. The Town of Swansboro was competitive enough to receive one of the grants. The intent of the grant is to fund efforts in four key phases in their Coastal Communities Resiliency Program:

Town of Swansboro, NC Manager's Report

1. Community Engagement and Risk & Vulnerability Assessment
2. Planning, Project Selection and Prioritization
3. Project Engineering and Design
4. Project Implementation

Through our efforts in the 2019 CAMA Land Use Plan update, Swansboro has effectively covered most of the parameters for phases 1 and 2. This grant will assist in finishing the remaining requirements under phases 1 & 2 so we may move forward with the final 2 phases. Applications for Phases 3 & 4 is expected to be due by the end of this calendar year.

Dewberry, Beth Smyre hosted the first RCCP Committee meeting November 17, 2021 at Town Hall. The committee identified several areas that better planning (resilience) was needed but narrowed the list to the top priorities being stormwater mapping and generator power for schools/nursing homes. The complete list included:

- Disaster Recovery (generators for nursing homes, and schools)
- Stormwater Management/Mapping
- Climate Change
- Hurricane Response/Evacuation
- King Tide Levels

A community engagement meeting was held on Wednesday, February 23, 2022 from 4-6pm at Town Hall. A community input survey is available from the Town website, at Town Hall and the Swansboro Branch Library through March 9, 2022. The Committee met again on Monday 3/21. Beth shared that 89-online surveys were received and 6 hard copies. Flooding was the number one concern. The committee revisited the original spreadsheet and still identified stormwater mapping as the top priority for the portfolio. Other items still identified but categorized with stormwater mapping were, Halls Creek and Hawkins Creek Restoration, development of a wetland restoration plan, and a public education campaign. Development of the portfolio readies the Town for phase 3 – applying for engineer funding, and phase 4 implementation.

On April 4, NCDRCM released the Request for Applications for Phase 3 of the Resilient Coastal Communities Program - applications are due June 3.

Our consultant Beth Smyre shares that NCDRCM clarified that the focus of the Phase 3 program is on projects with a natural or nature-based component; this can include projects such as green infrastructure improvements, wetland or stream restoration, or living shorelines. Infrastructure mapping, such as Project #1 of our project portfolio, would not be eligible for funding under Phase 3. Therefore, she recommended that we focus your Phase 3 application on either the Halls Creek or Hawkins Creek stream restoration efforts. As Mayor Pro Tem Tursi graciously explained to her, a stream restoration project would be far more complicated scientifically and more expensive. It is doubtful, with all the other projects we have in the works on top of budget preparation, staff would have time to put

**Town of Swansboro, NC
Manager's Report**

together a viable application. I did share with her that we do have the Water Street Project (with engineered drawings in hand). She reviewed the plans and is checking with NCDCM to see if this project would qualify.

Beth Smyrna/Dewberry is scheduled to provide an update to the Board May 23, 2022 for Phase 2. We had originally hoped that stormwater mapping would qualify for the next phase, but we are told it does not. Phase 3 includes engineering/design – application deadline early June. Planner Jennifer Ansell and Public Works Director Tank Bates participated in a teleconference this week to seek other opportunities for stormwater mapping. The Town does have engineered plans for the Water Street Rehabilitation and could submit this project for Phase 4 funding. It is noted that the Water Street Rehabilitation project was estimated to cost \$215,000 in 2018. Phase 4 anticipated average funding level: \$45,000 per project, so contribution on the Town's part would be required.

RCCP Project Portfolio

Project No.	Title	NNBS?
1	Stormwater Mapping	
2	Halls Creek Stream Restoration	Yes
3	Hawkins Creek Stream Restoration	Yes
4	Water Street Rehabilitation	Yes
5	Townwide Wetland Restoration Plan	Yes
6	Public Engagement and Education Campaign	
7	Resize NC 24 Culvert	

6 Swansboro Board of Commissioners Meeting May 23, 2022 Dewberry

As directed during the May 23 regular meeting, and with assistance from Withers and Ravenel, Staff was able to meet the June 3 Phase 3 application deadline for Engineering/Design. If awarded, we could receive up to \$45,000 to design/engineer bio retention areas along Broad Street prior to entering Water Street.

RCCP Phase 3 - \$45,000 was awarded to the Town on July 13, 2022 for the design/engineering of the bioretention swells along Broad Street that will assist in the rehabilitation for Water Street. We expect the design by March 2023. Following two meetings with the Board of Commissioners and the Public in May, the final deliverables were submitted on May 31, 2023 to NCDENR meeting the grant phase deadline.

RCCP Phase 4 – Construction Applications due April 28th. We were disappointed to learn there was only \$1,000,000 to award. Withers and Ravenel reviewing the application and our project criteria. The grant application was submitted to NCDENR on April 28, 2023. Total grant amount \$441,200 (Grant amount requested \$238,220, Local Match \$203,000)

Town of Swansboro, NC Manager's Report

The Town received notification on July 26, 2023 that we were not selected for funding for this phase. We knew at application that the construction phase was under-funded. In conversation with Withers and Ravenel, who assisted with the grant preparation, there are other funding sources we can look for. Steve Marks shared, "...the state has training opportunities the next couple weeks for grants this fall. Same program as the LASII planning grant, but construction projects are potentially eligible. The funding source is unclear at this moment, but DWI is proceeding as though they'll have money for the program. DWI offers low/no interest loans with possible principal forgiveness for green infrastructure projects. It's likely with the addition of the bioretention cells that this would qualify. Also, Golden LEAF could potentially be interested in the project too. Right now, their funding cap is \$250k so that would essentially cover what we were hoping RCCP P4 would fund." We will work with Withers and Ravenel for future funding opportunities.

- **August 2020 - NC State Historic Preservation Office Florence and Michael ESHPF Hurricane Disaster Relief Grant – Emmerton School:** The Town submitted an Emergency Supplemental Historic Preservation Fund (ESHPF) Hurricane Disaster Relief application for Emmerton School (AKA Old Town Hall) located at 502 Church Street for remaining Hurricane Florence damage repairs and resiliency measures for future events. The grant request is in the amount of **\$424,000** and is established as a 100% reimbursable grant.

We will use the funds for the following projects:

1. Tuck Pointing of the interior and exterior bricks to help stop the water penetration that occurs. This would also include the application of a sealant to the exterior brick.
2. Repair the extensive damage of the crumbling brick work above the south front door and other interior walls.
3. Historic Ceiling repair and repainting – Even though there is a new roof on the facility, some moisture did seep in sometime after the temporary fixes were installed.
4. The installation of a Centralized Dehumidification System
5. Window and Door repairs/replacing/storm proofing – there are a total of 81 windows and doors that are included in this request.
6. Electrical wiring repairs
7. Soffit repairs from Hurricane Florence damages
8. Sealing the crawl space
9. Attic Insulation

We were notified on January 14, 2021 that our application for Emmerton School was awarded for 100% funding (\$424,000). Please note that grant activities may not take place until the Grant Contract has been signed. We expect to receive the proposed grant contract in November 2021 and hope to have a quick turnaround on it. Once executed, we can move forward on the 9 action items listed above. **The listed deadline for completion for this project is September 30, 2023**, but are hoping, due to granting agency delays, that extensions may be available if needed.

Town of Swansboro, NC Manager's Report

On 12/1/21, received notification that NCDCCR is drafting a subgrant agreement. The National Park Service has given clearance to begin the project. A budget amendment accepting the \$424K was approved on January 10, 2022. The final agreement has now been executed. The project startup meeting has occurred, and the Manager and Planner will begin working with NCDCCR to identify contractors qualified for the work.

Staff is preparing a draft RFP, which will then have to be reviewed by the Historic Preservation office before being sent out.

A Request for Qualifications for the Emmerton School Project was approved by the state and submitted on Wednesday afternoon. The deadline for submittals is July 22, 2022.

Four RFQ's were received for construction and are under review by the state. Staff reviewed and provided its comments to the state and a joint interview will be held once the state is ready.

State Historic representatives and staff will hold interviews with three architectural firms on September 27th.

Following interviews, David Gall Architectural Firm out of Winston Salem was selected. Mr. Gall has already made a couple site visits and is already working on remediation plans.

The Town, the State Historic Preservation Office and Mr. Gall are still working on contract details. Mr. Gall also had emergency knee surgery during the holidays.

In follow-up with the State last week, the legal team is putting final edits together on the contract with Mr. Gall.

Due to a family medical issue, Mr. Gall contacted the Town on 3/20/23 to decline the contract. I have emailed the State Historic Preservation Office regarding this setback and will share the plan to move forward once we have a chance to discuss it as a group.

Stature Engineering was interviewed on April 10th and selected to complete the work. SHPO working on contract language with Stature Engineering. The contract was executed mid-June, and the engineer has begun his work. Mid-October 2023, Stature Engineering has completed 45% of the Schematic Design documents and 100% of the Brick and Mortar Sampling and Testing.

On November 1, 2023, Stature Engineering, Staff, and the State Historic Preservation Office met to hold a bid review meeting and Watertight Systems, Inc. was selected to perform the masonry repairs. The contract was executed early December. The required Quarterly Report for the grant was submitted early January. Stature Engineering is currently in the process of submitting drawings for window, door, soffit, and interior repair to SHPO for approval.

Town of Swansboro, NC Manager's Report

In February 2024, the engineer's drawings for the window, door, soffit, and interior repairs were approved by SHPO and sent out to bid. On February 28, 2024, Watertight Systems, Inc. performed sample mortar removal and replacement to the site. Staff, the engineer, and SHPO met onsite on March 20, 2024, to review and approve samples. Masonry work began on March 26, 2024, and is still in process. The approved plans are currently out for bid.

Staff, the engineer, and SHPO met onsite on May 23, 2024, to review the progress of the masonry work. SHPO representative discussed options on the progress of the masonry work with the engineer.

Staff, engineer, and SHPO had a Teams meeting on June 4, 2024, to discuss remaining budget estimate/ availability of funds for site drainage improvements and other scope of work window, door, soffit, and interior repair. Option 2 was chosen.

Remaining Funds for Site Drainage Improvements (Option 2)

\$314,225	Estimate of remaining funds prior to window/soffit/interior bid
-\$209,000	Base Bid and all Add Alternates except #5 Painting Metal Ceiling Panels
\$ 105,225	Estimate of Remaining Funds for Site Drainage Improvement *

Staff, engineer, and SHPO met on site on June 13, 2024, to review progress of masonry work.

June 13, 2024, SHPO stated that upon review, they had concluded that the proposed French Drain installation work would meet the Secretary of Interior Standards and will not adversely affect the National Register-listed property. Engineer met with contractors to begin bids for the French Drain.

June 18, 2024, the NC Historical Commission meet and discussed recommendations for reallocation of available funds of the Emergency Supplemental Historic Preservation Fund (ESHPPF). This was due to the fact that some projects sustained greater damage than expected and budgetary inflation was present as well as an increase in the scope of work. The Commission voted unanimously to accept the staff's recommendation and the funding reallocation for our grant was officially decided in the amount of \$75,000.

On July 8, 2024, the masonry and all required improvements form the SHPO work was completed.

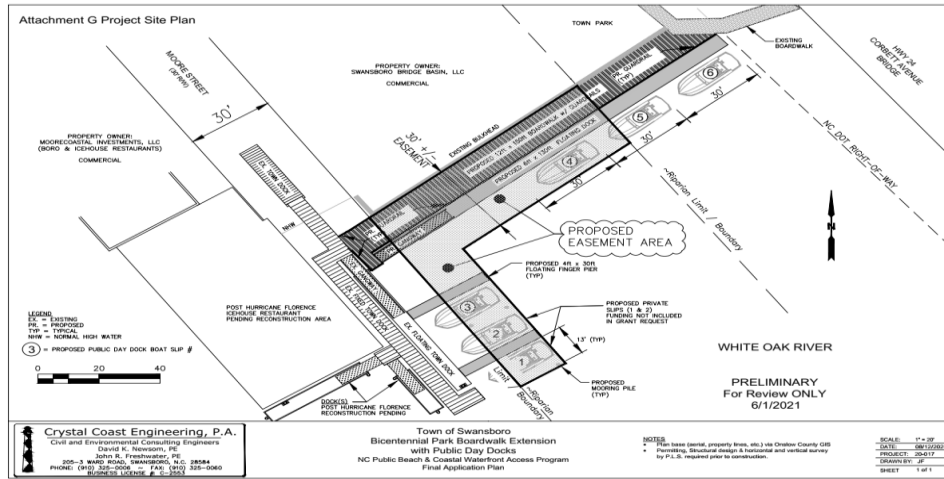
- **2020 NC Public Beach and Coastal Waterfront Access Grant Project** – The Town received notification on November 3, 2020 that the Bicentennial Park Boardwalk Extension with Public Day Docks Grant Project has been approved and granted the full amount requested of \$142,350. The Total project cost is \$158,350 with the grant. \$7,000 of the required \$16,000 town match will be non-cash/in-kind. The project will include the following:

 1. A 150 feet by 12 feet wide wooden boardwalk to be located waterward of an existing concrete bulkhead along the shoreline of the southern section of the park and the

Town of Swansboro, NC Manager's Report

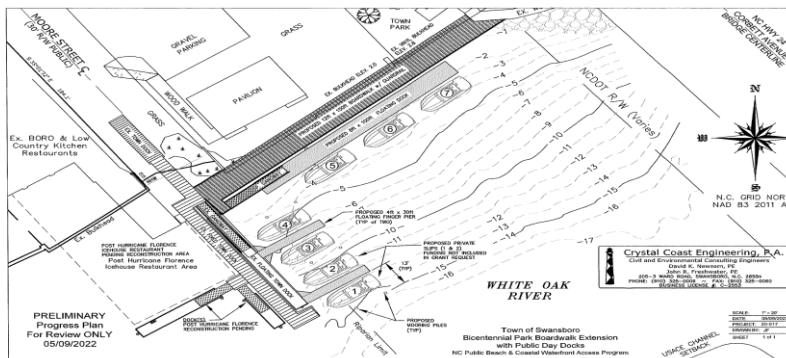
Mattocks House property. The boardwalk will connect on the western end of the existing Town Dock located in the Moore Street right-of-way.

2. A floating dock measuring 6 feet by 130 feet will be located immediately waterward of the Boardwalk and will connect to the existing Moore Street Dock by means of 4 feet by 30 feet aluminum gangway on the western end.
3. There will be four boat slips to accommodate day visitors in small boats



The Lease and Dock Rental Agreements have been executed with Randy Swanson. Kathy Vinson and Crystal Coast Engineering have been re-engaged to continue work on the project.

A redesign of the dock (below) was necessary to remove the kayak launch which once existed when Pogies was located on site. Removal of the kayak launch offered space for one additional boat slip. John Freshwater and Kathy Vinson are preparing the final notes on the plan, which will be submitted to CAMA for permit modification. Once the permit modification is in hand, we can send out an RFP on construction.



Town of Swansboro, NC Manager's Report

Kathy Vinson continues to work with CAMA on our permit modification. NCDOT met on site this week to review and provide comments on the project as requested by CAMA.

As reported in the weekly brief June 24th, NCDOT met on site June 23 to review the project for comment and the reported deterioration to the bulkhead at the bridge identified by John Freshwater while conducting site/surveying work on our project. Instead of granting a waiver for our project they have asked to piggyback on our CAMA Permit for the work they will need to do to repair the bulkhead. In addition, that portion of bulkhead connecting to our walkway will have to be removed and replaced. The Town will be responsible to replace its portion that connects. We will attempt to coordinate this with NCDOT so it's all done at one time. We are still working with NCDOT on the required encroachment agreement and Kathy Vinson has contacted CAMA who is agreeable to allow NCDOT piggybacking on our permit and submittal of the CAMA application with an email from NCDOT with assurances that they are working on the encroachment agreement. Due to the delays with this project, we have been advised to go ahead and ask for a grant extension now because the review time is so backed up.

Permit modification has been submitted to CAMA. A request for a grant extension has also been submitted.

We received an acknowledgement letter from CAMA on Tuesday 9/20 for our permit modification request dated August 16, 2022. We have posted the property as required. CAMA indicated that the projected deadline for a decision is October 20, 2022, but an additional 75-day review is permitted by law. As a reminder, we have also sent a request for grant extension.

The grant extension (Amendment 1) was received October 12, 2022. The Permit Modification was received on November 30, 2022. The NCDOT Encroachment Agreement was received January 9, 2023. Arendell Engineer, John Wade has been engaged to begin preparing the construction drawings.

The Historic Preservation Commission heard and approved the COA for this project on February 21st. Additionally, because we must do some minor dredging prior to construction of the dockwalk, I had to arrange a site visit to assure we did not have any oyster clusters that may need to be relocated. The Coastal Federation graciously made a site visit on Wednesday, February 8th and did not identify that needed to be relocated, so that box has been checked. In addition, I am waiting on a quote for dredging. As previously mentioned, Arendell Engineering is currently working on the construction drawings for bidding out the project.

Kathy Vinson and I have been working toward getting the dredge work done before the dredge moratorium goes into effect (April - September). We received two quotes - both exceeded the \$5000 amount I was given some time ago. Only one company can commit to equipment on site and work started by April 1 (Coastal Marine). A budget amendment may be required for FY 22/23 or if the project gets delayed, we will add the amount into the FY 23/24 budget.

Town of Swansboro, NC Manager's Report

Budget amendment approved 3/27/23. Dredge work was completed April 8. Kathy Vinson is working on the required stormwater permit, we hoped we would not have to do. The stormwater permit was submitted the second week of June.

On Friday, August 11th, 2023, property owner, Randy Swanson notified the Town that the ground was cracking at the shoreline/bulkhead. On Monday, August 14th we met with Crystal Coast Marine/Justin Cleve, who shared that he could drive pilings to secure the bulkhead as an immediate solution. The proposal was sent to CAMA for consideration. On Tuesday, August 15th I received approval from CAMA for maintenance/repair to drive the pilings, which were then driven on Wednesday, August 16th. The land side of the bulkhead continues to deteriorate due to the tide washing in/out around the bulkhead. Required bulkhead replacement costs \$101,450 – BOC approved October 5, 2023. A modification of current CAMA Permit 112-05 was required and received through fast-track review on September 15, 2023 along with approval from the US Army Corp of Engineers. The Stormwater Permit for the Boardwalk and the Bulkhead Replacement were received on September 13, 2023. *Crystal Coast Marine finished the Bulkhead repair project the week of February 12, 2024*

Subsurface Exploration and Geotechnical Engineering is scheduled to be done on Monday, October 23rd to evaluate the soil conditions for the proposed development. Project Engineer John Wood, Arendell Engineers, continues to develop final plans not only for the new bulkhead but the boardwalk as well. *Final construction plans and accompanying bid documents are expected to be completed early March 2024. Once plans and bid documents are received from Wood, the Town will seek bids from contractors to perform the project. According to project coordinator Kathy Vinson, there should be ample time to get the project completed before the latest time extension expires in October 2024.*

The Swansboro Tourism Development Authority awarded the Town \$12,500 towards the bulkhead replacement costs on October 5th. A request has also been sent to Onslow County seeking tourism assistance for the bulkhead replacement as well.

- **Sidewalk Projects** - At their December 5, 2019 meeting, the NC Board of Transportation approved a funding request from NCDOT Division 3 in the amount of \$366,668.00. Per amended Swansboro Resolution 2019-R9, the Town contributed \$116,634 for a total project funding of \$483,302. The project was split into 3 phases/priorities to focus the limited funding to the portions that ranked higher in need.

Construction of this project commenced Thursday, April 8, 2021. NCDOT has estimated project funding shortfall in the amount of \$97,000 due to limitations caused by ditching

Town of Swansboro, NC Manager's Report

and utilities. The cost breakdown for each phase/priority is as follows (estimates as of April 16, 2021).

- **Priority 1** - Sidewalk installation along NC-24 (Corbett Ave) from SR 1511 (Hammocks Beach Rd) to SR 1514 (Phillips Loop Rd); \$120,000 - **Completed**

- **Priority 2** - Old Hammocks Beach Rd from SR 1513 (Deer island Rd) to existing sidewalk near Fredericks Ln; \$335,000 – Expected to begin in late October 2021 – Groundwork/drainage underway. Project delayed due to two additional easements needed just beyond Deer Island Road. Water line depth too shallow in right-of-way. Easements requests were mailed out November 23, 2021.

Senate Bill 105 approved November 18, 2021 included the \$100K for sidewalk extensions in Swansboro. An email notifying the Town of the \$100,000 award was received from the Office of State Budget and Management to acknowledge the appropriations of \$100,000 for sidewalk improvements from the State Capital and Infrastructure Fund Directed Grant. Once received, these funds could be appropriated for the second section of Priority 2.

Some stormwater drain work has been completed by NCDOT on Priority 2 along Old Hammocks Road. This priority area includes two sections. The first section from Deer Island Road to Fredricka Lane and the second section from Fredricka Lane to the Catholic Church connection. All easements are secured for section one. One easement is still pending for this section (involves heirs and deed preparation on their part). NCDOT does have some additional drainage work to do along the flag lots at Buena Vista Del Mar (adjacent to Williams Road).

Section 1 of Priority 2



Section 2 of Priority 2

Town of Swansboro, NC Manager's Report



One easement still pending, but communication suggests we should have the easement in the near future. NCDOT still has some site work to complete prior to constructing the sidewalks.

Priority 2 Completed. Ribbon Cutting held on June 24th.

- Priority 3 - SR 1511 (Hammocks Beach Rd) from Moore's BBQ sidewalk to Park Place Dr \$125,000 - *NOTE: we have not prepared survey/design on this section yet, so costs may vary more related to this priority*

Priority 3 will connect the sidewalks at Park Place to Moore BBQ. This area has not been surveyed/ designed and could likely (according to notes in 2019) cost more than \$200,000 due to right-of-way and stream crossing, utility issues. Five easements required for this section.

Priority 3



Staff is working with NCDOT on an updated maintenance agreement which also includes the breakdown of expenditures of the \$100K SCIF Funding (Town contribution). This information is necessary for reports we are required to provide back to the Office of State Budget and Management.

Town of Swansboro, NC Manager's Report

Although requests for Priority 3 easements were sent out back in October 2021, none were received. We will resubmit those requests. Second letters sent July 2022.

During the April 4 Budget Workshop, a future Priority 4 was identified. We are waiting to hear back from NCDOT on funding estimates. NCDOT indicated on 10/10/22 that the on call contractor hoped to start this sidewalk section the last part of October. **Priority 4 completed.**

According to NCDOT revised cost estimate, Priority 3 & 4 combined will be \$99,994.80. We are still waiting on the Sidewalk Agreement to be updated to include the last portion of Priority 2 and Priorities 3 & 4.

Sidewalk easement received from Justin Weiss/1130 Hammocks Beach Rd. Still need three others from Rawls. NCDOT has been notified. As a reminder – the funding from Priority 3 was moved to Priority 5 & 6 by NCDOT due to it taking so long to obtain the easements. Storm ditch crossing engineering cost will have to be funded by the Town and sidewalk construction will be dependent on future NCDOT funding or the Town can also provide funding.

Priority 4 - Completed



Future Priority Areas – as previously noted (Manager's Weekly Brief) interest by a handicap resident has been shown to extend the sidewalk along the west side of Old Hammock Road where there is a void from the Cottages to the side entrance to the Piggly Wiggly. NCDOT shared on 10/10/22 that funds were available to complete that portion ending north of Pelican Circle to the Piggly Wiggly driveway. The Town will work to obtain the required easement. I did inquire whether the partial south of Pelican Circle/adjacent Pineland Drive could be included but have not heard back from NCDOT to date. A second letter was sent to the Perry family on November 17 regarding needed easement for sidewalk extension. The first letter was sent on October 24th. A third letter was hand delivered to Mr. Perry on December 5 and Mr. Perry indicated he was having issues getting all owners to agree. Owners include members of the Perry family, heirs to Irene Pinkston.

Town of Swansboro, NC Manager's Report

Future priority areas were discussed with the BOC July 25, 2022, but no decisions made until more development made on Priority 3. The easement for Priority 4 was secured the last week of July and shared with NCDOT so that this section could be moved forward ahead of Priority 3. Thus far, no easements have been secured for Priority 3.

On September 26, the Board identified the following Priority Areas: (Note: *priority numbers reassigned by NCDOT*)

Priority 5

Extension of the sidewalk north from the Cottages to Piggly Wiggly side entrance street
Obtained list/addresses for all eight property owners of parcel 056535 on January 5, 2023.
Finalized the easement document and mailed all property owners a separate easement to sign. Once all received back, I will notify NCDOT to schedule the sidewalk construction. As of 2/23/2023, one of eight easements received.

3/10/23 – I made some progress on obtaining easement signatures for Priority 5. I received all signatures needed from the Perry family. However, none of the signatures from the Pinkston family have been received despite numerous letters and Perry family attempts.

3/28/23 – all required easements received from Perry and Pinkston family and forwarded onto NCDOT. Ditch piping has been installed at the entrance to the Piggly Wiggly. NCDOT indicated that this section would be completed in a 6-8 week timeframe.

Priority 5 completed in September 2023



Priority 6

Pineland Drive parcel south of Pelican Circle to connect to the existing sidewalk at Cottages

NCDOT shared on 11/17/22 “we have reached out to the Environmental Unit to determine if we could extend the existing crossline to extend the sidewalk, or if permitting would be required. We have not yet estimated this work, since we are uncertain what may be involved. If we are able to pursue this section, then we will need an easement from the property owner (but do not

Town of Swansboro, NC Manager's Report

reach out to them until we have determined that we can move forward), and we would want to remove the short section of sidewalk that turns out towards Old Hammocks Rd. This is not acceptable practice as it is leading to a roadway where there is not a Stop condition, nor is there a permitted mid-block crossing.”

On February 2, 2023, NCDOT gave the okay to seek the required easement for this priority. That request was mailed February 3, 2023.

Two easement letters have been sent to the property owner with no response. The last letter gave a deadline of March 15th. Easement obtained late March and provided to NCDOT. The Town obtained an engineered pedestrian crossing for this priority. Waiting to hear from NCDOT on utility conflict/pipe extension.

Priority 7

Main Street Extension from the Recreation Center to Old Hammock to Highway 24 – awaiting cost estimate from NCDOT. Subject to future funding.

Priority 8

Gaps without sidewalks on Highway 24 from Old Hammock Road to downtown – awaiting cost estimate from NCDOT. Subject to future funding.

Priority 9

South side of Highway 24 from Walmart to Queens Creek – awaiting cost estimate from NCDOT. Subject to future funding.

Following a TRC Meeting at Town Hall on December 13, I met with our NCDOT District Engineer to discuss the priority areas described above further. She noted a change to our priority areas as noted above in red and that she would be reviewing the funding left in this cycle once priority 4 was paid out. She felt confident there should be funding left to complete Priority 5&6 as re-numbered above. As a side note, the Town still has the \$100k provided by the SCIF Funding if NCDOT's estimates are more than what is left with NCDOT. Pedestrian crossing for Priority 6 estimate \$5000.

On February 6th, I had additional conversation with property owners of Priority 3. They seem interested to work with the Town now. I reached back out to NCDOT to schedule a meeting with the property owners. On 2/22/23, our Division Engineer indicated that they will create a detailed aerial of where the sidewalk/easement will be. A reminder that Priority 3 was taken off the NCDOT work list and those funds were shifted to Priority 4, 5, and 6. If the Priority 3 property owners were agreeable to provide an easement, a new estimate would have to be obtained, and the Town would be responsible to have engineer/design and pay for the stormwater crossing. NCDOT has made it clear they will not pay for that.

Priorities 7-9 have been sent to NCDOT. However, they are subject to future funding NCDOT may get, unless the Town wants to fund them.

Town of Swansboro, NC
Manager's Report

- **Visitor's Center Improvement Update** – Andrew Wilson of Crystal Coast Engineering has prepared a draft building layout for the Visitor's Center based on several suggestions he received. You may recall that the Town had reached out to John Wood, Restoration Specialist with the NC State Historic Preservation Office to determine if the structure had retained its contributing historic status when moved to its present location, which would have allowed an exemption under the Flood Damage Prevention Ordinance. On January 6, 2022 Mr. Wood provided that due to the structure being moved from its original location, handicap ramp addition, and elevation; the structure was no longer a contributing historic structure. It should be noted that the elevation was required because the structure was in the flood zone, and the handicap ramp had to be added for ADA compliance. What this ultimately means is that we will have to follow a phased plan for improvements because the building is valued at \$57,000. If the renovation cost exceeds 50% of that value, a Substantial Improvement, the entire structure must be brought into compliance with the current ordinance and Building Code requirements. A second phase could not be started until one year after the final inspection on phase one.

Another alternative would be to raise the building to the current flood elevation (approximately 5 more feet) to bring it into compliance with the current regulations, including breakaway wall construction for the foundation due to the Coastal A flood zone designation. This would require HPC approval. This item will be added to the Planning Retreat for discussion/guidance. As a reminder the Town was awarded \$20,000 through the Onslow County TDA and must be used by June 30 or requested again in the next grant cycle.

Staff met with John Wood on Tuesday, March 1. As reported at the March 2 Planning Retreat, John Wood indicated that if we moved the side entrance steps back to the front of the building as they originally were when the building sat further down Water Street and clearly identify those as new construction using certain materials and raised flower beds to camouflage, the buildings historic status could be returned. Planner Ansell has sought engineered drawings and elevation certificate. Additional reviews by the Historic Preservation Commission and Flood Appeals Board will still be required. Once the contributing status is re-instated, the building would qualify for an exemption under the definition of Substantial Improvement and allow the Town to apply for a variance from the Flood Damage Prevention Ordinance requirements through the Flood Appeals Board.

Tidewater has been engaged to provide the elevation certification and existing conditions survey. Larion Engineering has been engaged to provide engineered re-design to remove the side entry and re-instate the entry to the front of the building and flood analysis. All will aid in the return of the contributing status to the building which will in turn relieve the Town from the flood requirement to raise the structure. The design will be scheduled for review by the Historic Preservation Commission for the demolition of the steps/deck and construction of the new steps as soon as the plans are received from Larion thereafter, a variance will be sought from the Flood Appeals Board from the elevation requirement. Public Works will demolish the side entry however, based on workload we will most likely utilize a contractor to install the front entry.

On May 17, the HPC reviewed the side entrance demo and re-location of the front entrance as recommended by Restoration Specialist John Wood. HPC member Kim Kingrey volunteered to

Town of Swansboro, NC Manager's Report

search for photos from years back to see if the hand railings were wooden or if any were ever present. Once final minor work approval is granted, the work performed and contributing status re-instated, we would then qualify for an exemption under the definition of Substantial Improvement which would allow the Town to apply for a variance from the Flood Damage Prevention Ordinance requirements through the Flood Appeals Board.

As previously reported (Manager's Brief June 16), demo of the stairs at the Visitors Center is complete. Visitors are still able to use the handicap ramp access at the rear to gain access to the restrooms. The railing has also been re-constructed by Public Works on the front porch. Once the wood dries out, it will be painted white.



At the BOC's request, a progress update was given July 25th, 2022.

What's Been Done To Date

- Working to re-establish Historic Contributing Status
- Awarded FY 21/22 Onslow County TDA Funding \$20,000 – paid for side steps demo identified as reason historic contributing status rescinded, required engineering of front steps re-construction due to flood zone location, some interior fixtures purchased for future renovations
- RFP awarded to Rufus Murray for side steps demo May 2022 - *completed*

What's Remaining to do on the Exterior

- RFP to reconstruct front entry steps due August 1, 2022 (breakaway design)
- Once the front entry steps are constructed, the final V-Zone Certificate can be prepared. The next step is to obtain the variance from the Flood Appeals Board and obtain letter from the State Historic Preservation Office that the Contributing Status has been re-instated.

Interior Renovations - The estimated costs provided by former Public Works Director in 2021 was \$60,870. Of that amount, he indicated that the Public Works Crew could perform about \$15,000 of that work (walls, sheetrock, painting, flooring). Swansboro TDA has agreed to fund

Town of Swansboro, NC Manager's Report

a portion of the interior renovations. Once we have settled on an interior design, we will be able to determine whether any water/sewer improvements will be needed, or whether just a certified engineered letter will be required that the current infrastructure can handle the improvements.

Eight vendors were notified of the RFP to re-construct the stairs at the Visitors Center and it was posted on the website. RFP's were due by August 1 and only one was received (Rufus Murray) for \$23,300. We plan to proceed utilizing the allocated ARP funding so we can keep this project moving forward.

Rufus Murray was awarded the contract to re-construct the exterior stairs etc. On hold until after the Mullet Festival so we don't have a construction site during the festival. A pre-construction meeting was held on Monday, October 17 and the contractor plans to get started immediately. The Visitor's Center will remain open during the exterior construction.

As reported in the Manager's Weekly Brief on December 1- exterior renovations are complete. We will prepare a letter to National Parks System to have contributing status re-considered.



In an email from John Wood on December 13, he indicated he would forward our exterior improvement work to the National Parks Service and request the re-instatement for us. Followed up January 10 as we would like to make application for tourism funding (application due by March 1, 2023) for the interior and need to apply for the Flood Ordinance exemption. John felt confident that our contributing status would be restored before that date and encouraged us to proceed with the final elements.

The Flood Board heard and approved the variance request from the definition "Substantial Improvement" on February 21st. I will be making application to Onslow County for tourism dollars for interior renovations by March 1st.

Application was submitted to Onslow County on 2/28/23 for \$30,000 to assist with future interior renovations. \$30,000 will be included in the Swansboro TDA budget for FY 23/24 as

Town of Swansboro, NC Manager's Report

they had already made commitment. As previously shared, Onslow County did not fund our request this year. Swansboro TDA awarded the Town \$30,000 in July.

Mid-October, met with electrical and mechanical contractors, and still waiting to hear from plumber. It would be our hope to begin the interior renovations late November unless the contractors are ready before.

- **LSAII/Stormwater Mapping Grant** – Following adoption of a support resolution on September 12, 2022 the Town entered into contract with Withers Ravenel (\$5000), who will prepare the grant application for Local Assistance for Stormwater Infrastructure Investments through the NC Division of Water Infrastructure in hopes of receiving up to \$400,000 to assist with stormwater mapping in the Town. The application deadline is September 30, 2022, with grant awards to be announced in February 2023. On February 9th Withers Ravenel shared that our application had been recommended for approval. We should receive final award by the end of February. Grant award received April 5, 2023. Staff held a scoping meeting with Withers Ravenel on October 18th to review the draft agreement for services.

Two rounds of RFQs were sent out, with final submittals in August. WithersRavenel was selected to complete the project in October of 2023 and the contract was executed early December. At a December 18, 2023, kickoff meeting with staff and WithersRavenel, a public outreach meeting included a survey was scheduled for mid-March. The data collection portion of the project is projected to start early June.

WithersRavenel and Staff continue to attend monthly check-in meetings for the project. On March 11, 2024, WithersRavenel and Staff held a public outreach meeting that included a brief summary of the project, time for public questions, as well as maps for the public to mark stormwater issues around Town. A public input survey was released to the public to indicate problem areas around Town as well. The survey was open one week prior to and one week after the public outreach meeting. Survey crews are projected to begin data collection early June.

WithersRavenel and Staff met via Zoom on May 21, 2024, to discuss survey collection coordination. WithersRavenel requested that Town post in social media, and constant contact to notify citizens of surveyors being out in Town. They estimate that data collection could take a couple of months, possibly till the end of the year.

June 3, 2024, data collection started.

June 17, 2024, WithersRavenel shared a data dashboard that has all the survey information collected this far.

WithersRavenel and Staff met via Zoom on June 24, 2024, the survey team has made an initial pass at all the structures, and it's anticipated that all initial field work would finalize within the next week at that time data collected would be reviewed and processed.

**Town of Swansboro, NC
Manager's Report**

Fire Grants

Chief Jacob Randall applied for the following grants. He will notify us if they get awarded.

1. **AFG Grant** - Regional Grant for Radio Equipment with Hubert Volunteer Fire Department - Applied March 8, 2024 (hard copy created 7.11.2024 TM Office)
2. **SAFER Grant** - (6) Firefighter - Applied April 12, 2024 (hard copies created 7.11.2024 TM Office)
3. **DCIP Grant** - PSB/EOC Funding - Applied June 14, 2024 (hard copies provided by Chief Randall TM office)
4. **Big Rock Foundation** - Fire Department Boat - Pending Application Submittal (hard copies created 7.11.2024 TM Office)
Once the application is submitted to the Big Rock Foundation, Chief Randall will provide the updated application.

Department Reports for May 2024

Administrative Services

- Phone Records Report for May: 2,656 calls
 - Internal – 519 Town Hall – 428 Parks and Recreation – 467
 - Police Department – 512 Fire Department – 84 Outgoing totals – 646
- Building permits sold for May: 63 residential/commercial combined; \$10,487.95 total fees collected (includes 11 re-inspections)
- 145 Building inspections processed/ 24 Fire Inspections processed
- 205 Various receipts processed
- 5 Code Enforcement Violations
- 308 ONWASA payments processed; 5 New Service Setups, 4 Other transactions
- 3 Work Orders generated for Public Works
- 8 Notarizations performed
- 10 Beer & Wine Privilege Licenses Renewed
- Admin Staff worked at Visitor’s Center 3 days each week (Aliette, Alissa, Jackie and Linda)
- US Census Report Submitted - Permits
- Public Records Request
 - 400 Glancy Street
 - American Transparency – fiscal year 2023 payment transactions
 - Bailey and Associates – Pizza Forno
 - Cynthia Lacorte – EOC/PSB Site Solicitation Records
 - Sunshine List – began request
 - Beer & Wine Privilege License copies for Onslow County – 2
 - Carolina Permits – New homes built in April 2024
 - Construction Monitor – Building permits issue with values April 2024
 - GoAptive – Town Attorney contact information
 - Jimmy Williams – Commissioner Eckendorf EMS letter/email
- Continued FY 24/25 Budget Meetings
- Finalized April Departments Report
- Attended Arts by the Sea first logistics meeting
- Researched details related to permitting of fireworks displays in Town limits
- Developed monthly and special meeting notices/hearings, agenda items, packets, and minutes/distributed for meetings. A staff representative(s) attended each meeting and prepared meeting minutes/follow-up.
- Issued New Releases/Constant Contact for:
 - Pirate Fest Street Closures
 - May 14, 2024, BOC Meeting
 - Memorial Day Closures
 - May 28, 2024, BOC Meeting
 - Stormwater Data Collection

Department Reports for May 2024

- Received and handled 10 “Contact Us” request from the Website
- Planned and held a retirement luncheon for Andrea Correll
- Prepared and distributed PirateFest Street Closure Notices downtown
- Town website updates continue (including Homepage articles/minutes/agendas/calendar, special events, projects, plans, etc.) – see combined report on June report

Finance

- Sales & Use Tax received in May 2024 is \$109,774
- Accounts Payable Summary for May 2024:
 - 237 Invoices-Totaling \$159,672
 - 57 Purchase Orders Issued
- Processed payroll- 5/3/2024, 05/17/2024, and 5/31/2024
- Stormwater Fees Collected-May 2024-\$12,409
- April 2024 Bank Reconciliation-Town accounts
- April 2024 Bank Reconciliation-Swansboro TDA
- HR-related items estimated at 10 hours
- Processed Swansboro TDA checks.
- Gathered financial information for May 28, 2024, regular meeting
- Attended budget meetings with Town Manager
- Gathered information for 5/14/52024 budget workshop
- Prepared PowerPoint for Public Hearing on the FY 24/25 (6/11/2024)
- Preparing Year End Projections FY 23/24/updating operating budget spreadsheet.
- Updating Capital Improvement Plan
- Submitted the closeout documents for Hurricane Dorian to NC Department of Public Safety, Division of Emergency Management.
- Updated financial information in the Budget Message for FY 24/25
- TDA-Updated Budget Ordinance for FY 24/25
- TDA-Attended Public Hearing on the FY 24/25 Budget
- Submitted stormwater payment reminders

Fire Department

Incidents

- **128** Total Incidents
 - 73 EMS Incidents
 - 28 Fire Incidents
 - **15 Overlapping Incidents (Two or More Calls Simultaneously)**
 - 101 Incidents occurred in the Swansboro (City Limit District)
 - 14 Incidents occurred in the White Oak Fire District
 - 13 Incidents were automatic or mutual aid to other jurisdictions.
- Response Statistics

Department Reports for May 2024

- 90th Percentile Turnout Time (Dispatch to Enroute): 02:10
 - 90th Percentile Compliance (Less Than 120 Seconds)
 - 82.96% - EMS Incidents
 - 90.91% - Fire Incidents

Fire Life Safety – Operations

- Fire Prevention Inspections: 18
 - General Fire Inspections: 11
 - Initial Inspections: 9
 - Re-Inspections (Violations): 3
 - Fire Suppression Systems: 4
 - New Business (Certificate of Occupancy): 2

Training

Total Training Hours: **208**

Company Training: 170.4

Existing Driver: 10

Facilities:0

Fire Arson Investigation:7

Fire Life Safety Education: 0

Fire Prevention Inspection: 3

New Driver: 1

Officers: 2

Hazardous Materials: 4

New Recruit: 11

Automatic Aide Training Events: 4

Parks and Recreation

(Combined with June report)

Planning

Planning Board

- The Planning Board special meeting was on May 9, 2024
 - Amendment to the CAMA Future Land Use Plan pg. 41 in the Traditional Town Center (TTC) section, in order to better serve an upcoming condominium project, Brezza Lofts by changing the density requirements in compact residential. The Planning Board did recommend this amendment to the Board of Commissioners
 - UDO Text Amendment to Section 152.180 Notes to the Table of Permitted/Special Uses, note 37 to state that Lot 8 of the Ward Farm Town Center be exempt from having to limit residential use to 20% of the first floor. The Planning Board did recommend this amendment to the Board of Commissioners
 - UDO Text Amendments to Section 152.195 Table of Area, Yard, Square Footage and Height Requirements to adjust dimensions in B-3 from 35ft to 40ft building

Department Reports for May 2024

height as well as add square footage minimums. The Planning Board did recommend this amendment to the Board of Commissioners

- Members of the Planning Board and staff attended a Planning & Zoning Board Workshop online on May 16th

Swansboro Historic Preservation Commission

- The Swansboro Historic Preservation Commission meeting was held on May 21, 2024
 - Discussion of Historic District Ordinance Enforcement. Staff discussed with the SHPC options such as updating the Certificate of Appropriateness application to require samples and signatures after each instruction, hold check-in meetings on-site during a project, and involve the Build Inspector with code enforcement
- The Swansboro Historic Preservation Commission hosted a Local Landmark Designation Workshop at the Emmerton School, hosted by Kristi Brantley from the State Historic Preservation Office on May 16th
- Members of the Swansboro Historic Preservation Office and staff attended a Certified Local Government Workshop in Beaufort on May 17th

Routine Activities:

- The Technical Review Committee met May 29th to discuss Main Street Family Care submittal
- Discussed code requirements with new commercial developments
- Continue working with development and zoning inquiries
- Continue resolving code enforcement issues

Police Department

Patrol:

- 190 Reportable Events
- 25 Wrecks
- 12 Misdemeanor Arrests
- 5 Arrests by Warrant Service
- 3 DWI Arrests
- 8 Arrests with Transport to the Onslow County Jail
- 59 Citations
- 187 Verbal/Written Warnings
- 5 Felonies Reported (2-Fraud; 1-Larceny; 1-ID Theft; 1-Break & Enter)
- 39 Misdemeanors Reported (14-Property Damage; 3-Communicating Threat; 2-Assaults; 2-Harassments; 2-Resist, Obstruct & Delay Public Officer; 2-Larcenies 1-Sexual Assault; 1-Trespassing; 1-Stalking; 11-Traffic Related)
- 11 Disputes/Public Disturbances
- 15 Alarm/Open Door
- 23 Suspicious Incident/Person/Vehicle

Department Reports for May 2024

- 18 Crisis Intervention with Mental Patient
- 7 Town Ordinance Violations
- 166 Requests by Other Agencies for Assistance
- 47 Requests by Citizens for non-Crime Related Assistance

4,249 Total Events Performed by Patrol

Community Service/Training:

- 7 Vehicle Unlocks
- 1 Funeral Escort
- 8 Requests for Fingerprinting
- 15 Business Closing Standbys
- 22 Foot Patrols
- Participated in Career Day at Queens Creek Elementary School
- Attended the Peace Officer Memorial Service held in Jacksonville
- Participated in Pirate Fest
- Officer Wruble conducted Driver Safety Awareness Training to new Marines at MCB Camp LeJeune
- Provided security for weekly SwanFest music event
- Chief Taylor attended monthly Crime Stoppers meeting held in Jacksonville
- Chief Taylor and Lt. Brim attended the monthly East Carolina Association of Law Enforcement Executives meeting held at MCB Camp LeJeune

Admin Services:

- Answered 221 Phone calls during business hours
- Assisted 78 walk in requests for assistance during business hours
- Took 30 requests for reports during business hours

Public Works

The following report is submitted, listing major and routine work efforts, performed by the Department of Public Works for the month of May, 2024

Public Buildings

- Twice weekly cleaning of all park bathrooms, conducted on Monday and Friday mornings.
- Weekly set-up and tear down of Town Hall Community Room for various meetings to include:
- Bi-weekly Board of Commissioners Meetings, Planning Board Meetings, Historic Board Meetings, TDA Meetings, etc.
- Minor repairs conducted to the following Public Buildings:
 - Town Hall – Replaced breaker in Electrical Panel # 2, for the Electric Vehicle Charging Station, bringing both sides to full operation.

Department Reports for May 2024

- Old Town Hall –Replaced the batteries in the smoke detectors throughout the building.
- Public Safety Building – Repaired toilet in men’s bathroom. Fortin Mechanical dispatched to clear and clean the grinder pump.
- Replaced all HVAC filters in all public buildings.
- Cleaned out all outside HVAC units at all public buildings.

Public Streets

- Edged the curbs, gutters and sidewalks in the following neighborhoods:
- Historic/Downtown Area
- Cleaned all street/traffic signs in the Historic/Downtown Area.
- Coordinated repairs and resurfacing of the parking lot adjacent to the Port O Swansborough businesses and the resurfacing of a portion of Church Street from just above the intersection with Water Street, and east, 200 feet to the Church Street Gazebo.

Storm Water

- Continued routine maintenance on various stormwater easements throughout the town.
- Cut the stormwater easements in the following Subdivisions:
 - Halls Creek
 - Swansboro Acres
 - Deer Run
 - Forest Brook
 - Park Place
 - River Reach
 - River Reach West
- Cleared stormwater drains throughout the town.

Solid Waste

- Twice weekly trash pick up at all parks and Downtown areas, conducted on Monday and Friday mornings.
- Weekly Yard Waste Run
- Litter sweep and pick up conducted at all town parks.

Grass Cutting & Grounds Maintenance

- Mowed grass and trimmed weeds in Ward Cemetery.
- Bi-weekly grass cutting of all Town Parks.
- Bi-weekly grass cutting of all grounds, in and around all Public Buildings.

Vehicle & Equipment Maintenance

- Performed basic maintenance, when required, on all Department vehicles and equipment, to include oil changes, wiper blade replacement, vehicle bulb replacement, tire inflation/repair,



Department Reports for May 2024

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battery replacement, fuse replacement, lube various areas, and washed and vacuumed all vehicles.

Miscellaneous Efforts

- Constructed the platform for the Festival Swan at the Visitors Center and installed the Festival Swan atop ,the platform.

Department Reports for June 2024

Administrative Services

- Phone Records Report for June: 2,256 calls

Internal – 501	Town Hall – 340	Parks and Recreation – 392
Police Department – 461	Fire Department – 50	Outgoing totals – 512
- Building permits sold for June: 51 residential/commercial combined; \$10,019.44 total fees collected (includes 8 re-inspections)
- 112 Building inspections processed/ 30 Fire Inspections processed.
- 0 Code Enforcement Violations
- 126 Various receipts processed
- 266 ONWASA payments processed, 1 New Service Setups, 2 Other transactions.
- 4 Work Orders generated for Public Works
- 5 Notarization performed
- Admin Staff worked at Visitor’s Center 3 days each week (Alissa, Linda, Aliette and Jackie)
- US Census Report Submitted - Permits
- Finalized May Departments Report
- Public Records request processed:
 - Carolina Permits – New homes built in May 2024
 - Construction Monitor – Building permits issue with values May 2024
 - Open the Books – FY23/24 payment transactions
 - AEI Consultants – 400 Glancy Street
 - Cynthia Lacorte – Ordinance copy related to feeding of ducks
- Issued New Releases/Constant Contact/Facebook posts for:
 - Garbage & Recycle Collection Delay
 - BOC 6/11/2024 Regular Meeting
 - Swansboro High School Senior Parade
 - Live Burn Fire Department Training
 - Town Manager Hired
 - BOC 6/25/2024 Regular Meeting
 - July 4th Closures
- Developed monthly and special meeting notices/hearings, agenda items, packets, and minutes/distributed for meetings. A staff representative(s) attended each meeting and prepared meeting minutes/follow-up
- Annual Employee Social planned and held June 28th
- Prepared Arts by the Sea Street Closure Notices for distribution downtown
- Worked to schedule volunteers for Arts by the Sea help
- Prepared Resident notices for Shore Drive maintenance
- Attended July 3rd Logistical meeting
- Attended Damage Assessment training with Onslow County for ARM 360 program
- Began preparations for Annual Powell Bill Reporting

Department Reports for June 2024

- Began preparations for Annual North Carolina Demographic Surveys for Boundary/Annexation and Residential Construction.
- Received and handled 11 “Contact Us” request from the Website
- Town website updates continue (including Homepage articles/minutes/agendas/calendar, special events, projects, plans, etc.)

May & June Combined - Website Home Page defaults: 7,127

Top 5 pages viewed in June – Employment 1,847 | Department – Permitting 864

Department - Police 793 | Government 746 | Department – Fire 634

Finance

- Sales & Use Tax received in June 2024 is \$133,615
- Accounts Payable Summary for June 2024:
 - 255 Invoices-Totaling \$197,199
 - 2 Purchase Orders Issued
- Processed payroll- 6/14/2024 & 6/28/2024
- Stormwater Fees Collected-June 2024-\$3,832
- May 2024 Bank Reconciliation-Town accounts
- May 2024 Bank Reconciliation-Swansboro TDA
- HR-related items estimated at 11 hours
- Processed Swansboro TDA checks.
- Gathered financial information for June 25, 2024, regular meeting
- Updated adopted Budget Ordinance for FY 23/24
- Preparing Year End Projections FY 23/24/updating operating budget spreadsheet.
- Updated Capital Improvement Plan
- Gathered information for Open Enrollment-FY 24/25
- Auditor, Greg Redman will be conducting an annual audit for FY 2023/2024 during the week of September 9-September 12, 2024.

Fire Department

- **148** Total Incidents
 - 96 EMS Incidents
 - 52 Fire Incidents
 - **42 Overlapping Incidents (Two or More Calls Simultaneously)**
 - 111 Incidents occurred in the Swansboro (City Limit District)
 - 17 incidents occurred in the White Oak Fire District
 - 20 Incidents were automatic or mutual aid to other jurisdictions.
- Response Statistics
 - 90th Percentile Turnout Time (Dispatch to Enroute): 02:27
 - 90th Percentile Incident Compliance
 - 83.49% - EMS Incidents

Department Reports for June 2024

- 75.47% - Fire Incidents

Fire Life Safety – Operations

- Fire Prevention Inspections: 29
 - General Fire Inspections: 18
 - Initial Inspections: 9
 - Re-Inspections (Violations): 9
 - Fire Suppression Systems: 9
 - New Business (Certificate of Occupancy): 1

Training

Total Training Hours: 372

Company Training: 346.7

Existing Driver: 4

Facilities:0

Fire Arson Investigation: 7

Fire Life Safety Education: 0

Fire Prevention Inspection: 3

New Driver: 0

Officers: 2

Hazardous Materials: 0

Automatic Aide Training Events: 3

Parks and Recreation

DIRECTOR'S REPORT

Festivals/Events

- Continuing to collect applications for Arts by the Sea, Independence Day, and Mullet Festival
- 2024 sponsorships-\$26,000, increase from 2023
- Conducted logistics meetings for ABTS and Independence Day Celebration
- Worked with graphic designer for two festivals on poster designs and social media graphics
- Worked with two ad agencies for digital and Facebook advertising
- All permit applications from Coast Guard and Onslow County received

ARP Project Updates

Splashpad Renovation

- Shade structures have been ordered; estimated delivery is in July

Miscellaneous

- Facilitated annual Pirate Fest in partnership with Onslow County Parks and Recreation. Event was very well attended.
- Continued training with Sara Elliott
- Began preparing for financials to close out end of year budget

Department Reports for June 2024

- Order final supplies
- Assisted with Memorial Day Service event
- Attend bi-weekly departmental managers’ meeting
- Continue to manage staff timesheets, hours tracking, and schedules
- Continue to manage and monitor budget and funds
- Continue to manage on-going weekly and monthly reservations
- Continue to manage parks, repairs, and work with the Public Works Department for maintenance
- Serve on the Onslow County Senior Games Committee, meetings held once a month
- Attend weekly Zoom meetings with NCRPA (North Carolina Recreation and Park Association) Director's call.
- Serve on the Jacksonville Onslow Sports Commission board as a liaison. Attend quarterly meetings, update the board on the department’s programs, events, and festivals
- Attend quarterly meetings for the Onslow County Tourism Board
- Attend Board of Commissioner meetings
- Conduct Parks Advisory Board meetings

Metrics-social media

May

Media Outlet	Followers	Facebook Reach	Post Engagement	Page Visits	New Followers
Facebook	17,267	74, 800		6800	324
Instagram	815	384		62	10

June

Media Outlet	Followers	Facebook Reach	Post Engagement	Page Visits	New Followers
Facebook	17,6000	140,000	14,000	6900	185
Instagram	815	357		48	17

Activity Report

June

Organization Activity					
From 6/3/2024 to 7/3/2024					
	Registrations	Reservations	Memberships	Check-Ins	Profiles Created
All	235	61	2	0	118
Resident	22	10	0	0	4
Non-Resident	213	49	2	0	114
No Residency Set	0	0	0	0	0
Demographics					
< 18	26	3	0	0	17
18 - 65	143	48	2	0	81
65+	66	8	0	0	20
Male	88	29	1	0	56
Female	147	30	1	0	62
Other Genders	0	0	0	0	0
Online vs In-House					
Online	41	0	0	N/A	47
In-Person	194	59	2	N/A	71

Department Reports for June 2024

Revenue

May

Slip Fee - Town Dock	\$5,401.50
Rental Fees-Parks	\$880
Rentals Rooms	\$2,065
Rec Program Fees	\$3,276
Gym Memberships	\$0
Dog Park Memberships	\$0
Vendor Fees	\$4,810
ABTS Wine Tasting	\$1,620
Festival Sponsorship	\$1,000

June

Slip Fee - Town Dock	\$5,962
Rental Fees-Parks	\$660
Rentals Rooms	\$740
Rec Program Fees	\$3,041
Gym Memberships	\$60
Dog Park Memberships	\$0
Vendor Fees	\$8,935
Festival Sponsorship	\$1,594

PROGRAM/EVENT MANAGER MONTHLY REPORT

- Processed Payments/Refunds for programs and special events
- Emailed monthly distribution list the upcoming programs/events for the department
- Dock Slip reservations
- Compiled daily deposits
- Advertised/promoted all programs/special events on social media platforms: Facebook, Instagram
- Created all programs/events in RecDesk for registration
- Created program proposals for new programs to be approved by Director
- Completed instructor payouts for recently finished programs
- Finalized Arts by the Sea entertainment schedule and created all social media posts for the event
- Created summer day camp field trip scheduled
- Oversaw 2 new programs, Tiny Trekkers and Sprout Scouts
- Handled staff scheduling for Rec Center, Visitor's Center, and all reservations
- Completed contracts for instructors

Department Reports for June 2024

- Attended Senior Games banquet
- Organized and completed Memorial Day Service
- Began planning BarkFest 2024
- Organized staff meeting
- Planned and posted all Independence Day Celebration social media posts
- Helped finish purchasing for the department
- Organized and implemented new design for planter boxes with Ricky's Retreat and scheduled community planting day
- Oversaw Arts by the Sea Festival
- Began Summer Day Camp

Planned Programs

Fellowship Night- May 20th

- 12 registered

Tiny Trekkers-May 10th

- 6 registered and attended

POUND! – May 4th - June 1st

- 21 drop-ins
- 3 series

Tai Chi – May 9th- June 13th

- 8 series

PirateFest- May 11th

- Several different performers/entertainments
- 1 food truck, 1 limited food truck
- Facepainting
- Scavenger hunt
- ~6,000 in attendance

Mother/Daughter Craft Night- May 9th

- 12 registered, 27 attended

Memorial Day Service-May 27th

- Several community partners including SWFD, SWPD, Dee's Flowers, Bloom in Swansboro, MAC, Marine Federal Credit Union, Publix, Food Lion, Swansboro United Methodist Church
- Marine Color Guard and Marine Honor Guard
- ~250 in attendance
- Local performers including Taps, singing, and Swansboro United Methodist Church Choir

Department Reports for June 2024

Fellowship Night- June 12th

- 7 registered and attended

Tiny Trekkers-June 14th

- 10 registered and 8 attended

POUND! – June 8th – July 6th

- 12 drop-ins
- 3 series

Tai Chi – May 9th- June 13th

- 8 series

Arts by the Sea- June 8th

- Several different performers/entertainments
- 85+ vendors
- Wine and Food Tasting- 59 tickets sold
- ~6,000 in attendance

Sprout Scouts-June 28th

- 10 registered, 8 attended

Summer Day Camp Weeks 1 & 2

- 12 registered, 12 attended
- 8 field trips
- Rest of camp is full

Planning

Planning Board

- The June 4th Planning Board regular meeting was cancelled due to lack of agenda items

Swansboro Historic Preservation Commission

- The Swansboro Historic Preservation Commission meeting was held on June 18th, 2024.
 - Discussion of Preston's Corner Bar and Grill Staff Approval application. The owners of the restaurant requested to paint a mural on the back concrete steps of the restaurant. There is no standard for murals in the Historic Ordinance, so staff brought it for discussion before the SHPC. The SHPC interpreted this request to be a violation of Section 10 Paint and Exterior Colors

Routine Activities:

- The Technical Review team met June 26th to discuss Bamboo Asian House 2nd submittal and Wawa 3rd submittal
- Discussed code requirements with new commercial developments

Department Reports for June 2024

- Continue working with development and zoning inquiries
- Continue resolving code enforcement issues

Police Department

Patrol:

- 163 Reportable Events
- 19 Wrecks
- 19 Misdemeanor Arrests
- 6 DWI Arrests
- 6 Arrests with Transport to the Onslow County Jail
- 74 Citations
- 188 Verbal/Written Warnings
- 8 Felonies Reported (3-Larcenies; 3-Fraud; 1-Break & Enter; 1-Counterfeit Bill)
- 48 Misdemeanors Reported (14-Property Damage; 5-Assaults; 6-Stalking/Harassment; 3-Larcenies; 4-Trespassing; 1-Communicating Threat; 1-Child Abuse; 1-Worthless Check; 2-Drug Offenses; 11-Traffic Related)
- 8 Disputes/Public Disturbances
- 13 Alarm/Open Door
- 20 Suspicious Person/Incident/Vehicle
- 10 Town Ordinance Violations
- 60 Requests by Citizens for non-Crime Related Assistance

4,148 Total Events Performed by Patrol

Community Service/Training:

- 6 Vehicle Unlocks
- 2 Funeral Escorts
- 6 Requests for Fingerprinting.
- 16 Business Closing Standby's
- 45 Foot Patrols
- 2 Requests by Citizens for Residence Check
- 1 RU Ok? Participant
- Aided with Arts By the Sea Festival
- Provided security for the weekly SwanFest event
- Provided security for an event at the Rotary Civic Center
- Chief Taylor and Lt. Brim attended the monthly East Carolina Association of Law Enforcement Executives meeting held in Cape Carteret
- Officer Hult completed Field Training Officer Training. 40 hours training conducted online

Admin Services:

- Answered 235 phone calls during business hours
- Assisted 93 walk in requests for assistance during business hours
- Took 66 requests for reports during business hours



Department Reports for June 2024

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Public Works

No report provided