

# *Town of North Topsail Beach*

Daniel Tuman, Mayor  
Suzanne Gray, Mayor Pro Tem  
Aldermen:  
Don Harte  
Tom Leonard  
Richard Macartney  
Michael Yawn



Carin Z Faulkner, MPA  
Interim Town Manager

Terrie Woodle  
Deputy Town Clerk

## **Board of Aldermen Regular Meeting Minutes Thursday, January 3, 2013 6:30 P.M.**

**PRESENT:** Mayor Pro Tem Suzanne Gray, Aldermen Don Harte, Tom Leonard, Mike Yawn and Dick Macartney, Town Attorney Brian Edes, Interim Town Manager Carin Faulkner, Deputy Town Clerk Terrie Woodle

**NOT PRESENT:** Mayor Daniel Tuman

- I. **CALL TO ORDER:** Mayor Pro Tem Gray called the meeting to order at 6:30 p.m.
- II. **INVOCATION:** Alderman Macartney gave the invocation.
- III. **PLEDGE OF ALLEGIANCE:** Mayor Pro Tem led those present in the Pledge of Allegiance.
- IV. **APPROVAL OF AGENDA:**
  - Alderman Leonard made a motion to approve the agenda as presented.
  - Alderman Yawn seconded the motion.
  - The agenda was approved unanimously.
- V. **PUBLIC HEARINGS/PRESENTATIONS:**
  - A. **Public Comment: 2013 PARTF Grant Application & Request to Submit Application:**
    - Mayor Pro Tem Gray introduced this item.
    - Ms. Hill went over the PARTF Grant Application and results from the survey.

The following comments made by the public:

Richard Peters 601 New River Inlet Road- He stated that he is in favor of having this small park and would be of an advantage to have it down there and particularly another kayak entrance would certainly be positive. As the Town develops we have to have these accesses for the citizens on the Intracoastal side to access the ocean.

Robert Swantek 3772 Island Dr. - He stated he is in favor of the access and the park due to the fact that this area has no access to the Intracoastal and it will have good amenities not only for the renters but also for the day trippers. Having a little tot park there would be a nice thing to have.

Donald Martin 207 Oyster Lane- He thanked Ms. Hill for all the hard work she has done for the Town. He strongly recommends approving the park.

Don Barnes 3638 Island Dr. - Stated his property is part of the property the Town took last year to turn a private easement into a public easement. There was a very specific purpose for that, the Town bought the property turned a private easement into a public easement so they could qualify for federal beach renourishment. When that happened, the surrounding property owners were told by Mr. Foster, Ms. Hill and some Town members that they would make this as unobtrusive to the surrounding property owners as they possibly could. This went from unobtrusive to you may get a park across the street.

Last year all the surrounding property owners who live close to this property came and spoke to oppose this. Those property owners could not make it this time and asked him to speak on their behalf; they have also sent letters to the Town. In the Planning Board meeting in December, there was definitely some confusion and he wants to make sure everyone understands. The Town is under no requirement to do anything with this property, not by CAMA, not by the Corps of Engineers, not by anyone. The Town doesn't have to do anything to this property unless they receive federal funding, they don't have to touch the property until after they have been approved for the federal funding and then they would only be required to put in a ten space parking lot. They don't have to put a park here, they don't have to put anything here, if they don't get federal funding for beach renourishment they never even have to put a parking lot there.

All the property owners close to this property desire the Town to leave it alone for the time being, the Town has met their legal obligation to the seller by putting in a cross over, they were required to do it by the deed and they did it and did it well, He appreciates that. Mr. Foster worked with the property owners building it in a way that they requested it be built and he couldn't have built it better if he had built it himself. All of the property owners that were here last year want the Town to do nothing with this property until they find out whether or not they are going to get beach renourishment. The Town will then have a lot of options if they don't get beach renourishment as to what to do with the property.

Last year there was a lot of support among the Board to not do anything, and they were close to getting a motion to do nothing with the property and what swung it was that Ms. Hill got up and said if you are going to do it, you better do it now because PARTF Funding is shrinking every year and it's going to go down next year so you may not have the option. That did not happen, in fact there is more



money in the PARTF Fund this year then there was last year, PARTF has been around for a long time and is not going anywhere, you don't have to rush to go get it.

The results that were shown were not representative of the survey, including only 28% of response of this survey say they never use the park that we already have, so why are you going to spend tax payers money to put another one in when this survey very clearly says they are not utilizing the one you already have.

Carl Chang 3634 Island Dr.- He was out of town when the survey was conducted by phone and was not able to answer the questions on the survey. He asked how many people were called, because 454 people picked up the phone. Ms. Hill stated it was approximately 2600. He stated that 454 is a small percentage and he's not sure how accurate that represents the number of citizens that have property here. He personally doesn't like phone calls of this nature especially around Christmas and feels the percentage is not accurate. He feels this should have been done properly with a mailed out survey. He has heard more negatives than positives on this park.

- Alderman Leonard made a motion to submit the 2013 PARTF Grant (Resolution 2013-3).
- Alderman Harte seconded the motion.
- Ms. Hill took questions from the Board.
- Motion passed 4-1 with Alderman Yawn voting against.

#### **B. Financial Audit Report- Pittard, Perry & Crone**

- Mayor Pro tem introduced this item
- Mr. Burton gave his audit report.
- Ms. Faulkner stated that a hard copy will be sent to the Board when it is available and that it will be on the Consent Agenda next month for Board approval.

### **VI. MANAGER'S REPORT:**

**A. New River Inlet Channel Realignment Project:** Ms. Faulkner reported that Marinex Construction should be finished pumping sand on the beach on January 9<sup>th</sup>, weather permitting. Included in your agenda tonight is a proposal by Mr. Robert Neal of CP&E for a change order to the project to allow Marinex and a subcontractor to go back and place sand up to the most seaward pilings at the north end and to cover the already covered (by nature) sandbags at the Topsail Reef condo complex to alleviate the depressions in those locations. Mr. Neal expects the contractor to request a "hold harmless" agreement from the property owners at the north end. The next public meeting about the project will be held on January 10<sup>th</sup> at 10:00 a.m.

**B. Army Corps of Engineers Maintenance Dredging & Disposal:** Ms. Faulkner reported that the Army Corps of Engineers should be finishing up its dredging and

- disposal project by January 22<sup>nd</sup>. They have left approximately 100,000 cubic yards of sand seaward of the NRI project disposal. Some of this sand will be removed and used to fill in the north end and the sand bag area at the Topsail Reef.
- C. Video on the NRI Project:** Ms. Faulkner reported that Dr. Buttino and his cameraman will be back to take post-construction footage and conduct the interview portion of the video in February. Town Staff continues to work on a storyboard and script to assist Dr. Buttino.
- D. Peter Ravella Consulting Activities:** Ms. Faulkner reported that Peter Ravella will be making his final presentation and recommendation on beach project funding to the Board at a Special Meeting scheduled for Monday, January 28<sup>th</sup> at 2:00 p.m.
- E. CBRA Update:** Ms. Faulkner reported that Mr. Harms from Marlowe & Company sent the Town a letter from U.S. Fish and Wildlife (F&W) which indicated that they will not be revising the CBRA maps due to funding constraints, this is the stance they have taken for several years and this letter is just putting their verbal stance in writing. This does not change the Town's path forward. Mr. Harms said he has spoken with counsel on the House Natural Resources Committee and know that this action by F&W will not prevent Congress from acting on H.R. 4311 and S. 3561, the Town's CBRA legislation introduced by Rep. Jones and Sen. Hagan, respectively. Once the House and Senate Committees of jurisdiction (natural Resources and Environment & Public Works, respectively) approve the bills, F&W will be compelled to address the mapping issue; the funding issue they cite in the letter will be moot. After F&W amends their map, it will be incorporated into the bill and passed by Congress, finalizing the change. He said that Marlowe & Company continue to work with Rep. Jones and Sen. Hagan to get their respective committees to approve the bills so that F&W can commission new maps for Unit L06. He was hoping that a last minute push in Committee could allow the legislation to be voted on and said that he would update me on any developments as they occur.
- F. Sand Pushing Permit:** Ms. Faulkner reported that at this time the Town will be doing what it did last year as far as sand pushing. The Town has recently obtained the permit from CAMA and those private property owners who wish to do a push can contract the Town, pay the Town for the cost of the push and the Town will pay the contractor. This is so that CAMA and the Town can keep track of the areas of the beach that are pushed. Ms. Hill said she has received two requests to do a push to-date.
- G. Managers of Coastal Communities:** Ms. Faulkner reported that another meeting of the Managers of Coastal Communities was held here on December 14<sup>th</sup> Managers from Duck, Oak Island, Holden Beach, Topsail Beach, as well as representatives from Carolina Beach, NCBIWA, and New Hanover County were in attendance. The members discussed the formation of a Coastal Caucus. Our Senator Harry Brown seems to be leading the charge to form this caucus. Harry Simmons from NCBIWA offered to write a resolution for the municipalities to adopt in support of the caucus. Ms. Faulkner reported that it is on the agenda for tonight. Mr. Simmons provided

some insight on which funding options he thought the General Assembly would back. He indicated that there is a strong support for the local option sales. Mr. Simmons is working on draft language for a bill on the local option sales tax. Other topics discussed were NC 20 involvement, NCBIWA involvement, and Inlet Funding. The next meeting is tentatively scheduled for January 11<sup>th</sup> and will take place at NTB.

**H. The Giving Tree:** Ms. Faulkner thanked everyone who participated in “The Giving Tree” this year. Your donations went to 16 local school children. She also thanked Kim Weaver and Terrie Woodle for coordinating this event and doing the shopping. They were not only able to provide the children with gifts; they also gave the families food for the holiday.

**I. Solid Waste Calendar:** The 2013 Solid Waste and Recycling Calendar is available on the website.

**J. Annual Board Retreat:** Ms. Faulkner said she would like to schedule our Board retreat for sometime in February and asked the Board to please provide her with the times they are not available and three or four items they would like to discuss.

VII. **OPEN FORUM:**

**Grant Riley of 909 South Main St. Belmont, NC** – Mr. Riley stated that he is starting a beach service this year; he will be setting up umbrellas and chairs in front of St. Regis. Starting in May and will be out there daily from Memorial Day to Labor Day, he will be cleaning the beaches and keeping it safe as possible without calling themselves lifeguards. He would like to ask the Boards permission to put a small storage box on the beach at the ends of St. Regis property to store equipment in, without that it makes it very difficult for this business to succeed. He showed the Board pictures of what he would like to do. He would like to get the Boards permission to build wooden lounge chairs to leave on the beach during the season, the pads and umbrellas would be out during the day and at night people walking the beach would be able to sit down without sitting in the sand.

**Eric Emerich of 2250 New River Inlet Road (Topsail Reef)** - Mr. Emerich wished everyone a Happy New Year and gave kudos and job well done to the Town, CP&E and Marinex on the massive undertaking on the north end. He has been very impressed with the manner and professionalism that has taken place. He stated that a dune has been created north of Topsail Reef and the Town might want to put sand fencing and beach vegetation out there sooner rather than later.

VIII. **CONSENT AGENDA:**

- A. Request to Approve Tax Refunds
- B. Request to Approve Donation to NTB Rescue Squad
- C. Approval of Minutes  
December 6, 2012
- D. Department Head Reports: Finance, Fire, Inspections, Planning, Police

E. Committee Reports: Planning Board, Board of Adjustment, TISPC, ONWASA, Beautification and Recreation.

- Alderman Yawn made a motion to approve the Consent Agenda as presented.
- Alderman Macartney seconded the motion.
- The motion passed unanimously.

IX. **NEW BUSINESS:**

**A. Request to Approve a Change Order for the New River Inlet Channel Realignment Project:**

- Mayor Pro Tem Gray introduced this item.
- Mr. Robert Neal from CP&E presented the Change Order.
- There was discussion.
- Alderman Leonard made a motion to authorize the expense of \$97,100.00 from the Beach Fund to perform the additional work as specified in the change order presented by Mr. Neal from CP&E contingent upon the Town being named in a “hold harmless” agreement.
- Alderman Harte seconded the motion.
- There was discussion.
- The motion passed unanimously.

**B. Request to Adopt a Resolution Requesting State Legislation to Clarify Municipal Authority on the State’s Ocean Beaches:**

- Mayor Pro Tem Gray introduced this item.
- Attorney Edes briefed the Board on this resolution.
- Alderman Macartney made a motion that the North Topsail Beach Board of Aldermen adopt Resolution 2013-1- A Resolution Requesting State Legislation to Clarify Municipal Authority on the State’s Ocean Beaches.
- Alderman Leonard seconded the motion.
- The motion passed unanimously.

**C. Request to Adopt a Resolution in Support of a Coastal Caucus:**

- Mayor Pro Tem Gray introduced this item.
- Ms. Faulkner briefed the Board on this resolution.
- Alderman Macartney made a motion that the North Topsail Beach Board of Aldermen adopt Resolution 2013-2 - A Resolution in Support of a Coastal Caucus.
- Alderman Leonard seconded the motion.
- The motion passed unanimously.

- X. **OPEN FORUM:** Robert Swantek 3772 Island Dr. came forward to speak. He stated there is a lot of traffic on the beach at night; we need to get our Police Department out there and take a look at it. He also agrees with Alderman Yawn's proposal for a beach push. He stated that the job being done on the north end looks fantastic.
- XI. **ATTORNEY'S REPORT:** Attorney Edes stated that he is the Attorney for Oak Island also and he was in contact with Steve Foster. Mr. Foster had come to North Topsail Beach a couple of weeks ago and went to see the progress at the north end and said he was very pleased with the work that has taken place.
- XII. **MAYOR'S REPORT:** No Mayor's Report
- XIII. **ALDERMEN'S REPORT:**
- Alderman Yawn:** Thanked everyone for coming out tonight. He mentioned that the State of NC thinks they own the land where the mean high water is before they started the project at the north end. For those 17-18 homes up at the north end, he thinks they have a valid escalation with CAMA to get documentation that says if the house is more than 50% destroyed the house is unbuildable. That is not good news but you escalate that to the County Tax Office and save on your property taxes.
- Alderman Harte:** Thanked everyone for a great turn out and appreciates their participation.
- Alderman Leonard:** He wished everyone a Happy New Year and thanked them for coming out tonight. He reiterated the great job that CP&E and Marinex are doing and how well they are working together, it has been a great pleasure.
- Alderman Macartney:** He was sorry he missed the last two meetings. The Board did good work while he was gone.
- MAYOR PRO TEM:** On behalf of Mayor Tuman and herself she wished everyone a prosperous, healthy and safe 2013. The Board of Aldermen has had a very productive 2012 and she hopes to see that continue in 2013. She thanked everyone for coming tonight.
- XIV. **CLOSED SESSION:**
- Alderman Leonard made a motion to go into Closed Session per N.C.G.S. 143-318.11: To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged AND (6): To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee. Alderman Yawn seconded the motion. The motion passed unanimously. Alderman Yawn made a motion to come out of Closed Session. Alderman Leonard seconded the motion. The

Motion passed unanimously. Mayor Pro Tem Gray announced that no action was taken in Closed Session.

- XV. **ADJOURNMENT:** Alderman Yawn made a motion to adjourn. Mayor Pro Tem Gray seconded the motion. The motion passed unanimously. The meeting adjourned at 8:15 p.m.

APPROVED:

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Daniel Tuman, Mayor

ATTEST:

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Terrie Woodle, Deputy Town Clerk

# *Town of North Topsail Beach*

Daniel Tuman, Mayor  
Suzanne Gray, Mayor Pro Tem  
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Michael Yawn



Carin Z. Faulkner, MPA  
Interim Town Manager

Terrie Woodle  
Deputy Town Clerk

## **North Topsail Beach Board of Aldermen SPECIAL MEETING Minutes\* Monday January 28, 2013 2:00 P.M.**

**PRESENT:** Mayor Daniel Tuman, Mayor Pro Tem Suzanne Gray, Aldermen Tom Leonard, Richard Macartney, Mike Yawn, and Interim Town Manager Carin Faulkner

**NOT PRESENT:** Alderman Don Harte

**I. CALL TO ORDER:** Mayor Tuman called the meeting to order at 2:00 p.m.

**II. APPROVAL OF AGENDA:**

- Alderman Leonard made a motion to approve the agenda as presented.
- Mayor Pro Tem Gray seconded the motion.
- The agenda was approved unanimously.

**III. PRESENTATION- Peter Ravella of PARC Consulting, LLC - Recommended Beach Project Funding Plan for the Town of North Topsail Beach:**

- Mr. Ravella submitted a written report to the Board of Aldermen. He left hard copies and a digital copy for the Town Clerk.
- Mr. Ravella made his presentation to the Board of Aldermen (\*Attachment A).
- Mr. Ravella took questions from the Board and there was discussion throughout the presentation.
- Mr. Ravella indicated that he will be submitting a supplement to his report based on the feedback he received from the Board.

**IV. CLOSED SESSION:** Mayor Pro Tem made a motion to go into Closed Session per N.C.G.S. 143-318.11 Closed Session (6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee. Alderman Leonard seconded the motion. Motion passed unanimously.

Alderman Yawn made a motion to come out of Closed Session. Mayor Pro Tem Gray seconded the motion. The motion passed unanimously.

\*There is an attachment to these minutes.

- V. **ADJOURNMENT:** Alderman Yawn made a motion to adjourn. Mayor Pro Tem Gray seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 4:15 p.m.

APPROVED:

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Daniel Tuman, Mayor

ATTEST:

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Terrie Woodle, Deputy Town Clerk



# NTB Shoreline Management Program

FINAL REPORT PRESENTATION  
JANUARY 28, 2013

Peter A. Ravella, Principal  
PAR Consulting LLC

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| Table 1: Workshop & Outreach Events       | Date & Time              | Location         |
|---|--------------------------|------------------|
| Workshop 1                                | May 12, 2012, 2:00pm     | NTB Town Hall    |
| Workshop 2                                | May 12, 2012, 6:30 pm    | NTB Town Hall    |
| Workshop 3                                | June 23, 2012, 2:00pm    | NTB Town Hall    |
| Workshop 4                                | June 23, 2012, 6:30 pm   | NTB Town Hall    |
| Workshop 5                                | Aug 11, 2012, 2:00pm     | NTB Town Hall    |
| Workshop 6                                | Aug 11, 2012, 6:30 pm    | NTB Town Hall    |
| Model Training Workshop 1                 | September 4, 10:00 am    | Conference Call  |
| Model Training Workshop 2                 | September 6, 7:00 pm     | Conference Call  |
| Public Meeting: Joint NTB & Onslow County | September 28, 2012       | NTB Town Hall    |
| Workshop 7                                | October 6, 2012, 2:00 pm | NTB Town Hall    |
| Workshop 8                                | October 6, 2012, 6:30 pm | NTB Town Hall    |
| Workshop with Concerned Citizens of NTB   | Nov. 2, 2012, 6:45 pm    | Stump Club House |
| Final Report to Board of Alderman         | January 28, 2013         | NTB Town Hall    |

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# Review

NTB Beach Revenues  
Ad Valorem Taxes  
Occupancy Taxes

**Table 2: Current Property Tax Rates in Onslow County**

| <b>Onslow County Municipalities</b> | <b>2012-2013 Taxable Property Value</b> | <b>2012-2013 Ad Valorem Tax Rate (Cents/\$100 value)</b> |
|-------------------------------------|---|--|
| Jacksonville                        | \$3.455 B                               | 53.80  |
| North Topsail Beach                 | \$843.2 M                               | 23.55  |
| Swansboro                           | \$363.6 M                               | 39.30  |
| Holly Ridge                         | \$156.6 M                               | 41.50  |
| Richlands                           | \$114.8 M                               | 37.00  |
| Surf City                           | \$1.265 B                               | 31.00  |

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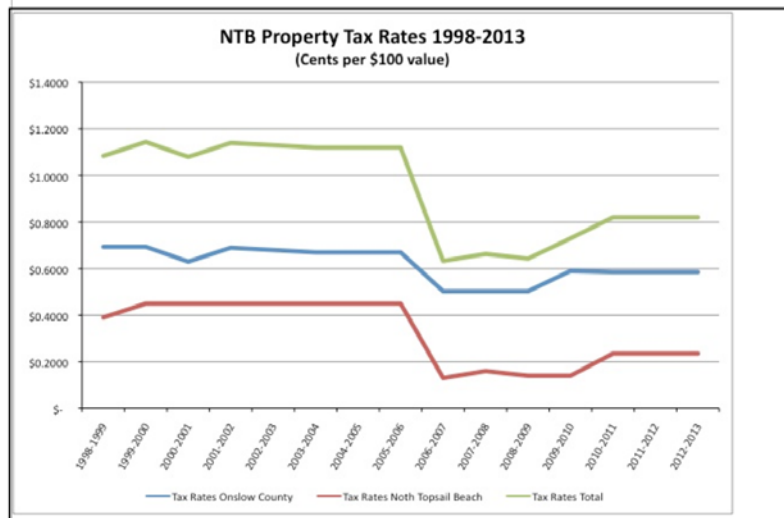


Figure 4 - Onslow County & NTB Property Tax Rates (1998-Present)

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## Ad Valorem Tax Plan Notes

- ▶ The level of ad valorem taxes needed depends on the level of state and county funding.
- ▶ NTB should work to secure a minimum 25% state contribution beginning in 2018. No clear state commitment has been secured at this time.
- ▶ NTB should work to secure a \$1,000,000/year from Onslow County beginning in 2018. No clear county commitment has been secured at this time.

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|                                   |      |
|-----------------------------------|------|
| Indian Beach Ocean Front          | 3.50 |
| Indian Beach Non-Ocean Front      | 1.00 |
| Pine Knoll Shores Ocean Front     | 5.20 |
| Pine Knoll Shores Non-Ocean Front | 1.40 |
| Emerald Isle Ocean Front          | 4.50 |
| Emerald Isle Non-Ocean Front      | 1.50 |

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| Property Value | 1 cent per \$100 Value |         | 5 cents per \$100 Value |          | 10 cents per \$100 Value |          | 15 cents per \$100 Value |            | 20 cents per \$100 Value |            |
|----------------|------------------------|---------|-------------------------|----------|--------------------------|----------|--------------------------|------------|--------------------------|------------|
|                | Month                  | Year    | Month                   | Year     | Month                    | Year     | Month                    | Year       | Month                    | Year       |
| \$100,000      | \$0.83                 | \$10.00 | \$4.17                  | \$50.00  | \$8.33                   | \$100.00 | \$12.50                  | \$150.00   | \$16.67                  | \$200.00   |
| \$150,000      | \$1.25                 | \$15.00 | \$6.25                  | \$75.00  | \$12.50                  | \$150.00 | \$18.75                  | \$225.00   | \$25.00                  | \$300.00   |
| \$200,000      | \$1.67                 | \$20.00 | \$8.33                  | \$100.00 | \$16.67                  | \$200.00 | \$25.00                  | \$300.00   | \$33.33                  | \$400.00   |
| \$250,000      | \$2.08                 | \$25.00 | \$10.42                 | \$125.00 | \$20.83                  | \$250.00 | \$31.25                  | \$375.00   | \$41.67                  | \$500.00   |
| \$300,000      | \$2.50                 | \$30.00 | \$12.50                 | \$150.00 | \$25.00                  | \$300.00 | \$37.50                  | \$450.00   | \$50.00                  | \$600.00   |
| \$350,000      | \$2.92                 | \$35.00 | \$14.58                 | \$175.00 | \$29.17                  | \$350.00 | \$43.75                  | \$525.00   | \$58.33                  | \$700.00   |
| \$400,000      | \$3.33                 | \$40.00 | \$16.67                 | \$200.00 | \$33.33                  | \$400.00 | \$50.00                  | \$600.00   | \$66.67                  | \$800.00   |
| \$450,000      | \$3.75                 | \$45.00 | \$18.75                 | \$225.00 | \$37.50                  | \$450.00 | \$56.25                  | \$675.00   | \$75.00                  | \$900.00   |
| \$500,000      | \$4.17                 | \$50.00 | \$20.83                 | \$250.00 | \$41.67                  | \$500.00 | \$62.50                  | \$750.00   | \$83.33                  | \$1,000.00 |
| \$550,000      | \$4.58                 | \$55.00 | \$22.92                 | \$275.00 | \$45.83                  | \$550.00 | \$68.75                  | \$825.00   | \$91.67                  | \$1,100.00 |
| \$600,000      | \$5.00                 | \$60.00 | \$25.00                 | \$300.00 | \$50.00                  | \$600.00 | \$75.00                  | \$900.00   | \$100.00                 | \$1,200.00 |
| \$650,000      | \$5.42                 | \$65.00 | \$27.08                 | \$325.00 | \$54.17                  | \$650.00 | \$81.25                  | \$975.00   | \$108.33                 | \$1,300.00 |
| \$700,000      | \$5.83                 | \$70.00 | \$29.17                 | \$350.00 | \$58.33                  | \$700.00 | \$87.50                  | \$1,050.00 | \$116.67                 | \$1,400.00 |
| \$750,000      | \$6.25                 | \$75.00 | \$31.25                 | \$375.00 | \$62.50                  | \$750.00 | \$93.75                  | \$1,125.00 | \$125.00                 | \$1,500.00 |

## Funding Sources Other than *ad valorem* revenue

| Other Revenue Sources                     | Contribution Goal      |
|---|------------------------|
| State: Division of Water Resources        | 25% (could be 0%–50%)  |
| County: Begins in 2015 & tops out in 2018 | \$500K – \$1M per year |
| Visitors: Occupancy Tax Revenue           | \$800,000/yr & growing |
| Federal Project                           | 65%                    |
| State Cost Share on Federal Project       | <b>50%</b>             |

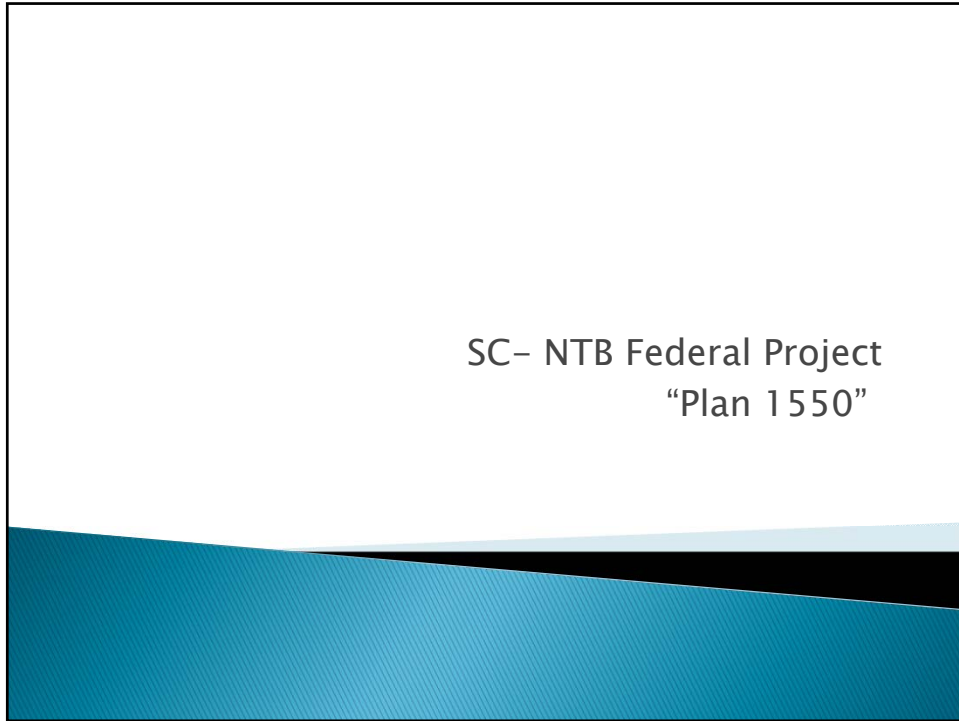
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## Occupancy Tax Revenue – 5 Years

| Project Year | Fiscal Year  | Occ. Tax Revenue <sup>1</sup> | Reserved Occ. Tax Revenue <sup>2</sup> | Available for Beach Project <sup>3</sup> | Percent Available |
|--------------|--------------|-------------------------------|--|--|-------------------|
| 1            | 12/13        | \$800,000                     | \$120,000                              | \$680,000                                | 85%               |
| 2            | 13/14        | \$824,000                     | \$123,600                              | \$700,400                                | 85%               |
| 3            | 14/15        | \$848,720                     | \$127,308                              | \$721,412                                | 85%               |
| 4            | 15/16        | \$874,182                     | \$135,062                              | \$743,054                                | 85%               |
| 5            | 16/17        | \$900,407                     | \$139,113                              | \$765,346                                | 85%               |
|              | <b>TOTAL</b> | <b>\$4,247,309</b>            | <b>\$637,097</b>                       | <b>\$3,610,212</b>                       |                   |

- 1- Occupancy Tax Revenue projected to increase @ 3% per year
- 2- Reserved Occupancy Tax Revenue is 15% and is capped at \$200,000/year
- 3- Currently, only 91 owner-managed rentals pay Occupancy Taxes. Are there more?

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### Plan 1550 – Your Federal Beach Project

- ▶ **Length:** 52,150 ft or 9.88 miles
- ▶ **Coverage:** Surf City plus  $\approx$  3.85 miles of NTB
- ▶ **Dune Height:** 15 ft
- ▶ **Dune Width:** 100 ft at base & 25 ft at crest
- ▶ **Dune Walkovers:** 60 included
- ▶ **Dune Vegetation:** Yes
- ▶ **Upper Beach Berm:** 50 ft wide @ +7 ft elevation
- ▶ **Lower Beach:**  $\approx$  125 ft wide, sloping to the sea
- ▶ **Dry Beach Width:**  $\approx$  200 feet

## Plan 1550 Schematic

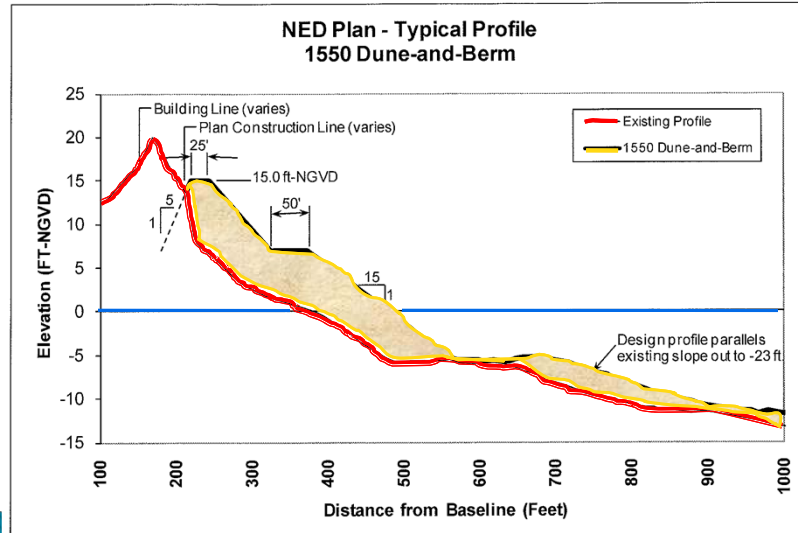


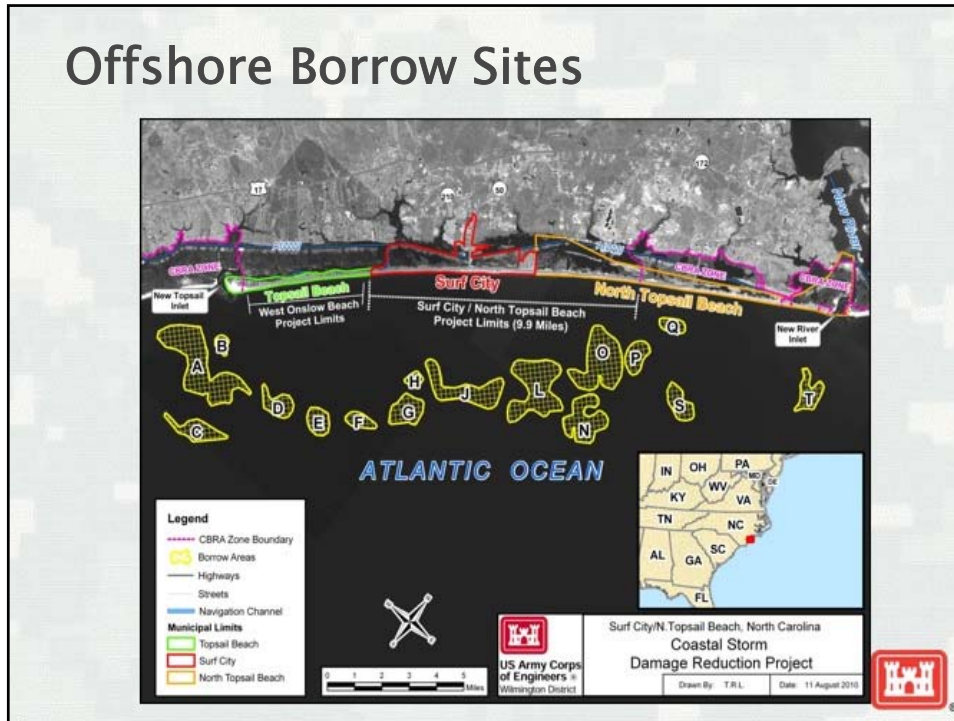
Figure 7.1. Plan 1550, NED Plan, cross section.

## Plan 1550 – Federal Beach Project Basics

- ▶ **Sand Source:** Offshore
- ▶ **Initial Sand Volume:** 11.9 million cu. yds.
- ▶ **Avg. Volume/Foot:** 228 cu. yds
- ▶ **Initial Construction Time:** 4 years
- ▶ **Renourishment Volume:** 2.9 million cu. yds.
- ▶ **Renourishment Interval:** 6 years
- ▶ **Renourishment Events:** 7
- ▶ **Project Duration:** 50 years



## Offshore Borrow Sites



## Federal Funding Under WRDA

- SC-NTB Federal Project is authorized through the Water Resources Development Act or WRDA
- Congress must still authorize and appropriate funds for construction. WRDA expected in next Congress.
  - ✓ Reconnaissance Phase – Section 905(b) Report
  - ✓ Feasibility Study/EIS Phase
  - ✓ Project Design and Permitting
  - ☐ **Appropriation for Construction Phase (we need this)**
- Federal Project is 50-year duration
- Federal share is 65% initial project and 50% for renourishment
- Planning Start Date: December 2015



## Plan 1550 Estimated Construction Costs

- ▶ **Initial Project Cost:** **\$132,648,000**  
(Oct 2010 price @ 4.375% Interest)
- ▶ **Renourishment Cost:** **\$21 to \$28 million**
- ▶ **Note 1:** Once the beach is constructed, the Corps will come back every six years to renourish the beach for 50 years.
- ▶ **Note 2:** The estimated renourishment volume is 2.9 million cubic yards, instead of 11.9 M cu. yds. for the first project.
- ▶ **Note 3:** Federal renourishment share is 50%, not 65%. SC will pay about \$3.5 to \$4.5 million per renourishment.

## Initial Project Construction Cost?

| Fund Source             | Percent     | Amount               | Note   |
|-------------------------|-------------|----------------------|--|
| Corps of Engineers      | 65%         | \$ 86,221,200        | USACE share may be 1-3% lower based on vacant lots, parking, and other factors |
| State of North Carolina | 17.5%       | \$ 23,213,400        | State share is 50% of the non-federal share of 35%                             |
| Surf City               | 10.7%       | \$ 14,088,212        | Based on shoreline length, SC pays 61% of the 17.5% local cost                 |
| North Topsail Beach     | 6.8%        | \$ 9,125,188         | Based on shoreline length, NTB pays 39% of the 17.5% local cost                |
| <b>TOTAL</b>            | <b>100%</b> | <b>\$132,648,000</b> | Cost is construction only. Easements, parking, admin costs are extra           |

| Table 6:<br>Local/CP&E Shoreline Management Strategy<br>Schedule and Estimated Cost |       |              |
|---|-------|--------------|
| NTB Local Project   | Start | Cost         |
| Event I: Phase 1  | 2012  | \$5,614,160  |
| Event II: Phase 1,2,4   | 2016  | \$18,916,000 |
| Event III: Phase 1 2,3,4,5  | 2018  | \$17,265,000 |
| Event IV: Phase 1,2,3,4   | 2022  | \$10,140,000 |
| Event V: Phase 1,2,3,4  | 2026  | \$10,976,000 |
| Event VI: Phase 1,2,3,4   | 2030  | \$11,881,000 |
| Event VII: Phase 1,2,3,4  | 2034  | \$12,860,000 |
| Event VIII: Phase 1,2,3,4   | 2038  | \$13,920,000 |
| Event IX: Phase 1,2,3,4   | 2042  | \$15,068,000 |

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**LOCAL/CP&E PROJECT COST ESTIMATE**

The total estimated cost:                   \$117,868,000.

The present value cost:                   \$53,956,215.

The equivalent annual cost:               \$3,831,000.

PARC



- **Initial Construction Phases 2-4 \$16,175,000**  
Material to come from DA143 (2015)
- **Phase 1 Maintenance \$150,000/yr**  
AIWW & Cedar Bush Cut (cost differential)
- **Phase 5 \$8,000,000**  
Maintenance Material from Inlet Cut  
Potentially over 4-5 years 2014-2018
- **Long Term Maintenance from Inlet & Cross Roads**
- **Offshore Borrow Areas Held in Reserve for Coastal Storm Events**

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## Uncertainties

- Local project plans and exploration of more cost effective strategies
- Timing of future local projects
- State share for local and federal projects
- County contributions
- Congressional action on Federal Project
- Timing of Federal Project

**Table 10B: Assumed State & County Contribution Levels and Dates**

|                                    |      |             |
|------------------------------------|------|-------------|
| State Contribution                 | 2016 | 25%         |
| Onslow County Contribution Level A | 2015 | \$500,000   |
| Onslow County Contribution Level B | 2018 | \$750,000   |
| Onslow County Contribution Level C | 2022 | \$1,000,000 |

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### Funding Scenarios

Assumes Oceanfront @ 66.7% and Non-Oceanfront @ 33.3%  
 Includes Federal Project as Described in Model (50% state share)

| Contributor   | Worst      | Good                     | Best        |
|---|------------|--------------------------|-------------|
| State   | 0%         | 25%                      | 40%         |
| County Per Year                                     | \$0        | \$500,000<br>\$1,000,000 | \$1,000,000 |
| Visitors  | \$680,000+ | \$680,000 +              | \$800,000 + |
| <u>Additional OF</u><br>Tax Rate<br>in cents/\$100  | 39.37      | 19.18                    | 11.71       |
| <u>Additional NOF Tax</u><br>Rate<br>In cents/\$100 | 20.90      | 9.95                     | 5.89        |

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## KEY CONCLUSION 1

- ▶ The unavoidable fact is the Town of North Topsail Beach is not setting aside sufficient local revenues to implement any of the beach projects it has spent a decade developing.

PARC

## KEY CONCLUSION 2

- ▶ Unfortunately, significant uncertainties exist in both the local beach project plan and federal project plans that make assessing the cost and most importantly the timing of these future projects challenging. Also unknown at this time is the level of outside financial support, if any, the Town can expect from Onslow County and the state of North Carolina.

PARC

## KEY CONCLUSION 3

- ▶ Without a clear understanding of future project costs, the timing of future projects, or the level of outside assistance available, adopting a single definitive local funding plan at this time, one reasonably likely to support all future beach project needs, is not feasible.
- ▶ There are simply too many significant cost variables undefined at this time.

PARC

## KEY CONCLUSION 4

- ▶ The Town needs to act now to put in place a financial foundation or cornerstone for its shoreline management program, one that can be adjusted and built upon as critical project decisions are made, outside funding commitments (if any) are secured, and as the timing of local projects and the federal project come into focus.

PARC

| Table 11:<br>Sample Property Tax Increases & New Beach Fund Revenues<br>(Based on Current Property Valuations) |   |                 |
|--|---|-----------------|
| Additional Non-Oceanfront<br>Tax Rate Cents/\$100  | Additional Oceanfront<br>Tax Rate Cents/\$100 | New<br>Revenues |
| 8  | 12  | \$863,830       |
| 10   | 15  | \$1,079,787     |
| 12   | 18  | \$1,295,744     |

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## PARC RECOMMENDATION 2

Continue to use a dedicated Beach Fund and limit the allowed expenditures from the fund to those directly related to the design, permitting, construction and monitoring of beach projects, with a reasonable set aside for annual beach operation and maintenance expenditures.

PARC



### PARC RECOMMENDATION 3

Continue deliberate efforts to secure state contributions by aggressively pursuing the maximum state share possible for the future Local/CP&E projects, as may be modified, and work to ensure the 50% state cost share for the federal project remains in the state Water Resources Development Plan.

PARC

### PARC RECOMMENDATION 4

Continue deliberate efforts to secure county contributions with the goal of obtaining \$500,000 per year beginning in 2015, increasing to \$1 million per year in 2018; work cooperatively with Onslow County to help address New River Inlet navigation issues most especially in the context of the GBA proposal for the beneficial use of dredged material as a sand source for the Town's beaches.

PARC

## PARC RECOMMENDATION 5

Fully explore and where possible adopt Local/CP&E project modifications in timing, sand sources, and the order and/or combination of project phases to reduce project costs;

PARC

## PARC RECOMMENDATION 6

Further develop and advance the “GBA Emerging Alternative” as a potential cost reduction strategy.

PARC

## PARC RECOMMENDATION 7

Avoid any attempt to implement an ad valorem tax rate tied to planned project phase boundaries, planned fill volumes or other “project design” features which can change over time

PARC

## PARC RECOMMENDATION 8

Continue to dedicate all occupancy taxes collected in the community to the Beach Fund and step up enforcement of occupancy tax collection.

PARC

## PARC RECOMMENDATION 9

Ensure the Town meets all requirements for “FEMA Beach” eligibility, specifically planning for a maximum five-year renourishment interval and implementation of an annual beach monitoring and reporting program.

PARC

## PARC RECOMMENDATION 9

Ensure the Town meets all requirements for “FEMA Beach” eligibility, specifically planning for a maximum five-year renourishment interval and implementation of an annual beach monitoring and reporting program.

PARC

## PARC RECOMMENDATION 1

Increase the dedicated ad valorem tax contribution to the Beach Fund effective in Fiscal Year 2013-2014 by adopting the "10/15 Plan" as follows:

- Increase the property tax rate town-wide by of 9 cents/\$100 value (from 23.55 to 32.55 cents), bringing the total base Beach Fund tax rate to 10 cents/\$100 on all properties
- Establish an MSD encompassing all oceanfront properties and increase the dedicated property tax rate an additional 5 cents/\$100, bringing the Beach Fund rate within the oceanfront MSD to 15 cents/\$100 value.

PARC

## FINAL WORD

PARC's funding recommendation should not be interpreted as final funding plan for all future beach projects but as an interim step, a down payment, in the Town's on-going efforts to implement its shoreline management program.

PARC recommends that the Town revisit and review its beach project funding costs and dedicated revenues annually, as projects, project costs, and revenues become more clear.

PARC

# *Town of North Topsail Beach*

Daniel Tuman, Mayor  
Suzanne Gray, Mayor Pro Tem  
Aldermen:  
Don Harte  
Tom Leonard  
Richard Macartney  
Michael Yawn



Carin Z Faulkner, MPA  
Interim Town Manager

Terrie Woodle  
Deputy Town Clerk

## **Board of Aldermen Regular Meeting Minutes\* Thursday, February 7, 2013 6:30 P.M.**

**PRESENT:** Mayor Daniel Tuman, Mayor Pro Tem Suzanne Gray, Aldermen Tom Leonard, Mike Yawn and Dick Macartney, Town Attorney Brian Edes, Interim Town Manager Carin Faulkner, Deputy Town Clerk Terrie Woodle

**NOT PRESENT:** Don Harte

- I. **CALL TO ORDER:** Mayor Tuman called the meeting to order at 6:30 p.m.
- II. **INVOCATION:** Alderman Leonard gave the invocation.
- III. **PLEDGE OF ALLEGIANCE:** Mayor Tuman led those present in the Pledge of Allegiance.
- IV. **APPROVAL OF AGENDA:**
  - Alderman Macartney had been advised by the Interim Town Manager that under New Business IX. Item C Request to Install Storage Containers for Beach Chair Rental may be deleted due to further developments that have occurred therefore he made a motion to approve the Agenda as amended.
  - Alderman Yawn seconded the motion.
  - The Agenda was approved unanimously.
- V. **PUBLIC HEARINGS/PRESENTATIONS:**
  - A. **Presentation: Final Report on the New River Inlet Channel Realignment Project.**
    - Mayor Tuman introduced this item.
    - Robert Neal, Coastal Planning and Engineering gave his final report to the Board of Aldermen.
    - Mr. Neal took questions from the Board.

\* There are attachments to these minutes (Attachment A February 7, 2013 Board of Aldermen minutes).

**B. Public Hearing: Special Use Permit Application and Preliminary Plan Submitted by Soundside Park Developers, Inc. for Soundside Park at North Topsail Beach.**

- Mayor Tuman introduced this item.
- Mrs. Woodle swore in Ms. Hill, Beth Faleris, John Green and Robert Belyea.
- Mayor Tuman opened the Public Hearing.
- Ms. Hill read her staff report and requested that the Staff report and Exhibits be entered into the Record. (Attachment A February 7, 2013 Board of Aldermen minutes).
- Ms. Hill took questions from the Board.

The Following are comments made by the Public.

Beth Faleris 413 Johnson Blvd. Jacksonville, NC came forward to speak. Mrs. Faleris is the Attorney that represents Soundside Park Community Services Association. She gave a brief description of the background and how it began. They have been working with the Town for two years to try and solve the issues that have been going on with this particular parcel.

John Green 1300 Trout St. North Topsail Beach, NC came forward to speak. He stated he has been a resident of Soundside Park since 2004 and currently is president of Soundside Park HOA. Soundside Park is a small multiple owner single family development that was platted by the Town in 2000. From 2000 to 2010 the developer and some individual owners were issued building permits without limitations. In a period from 2003-2007 there were seven building permits issued for construction of single family homes and in 2010 some owners applied for a building permit and got the shocking news that the Town was no longer issuing building permits within their development.

Over the past two years they have been working with Town Staff to arrive at a solution that would meet the Town's needs and the needs of the owners that have made a significant investment. The process has required legal assistance, foreclosures and multiple owner assessments. Under the current arrangement where the HOA pays the property taxes, they have had owners that have failed to pay their taxes so then the burden falls upon the ones that are willing to pay. They believe the proposal complies with the Town regulations and would allow for building permits to be issued to the owners and correct a development scheme that they have found unworkable.

Being able to acquire a building permit restores the value of the Soundside Park properties, allows the owners to utilize the property for the purposes intended which ultimately would add to the Town's tax base. For the reasons he stated he requested the Board accept the Town's Staff, Advisory Board and Technical Committee's recommendations and approve the Special Use Permit.

Robert Belyea 1301 Trout St. North Topsail Beach, NC came forward to speak. He stated he has lived at North Topsail Beach for almost 9 years and has been very happy living here. He stated when the gentleman sold them their home passed away they learned that there were some absentee property owners that were not paying their share of the taxes and this has become a nightmare. As you have heard the HOA has been working with Town Staff and have come up with a solution and it is at no burden to the Town of North Topsail Beach. He asked the Board for their approval and thanked them.

- Alderman Macartney made a motion to close the Public Hearing.
- Alderman Yawn seconded the motion.
- The motion passed unanimously.
- There was discussion.
- Mayor Tuman read the Order [Granting] or [Denying] special Use Permit SUP-13-01 Worksheet.

Based on the facts, the Board of Aldermen determined the following conclusions:

- Alderman Macartney made a motion that the use or development [is] located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare. Alderman Yawn seconded the motion. The motion passed unanimously.
- Alderman Macartney made a motion that the use or development [does] comply with all required regulations and standards of this Ordinance and with all other applicable regulations. Alderman Leonard seconded the motion. The motion passed unanimously.
- Alderman Macartney made a motion that the use or development [does] conform to the plans for the land use and the development of the Town of North Topsail Beach as embodied in this Ordinance and in the Town of North Topsail beach CAMA Land Use Plan. Alderman Leonard seconded the motion. The motion passed unanimously.
- Alderman Leonard made a motion Therefore, on the basis of all of the foregoing, IT IS ORDERED that the application for a Special Use Permit be [approved]. Mayor Pro Tem Gray seconded the motion. The motion passed unanimously.

#### VI. **MANAGER'S REPORT:**

- A. Annual Retreat:** Ms. Faulkner stated that the Board had scheduled the Retreat for Monday February 11, 2013. Alderman Harte is not able to make it she suggests that it be rescheduled. She will be contacting the Board with a new date and time.
- B. Peter Ravella Consulting Activities:** Ms. Faulkner reported that Peter Ravella made his presentation to the Board at a Special Meeting on Monday, January 28<sup>th</sup> based on



the feedback Mr. Ravella received at the meeting he will be preparing a supplement to his final report. Copies of his final report are on the back table.

- C. Landscaping Contract:** Ms. Faulkner reported that the Town's current landscape contract ends on March 31<sup>st</sup> of this year. She has been working with the Public Works Director on the RFP (Request for Proposals) which will go out very shortly so that the Board can award the contract at the next regular Board meeting.
- D. CBRA Update:** Ms. Faulkner reported that Representative Walter B. Jones reintroduced our bill on the House side, it is HB 187. Aaron Suntag at Senator Hagen's office reported that the Senator has not reintroduced the bill on the Senate side. The Senate is taking their time on committee assignments so Senator Hagan has not been able to get it done yet. Marlowe & Company staff is working on getting committee hearings scheduled for both houses. The Town Manager, Mayor and two Board members will be traveling to Washington at the end of this month to stimulate activity on our CBRA bills. While there they are also scheduled to attend the American Shore and Beach Preservation Association and are hoping to talk to other Federal officials from US Fish and Wildlife, Army Corps of Engineers, etc. to insist that the Federal government take action to require states to have a storm protection plans for their coasts to prevent Sandy-like damage.
- E. Video on the NRI Project:** Ms. Faulkner reported that Dr. Buttino and his cameraman will be back to take post-construction footage and conduct the interview portion of the video this month. Town Staff continues to work on a storyboard and script to assist Dr. Buttino.
- F. Break Ins:** Ms. Faulkner reported that it is unfortunate that there have been several recent break ins in town. This last week one of our officers observed a suspicious vehicle and stopped it to find stolen property in the vehicle. This led to the arrest of two adult males and one adult female who have been charged with several of our recent breaking, entering, and larcenies. While Chief Fillinger does not believe this will resolve all of the recent breaking and entering cases, it will solve a good majority of them. I would like to thank Chief Fillinger, Officer Albright, and Officer Hardin. Officer Albright did an extremely good job of locating the individuals and developed excellent justification for stopping the vehicle.
- G. Mutual Aid Assistance- Tiffany's Fire:** Ms. Faulkner reported that our Town has a mutual aid agreement with the surrounding fire departments. Our Fire department assisted Surf City FD with the fire which destroyed the older portion of Tiffany's hotel in Surf City and damaged a nearby home. Assistant Chief Bill Poe was interviewed by the Jacksonville Daily News and commented on the difficulty of fighting fires with coastal winds.

- VII. **OPEN FORUM:** Bob Swantek 3772 Island Dr. North Topsail Beach came forward to speak. He made comments in favor of a Town wide sand push.

Jack Gallagher 256 seashore Dr. North Topsail Beach came forward to speak. He made comments in favor of a Town wide sand push.

Paul Woodby 464 Ocean Dr. North Topsail Beach, part of the Ocean City neighborhood, he has been requested to come and speak on their behalf as well as his. They all concur, where they reside that they would greatly appreciate the push.

Randy Coley 4336 Island Dr. North Topsail Beach came forward to speak. He is in favor of an entire Island push, not just for us but for the entire Island. .

Bill O'Donnell 3612 Island Dr. North Topsail Beach came forward to speak. He spoke in favor of Alderman Yawn's proposal for a full dune push.

Bob Fox 4710 23<sup>rd</sup> Ave. North Topsail Beach came forward to speak. He spoke in favor of a Town wide sand push.

**VIII. CONSENT AGENDA:**

- A. Request to Approve FY2012 Audit Report
- B. Request to Adopt a Resolution Authorizing the Sale, Disposal, or Donation of Certain Surplus Property
- C. Request to Approve Tax Refunds
- D. Approval of Minutes  
January 3, 2013 & January 28, 2013
- E. Department Head Reports: Finance, Fire, Inspections, Planning, Police
- F. Committee Reports: Planning Board, Board of Adjustment, TISPC, ONWASA, Beautification and Recreation
  - Alderman Yawn made a motion to approve the Consent Agenda as presented.
  - Alderman Macartney seconded the motion.
  - The motion passed unanimously.

**IX. NEW BUSINESS:**

- A. **Request for Town Funded Sand Push:**
  - Mayor Tuman introduced this item.
  - Alderman Yawn explained why the Town needs to do a Town wide Sand Push.
  - There was discussion.
  - Alderman Yawn made a motion that North Topsail Beach Board of Aldermen approves the funding of a beach push for all areas south of the Town's recent beach nourishment project. Alderman Macartney seconded the motion.
  - Ms. Faulkner read her Staff report.
  - There was discussion.

- The motion failed with Aldermen Yawn and Macartney voting in favor and Alderman Leonard and Mayor Pro Tem Gray voting against, Mayor Tuman broke the tie voting against.
- Alderman Yawn made a motion to approve options 2 & 4 in the Staff Report. 2) To approve a Town Funded Beach Push for properties identified by Town Staff and 4) Reimburse property owners who have taken measures to provide protection through sand pushing over the last two years.
- The motion failed due to lack of a second.
- Mayor Pro Tem Gray made a motion for option 2) To approve a town Funded Beach Push for properties identified by Town Staff. Alderman Leonard seconded the motion.
- There was discussion.
- The motion passed unanimously.
- Alderman Macartney made a motion to expedite this to the best of the Interim Town's Managers ability by finding a local, suitable contractor that can do this without further action of the Board. Alderman Yawn seconded the motion.
- The motion passed unanimously.

**B. Request for Sand Fencing and Sea Oat Cost Share Program:**

- Mayor Tuman introduced this item.
- Ms. Faulkner presented her Staff report.
- There was discussion.
- Alderman Leonard made a motion to approve the Sand Fencing and Sea Oat Cost Share program.
- Mayor Pro Tem Gray seconded the motion.
- The motion passed unanimously.

**D. Request to Repeal Section 10-21 of the Town Code:**

- Mayor Tuman introduced this item.
- Ms. Faulkner presented her Staff report.
- There was discussion.
- Alderman Yawn made a motion that the North Topsail Beach Board of Aldermen adopts Ordinance 2013-1, An Ordinance Repealing Section 10-21- solicitation on beaches of the North Topsail Beach Town Code.
- Alderman Leonard seconded the motion.
- The motion passed unanimously.

- X. **OPEN FORUM:** Paul Woodby 464 Ocean Dr. North Topsail Beach came forward to speak. He isn't sure of the selection process of who gets sand and who doesn't and it certainly leaves a lot for the "good old boys syndrome". He just wants to make sure that everything is copacetic in that department.

Robert Swantek 3772 Island Dr. made comments against the Boards motion on the sand push.

Lee Johnson 4412 Island Dr. stated he was here for the 2010 push; they had more beach than they had in 2003. With the selected areas he's not sure what the benefit is.

Lib Skipper 6205 15th Ave. came forward to speak. She asked how to find out what properties qualify for the push.

Jean Miller 4452 Island Dr came forward to speak. She is confused by the Town's spotty sand push.

Hanna McCloud 1835 NRIR came forward to speak. She wished the Town would reconsider the vote they just took and push the whole beach.

XI. **ATTORNEY'S REPORT:** Attorney Edes updated the Board on the easements.

XII. **MAYOR'S REPORT:** Mayor Tuman was pleased with the coordination of the Inlet realignment and beach renourishment project by Marinex and Engineering firm CP&E. CAMA also cooperated nicely with regards to the sand from the Corps project.

He emphasized his communication he made to Mr. Gallagher, the North End was substantial and to him it represents the best option for the Town for now and the future and the priority of this Town should be continuing that effort for the remainder of the Town. As much as he dislikes storms and escarpment on the dunes and wasting money pushing dunes, that should be the first priority. He would suggest the citizens hold this Town's Board and Mayor's feet to the fire to finish the building of the beach for the entire Town. He appreciated the comments from former Alderman Swantek that we are one Town and the costs should be shared appropriately and uniformly across the Town.

XIII. **ALDERMEN'S REPORT:**

**Alderman Macartney:** Mr. Macartney said he was very pleased to see so many people here tonight and the involvement of the citizens, he will continue to listen every time. The open forum is the best part of the meeting. He encouraged the citizens to continue to do so.

**Alderman Leonard:** Alderman Leonard said appreciated everyone coming out and appreciated the comments. Peter Ravella's report is on the website; he said the one thing you can take from Peter Ravella's report is that the Town needs to do beach nourishment and it's going to be painful, there are no easy answers.

**Alderman Yawn:** Mr. Yawn thanked everyone for coming out and being involved. He wished everyone a Happy Valentine's Day. Next week is when pitchers and catchers report to Spring Training, he's been watching the Caribbean World Series and brushing up on his Spanish.

**Mayor Pro Tem Gray:** Mrs. Gray apologized for being late. She said the beach project at the north end was wonderful; her goal is for the Town to work toward the entire Town. It is going to take some time and some sacrifice on everybody's part. The decisions the Board makes does not only affect the citizens, it affects the Board too because they are residents and tax payers. They are just trying to do the best for the entire Town and she hopes everybody can appreciate that.

- XIV. **Closed Session: Per N.C.G.S. 143-318.11 Closed Session 3):** Alderman Leonard made a motion to go into Closed Session per N.C.G.S. 143-318.11: To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged AND (6): To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee. Alderman Yawn seconded the motion. The motion passed unanimously.

No action was taken.

Alderman Leonard made a motion to come out of Closed Session. Mayor Pro Tem Gray seconded the motion. The motion passed unanimously.

- XV. **ADJOURNMENT:** Alderman Leonard made a motion to adjourn. Mayor Pro Tem Gray seconded the motion. The motion passed unanimously. The meeting adjourned at 9:30 p.m.

APPROVED:

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Daniel Tuman, Mayor

ATTEST:

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Terrie Woodle, Deputy Town Clerk



Town of North Topsail Beach  
Board of Aldermen

Agenda Item: V. B.

Date: 2/7/2013

---

**Issue:** **Public Hearing:** Special Use Permit Application for Soundside Park at North Topsail Beach – A Planned Unit Development (Case #SUP-13-01)

**Department:** Planning

**Presented by:** Deb Hill, AICP - Planning Director

**Presentation:** Yes

---

**ISSUE:** The owners, Soundside Park Developers Inc. & Others are requesting approval of a Special Use Permit for Soundside Park at North Topsail Beach – A Planned Unit Development submitted in accordance with Sec. 2.06.03 and Table 4-1 Use Table of the Unified Development Ordinance (UDO). Zoned Mobile Home Residential (MHR), the 3.43-acre property consisting of 24 sites is located off of Island Drive and accessible by existing non-exclusive private easements (Trout and Wahoo Streets). All lots have septic permits and individual water meters.

**BACKGROUND:** Ten (10) homes including “stick-built” have been unwittingly permitted on the single parcel (#804-44.3) through CAMA, Zoning and Building Inspections prior to 2006.

Staff has refused to authorize any development permits until applications are consistent with the Ordinance; specifically Sec. 6.0104 (A) Relationship of Building to Lot which prohibits more than one (1) principal building and its customary accessory buildings on the lot.

**Sec. 6.01.04 Standards**

**(A) Relationship of Buildings to Lot**

*Every building hereafter erected, moved, or structurally altered shall be located on a lot and in no case shall there be more than one (1) principal building and its customary accessory buildings on the lot except in the case of a designed complex of professional, residential, or commercial buildings in an appropriate zoning district. Detached garages and carports must meet the same setback requirements as the principal building, just as if they were attached.*

**Analysis:** The Technical Review Committee has reviewed the application and recommends approval. A Road Maintenance Agreement has been prepared by Attorney Beth Faleris and reviewed by Town Attorney, Brian Edes. All lots have existing water meters. All lots have septic permits issued by Onslow County Public Health Department.

**RECOMMENDATION:** The Planning Board unanimously recommends that the Board of Aldermen approve the Special Use Permit to include the final plat.

**ATTACHMENTS:**

- 1) Application dated December 11, 2012.
- 2) Plat

**SUBDIVISION APPLICATION**

Date Submitted: December 11, 2012

CASE NO. <sup>SAP</sup> SB-13-01

Name of Subdivision: Soundside Park at North Topsail Beach

Location: (Road name & SR number) N.C. Highway 210

Exemption (\$50)

Subdivision (PRD) *SPECIAL USE PERMIT*

Sketch (\$300)

Preliminary (\$300)

Final (\$150)

Tax Parcel ID: 424508975894

Smallest lot: 4,934 SF (Lot 23)

Total acreage: 3.40 Ac.

Average lot size: 5,713 SF

Number of lots 24 + 4 open spaces

Zoning District: MHR

**Infrastructure:**

Water Supply:  ONWASA     individual well     community system

Sewer Type:  Pluris     individual septic     community system

Streets:  public     private

Surveyor/Engineer: Parker & Associates, Inc.

Address 306 New Bridge St, Jacksonville, NC 28541

Phone (910) 455-2414

Email address paitext@bizec.rr.com

Developer Soundside Park Developers, Inc.

Address 223 West Nash Street, Wilson, NC 27894

Phone Fax (252) 246-4027

Email address \_\_\_\_\_

Property Owner Soundside Park Developers, & Others

Address 223 West Nash Street, Wilson, NC 27894

Phone Fax (252) 246-4027

Email address \_\_\_\_\_

Attachment A  
February 7, 2013 Board of Aldermen Minutes  
**APPLICATION FOR SPECIAL USE PERMIT**  
NORTH TOPSAIL BEACH, NORTH CAROLINA



APPLICATION NO.: Sup 13-01

DATE FILED: 12-11-12

The undersigned do hereby respectfully request the following be granted by support of the following facts herein shown:

PARKER & ASSOCIATES INC  
Name of Applicant

SOUND SIDE PARK DEVELOPERS & OTHERS  
Name of Owner

306 NEW BRIDGE ST  
Address

223 WEST NASH STREET  
Address

JACKSONVILLE NC 28541  
City State Zip

WILSON NC 27894  
City State Zip

(910) 455-2414  
Business Telephone / Home Telephone

(252) 246-4027  
Business Telephone / Home Telephone

Tax Parcel #: bk \_\_\_\_\_ mp \_\_\_\_\_ prcl \_\_\_\_\_

Tax ID #: 904-44.3

Existing Use: RESIDENTIAL 10 / VACANT-14

Proposed Use: PLANNED UNIT DEVELOPMENT

Property Size: 3.4 ACRES

Existing Zoning: MHR

Property Address / Location: TROUT & WAHOO DRIVE

The following is requested:

SUP

SUP - temporary

Purpose: TO ESTABLISH PARCEL AS A PLANNED UNIT DEVELOPMENT SO THAT "INTEREST" MAY BE CONVERTED TO "METES & BOUND" LOT DESCRIPTION FOR DEED.

\*\*\*\*\*A site plan showing the dimensions of the parcel with all existing and proposed structures along with all setbacks (existing and proposed), must be submitted with the application.\*\*\*\*\*

Establishment of the burden of proof relevant to the issuance of a SUP:

- A. The use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
- B. The use or development complies with all required regulations and standards of this Ordinance and with all other applicable regulations;
- C. The use or development conforms to the plans for the land use and development of Town of North Topsail Beach as embodied in this UDO and in the Town of North Topsail Beach CAMA Land Use Plan.

I certify that all of the information presented by me in this application is accurate to the best of my knowledge, information and belief.

[Signature]  
Signature(s) of Applicant(s)

12-11-12  
Date

The Hearing was held on the 7th day of February 2013.

This Conditional Use Permit is hereby \_\_\_ granted as submitted, \_\_\_ granted with conditions, \_\_\_ denied.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date



*Town of North Topsail Beach*

Daniel Tuman, Mayor  
Suzanne Gray, Mayor Pro Tem  
Aldermen:  
Don Harte  
Tom Leonard  
Richard Macartney  
Michael Yawn



Carin Z. Faulkner, MPA  
Interim Town Manager

Terrie Woodle  
Deputy Town Clerk

February 4, 2013

In accordance with NCGS § 160A-384 and North Topsail Beach Unified Development Ordinance (UDO) Sec. 2.06.04 D. (1) (a) through (c), I hereby certify that on January 24, 2013, notice of a public hearing for the Special Use Permit application identified as Case No. SUP 13-01, was sent by first-class mail, to all owners of property abutting Soundside Park, the proposed Planned Unit Development. The list of owners and addresses was prepared from Onslow County Tax Records (attached). Notice was also posted on the property subject to the request at least one week prior to the scheduled hearing.

Certified:

A handwritten signature in black ink, appearing to read 'Deborah J. Hill'.

Deborah J. Hill, AICP  
Planning Director

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NOTICE OF PUBLIC HEARING

TOWN OF NORTH TOPSAIL BEACH  
BOARD OF ALDERMEN  
FEBRUARY 7, 2013, 6:30 P.M.

THE NORTH TOPSAIL BEACH BOARD OF ALDERMEN WILL HOLD A PUBLIC HEARING AT 6:30 P.M., OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD, ON THURSDAY, FEBRUARY 7, 2013 IN THE 1<sup>ST</sup> FLOOR CONFERENCE ROOM LOCATED AT 2008 LOGGERHEAD COURT, NORTH TOPSAIL BEACH, NORTH CAROLINA. THE PURPOSE OF THE PUBLIC HEARING IS TO RECEIVE COMMENTS ON:

- ~~1. A SUBDIVISION APPLICATION BY H & H CONSTRUCTORS, INC. FOR A PRELIMINARY PLAT (LOCATION: 1156 NEW RIVER INLET ROAD/TAX MAP NUMBER: 774-29.2 /ZONING: R-20). THIS HEARING WILL BE CONTINUED TO MARCH 7, 2013 MEETING~~
2. A SPECIAL USE PERMIT APPLICATION AND PRELIMINARY PLAT BY SOUNSIDE PARK DEVELOPERS, INC. FOR SOUNSIDE PARK AT NORTH TOPSAIL BEACH – A PLANNED UNIT DEVELOPMENT (LOCATION: TROUT DRIVE AND WAHOO DRIVE/TAX MAP NUMBER: 804-44.3/ZONING: MHR).

ALL INFORMATION PERTAINING TO THESE PUBLIC HEARINGS MAY BE VIEWED AT THE TOWN HALL, MONDAY THROUGH FRIDAY BETWEEN THE HOURS OF 8:00 AM AND 5:00 PM. ALL PROPERTY OWNERS AND INTERESTED CITIZENS ARE ENCOURAGED TO ATTEND AND WILL BE GIVEN AN OPPORTUNITY TO BE HEARD AT THESE MEETINGS.

FOR MORE INFORMATION, PLEASE CONTACT THE PLANNING DEPARTMENT AT (910) 328-1349 EXT. 27.

DEBORAH J. HILL, AICP  
PLANNING DIRECTOR  
POSTED: 1/7/13  
TO BE ADVERTISED: POST & VOICE 1/16/13 AND 1/23/13

Attachment A  
February 7, 2013 Board of Aldermen Minutes

| <b>OWNER1</b>                                    | <b>PHYSICALADDRESS</b> | <b>ADDRLINE1</b>          | <b>ADDRLINE3</b>       |
|--|------------------------|---------------------------|------------------------|
| NAYLOR<br>DWIGHT &<br>HOLLY                      | ISLAND DR              | 565 NAYLOR RD             | ROSEBORO NC 28382      |
| STACY HOLLIS<br>FAMILY LMTD<br>PRTNR             | 1723 UTOPIA ST         | 922 HIGHWAY 17 S          | HOLLY RIDGE NC 28445   |
| DUBOIS<br>EDWARD A &<br>MARTHA G                 | 104 SEASIDE LN         | 2812 ANDERSON DR          | RALEIGH NC 27608       |
| SEASIDE<br>VILLAGE COMM<br>SERV ASSO             | SEASIDE LN             | 722 DOCK ST               | WILMINGTON NC 28402    |
| THOMPSON<br>HAROLD E &<br>JEANETTE T             | 1703 UTOPIA ST         | 1243 BURNCOAT RD          | SEVEN SPRINGS NC 28578 |
| STACY HOLLIS<br>FAMILY LMTD<br>PRTNR             | 1715 UTOPIA ST         | 922 HIGHWAY 17 S          | HOLLY RIDGE NC 28445   |
| DESTRO<br>KATHERINE R &<br>ROBERT A<br>MILNES II | 108 SEASIDE LN         | 108 SEASIDE LN            | SNEADS FERRY NC 28460  |
| BROWN CARL<br>THOMAS & LISA<br>KEY               | 1711 UTOPIA ST         | 2035 ST ANDREWS CHURCH RD | SANFORD NC 27332       |
| KELLY DENIS J &<br>JOSEPH D                      | 110 SEASIDE LN         | 11306 RIDGEGATE DR        | RALEIGH NC 27617       |
| SOUNDSIDE<br>PARK<br>DEVELOPERS<br>INC & OTHERS  | TROUT & WAHOO ST       | PO BOX 2907               | WILSON NC 27894 2907   |
| RISING TIDE<br>INVESTMENTS<br>LLC                | 106 SEASIDE LN         | 5123 NICHOLAS CREEK CIR   | WILMINGTON NC 28409    |

**From:** [Joe & Judy Kelly](#)  
**To:** [dhill@north-topsail-beach.org](mailto:dhill@north-topsail-beach.org)  
**Subject:** Re: "Planned Unit Development" between Trout Street and Wahoo Drive.  
**Date:** Wednesday, January 30, 2013 5:56:41 PM

---

Dear Deborah, I want to thank you for your quick and accurate response to my inquiry. I feel confident you will proceed with all our interests in mind.  
Thanks again, Joe Kelly

*When planning for the Telephone Company many years ago we referred to "Living Units" as individual homes that you alluded to. In our case when dealing with large and complex developments it was necessary to size the various cables that would eventually be placed.*

On Wed, Jan 30, 2013 at 2:14 PM, Deb Hill <[dhill@north-topsail-beach.org](mailto:dhill@north-topsail-beach.org)> wrote:

**In response to your email:**

Q. How this could impact me and any of the other 12 homes in our cul de sac?

A: Should have no impact that I am aware of.

Q. Number of living units involved in addition?

A. Not sure what "living units" means, but ten (10) homes including "stick-built" were permitted on the single parcel (#804-44.3); there are 14 vacant lots.

Q. Approximately the size of the structure or structures and how many;

A. There are no pending applications, but any will have to meet current regulations just like any other (i.e., max 30% impervious surface/max height 48' from top of concrete slab).

Q. Tentative start date and completion date.

A. Again, there are no pending applications other than the Special Use Permit for Planned Unit Development subdivision (similar to the one for Seaside Village).

Q. Beach access if any and effects on the Bay side.

A. I am not aware of any.

**Background:**

Ten (10) homes including “stick-built” were permitted on the single parcel (#804-44.3) through CAMA, Zoning and Building Inspections prior to 2006. Former staff signed recorded plat statements:

*“This plat is not subject to the Town of North Topsail Beach Subdivision Regulations. This plat does not represent a subdivision. This plat is for mobile home site identification and location.”*

It is clear that either former Town staff and the County Tax Office either misunderstood what was happening at Soundside or were misled by the original developer. As deed after deed of the undivided interests came through the tax office to this same 3.27 acre piece, it should have been clear that a “subdivision” of sorts was being attempted. The “lot” that was sold to the owners turns out to be an undivided 1/24<sup>th</sup> or 1/27<sup>th</sup> interest (depending on what description you read) in a 3.27 acre piece of property with the right to use Lot 15. Based upon my years of planning experience, I believe that this has been an obvious attempt by the original developer to circumvent local subdivision regulations. I am of the opinion that the developers of the project at that time engaged in this type of sales technique to maximize the number of “lots” and – I believe - in order to avoid subdivision review by the authority of the Board of Aldermen.

I believe that the owners have been victims in this matter. However, as Planning Director, I have no choice but to deny any development permits until applications are consistent with the Ordinance; specifically:

**Sec. 6.01.04 Standards**

(A) Relationship of Building to Lot:

Every building hereafter erected, moved, or structurally altered shall be located on a lot and in no case shall there be more than one (1) principal building and its customary accessory buildings on the lot except in the case of a designed complex of professional, residential, or commercial buildings in an appropriate zoning district. Detached garages and car ports must meet the same setback requirements as the principal building, just as if they were attached.

The owners, Soundside Park Developers Inc. & Others are requesting approval of a Special Use Permit for Soundside Park at North Topsail Beach- a Planned Unit Development submitted in accordance with Sec. 2.06.03 and Table 4-1 Use Table of the Unified Development Ordinance (UDO). Zoned Mobile Home Residential (MHR), the 3.43 acre property consisting of 24 sites is located off of Island Drive and accessible by existing non-exclusive private easements (Trout and Wahoo Streets). All lots have septic permits and individual water meters.

As it should have been done in the beginning, it is necessary to bring the application to the Board of Aldermen for their approval. A plat may then be legally recorded, allowing deeds to be written for individual property owner(s) and ultimately authorizing me to approve compliant development applications. The Technical Review Committee has reviewed all plans and recommends approval. The Planning Board met on January 10<sup>th</sup> and unanimously recommends that the Board of Aldermen approve the Special Use Permit to include the final plat.

Mr. Kelly, this may be more than you needed or wanted to know. But please feel free to contact me should you or your neighbors have any additional questions or comments. I am including their attorney, the Town's attorney and the interim Town Manager in my response to you.

Deb Hill



**From:** Joe & Judy Kelly [mailto:[jkelly131@gmail.com](mailto:jkelly131@gmail.com)]  
**Sent:** Tuesday, January 29, 2013 4:55 PM  
**To:** [dhill@north-topsail-beach.org](mailto:dhill@north-topsail-beach.org)  
**Subject:** "Planned Unit Development" between Trout Street and Wahoo Drive.

*RE: Town of North Topsail Beach regarding a public hearing for a new "Planned Unit Development" between Trout Street and Wahoo Drive.*

I own a Beach House on Seaside Lane (110) and curious how this could impact me and any of the other 12 homes in our cul de sac. If you would share with me the number of living units involved in addition, approximately the size of the structure or structures and how many; Tentative start date and completion date. Beach access if any and affects on the Bay side.

Seaside HOA will be conducting our annual meeting in March and I would appreciate any informative information you can provide me so I can address our membership. I look forward to hearing from you. Thank you for your response in advance.

Sincerely,

Joseph D Kelly, VP of the HOA of Seaside Village.

Coastal Wetlands Line

| BEARING     | LENGTH |
|-------------|--------|
| N76°44'45"E | 28.56  |
| N54°22'40"E | 29.58  |
| N31°05'55"E | 24.84  |
| N28°55'52"E | 40.33  |
| N40°44'21"E | 42.16  |
| N38°36'01"E | 19.95  |
| N33°54'16"E | 64.97  |
| N41°11'49"E | 32.52  |
| N59°27'14"E | 56.90  |
| N72°04'20"E | 27.51  |

| BEARING     | LENGTH |
|-------------|--------|
| N59°13'09"E | 42.95  |
| N45°30'00"E | 37.60  |
| N40°19'11"E | 56.06  |
| N39°11'35"E | 49.74  |
| S84°36'52"E | 7.44   |
| N28°25'21"E | 20.13  |
| N46°02'01"E | 25.09  |
| N40°47'45"E | 34.36  |
| N55°57'12"E | 19.26  |
| N77°36'38"E | 8.91   |
| N53°52'50"E | 23.56  |
| N57°33'50"E | 12.50  |
| N77°48'18"E | 25.12  |

LEGEND

- ISF - Iron Stake Found
- CMF - Concrete Monument Found
- CMS - Concrete Monument Set
- R/W - Right-of-way
- M.B.L. - Minimum Building Line
- S.T. - 10' x 70' Sight Triangle
- Ac. - Acreage
- ① - Lot Number
- ⑫ - Adjoining Lot Number
- - Street Address

Owner's Certification As to Water Service

I certify (i) that I am the owner of the lands shown on this map and of all of the water infrastructure located on such lands, (ii) that all required water improvements have been constructed within the streets and/or utility easements shown on this map in accordance with plans and specifications approved by Onslow Water and Sewer Authority ("ONWASA"), (iii) that all such water improvements are hereby dedicated and conveyed to ONWASA, free of liens and encumbrances, (iv) that ONWASA is hereby granted a perpetual easement over all streets and utility easements shown on this map, and (v) that the undersigned warrants to ONWASA for a period of 18 months from the date of this certification that such improvements are free from defects in materials and workmanship.

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

CP4  
PKF  
N=257,507.184  
E=2,449,664.249

Certificate As to Water Utilities and Dedication

I hereby certify that the plans and specifications for the water system for the \_\_\_\_\_ subdivision have been reviewed and approved by the Onslow Water and Sewer Authority, that such water improvements have been constructed, and that the Onslow Water and Sewer Authority hereby accepts the dedication of the water improvements along with associated easements.

Onslow Water and Sewer Authority Official

Date: \_\_\_\_\_

Certificate of Ownership and Dedication

I, undersigned hereby acknowledge(s) this plat and allotment to be (his, her, their) free act and deed, and hereby dedicate(s) to public use as streets, playgrounds, parks, open spaces, and easements forever all areas so shown or indicated on said plat.

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Field Book: N/A  
Disk Name: Acad 494  
Filename: Soundside-fp.dwg KHW  
Job No.: S110915-5247

Approved by the Board of Aldermen of the Town of North Topsail Beach, North Carolina, effective on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Mayor, Town of North Topsail Beach

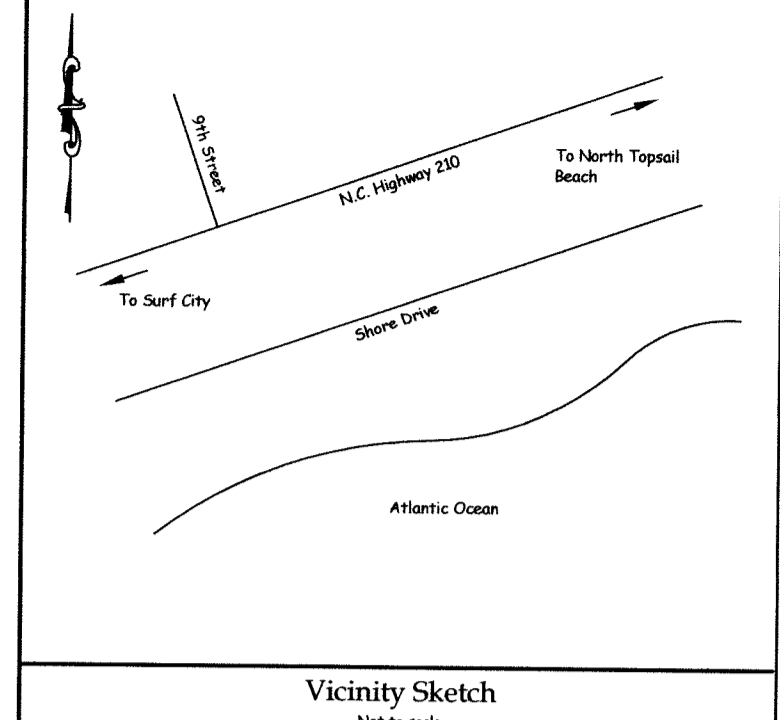
I, Edwin N. Foley, Professional Land Surveyor L-2884, certify to one or more of the following as indicated:

- A. That the survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land;
- B. That the survey is located in a portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land;
- C. Any one of the following:
  1. That the survey is of an existing parcel or parcels of land and does not create a new street or change an existing street.
  2. That the survey is of an existing building or other structure, or natural feature, such as a watercourse; or
  3. That the survey is a control survey.
- D. That the survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exception to the definition of subdivision;
- E. That the information available to the surveyor is such that the surveyor is unable to make a determination to the best of the surveyor's professional ability as to provisions contained in (A) through (D) above.

Edwin N. Foley, P.L.S., L-2884

NOTES:

1. All streets are private.
2. Sight distance easements shown hereon shall remain as property of homeowners but shall remain free of all structures, trees, shrubbery, and signs, except utility poles, fire hydrants and traffic control signs, which could restrict driver's vision.
3. Maintenance for easements outside of N.C. Dept. of Transportation rights-of-way will be the responsibility of the homeowner.
4. 1/2" Iron Stakes set at ground level at all lot corners, except as noted.
5. Subject property is in Flood Zone VE, Elev. 11.0 per FIRM CPN 370466 4245J (Town of North Topsail Beach), Effective November 3, 2005.
6. Smallest lot size = 4,934 S.F. (Lot 23)
7. All easements are public drainage and utility at dimensions shown, unless otherwise noted. Easements shown as \_\_\_\_\_ or \_\_\_\_\_, except along street rights-of-way.
8. All distances are horizontal ground, U.S. survey feet.
9. All acreage calculated by coordinates.
10. There are no Areas of Environmental Concern (AEC) as defined by Coastal Area Management Act CAMA on this site.
11. No Register of Deed search done by or furnished to surveyor regarding deed or covenant restrictions.
12. Coastal Wetlands and Normal High Water Line Delineation by Pittman Soil Consulting and Delineation reviewed by Jason Dail, CAMA Officer.
13. Fire District - North Topsail.
14. ISO Rating - 6.



Vicinity Sketch

Not to scale

I, Edwin N. Foley, certify that this map was drawn under my supervision from an actual survey (Deed and Plat references as shown hereon), with control corners set, made under my supervision, completed on \_\_\_\_\_, that the ratio of precision prior to adjustments is \_\_\_\_\_, that the boundaries not surveyed are shown as broken lines drawn from sources noted, that this map was prepared in accordance with G.S. 47-30 as amended, this map was prepared for recording purposes.

Witness my original signature, license number and seal this \_\_\_\_\_ day of \_\_\_\_\_ AD 2012.

Edwin N. Foley, P.L.S., L-2884

NORTH CAROLINA.....ONSLAW COUNTY

I, \_\_\_\_\_ Review Officer of Onslow County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Review Officer Date

NORTH CAROLINA.....ONSLAW COUNTY

Preliminary Plat  
Not for recordation,  
conveyances or sales

24 Lots + 4 Open Spaces  
3.4 Acres  
Deed Ref: D.B. 1642, Pg. 977  
M.B. 44, Pg. 149

Register of Deeds Onslow County

FINAL PLAT

SOUNDSIDE PARK  
AT NORTH TOPSAIL BEACH  
A PLANNED UNIT DEVELOPMENT

Stump Sound Twp., Onslow Co., North Carolina

Owner/Developer:

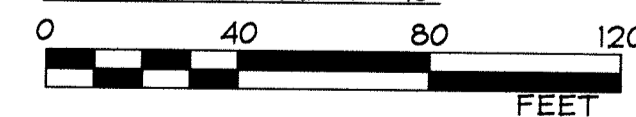
Soundside Park Developers, Inc.

223 West Nash Street  
Wilson, North Carolina 27894  
(252) 246-4027

DATE: 11/29/12

SCALE: 1"=40'

GRAPHIC SCALE: 1"=40'



Parker & Associates, Inc.  
Consulting Engineers - Land Surveyors - Land Planners

P.O. Box 976 - 28541-0976  
306 New Bridge Street - 28540  
Jacksonville, North Carolina  
Phone (910) 455-2414 - Fax (910) 455-3441  
Firm License Number: F-0108



# *Town of North Topsail Beach*

Daniel Tuman, Mayor  
Suzanne Gray, Mayor Pro Tem  
Aldermen:  
Don Harte  
Tom Leonard  
Richard Macartney  
Michael Yawn



Carin Z Faulkner, MPA  
Interim Town Manager

Terrie Woodle  
Deputy Town Clerk

## **Board of Aldermen Regular Meeting Minutes\* Thursday, March 7, 2013 6:30 P.M.**

**PRESENT:** Mayor Daniel Tuman, Mayor Pro Tem Suzanne Gray, Aldermen Tom Leonard, Mike Yawn and Don Harte, Town Attorney Brian Edes, Interim Town Manager Carin Faulkner, Deputy Town Clerk Terrie Woodle

**NOT PRESENT:** Alderman Dick Macartney

- I. CALL TO ORDER:** Mayor Tuman called the meeting to order at 6:30 p.m.
- II. INVOCATION:** Mayor Pro Tem Gray gave the invocation.
- III. PLEDGE OF ALLEGIANCE:** Mayor Pro Tem Gray led those present in the Pledge of Allegiance.
- IV. APPROVAL OF AGENDA:**
  - Alderman Yawn made a motion to approve the Agenda with the addition of New Business IX. Item D Request to Select Lender for Financing of New Fire Truck.
  - Alderman Leonard seconded the motion.
  - The Agenda was approved unanimously.
- V. PUBLIC HEARINGS/PRESENTATIONS:**
  - A. Public Hearing: Case #SD-13-01 A Subdivision Application by H&H Constructors, Inc. for a Preliminary Plat (Location: 1156 New River Inlet Road)**
    - Mayor Tuman introduced this item.
    - Mayor Pro Tem Gray made a motion to open the Public Hearing
    - Alderman Leonard seconded the motion.
    - Ms. Hill requested to continue the Public Hearing until the Board of Aldermen's April meeting.
    - Mayor Pro Tem Gray made a motion to continue the Public Hearing Case# SD-13-01 until the April Board of Aldermen meeting.

\*There are attachments to these minutes (Attachment Staff Exhibit 1 March 7, 2013 Board of Aldermen Minutes).



- Alderman Harte seconded the motion.
- The motion passed unanimously.

**B. Public Hearing: Case # SUP-13-02 A Special Use Permit Application by Mr. Grant Riley for Retailing or Services with Operations and Merchandise Stored Inside or Outside Building (Beach Equipment Rental at or near St. Regis Resort)**

- Mayor Tuman introduced this item.
- Alderman Leonard made a motion to open the Public Hearing.
- Alderman Yawn seconded the motion.
- The motion passed unanimously.
- Mrs. Woodle swore in Ms. Hill and Mr. Riley.
- Ms. Hill read her staff report and requested that her staff report and the application (Exhibit 1) be entered into the record.
- Mr. Grant Riley took questions from the Board.
- Alderman Yawn made a motion to close the Public Hearing.
- Mayor Pro Tem Gray seconded the motion.
- The motion passed unanimously.
- There was discussion.
- Alderman Leonard made a motion to reopen the Public Hearing.
- Alderman Yawn seconded the motion.
- The motion passed unanimously
- Mr. Riley took more questions from the Board.
- Alderman Yawn made a motion to close the Public Hearing.
- Alderman Leonard seconded the motion.
- The motion passed unanimously.
- Attorney Edes read the three conditions as follows:
  - (a) The use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare: The Aldermen agreed.
  - (b) The use or development complies with all required regulations and standards of this Ordinance and with all other applicable regulations to include, limited to 250 chairs and 125 umbrellas and **only** rent chairs and umbrellas and **only** in front of St. Regis with the hours of 6 a.m. – 6 p.m. and no motorized vehicles on the beach: The Aldermen agreed.
  - (c) The use or development conforms to the plans for the land use and development of Town of North Topsail Beach as embodied in this Zoning Ordinance and in the Town of North Topsail Beach CAMA Land Use Plan: The Aldermen agreed.
- Alderman Yawn made a motion to approve Special Use Permit Application with the following conditions:
  - 1) All chairs, umbrellas, storage containers and any other equipment must be removed each night and not left on the beach overnight.
  - 2) The placement of chairs and umbrellas for rental should be north of the northernmost St. Regis beach access and/or south of the southernmost St.

Regis beach access and the spacing between chairs and umbrellas shall be agreed to by the applicant and St. Regis HOA Board of Directors.

3) St. Regis will offer storage space for Mr. Riley to stow his items/materials under Building 3 and the applicant be limited to 250 chairs and 125 umbrellas at this location. He is only allowed to rent chairs and umbrellas and they may only be placed in front of St. Regis, hours of business shall be 6 a.m. to 6 p.m. no earlier, no later and no motorized vehicles allowed on the beach.

- Alderman Leonard seconded the motion.
- The motion passed unanimously.

**C. Public Hearing: Case #SUP-13-03 A Special Use Permit Application by Mr. William Makey for a Recreation or Amusement Enterprise (i.e. Surf Lessons) Conducted for Profit (at or near St. Regis Resort)**

- Mayor Tuman introduced this item.
- Mayor Pro Tem Gray made a motion to open the Public Hearing.
- Alderman Leonard seconded the motion.
- The motion passed unanimously.
- Mrs. Woodle swore in Ms. Hill and Mr. Makey.
- Ms. Hill read her staff report and requested her staff report and the application along with a copy of his insurance (Exhibit 1) be entered into the record.
- Mr. Makey came forward to speak and took questions from the Board.
- Alderman Leonard made a motion to close the Public Hearing.
- Alderman Harte seconded the motion.
- The motion passed unanimously.
- There was discussion.
- Attorney Edes read the three conditions as follows:
  - (a) The use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare: The Aldermen agreed.
  - (b) The use or development complies with all required regulations and standards of this Ordinance and with all other applicable regulations to include a copy of his insurance as stated in his quote: The Aldermen agreed.
  - (c) The use or development conforms to the plans for the land use and development of Town of North Topsail Beach as embodied in this Zoning Ordinance and in the Town of North Topsail Beach CAMA Land Use Plan: The Aldermen agreed.
- Mayor Pro Tem Gray made a motion to approve the application as stated in the Public Hearing Case# SUP-13-03 to include the condition of the insurance as stated in his quote.
- Alderman Leonard seconded the motion.
- The motion passed unanimously.

**VI. MANAGER'S REPORT:**

- A. Sand Push:** Ms. Faulkner reported as long as the weather holds up the contractor should have the Town's sand push completed this week. She thanked Town Staff for their very hard work in getting this project coordinated and staking out the properties, which would include Ms. Deborah Hill, Mr. Barry Burke, and Mr. Jeffrey John.
- B. CBRA Update:** Ms. Faulkner reported that Representative Walter B. Jones reintroduced the bill on the House side, it is HB 187. It has yet to be introduced on the Senate side but this is expected. The Mayor and two Board members traveled to Washington last week and will provide a summary of what occurred in their reports.
- C. Video on the NRI Project:** Ms. Faulkner reported that Dr. Buttino and his cameraman will be back to take post-construction footage on a pretty day and to conduct the interviews. Town Staff continues to work on a storyboard and script to assist Dr. Buttino.
- D. Sea Oats & Sand Fence Cost Share Programs:** Ms. Faulkner stated that the programs have officially kicked off and the information and order forms are now on the Town's website. She will be sending them out to the Town's Connect CTY e-mail list and the information will be included in the next edition of the Town's newsletter. Order forms are also on the back table of the meeting room.
- E. Post Project Information:** Ms. Faulkner reported that the Town was receiving many questions from property owners on the north end about what they can or cannot construct after the project. There is now a man-made dune behind the properties north of Topsail Reef and many property owners are concerned about access to the beach. Town Staff met with CAMA representatives to try to get answers for the property owners. She released a letter to the north end property owners on February 26<sup>th</sup> and will be asking the Board for permission to implement the plan for marking several accesses and planting vegetation and installing sand fencing to stabilize the dune.
- F. NC Shallow Draft Inlet Plan B Stakeholders Meeting:** Ms. Faulkner attended a meeting at the Wilmington District Army Corps of Engineers on March 20<sup>th</sup> to discuss plans for maintaining the State's inlets should the USACE determine that it no longer wants to operate the Merritt, which is the only dredge that can currently maintain the State's shallow draft inlets. Representatives from many of the beach Towns and Counties were in attendance (Pender, New Hanover and Onslow County as well as Topsail Beach, Emerald Isle, Oak Island and Holden Beach).

The first approach is that the current authorizations that the Corps issues for the work will be transferred into the local governments' name. This would mean that the work can still be performed but it would have to go by the exact specs that were used when the USACE was doing the work (no change in footprint or depth).

The second approach is to see what it would take to modify the authorizations to go deeper and possibly wider in the inlets, to go outside of what has previously been authorized (which is what North Topsail Beach just accomplished with the NRI Channel Realignment).

NCDENR will be preparing a formal statement laying out both of these options and is seeking information on who prefers which option, who wants to participate, and the costs of each option.

**G. New Hanover County Delegation Town Hall Meeting:** Ms. Faulkner reported that Mayor Tuman and she attended a Town Hall Meeting in Wilmington which was made up of the State Senator (Thom Goolsby) and State Representatives (Rick Catlin, Suzie Hamilton and Ted Davis) who represent New Hanover County and its beach towns. Beach issues were addressed at this meeting. The representatives were in support of our Senator Harry Brown's bill (SB 58) to help fund inlet dredging in the State. Representative Catlin said he was working to make local contributions for beach nourishment just as important as Federal contributions when State funding is considered (this past year the Town had \$1.5 million in the State budget for the NRI Channel Realignment project, but it was eliminated from the budget with other projects that did not have a Federal cost share associated with it). The members of this delegation seemed very supportive of their beach towns and were willing to address issues on their behalf. They mentioned that the Coastal Caucus will be having its first organized meeting soon. Also mentioned was that New Hanover's beach nourishment programs are funded at 85% from accommodation tax and 15% from local monies.

**H. New Town Manager:** Ms. Faulkner reported after conducting interviews over the last few months the Board has found a new Town Manager. The Board will be officially appointing Mr. Stuart Turille to his new position later on this evening. Mr. Turille will begin work on April 1, 2013. His most recent position was as Town Administrator for St. Pauls, North Carolina. A press release with more information about Mr. Turille will be going out tomorrow.

This will be her last Board of Aldermen meeting serving as the Interim Town Manager. She thanked the Board for the opportunity to serve the Town in this capacity.

**I. Annual Retreat:** Ms. Faulkner reported that the North Topsail Beach Board of Aldermen's annual retreat will take place after the new Town Manager arrives. A suggested date is Monday, April 8<sup>th</sup>.

**VII. OPEN FORUM:** No one came forward to speak

**VIII. CONSENT AGENDA:**

**A. Request to Approve Tax Refunds**

- B. Request to Adopt a Resolution in Appreciation of Marinex Construction and Coastal Planning & Engineering
- C. Approval of Minutes  
February 7, 2013
- D. Department Head Reports: Finance, Fire, Inspections, Planning, Police
- E. Committee Reports: Planning Board, Board of Adjustment, TISPC, ONWASA, Beautification and Recreation
  - Alderman Yawn made a motion to approve the Consent Agenda as presented.
  - Alderman Leonard seconded the motion.
  - The motion passed unanimously.

**IX. NEW BUSINESS:**

**A. Request to Award Contract for Landscaping Maintenance Services**

- Mayor Tuman introduced this item.
- Ms. Faulkner read her report and took questions from the Board.
- Alderman Yawn made a motion that the North Topsail Beach Board of Aldermen awards the Landscaping Maintenance Services Contract to H & R Lawn Service.
- Alderman Leonard seconded the motion.
- The motion passed unanimously.

**B. Request to Appoint Town Manager**

- Mayor Tuman introduced this item and gave a brief description on the new Town Manager and a date of April 1<sup>st</sup> as his first day.
- Alderman Leonard made a motion that the North Topsail Beach Board of Aldermen appoints Stuart Turille as Town Manager for the Town of North Topsail Beach.
- Alderman Yawn seconded the motion.
- The motion passed unanimously.

**C. Request for Dune Maintenance Activities for North End Man-Made Dune**

- Mayor Tuman introduced this item.
- Ms. Faulkner read her report on the Dune Maintenance Activities and took questions from the Board.
- Mayor Pro Tem Gray made a motion that the North Topsail Beach Board of Aldermen approves Town Staff's proposal to install sand fencing to include installation on the crest of the dune for \$3,910.00, to plant Sea Oats/American Beach Grass for \$18,000.00, and five Hatteras Ramps at the current beach access points and River Road for \$17,500.00.
- Alderman Harte seconded the motion.
- There was discussion.
- The motion passed 3-1 with Alderman Yawn voting against.

**D. Request to Select Lender for Financing of New Fire Truck**

- Mayor Tuman introduced this item.
- Ms. Faulkner read her report.
- Alderman Leonard made a motion that the North Topsail Beach Board of Aldermen direct the Finance Officer to secure financing for the new fire truck through Suntrust Equipment Finance & Leasing Corp. "Resolution 2013-6."
- Alderman Yawn seconded the motion.
- The motion passed unanimously.

- X. OPEN FORUM:** Bob Swantek 3772 Island Dr. came forward to speak, he wanted to show his distaste on Dune Maintenance Activities. He stated this Town is one Town now and it seems like the Aldermen are splitting the Town apart by spending money on the North End and push sand in certain places. Citizens have to pay for sand fencing but on the north end they are getting a free ride. He stated it should be Town wide and everyone treated the same.

Bill Hortsman 303 Lanterna Lane stated that the vote on the Dune Maintenance Activities was very disturbing to him also. He will have to go back to his property owners and say yes we had to pay for our sand push while other parts of the Town did not have to pay and that the Town will pay for half of the sand fence but the owners will have to pay 100% of the labor, there is a discrepancy here along with having beach grass planted in certain areas free and other areas will have to pay for theirs. He asked if this went out for bids and was this the lowest.

- XI. ATTORNEY'S REPORT:** Attorney Edes stated that they are continuing the monthly meetings; there is no litigation to speak of right now.

- XII. MAYOR'S REPORT:** Mayor Tuman stated that he appreciated the sensitivity concerns regarding the issues to the beach in the aftermath of the storms and actions required to stabilize our beach and dune. Phase one project and the results are marvelous, prior to completion there was a terrible situation at the north end and the property owners went through great expense to protect their property before the Town was able to help them. Topsail Reef paid over two million dollars for their sand bag project, other property owners paid thousands of dollars to install more pilings to sturdy their dwellings until the Town did something to protect their interest. The Town went through the process of a dune push without controversy because some people benefited from it and others did not; there is ongoing issues in regards of plantings and sand fencing to protect the property. He stated that the situation for the rest of the Town is not good, Surf City has just recently completed its project and if you read the newspapers they are at their wits end because there is very little sand on our beaches. Sand was pushed and some of it was washed away immediately primarily because of the sand situation. It is imperative that this Town move ahead this year to continue the nourishment of our beaches beyond phase one through phase five and that should be the priority, his expectation is that once that is done these issues regarding potential discrimination of citizens of who benefit and who do not regarding the sand pushing and

planting will go away. Once the beaches are restored and the dunes are appropriately stabilized he thinks we will have a harmonious Town north to south.

He and two Aldermen were in Washington last week to finish the work that was initiated two years ago regarding legislation that would eliminate the CBRA Zone in the residential areas of this Town. They met with Senator Hagan and the Staff of Senator Burr with N.C. Representative Walter Jones and Mike McIntyre. He stated that the Town's request has been favorably approved by all of them. He stated that Representative Jones initiated House Bill 851 and Representative Mike McIntyre has offered to co-sponsor the bill which will be very helpful. Senator Hagan has agreed to initiate a Senate Bill to compensate a companion bill for Walter Jones's bill. Senator Burr is interested in co-sponsoring this bill which will be a big help, our legislative elected officials are all motivated to make this change. The down side of this is getting the bills acted on in Congress because Congress is dealing with other issues with the sequester discussions. After that is dealt with there is another problem regarding to this year's budget (continuing resolution) that has to be dealt with and that is coming up immediately, after that there is another issue regarding the threshold borrowing limits. All of these are major tasks for Congress. It is hopeful that committees that deal with environmental issues such as this one will happen this year and the legislation will be in front of those committees.

He has expressed the Town's frustration with our lobbyist and elected officials and reminded them of the most frequently asked question in North Topsail Beach is when is our CBRA Legislation going to be acted on in Congress. The answer was that things going through Congress take a long time and it is not unusual to take five years to pass legislation such as this. He stated this activity was initiated back in 2009; budget year anniversary is coming up soon so maybe now this will be acted on.

The Mayor updated the Board and the Citizens on another issue that came up that is being pursued at the request of the Topsail Island Shoreline Protection Commission with Water Resources Development Act (WRDA) regarding the federal beach nourishment joint project between Surf City and the Town of North Topsail Beach. This requires a WRDA hearing to be held and the project be authorized by WRDA; it is basically a review along with a lot of other water related projects that the legislatures agree are worthwhile and should proceed into the next stage which is appropriation.

### **XIII. ALDERMEN'S REPORT:**

**Alderman Harte:** Mr. Harte said he was happy to be back.

**Alderman Leonard:** Mr. Leonard thanked everyone for coming out. He commented on the realignment, he said he understands their frustration because he lived up there for a number of years and saw previous Boards do nothing to help with the situation. The Town is fixing something that has been broke for a long time and for a number of reasons, one of those reasons is due to inaction. He asked for the Citizens to bear with the Town while they try and continue the phases for the rest of the Town.

**Alderman Yawn:** Mr. Yawn stated that all the permit work and activity started in 2003 and 2004 along with a lot of preliminary work. He agreed with the Mayor to do beach nourishment for the entire Town as soon as we possibly can if it can be fair and equitable. He also agreed with Mr. Hortsman, the Town needs to be fair and consistent on how the Town apportions our limited resources as far as dune pushes, sand fencing and beach plants. Next month he will request an item on the Agenda to change the split on sand fencing and dune plants. He thanked everyone for coming out tonight.

**Mayor Pro Tem Gray:** Mrs. Gray thanked everyone for coming out tonight. She stated that hopefully things will continue in a positive mode with the north end project, the Town's goal is to work towards getting the rest of the beach done. She stated that it doesn't seem like it is fair but in the grand scheme of things she thinks the Town will be equal and it will be portioned out based on the areas that need it the most and that is where it is starting from. The rest of the Town is going to benefit before this is all said and done, just be patient.

- XIV. CLOSED SESSION: Per N.C.G.S. 143-318.11 Closed Session (5):** Alderman Leonard made a motion to go into Closed Session per N.C.G.S. 143-318.11 Closed Sessions (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 (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract. Alderman Yawn seconded the motion. The motion passed unanimously.

No action was taken.

Alderman Leonard made a motion to come out of Closed Session. Alderman Yawn seconded the motion. The motion passed unanimously.

- XV. ADJOURNMENT:** Alderman Yawn made a motion to adjourn. Alderman Leonard seconded the motion. The motion passed unanimously. The meeting adjourned at 8:30 p.m.

APPROVED:

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Daniel Tuman, Mayor

ATTEST:

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Terrie Woodle, Deputy Town Clerk





Town of North Topsail Beach  
Board of Aldermen  
March 7, 2013

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**Item:** V. B.  
**Issue:** **Case #SUP-13-02:** A special use permit application by Mr. Grant Riley for retailing or servicing with operations and merchandise stored inside or outside building (i.e., beach equipment rental service: chairs, umbrellas, etc.) conducted at or near the St. Regis, 2000 New River Inlet Rd.  
**Staff:** Deb Hill, AICP - Planning Director

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**BACKGROUND:** Mr. Grant Riley is requesting consideration of a special use permit application to operate a beach equipment rental service, located at the St. Regis, 2000 New River Inlet Road.

**ANALYSIS:** Staff has determined that the use requested by Mr. Riley is classified as, "retailing or servicing with operations conducted and merchandise stored inside or outside *building* and not otherwise listed," which may be allowed by Special Use Permit in B-1 and B-2 zoning districts, pursuant to UDO Table 4-1 Use Table. The St. Regis property is zoned R-5, with a Planned Unit Development overlay and contains other established commercial businesses. The 2009 CAMA FLUP identifies this property as High Density Residential. On June 14, 2010, the Board of Aldermen approved a similar request for beach equipment rentals by Mr. Sean Cook of Palm Tree Market.

The St. Regis HOA Board of Directors and management would like to include the following conditions on the approval of the special use permits:

- 1) All chairs, umbrellas, storage containers and any other equipment must be removed each night and not left on the beach overnight. (This would apply for both applications.)
- 2) The placement of chairs and umbrellas for rental should be north of the northernmost St. Regis beach access and/or south of the southernmost St. Regis beach access and should be spaced no closer than 30 feet apart. This leaves space for people not using the rental service.
- 3) St. Regis will offer storage space for Mr. Riley to stow his items/materials under Building 3.

The Board must find that all of these conditions exist, or the application will be denied.

- (a) The use or *development* is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
- (b) The use or *development* complies with all required regulations and standards of this *Ordinance* and with all other applicable regulations;
- (c) The use or *development* conforms to the plans for the land use and *development* of Town of North Topsail Beach as embodied in this *Zoning Ordinance* and in the Town of North Topsail Beach *CAMA* Land Use Plan.

**RECOMMENDATION:** The Planning Board shall pay particular attention to consistency of the proposed use with the *CAMA* Land Use Plan. At the meeting set by the Board of Aldermen for a public hearing, the Planning Board's written comments shall be presented, along with the staff report and are not subject to the rules of sworn evidence.

Mr. Dorazio made a motion that the Planning Board recommends approval to the Board of Aldermen with all of the conditions above to include a time of 6 a.m. to 6 p.m. and no motorized vehicles on the beach. Mr. Peters seconded the motion, motion passed unanimously.

**ATTACHMENTS:** 1) Application dated February 7, 2013.

APPLICATION FOR SPECIAL USE PERMIT  
NORTH TOPSAIL BEACH, NORTH CAROLINA



APPLICATION NO.: Sup 13-07 DATE FILED: 2-7-13

The undersigned do hereby respectfully request the following be granted by support of the following facts herein shown:

Grant Riley  
Name of Applicant

St. Regis of Onslow County, N.C.  
Name of Owner

909 South Main St.  
Address

2000 New River Inlet Rd.  
Address

Belmont NC 28012  
City State Zip

N. Topsail Beach NC 28460  
City State Zip

980-213-9632  
Business Telephone / Home Telephone

910-328-0939  
Business Telephone / Home Telephone

Tax Parcel #: bk \_\_\_\_\_ mp \_\_\_\_\_ prcl \_\_\_\_\_

Tax ID #: 779-12, -13, -14.5

Existing Use: PUD

Proposed Use: beach equipment rental service

Property Size: \_\_\_\_\_

Existing Zoning: R-5/PUD OVERLAY

Property Address / Location: ST REGIS 2000 New River Inlet Rd

The following is requested:

Purpose:  SUP  SUP - temporary

\*\*\*\*\*A site plan showing the dimensions of the parcel with all existing and proposed structures along with all setbacks (existing and proposed), must be submitted with the application.\*\*\*\*\*

Establishment of the burden of proof relevant to the issuance of a SUP:

- A. The use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
- B. The use or development complies with all required regulations and standards of this Ordinance and with all other applicable regulations;
- C. The use or development conforms to the plans for the land use and development of Town of North Topsail Beach as embodied in this UDO and in the Town of North Topsail Beach CAMA Land Use Plan.

I certify that all of the information presented by me in this application is accurate to the best of my knowledge, information and belief.

Grant Riley  
Signature(s) of Applicant(s)

2-7-2013  
Date

The Hearing was held on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

This Special Use Permit is hereby \_\_\_ granted as submitted, \_\_\_ granted with conditions, \_\_\_ denied.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

SPECIAL USE PERMIT BURDEN OF PROOF

2.06.04 (C) (4) The applicant shall submit sufficient information in order to provide a full and accurate description of the proposed use including its appearance and operational characteristics. The burden is on the applicant to present sufficient evidence to allow the appropriate board to make a finding that all the standards will be met.

2.06.04 (D) (5) In granting the permit, the Board of Aldermen shall make a written decision that 1) identifies the key facts of the case; and (2) applies these facts to the following standards. The Board must find that all of these conditions exist, or the application will be denied.

A. The use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare; LOCATED AT ST REGIS, OPERATING FROM MAY THROUGH SEPTEMBER. CAN EITHER TRANSPORT EQUIPMENT BY VEHICLE TO BEACH OR STORE UNDER BLDG 3, TRAILER

B. The use or development complies with all required regulations and standards of this Ordinance and with all other applicable regulations. YES.

C. The use or development conforms to the plans for the land use and development of Town of North Topsail Beach as embodied in this UDO and in the Town of North Topsail Beach CAMA Land Use Plan. YES.

PROPOSED CONDITIONS BY THE APPLICANT:

X-  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Town of North Topsail Beach  
Board of Aldermen  
March 7, 2013

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**Item:** V. C.  
**Issue:** **Case #SUP-13-03:** A special use permit application by Mr. William Makey for a recreation or amusement enterprise (i.e., surf lessons) conducted for profit at or near the St. Regis, 2000 New River Inlet Rd.  
**Staff:** Deb Hill, AICP - Planning Director

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**BACKGROUND:** Mr. William Makey is requesting consideration of a special use permit application to provide surf lessons, located at the St. Regis, 2000 New River Inlet Road.

**ANALYSIS:** Staff has determined that the use requested by Mr. Makey is classified as, “recreation or amusement enterprise conducted for profit and **not otherwise listed**,” which may be allowed by Special Use Permit in B-1 and B-2 zoning districts, pursuant to UDO Table 4-1 Use Table. The St. Regis property is zoned R-5, with a Planned Unit Development overlay and contains other established commercial businesses. The 2009 CAMA FLUP identifies this property as High Density Residential.

The Board must find that all of these conditions exist, or the application will be denied.

- (a) The use or *development* is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
- (b) The use or *development* complies with all required regulations and standards of this *Ordinance* and with all other applicable regulations;
- (c) The use or *development* conforms to the plans for the land use and *development* of Town of North Topsail Beach as embodied in this *Zoning Ordinance* and in the Town of North Topsail Beach *CAMA Land Use Plan*.

**RECOMMENDATION:** The Planning Board unanimously recommends approval to the Board of Aldermen. The Planning Board shall pay particular attention to consistency of the proposed use with the CAMA Land Use Plan. At the meeting set by the Board of Aldermen for a public hearing, the Planning Board’s written comments shall be presented, along with the staff report and are not subject to the rules of sworn evidence.

**ATTACHMENTS:** 1) Application dated February 7, 2013.



APPLICATION NO.: SUP 13-03 DATE FILED: 2/7/2013

The undersigned do hereby respectfully request the following be granted by support of the following facts herein shown:

|  |  |
|--|--|
| <u>William Makey d/b/a Lets Surf! Surf Camp</u><br>Name of Applicant             | <u>St. Regis</u><br>Name of Owner                          |
| <u>403 Pond View Circle</u><br>Address   | <u>2000 New River Inlet Rd</u><br>Address                  |
| <u>Hampstead, NC 28443</u><br>City State Zip                                     | <u>NTB NC 28460</u><br>City State Zip                      |
| <u>(910)622-5472</u> <u>(910)803-0300</u><br>Business Telephone / Home Telephone | <u>910 328 0739</u><br>Business Telephone / Home Telephone |

|   |  |
|---|--|
| Tax Parcel #: bk _____ mp _____ prcl _____                  | Tax ID #: <u>779-12, -13, -14.5</u>  |
| Existing Use: <u>PUD condo's /commercial</u>                | Proposed Use: <u>recreation or amusement enterprise (i.e. surf lessons) conducted for profit</u> |
| Property Size: _____  | Existing Zoning: _____   |
| Property Address / Location: <u>2000 New River Inlet Rd</u> |  |

The following is requested:

Purpose:  SUP       SUP - temporary

Surf Camp - Surf Lessons

\*\*\*\*\* A site plan showing the dimensions of the parcel with all existing and proposed structures along with all setbacks (existing and proposed), must be submitted with the application.\*\*\*\*\*

- Establishment of the burden of proof relevant to the issuance of a SUP:
- A. The use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
  - B. The use or development complies with all required regulations and standards of this Ordinance and with all other applicable regulations;
  - C. The use or development conforms to the plans for the land use and development of Town of North Topsail Beach as embodied in this UDO and in the Town of North Topsail Beach CAMA Land Use Plan.

I certify that all of the information presented by me in this application is accurate to the best of my knowledge, information and belief.

William C. Makey      7 FEB 13  
Signature(s) of Applicant(s)      Date

The Hearing was held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

This Conditional Use Permit is hereby \_\_\_granted as submitted, \_\_\_granted with conditions, \_\_\_denied.

\_\_\_\_\_  
Mayor      Date

Attachment Staff Exhibit 1 March 7, 2013 Board of Aldermen Minutes  
SPECIAL USE PERMIT BURDEN OF PROOF

2.06.04 (C) (4) The applicant shall submit sufficient information in order to provide a full and accurate description of the proposed use including its appearance and operational characteristics. The burden is on the applicant to present sufficient evidence to allow the appropriate board to make a finding that all the standards will be met.

2.06.04 (D) (5) In granting the permit, the Board of Aldermen shall make a written decision that 1) identifies the key facts of the case; and (2) applies these facts to the following standards. The Board must find that all of these conditions exist, or the application will be denied.

A. The use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare; Surfing instruction promotes health through exercise-safety - through learning proper surfing etiquette, surfing techniques and the ability to spot dangerous conditions on the beach and in the water.

B. The use or development complies with all required regulations and standards of this Ordinance and with all other applicable regulations. The Surf Camp is being conducted in front of the St. Regis which is allowing access on and through their property for the purpose of running the surf camp.

C. The use or development conforms to the plans for the land use and development of Town of North Topsail Beach as embodied in this UDO and in the Town of North Topsail Beach CAMA Land Use Plan. Use of the beach and ocean conforms to Town of North Topsail Beach land use plan and will not adversely impact beach/dunes or use thereof by the public.

PROPOSED CONDITIONS BY THE APPLICANT:

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# PRICES

**SURF CAMP**  
\$150.00

**PRIVATE SURF LESSONS**  
\$35.00 per hr

**BOARD RENTALS**  
\$25.00 for the first day  
\$10.00 for each additional day

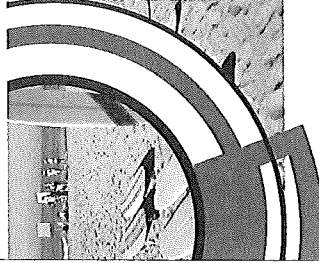
**LETS SURF!**  
**SURF CAMP**  
**910-622-5472**

**MONDAY thur THURSDAY**  
**8AM to 10:30AM**

**ALSO AVAILABLE**

**PRIVATE SURF LESSONS**  
**SURFBOARD RENTALS**

**CALL AHEAD TO RESERVE YOUR**  
**FUN TODAY!**



**LETS SURF!**

**Bill Makey**  
910-622-5472





## Lets Surf! Surf Camp

(1) **Objective**

- Teaching Surfing to primarily youth - 4 - 20 years old
- Some adults
- 4-6 students - per instructor/class

(2) **Date/Time**

- Starting May 1 - October 31 (6 months)
- 4 days per week / 5<sup>th</sup> day optional
- 8:30 am - 11:30 am

(3) **Location**

- Onslow County - Beaches
- Out in front of St. Regis Resort
- Using St. Regis property as home base
- Done with permission of General Manager Floyd Stregishoa at St. Regis

(4) **Insurance**

- 2 Million Dollar General Liability - Aggregate
- SFI Group, Agent
  - Insurance Company name: Nautilus Insurance Company
    - Policy # \_\_\_\_\_, to be issued upon approval of surf camp by Town

(5) **Equipment**

- Surf Boards
- Rash Guards
- Medical First Aid Kit

(6) **Goals**

- Instruct and teach students surfing skills.
- Demonstrate & educate youth and students on surfing safely and protocol
- Instruct on care and welfare of Beach and Dunes
- Instruct students on surfing etiquette
- Will leave beach cleaner than when we found it
- Have fun.

(7) **Cost**

- \$150.00 per week/per student

# Privilege License Application

Town of North Topsail Beach  
2008 Loggerhead Court  
North Topsail Beach, NC 28460  
Phone (910)328-3186  
Fax (910)328-4508

Business Name LETS SURF! SURF CAMP

Location \_\_\_\_\_

Parcel ID # \_\_\_\_\_

Owner Name Bill William C Markey Signature William C Markey

Mailing Address 203 POND VIEW CIR

City/Town HARRISBORO State NC Zip Code 28443

Phone Number 910 803 0300 Cell/Pager 910 622 5472

Fax Number \_\_\_\_\_

Type Of Business SURF CAMP

State License # \_\_\_\_\_ Expiration Date \_\_\_\_\_

I/We am submitting an application for a Business License in the Town of North Topsail Beach In compliance with Article II- Privilege License Tax and the Town's Ordinances, I understand that such license could be revoked or cancelled at the discretion of the Board of Aldermen at any time. However, I/We have ten (10) days notice to appeal to the Board of Aldermen on my/our behalf.

William C Markey  
Signature of Applicant

6 FEB 13  
Date of Application

\_\_\_\_\_  
Planning Director

\_\_\_\_\_  
Date

Sec. 7-128 The Specified use is Permitted CU Legal Non-Conforming  
See attached application if CU is required

Issued By \_\_\_\_\_

License # \_\_\_\_\_

Expiration Date \_\_\_\_\_

Receipt # \_\_\_\_\_



Attachment Staff Exhibit 1 March 7, 2013 Board of Aldermen Minutes  
**JACKSON SUMNER & ASSOCIATES**  
Excess & Specialty Lines Broker  
www.jsausa.com

If you would like to bind this quote, you can check one of the options below and fax/email this to us along with any signed forms needed.

Bind this quote with Terrorism coverage.

Bind this quote without Terrorism coverage.

Desired Effective Date: \_\_\_\_\_

Agent Signature: \_\_\_\_\_

New                       Renewal of:  
Expiration Date:

Attn: Sharon Rackley

Applicant Name: Let's Surf Surf Camp

JSA Underwriter: English Tsumas

Company Quoted: Nautilus Insurance Company  
AM Best Rating: A+ IX

General Liability

General Aggregate: \$ 2,000,000  
Products & Completed Operations Aggregate: \$ Included  
Personal & Advertising Injury: \$ 1,000,000  
Each Occurrence: \$ 1,000,000  
Damage to Rented Premises: \$ 100,000  
Medical Expense: \$ 5,000  
\$ 500 Per Claim Deductible (BI&PD including LAE)

Premium: \$ 750.00 (minimum & deposit)  
Fee: \$ 75.00  
Tax: \$ 37.50  
Total: \$ 862.50

100 % Minimum Earned Premium

Optional Certified Terrorism Coverage:

Premium: \$ 125  
Tax: \$ 6.25

Quote valid for 30 days

Common Policy Forms:

- E906 (06/07) Service of Suit
- IL0249 (09/08) Cancellation & Nonrenewal (SC only)
- IL0017 (11/98) Common Policy Conditions
- S013 (07/09) Minimum Earned Premium

GL Forms:

- CG0001 (12/04) GL Coverage Form
- CG2147 (07/98) Exclusion-Employment Related Practices
- IL0021 (09/08) Nuclear Energy Exclusion
- L205 (11/10) Exclusion-Injury to Employees, Contractors, Volunteers
- L216 (07/09) Definitions-Insured Contract (Limited Form) or  S002 (07/09) Insured Contract (Incidental Contracts)
- L217 (06/07) Exclusion-Punitive or Exemplary Damages
- L240 (06/07) Classification Limitation
- L850 (05/09) Deductible Form
- S261 (07/09) Exclusion-Asbestos
- CG2239 Exclusion - Camps or Campgrounds Endorsement
- CG2146 - Abuse or Molestation Exclusion
- CG2230 - Exclusion - Corporal Punishment
- CG0067 (03/05) Exclusion-Emails, Fax, Phone Calls, Etc.
- CG2196 (03/05) Exclusion-Silica
- L601 (12/09) Premium Audit
- L223 (06/07) Exclusion-Total Pollution
- L241 (07/09) Exclusion-Mold
- S038 (07/09) Amendment of Liquor Liability
- L408 (03/12) Changes-Civil Union/Domestic Partnership
- L228 - Exclusion - Communicable Disease
- L401 - Watercraft
- E901 Fully Earned Premium

Items needed prior to binding: \*\*\*\*\*Copy of waiver to review\*\*\*\*\*

Items needed if coverage is bound: Acord 125/126, Form F & Terrorism Disclosure

Comments:

Please review this quote carefully as it may not contain all requested coverages and limits. You have no authority to bind coverage. Coverage is not bound until a policy number is released by a JSA Underwriter. Other forms may apply if this coverage is bound. This is not a contract of insurance. The actual policy (if issued) may contain other forms not shown on this quote. Please review the actual policy (if issued) for all terms and conditions for which this quote is subject to for actual coverages contained therein.

# *Town of North Topsail Beach*

Daniel Tuman, Mayor  
Suzanne Gray, Mayor Pro Tem  
Aldermen:  
Don Harte  
Tom Leonard  
Richard Macartney  
Michael Yawn



Stuart Turille  
Town Manager  
Carin Z. Faulkner, MPA  
Town Clerk

## **Board of Aldermen Regular Meeting Minutes Thursday, April 4, 2013\* 6:30 P.M.**

**PRESENT:** Mayor Daniel Tuman, Mayor Pro Tem Suzanne Gray, Aldermen Don Harte, Tom Leonard, Dick Macartney, and Mike Yawn, Town Attorney Brian Edes, Town Manager Stuart Turille and Town Clerk Carin Faulkner.

- I. **CALL TO ORDER:** Mayor Tuman called the meeting to order at 6:30 p.m. Mayor Tuman said that the Town extends its condolences to Mr. Thomas Best, the Town's Public Works Director and his family on the recent passing of his father.
- II. **INVOCATION:** Alderman Macartney gave the invocation.
- III. **PLEDGE OF ALLEGIANCE:** Mayor Tuman led those present in the Pledge of Allegiance.
- IV. **APPROVAL OF AGENDA:**
  - Alderman Yawn made a motion to approve the agenda as presented. Alderman Leonard seconded.
  - The amended agenda was approved unanimously.
- V. **PUBLIC HEARINGS/PRESENTATIONS:**
  - A. **Public Hearing (continued) – Case #SD-13-01 – A Subdivision Application by H&H contractors, Inc. for a Preliminary Plat (Location: 1156 New River Inlet Road):**
    - Aldermen Leonard made a motion to open the public hearing. Alderman Yawn seconded the motion. The motion passed unanimously.
    - The Town Attorney went over the procedures for the quasi-judicial hearing and indicated the presence of a court reporter.
    - The Town Clerk swore in Ms. Deborah Hill and Mr. Linwood Jones.
    - Mr. Edes asked the Board a series of questions to determine if there are any conflicts with any of the Board members. Mr. Edes announced that there were no conflicts.

\*There is an attachment to these minutes.

- Ms. Hill presented the Staff Report (Attachment A).
- Ms. Hill took questions from the Board.
- There were no questions from the applicant.
- The applicant, Mr. Linwood Jones, surveyor who works for H&H Constructors gave testimony.
- Mr. Jones took questions from the Board.
- No one came forward in opposition to the application.
- Ms. Hill took more questions from the Board.
- Alderman Yawn made a motion to close the public hearing. Alderman Leonard seconded the motion. The motion passed unanimously.
- There was discussion.
- Alderman Yawn made a motion to approve the application for the preliminary plat at 1156 New River Inlet Road as presented. Mayor Pro Tem Gray seconded the motion. The motion passed unanimously.

VI. **MANAGER'S REPORT:**

- A. Stuart Turille Introduction:** Mr. Turille thanked the Board for allowing him to work in such a beautiful location. He thanked Ms. Faulkner for her hard work as Interim Town Manager and for putting together the manager's report. He said that he believes that we should give service members who are fighting for this country a community that they come home to and be proud of. He said he took an oath of public office to do his utmost to protect the U.S. Constitution and the Town of North Topsail Beach and he intends to do so in a frank and straightforward manner. He said that when there are disagreements he desires that we disagree respectfully and with civility. He said it is important to him that he earns the trust of the Board and that they work as a team to solve issues and work together to build the town. He said he accepts that trust is earned and that he will work to achieve it.
- B. Topsail Road Resurfacing:** Mr. Turille reported that NCDOT resurfaced Topsail Road last week. They did a great job and will be finishing up the shoulders soon.
- C. CBRA Update:** Mr. Turille reported that on March 13, 2013 Senator Kay Hagan reintroduced her bill on the Senate side. Now there is a CBRA bill for the Town in both houses of Congress. This is as far as our bills have gotten to-date. The Town is hoping that a committee hearing on its bill will take place, moving it further in the process. The Town has updated the "sample letter" that property owners can use to contact their local representatives about the bill, it is available on the Town's website. The bill numbers are HR 187 (previously HR 4311) and S 533 (previously 3561).
- D. Video on the New River Inlet Channel Realignment Project:** Mr. Turille reported that Dr. Buttino and his cameraman will be back to take post-construction footage on a pretty day and to conduct the interviews. Town Staff continues to work on a storyboard and script to assist Dr. Buttino.

- E. Sea Oats & Sand Fence Cost Share Programs:** Mr. Turille reported that the programs have officially kicked off and the information and order forms are now on the Town's website. Order forms are also on the back table (of the meeting room). So far property owners have purchased 7,400 plants (10 people) and 120 rolls of sand fence (approximately 15 people).
- F. Dune on North End:** Mr. Turille reported that Coastal Transplants started planting American Beach grass on the north end dune that was created during the New River Inlet Project on March 21<sup>st</sup>. They will install the Sea Oats between April 15<sup>th</sup> through May 1<sup>st</sup>. They will be building the Hatteras ramps and installing them one at a time so that adjustments can be made to meet the Town's needs.
- G. TISPC Legislative Breakfast in Support of Shallow Draft Inlet Dredging:** Mr. Turille reported that several members of the Topsail Island Shoreline Protection Commission and Town Staff, including himself, Mayor Pro Tem Gray, Carin Faulkner, and Angela Christian from Onslow County will be traveling to Raleigh on April 10<sup>th</sup> to meet with State legislators and make a presentation about the areas needs for shallow draft inlet dredging funding. There is a draft resolution in support of funding in the Consent Agenda for the Board to adopt this evening.
- H. Annual Retreat:** Mr. Turille reported that the NTB Board of Aldermen annual retreat will take place on Tuesday, April 9<sup>th</sup> in the Town Hall Meeting Room. It will start at 9:00 a.m. and will last most of the day. The purpose of the retreat is to establish the Town's goals for the coming year. It is a public meeting and those interested may attend.

VII. **OPEN FORUM:**

**Mr. Paul Woodby of 464 Ocean Drive** – Mr. Woodby said that the Ocean City Community appreciated the recent sand push. He said his neighborhood will be taking advantage of the sand fence and sea oats program. He said he appreciates the Town's effort to assist property owners.

**Mr. Lawrence Crowe of 1800 New River Inlet Road** – Mr. Crowe said he recently built a house on property he bought many years ago. He said he was very happy with the nourishment of the beach. Prior to the nourishment the water was right up to the public access steps near his property. He thanked the Board and the Mayor. He wished Mr. Turille good luck.

VIII. **CONSENT AGENDA:**

- A. Request to Approve Tax Refund
- B. Request to Adopt a Resolution Authorizing the Disposition of Certain Personal Property (Resolution 2013-7)
- C. Request to Adopt a Resolution Supporting Senate Bill 58 (Resolution 2013-8)
- D. Approval of Minutes: March 7, 2013

- E. Department Head Reports: Finance, Fire, Inspections, Planning, Police Departments
- F. Committee Reports: Planning Board, Board of Adjustment, TISPC, ONWASA, Beautification and Recreation

- Alderman Yawn made a motion to approve the Consent Agenda as presented.
- Mayor Pro Tem Gray seconded the motion.
- Alderman Yawn indicated that the fire truck was in the Finance Report as an expense but that the Town received a loan for the truck and the loan has not shown up yet as a revenue. He said the Town is better off than what the Finance Report is showing right now.
- The motion passed unanimously.

IX. **NEW BUSINESS:**

**A. Request for Special Event in Ocean City:**

- Ms. Faulkner introduced this item.
- Alderman Macartney made a motion that the North Topsail Beach Board of Aldermen suspend the parking ordinance prohibiting parking along Ocean Drive from 5:00 p.m. until 12:00 a.m. on July 5, 2013 and approve Ms. Torrey's proposal to have a block party on Ocean Drive which would limit vehicular access on this street between Green Street and Carver Street on July 5<sup>th</sup> from 6:00 p.m. until 12:00 a.m.
- Mayor Pro Tem Gray seconded the motion.
- The motion passed unanimously.

**B. Request to Approve Disposal of Schedule Records (Resolution 2013-9):**

- Ms. Faulkner introduced this item.
- Ms. Faulkner explained the process that Town Staff used and will be using in the future to destroy records per the schedule adopted by the Board of Aldermen. Ms. Faulkner asked the Town Attorney if he approved of the process. Mr. Edes indicated that he approved and that this procedure goes in lock step with the general statutes and the N.C. Department of Cultural Resources Division of Archives and Records.
- Alderman Macartney made a motion for the Board of Aldermen to adopt Resolution 2013-9 A Resolution Authorizing the Disposition of Municipal Records in Accordance with the North Carolina Municipal Records Retention and Disposition Schedule and authorize Town Staff to contract with Cintas to remove and destroy the authorized records off site.
- Mayor Pro Tem Gray seconded the motion.
- Ms. Faulkner took questions from the Board.
- The motion passed unanimously.

**C. Request to Obtain 30 Year Easement Agreements for Properties South of Phase One:**

- Mayor Tuman introduced this item.
- Alderman Yawn made a motion for the Board of Aldermen to authorize Town Staff to draft a cover letter and easement agreement documents to be reviewed by the Town Attorney and the Board of Aldermen at the next regular meeting and to have Town Staff research the cost for getting the rest of the Town's easement agreements and include this as a Beach Fund line item for the FY14 budget.
- There was discussion.
- The motion was amended to "30 year easement agreements for the non-Federal portion of the Town and potentially 50 year easement agreements for the Federal project area."
- Alderman Macartney seconded the amended motion.
- The Town Attorney made comment. He suggested the longer the easement agreement the better.
- There was discussion to have the Town Staff research and provide recommendation to the Board on a suggested length with the cost estimate and to amend the final easement agreement length as appropriate.
- The motion passed unanimously.

**D. Request to Modify Cost Split for Sea Oats:**

- Alderman Yawn introduced this item.
- Alderman Yawn made a motion that the Town of North Topsail Beach modify the cost share ratio for the Sea Oat Cost Share Program from 50-50 to 80-20 with the Town paying 80 percent.
- Mayor Pro Tem Gray seconded the motion.
- There was discussion.
- The motion passed unanimously.

**E. Request to Sponsor Ocean City Jazz Festival**

- Ms. Faulkner introduced this item.
- Alderman Leonard made a motion to sponsor the 2013 Ocean City Jazz Festival at an amount to be determined during discussion.
- Alderman Yawn seconded the motion.
- There was discussion.
- Alderman Leonard amended his motion to include an amount of \$1,000. Alderman Yawn seconded the amended motion.
- Alderman Leonard specified that the funds be taken out of the Special Events line item in the Recreation section of the budget. Alderman Yawn seconded the amended motion.
- The motion passed unanimously.



**F. Discussion of Retreat Agenda**

- Alderman Macartney made a motion to approve the agenda for the April 9<sup>th</sup> Board of Aldermen Retreat. Mayor Pro Tem Gray seconded the motion.
- There was discussion. Mayor Tuman pointed out some of the items that the Board should be thinking about prior to the retreat.
- The motion passed unanimously.

**X. OPEN FORUM:**

**Boyd Wright of Shipwatch** - Mr. Wright had a question about when property owners should send letters about CBRA to their representatives in Congress. Mayor Pro Tem Gray indicated that she had residents of the St. Moritz send the letter and they received responses. She said it would not be a waste to send them out now.

**XI. ATTORNEY'S REPORT:** Mr. Edes welcomed Mr. Turille.

**XII. MAYOR'S REPORT:** Mayor Tuman welcomed Mr. Turille. He said he was pleased that NCDOT paved Topsail Road after many years of neglect. He said the Town is looking good.

**XIII. ALDERMEN'S REPORT:**

**Alderman Don Harte:** Mr. Harte welcomed Mr. Turille and thanked Ms. Faulkner for her hard work.

**Alderman Leonard:** Mr. Leonard thanked everyone for coming out tonight. He welcomed Mr. Turille. He told Ms. Faulkner she did a great job.

**Alderman Yawn:** Mr. Yawn welcomed Mr. Turille. He thanked the Board for getting Mr. Turille here. He told Mr. Turille that he is glad he is here and that he has a lot of work to do. He thanked Ms. Faulkner for all her hard work and thanked his fellow Board members.

**Mayor Pro Tem Gray:** Mrs. Gray welcomed Mr. Turille and thanked Ms. Faulkner for her work.

**Alderman Macartney:** Mr. Macartney expressed his appreciation and excitement at having Mr. Turille here. He said that the Board has a lot of work to do. There is the budget to prepare and the ambitious agenda for the retreat. He said he is looking forward to the discussion and looking forward and putting the Town's priorities in order. He encouraged the audience to attend the retreat. He said he was glad to be back after being gone for a while.

- XIV. **ADJOURNMENT:** Alderman Leonard made a motion to adjourn. Alderman Yawn seconded the motion. The motion passed unanimously. The meeting adjourned at 7:50 p.m.

**APPROVED:**

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Daniel Tuman, Mayor

**ATTEST:**

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Carin Z. Faulkner, Town Clerk

Approved on: 5/2/2013



Town of North Topsail Beach  
Board of Aldermen  
April 4, 2013

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**Item:** V. A.  
**Issue:** PUBLIC HEARING: Case #SD-13-01  
Preliminary Subdivision Plat for H & H Constructors Inc. (Tax Map #774-29.2)  
**Staff:** Deb Hill, AICP - Planning Director

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**BACKGROUND:** Zoned R-20, the property (formerly owned by North Topsail Baptist Church) is bisected by the state road. The proposed subdivision will result in two (2) parcels: a 2.53 acre sound-side lot and a 1 acre ocean front lot. Existing water main and sewer main are available.

**RECOMMENDATION:** The Planning Board reviewed the application on February 21, 2013, and unanimously recommends approval, as the applicant has met the following conditions:

1. Boundaries of areas of environmental concern to include 404 wetlands, CAMA wetlands, etc.
  - CAMA wetlands: include surveyed date, as well as date marked in the field by LPO.
  - USCOE federal wetlands" include status/approval of wetlands along with Jurisdictional Determination number on plans.
  - Dune, 1st line of stable natural vegetation and CAMA setback.
2. CAMA Major Application – Jason Dail met with Linwood Jones to locate the boundaries and setbacks on 3/5/13. Jason Dail will determine the appropriate permitting process prior to submittal of final subdivision plat.

**ATTACHMENTS:**

- 1) Application dated January 25, 2013.
- 2) Preliminary for H & H Constructors Inc. by Linwood J. Jones PLS dated 1/23/13 rev. 3/08/2013.

**SUBDIVISION APPLICATION**

Date Submitted: JAN 25, 2013

CASE NO. SD-13 - 0

Name of Subdivision: H & H CONSTRUCTORS, INC

Location: (Road name & SR number) 1156 NEW RIVER INLET ROAD

Exemption (\$50)

**Subdivision/ PRD**

Sketch (\$300)

Preliminary (\$300)

Final (\$150)

Tax Parcel ID: 428819504181

Smallest lot: 1.0 AC

Total acreage: 3.53 AC

Average lot size: 1.7 AC

Number of lots 2

Zoning District: \_\_\_\_\_

**Infrastructure:**

Water Supply:  ONWASA     individual well     community system

Sewer Type:  Pluris     individual septic     community system

Streets:  public     private

Surveyor/ Engineer: LINWOOD J. JONES, PLS

Address 201 GLEN ROAD, GARNER NC 27529

Phone 919-773-0183

Email address LINWOODJNS24@GMAIL.COM

Developer H & H CONSTRUCTORS, INC

Address 2919 BREEZEWOOD AVE, FAYETTEVILLE, NC 28303

Phone Fax 910-486-4864

Email address JAMIEGODWIN@HHHOMES.COM

Property Owner H & H CONSTRUCTORS, INC

Address 2919 BREEZEWOOD AVE, FAYETTEVILLE, NC 28303

Phone Fax 910-486-4864

Email address JAMIEGODWIN@HHHOMES.COM

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**NORTH TOPSAIL BEACH**

**PRELIMINARY PLAN CHECKLIST**

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The preliminary plat shall be drawn at a scale no smaller than 1"=100'. The preliminary plat shall contain the following information:

- Subdivision name, north arrow, and graphic scale;
- A vicinity map showing the location of the subdivision in relation to neighboring tracts, subdivisions, roads and waterways;
- Name(s) and mailing address(es) of property owner / developer and or agent / surveyor, engineer or land planner; All three must be included on the plan.
- Location of existing property lines, buildings, streets, railroads, bridges, culverts, water courses, transmission lines, sewers, drainpipes, water mains, public utility easements, township and municipal boundaries;
- The name and location of any property or buildings within or adjacent to the subdivision that is located on the National Register of Historic Places;
- The boundaries of the tract to be subdivided with all bearings and distances shown;
- The names of owners of adjoining properties and the names of any adjoining subdivisions;
- Zoning classifications of the tract and adjoining properties;
- Proposed lot lines and approximate dimensions;
- Lots numbered consecutively throughout the subdivision;
- The location of flood hazard and floodway areas, including the community panel number;
- Boundaries of areas of environmental concern to include 404 wetlands, CAMA wetlands, etc. ② CBR S
- CAMA wetlands: include surveyed date, as well as date marked in the field by LPO.
- USCOE federal wetlands: include status/approval of wetlands along with Jurisdictional Determination number on plans.
- Contour map with intervals of at minimum two feet; Preferred 1 foot intervals with high points & low points noted
- Proposed streets (along with designation as private or public), street names, rights-of-way, pavement widths, approximate grades and typical cross sections;
- Utility easements
- Utility plans for sanitary sewers, storm sewers, drainage, water distribution lines, natural gas lines\*, telephone lines\*, and electric lines\*;
- Location of shared or outlying drain field/wastewater systems;
- Location of reserved and dedicated public rights of way for access and utilities for adjoining parcels that do not have existing public access to a public street;
- Site data to include total acreage in tract, acreage in parks or other open space, average lot size, smallest lot size, total number of lots, and linear feet in streets;
- Location of riding trails, buffers, sidewalks, pedestrian or bicycle paths, parks and recreation areas with specific type indicated, school sites, and any other areas to be dedicated to or reserved for public use;

\* If so required by the Planning Department.

**Additional Information Required.**

If 404 wetlands are located on the property, the sub divider shall provide a map with a signature from the US Army Corps of Engineers verifying the location. Also provide the Jurisdictional Determination packet from the USCOE. Other information as applicable to the project.

***PLEASE COMPLETE THE CHECKLIST AND RETURN WITH THE APPLICATION.***



**WARNING: THIS IS NOT A SURVEY**

Parcel Information

|                                  |                                |                                   |              |
|----------------------------------|--------------------------------|-----------------------------------|--------------|
| <b>Parcel Number:</b>            | 774-29.2                       | <b>Assessed Value:</b>            | \$455,210.00 |
| <b>PARID:</b>                    | 040820                         | <b>Total Taxable Value:</b>       | \$455,210.00 |
| <b>NC PIN:</b>                   | 428819504181                   | <b>Building Value:</b>            | \$0.00       |
| <b>Owner Name:</b>               | H & H CONSTRUCTORS INC         | <b>Land Value:</b>                | \$455,210.00 |
| <b>Property Address:</b>         | 1156 NEW RIVER INLET RD        | <b>Heated Living Sq Ft:</b>       |              |
| <b>Property Description:</b>     | PT L4 HOBBS IS TR              | <b>Year Built:</b>                |              |
| <b>Subdivision:</b>              | ELM WOOD PARTNERS LLC          | <b>Adjusted Acres:</b>            | 2.96         |
| <b>Neighborhood Code:</b>        | 3074                           | <b>Legal Acres:</b>               | 2.96         |
| <b>City Limit:</b>               | NORTH TOPSAIL BEACH            | <b>Improvement Code:</b>          | V            |
| <b>Township:</b>                 | STUMP SOUND                    | <b>Book:</b>                      | 3541         |
| <b>Mailing Address:</b>          | 2919 BREEZEWOOD AVE<br>STE 400 | <b>Page:</b>                      | 78           |
| <b>Mailing City, State, Zip:</b> | FAYETTEVILLE NC 28303          | <b>Deed Date:</b>                 | 21-JAN-11    |
| <b>Sale Code:</b>                | <a href="#">00</a>             | <b>Deed Stamp Amount:</b>         | 895500.00    |
| <b>Number of Bedrooms</b>        |                                | <b>Plat Book &amp; Plat Page:</b> | 52-099       |



Onslow County  
Geographic Information Systems  
(GIS)  
39 Tallman Street  
Jacksonville, NC 28540

**WARNING: THIS IS NOT A SURVEY.**

This map is prepared for the inventory of real property found within this jurisdiction, and is compiled from recorded deeds, plats, and other public records and data. Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this map. The County and mapping company assume no legal responsibility for the information contained on this map.

# *Town of North Topsail Beach*

Daniel Tuman, Mayor  
Suzanne Gray, Mayor Pro Tem  
Aldermen:  
Don Harte  
Tom Leonard  
Richard Macartney  
Michael Yawn



Stuart Turille  
Town Manager  
Carin Z. Faulkner, MPA  
Town Clerk

## **Board of Aldermen Special Meeting/Retreat Minutes Tuesday, April 9, 2013 9:00 A.M.**

**PRESENT:** Mayor Daniel Tuman, Mayor Pro Tem Suzanne Gray, Aldermen Don Harte, Tom Leonard, Dick Macartney, and Mike Yawn, Town Manager Stuart Turille and Town Clerk Carin Faulkner.

- I. **CALL TO ORDER:** Mayor Tuman called the meeting to order at 9:00 a.m.
- II. **APPROVAL OF AGENDA:**
  - Mayor Pro Tem Gray made a motion to approve the agenda as presented. Alderman Macartney seconded.
  - The amended agenda was approved unanimously.
- III. **INTRODUCTION:** Mr. Turille welcomed everyone to the retreat. He said that a retreat is an opportunity for the Board to think about the last five years and look at the strategic goals for the coming years. Mayor Tuman added that the retreat is for the benefit of all and to come to a mutual understanding of what the Board would like to accomplish this year and to look at the long term. Alderman Macartney made comments about the Town's condition today in contrast to how it was in the past and he feels that the Town has come a long way. Alderman Yawn indicated that this retreat will result in a list of action items for the Town Manager.
- IV. **GREATER TOPSAIL CHAMBER OF COMMERCE & TOURISM:** Mr. Craig Stinson, Director of the Greater Topsail Chamber of Commerce & Tourism gave the Board an update on what he has accomplished over the year that he has been Director of the Chamber. He said he has done a lot of outreach to elected officials and tourism related outreach. He said that he would be willing to ask his board and membership to help the Town in requests for funding and getting support for legislation that benefits local business and tourism. Mr. Stinson took questions from the Board. Mayor Tuman invited Mr. Stinson to attend the Four Town Meeting in June. North Topsail Beach is hosting and the guest speaker will be Sheila Pierce of Jacksonville Onslow Economic Development.

**ACTION ITEM:** Send Mr. Stinson the CBRA sample letter to distribute to the Chamber board and members.

V. **REVIEW OF 2012 RETREAT ACTION ITEMS & ACCOMPLISHMENTS:** Ms. Faulkner went through the minutes of the last retreat and gave updates on each action item.

VI. **FY 2014 BUDGET GROUND RULES/SCHEDULE:** The budget schedule was revised to change the April 24<sup>th</sup> presentation of the departmental budgets to the Board of Aldermen to April 19<sup>th</sup>. The Board also scheduled a tentative budget workshop for May 8<sup>th</sup> at 9:00 a.m.

VII. **CAPITAL BUDGET/CIP:** Ms. Hill presented an introduction to Capital Improvements Program. There was discussion.

**ACTION ITEM:** The Board directed the Town Manager to develop the framework for a CIP with items that need to be \$40,000+ and a life of more than 5 years.

VIII. **PARKS & RECREATION:**

- **Parking Area for Inlet Recreation/Beach Parking Demand Solution/Signage -** Ms. Hill indicated that the pre-application for the north end parking lot was submitted on April 5<sup>th</sup>. Parking signs for Town parking have been ordered. Mr. Best has requested that the County install more signs for the regional accesses for the south end of town.
- **Park Master Plan: ACTION ITEMS:** The Board asked Ms. Hill to task the Planning Board with Parks & Recreation planning and a Park Master Plan (to include parking). The Board would like to know if the Planning Board has interest in picking up the duties of the Beautification & Recreation Committee (currently inactive).
- **County Financial Support:** Tourism Grant application submitted to County on April 2<sup>nd</sup>.

IX. **POLICE/FIRE/EMS:**

- **Fire Department Update:** Deputy Fire Chief Poe gave a presentation on the staffing needs for the Fire Department. He said he is asking for four full time positions and the elimination of two part time positions for FY14.
- **Police Department General Discussion:** Chief Fillinger and Ms. Faulkner proposed that the Town consider having a Special Events Policy to help the decision making process when the Town receives requests for special events.

Chief Fillinger indicated he would be asking for funds for 800 MHz radios, two police cars, and a new gator for the FY14 budget.

The Board and Staff discussed the reported reckless driving at the north end.



**ACTION ITEMS:** Chief Fillinger & Ms. Faulkner will work on a draft policy to present to the Board at a later time. Add security fees to FY14 fee schedule (fees used for One Tree Hill). Contact the property owner at the north end. Look into the current ordinance and see if it can be amended to allow for better enforcement of the area.

X. **EMERGENCY PLANNING:** Town Staff discussed the annual procedures the Town takes in preparation for hurricane season. Staff will continue attending any County EOC trainings and events. Town Staff will stay informed as the new Sneads Ferry library is completed. No changes or needs were identified.

XI. **PUBLIC WORKS:**

- **Topsail Road Paving & Dedication:** The Board agreed not to pursue ownership of the road unless contacted by NCDOT to do so.
- **Dune Maintenance Policy:**
  1. The Board decided that they will pursue getting easements for the remainder of the Town. No more right of entry documents would be required after easements have been obtained.
  2. The Board will pursue getting a Town permit at all times.
  3. The Board indicated that property owners are responsible for dune maintenance UNLESS the BOA takes action to do a Town funded push. The Board will have to make its decision no later than the February regular meeting.
  4. Town Staff was instructed to contact contractors who will do beach pushing well in advance of the nor'easter season to have a list of qualified contractors and to make sure that the contractors know what is expected of them when they perform the work.

**ACTION ITEM:** Town Staff will contact contractors to set up eligibility and other requirements in advance so that there will be a list of ready contractors to do a sand push when the Town permit is obtained.

The Board took a short recess to eat lunch.

- **DOT Landscaping: ACTION ITEM:** Continue to pursue this grant.
- **Solid Waste Contract:** The Board agreed that the Town should discuss with the condo HOAs the possibility of getting their own contracts separate from the Town. Keep trash schedule the same, keep Saturdays and one day early in the week. Increase recycling pick up to once a week year round. Three year contract.

**ACTION ITEM:** Complete RFP for issue by January 2014. Start communicating with condo HOAs.

XII. **PARC RECOMMENDATIONS/ACTIONS:**

- Mayor Tuman introduced this item.
- Mr. Turille presented spreadsheets showing the Town's funds if nothing changed, with the consultants recommendations (10/15 increase), and what type of funding the Town would need to reach the level that is needed to implement the rest of the shoreline protection plan.
- There was discussion.
- Alderman Macartney made a motion for the Board to increase the amount of ad valorem tax revenue to 20 cents oceanfront and 15 cents non-oceanfront.
- Alderman Harte seconded the motion.
- There was discussion.
- Alderman Macartney withdrew his motion.
- Alderman Macartney amended the motion to increase the ad valorem tax going into the beach fund to 16 cents town-wide.
- There was discussion.
- Alderman Macartney amended the motion to increase the ad valorem tax from one cent going into the beach fund to 15 cents town-wide.
- Alderman Leonard seconded the motion.
- The motion passed 4 to 1 with Alderman Yawn voting against.

XIII. **SHORELINE PROTECTION PLANS/GOALS/ACTIONS (PHASE 2 TO 5):**

- **Considerations – condition of beach, Federal project schedule, Shallow Draft Inlet Dredging Bill (SB58), discussions with City of Jacksonville, Onslow County and Senator Brown & Representative Shepard:** Mayor Tuman indicated that CP&E and Gahagan & Bryant have been asked to provide the Town with plans to finish Phases 2-5 that would include modifications to the current permitted plan.
- **Board Recommendations:** Alderman Macartney indicated that he wanted the spoil island included in the plan to finish the beach because it is the cheapest way to get sand to the beach. The Board agreed to have both engineering firms present their plans at a Special Meeting on April 19<sup>th</sup>.
- **Mayor Recommendations:** Mayor Tuman reported that he had meetings with several people. He discussed his meeting with the City of Jacksonville. He said that they understand that the Town maintains the beach and that it is disappearing and sympathize with us. The City Manager recommended that County residents contact the County Commissioners and ask the question, "Where is the beach?"

Mayor Tuman said he had a meeting with Senator Brown and Representative Phil Shepard. He spoke to them about our occupancy tax collection and looked into asking them to give the Town the authority to collect the portion that the County does not collect. Mayor Tuman found out later that legislation passed in 2011 superseded prior legislation and that the County had already started collecting for all rentals instead of the previous legislation that indicated they would only collect

from landlords that had five or more units. Mayor Tuman also provided the legislators with the information the Town collected on what other NC counties contribute to their beach towns. They said that they would approach the County to let them know that they need to do something for the beach in their county like the others in North Carolina. He said that they discussed the benefits of SB58 to the Town and that it will help the Town continue to maintain the inlet in the future.

Mayor Tuman said he met with Commissioner Ilkner and County Manager Jeff Hudson. He said that he made progress discussing with her the possibility of changing the way the sales tax is distributed to the municipalities within Onslow County. He asked the County Manager to put a contribution to North Topsail Beach shoreline protection in the budget as an item for the commissioners to discuss.

- **Explore NTB/Surf City Non-Federal Alternative:** The Board agreed that this is something that should be pursued through the Topsail Island Shoreline Protection Commission. It will take a while for Surf City to get the permits if they decide to do their own project outside of the Federal project.

XIV. **PHASE ONE FEMA ELIGIBILITY (BEACH MONITORING/MAINTENANCE PROGRAM):** No discussion. Ms. Faulkner indicated that CP&E will be presenting this document at the May 2<sup>nd</sup> Board of Aldermen meeting.

XV. **MUNICIPAL SERVICE DISTRICTS IN NTB (2006/2012):** Ms. Faulkner indicated that the School of Government verified that the 2006 and 2012 municipal service districts are still in place, meaning that they were never formally abolished by the Board of Aldermen (by public hearing and resolution) and that the Board can levy tax on the districts at budget time any future year.

**ACTION ITEM:** The Board directed the Town Manager to provide them with a recommendation.

XVI. **OCCUPANCY TAX AUTHORITY AND COLLECTIONS:** The Board agreed that Town Staff was doing an adequate job of collecting occupancy tax. No action items.

XVII. **ADDITIONAL REVENUE OPPORTUNITIES:** The Board discussed possible opportunities for additional revenue. Ms. Faulkner told the Board about Geico (the auto insurance company) sponsoring Virginia's rest areas. There was a question of whether the same would be legal in North Carolina for sponsorship of public beaches. Mr. Yawn brought up an online method of fundraising called "Kickstart." There was discussion about getting data on property owners who live outside of coastal counties to gain support for shoreline protection funding from North Carolina legislators outside of the coastal region. There was also discussion on the possibility of selling Town-owned property for revenue. The Board indicated that the next step would be for Aldermen Harte and Yawn to meet with Ms. Hill to continue their research on Town-owned property.

**ACTION ITEMS:** Follow up on all ideas discussed.

XVIII. **LEGISLATIVE ACTION REQUESTS:** There was discussion about what Onslow County could do to help the Town collect more revenue in the future. The Board agreed to bring this up after July.

XIX. **RECOMMENDATIONS TO IMPROVE TOWN SERVICES, APPEARANCE, OPERATIONS OR REDUCE OPERATING COSTS:**

- **Granicus** – Ms. Faulkner presented the Board with a proposal from Granicus, a company that assists municipalities with putting their meetings on the internet (both live and archived). The Board agreed that what the Town offers on its website is sufficient and meets the needs of anyone who is seeking information about what has happened at its public meetings. They did not think that it was worth spending Town funds at this time.
- **Town Logo** – There was discussion about whether to Town logo is registered and protected from use by businesses for profit. Mayor Tuman thought that it has already been protected.

**ACTION ITEM:** Follow up on the logo, if it is not protected, follow up with Town Attorney.

Ms. Faulkner reviewed the notes taken on the action items from the meeting.

XX. **ADJOURNMENT:** Alderman Leonard made a motion to adjourn. Alderman Yawn seconded the motion. The motion passed unanimously. The meeting adjourned at 4:23 p.m.

**APPROVED:**

\_\_\_\_\_  
Daniel Tuman, Mayor

**ATTEST:**

\_\_\_\_\_  
Carin Z. Faulkner, Town Clerk

# *Town of North Topsail Beach*

Daniel Tuman, Mayor  
Suzanne Gray, Mayor Pro Tem  
Aldermen:  
Don Harte  
Tom Leonard  
Richard Macartney  
Michael Yawn



Stuart Turille  
Town Manager  
Carin Z. Faulkner, MPA  
Town Clerk

## **Board of Aldermen Special Meeting Minutes Friday, April 19, 2013 10:00 A.M.\***

**PRESENT:** Mayor Daniel Tuman, Mayor Pro Tem Suzanne Gray, Aldermen Don Harte, Tom Leonard, Dick Macartney (arrived at 10:20 a.m.), and Mike Yawn, Town Manager Stuart Turille and Town Clerk Carin Faulkner.

- I. **CALL TO ORDER:** Mayor Tuman called the meeting to order at 10:00 a.m.
- II. **APPROVAL OF AGENDA:**
  - Mayor Pro Tem Gray made a motion to approve the agenda as presented. Alderman Yawn seconded.
  - The amended agenda was approved unanimously.
- III. **PRESENTATION – KEN WILLSON FROM COASTAL PLANNING & ENGINEERING:** Mr. Willson went through a presentation indicating four different options that the Town can consider to nourish the remainder of the Town sooner, as an alternative to CP&E's previous five phase plan. The presentation is attached (Attachment A). Mr. Willson took questions from the Board throughout the presentation and Mr. Tom Jarrett was also present to add comments and answer questions. The Board asked Mr. Willson to provide them with a written proposal to do the plans and specs and permit modifications for Option 4 for presentation and possible action at the May 2<sup>nd</sup> Board of Aldermen meeting.

The Board took a short recess to start lunch.

#### IV. **BUDGET WORKSHOP & LUNCH:**

##### General Fund

- Mr. Turille gave the Board copies of the budget he and Town Staff had been working on. He pointed out the items that are still pending and items that the Board needs to make a decision about.
- There was discussion about giving a one-time bonus or doing a Cost of Living Adjustment (COLA) for the employees. The Board agreed to giving a 1% COLA for FY14 and a \$1,000 across the board performance bonus for FY13 if the Town has a good fund balance in May.

- The Board agreed with all additions in the Fire Department and Police Department.

Beach Fund

- Mr. Turille went through the proposed FY14 budget for the beach fund and requested verification from the Board on the proposed expenses.
  - The Board focused its discussion on keeping the goal of nourishing the rest of the beach and that it needs approximately \$27 million to do it.
  - The Board agreed that between now and June 30<sup>th</sup> they need to have the engineering work decided upon, know if the County is going to provide any support, and have discussions with the Local Government Commission (LGC). A feasible plan must be decided and then presented to the County.
- **PRESENTATION – CHRIS GIBSON FROM GAHAGAN & BRYANT:** Mr. Gibson gave a presentation on how the Town can nourish the beach from Phases 2 through 4 by using sand from Cedar Bush cut and DA 143 (a nearby spoil island/disposal area). The presentation is attached (Attachment B). He indicated that Phase 5 could be done by using the offshore borrow area but that it could not be done immediately because of the lack of available ocean certified dredges. He also indicated that his plan would require a permit modification to allow for small grain size in the hard bottom areas. Mr. Gibson was asked to provide the Town with a proposal on what it would take for the Town to pursue his proposed strategy. Mr. Gibson said he would have it ready for the May 2<sup>nd</sup> Board of Aldermen meeting.

Mayor Tuman indicated that CP&E and Gahagan & Bryant have been asked to provide the Town with plans to finish Phases 2-5 that would include modifications to the current permitted plan.

- V. **ADJOURNMENT:** Alderman Leonard made a motion to adjourn. Alderman Yawn seconded the motion. The motion passed unanimously. The meeting adjourned at 3:34 p.m.

**APPROVED:**

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Daniel Tuman, Mayor

**ATTEST:**

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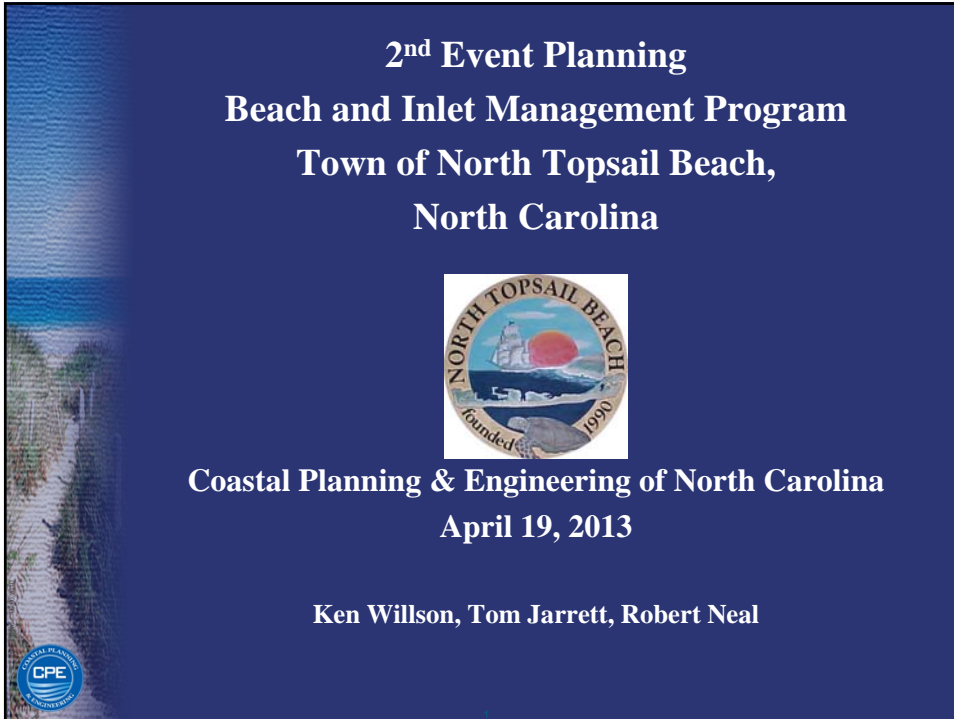
Carin Z. Faulkner, Town Clerk

**2<sup>nd</sup> Event Planning  
Beach and Inlet Management Program  
Town of North Topsail Beach,  
North Carolina**



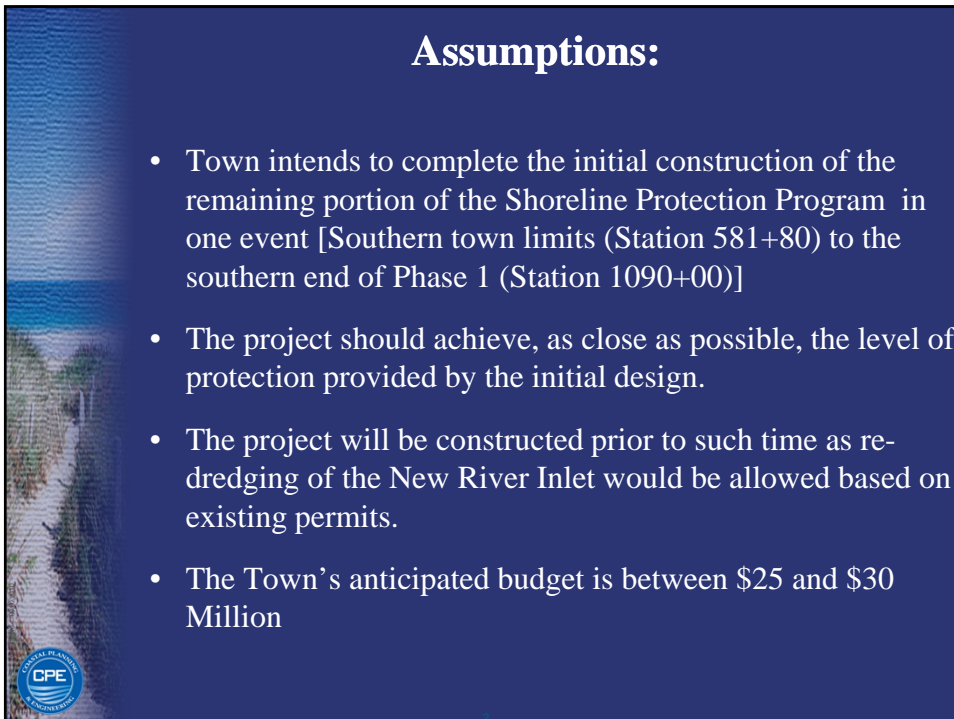
**Coastal Planning & Engineering of North Carolina  
April 19, 2013**

**Ken Willson, Tom Jarrett, Robert Neal**



**Assumptions:**

- Town intends to complete the initial construction of the remaining portion of the Shoreline Protection Program in one event [Southern town limits (Station 581+80) to the southern end of Phase 1 (Station 1090+00)]
- The project should achieve, as close as possible, the level of protection provided by the initial design.
- The project will be constructed prior to such time as re-dredging of the New River Inlet would be allowed based on existing permits.
- The Town's anticipated budget is between \$25 and \$30 Million



### Project Location Map:



### DA-143 Map:





## Plans to Consider:

1. Permitted Phase 2 – 5 Project using offshore sand
2. DA-143 (Upland Sand Only)
3. Offshore and DA-143 Combination
4. Offshore and DA-143 Combination (With Hopper Dredges)



## Plans to Consider:

- 1. Permitted Phase 2 – 5 Project using offshore sand**
  - Construction of Phases 2 - 5
  - Utilization of the Offshore Borrow Area Only
  - Fill Density would remain at 100% of original design except for areas where hardbottom is present (64% placement)
  - Feasible to Build in one season:
    - with one 30" dredge
    - 2 dredges comparable to the Savannah (Marinex)
  - Utilization of ABS Cutterhead Suction Dredge



## Plans to Consider:

### 1. Permitted Phase 2 – 5 Project using offshore sand

Table 1. Original fill volumes

| Baseline Stations  | Source of Fill Material | Fill Density (cy/lf) | Total Volume (cy) |
|--------------------|-------------------------|----------------------|-------------------|
| 785+00 to 840+00   | Offshore Mix            | 73.0                 | 401,500           |
| 840+00 to 900+00   | Offshore Coarse         | 25.7                 | 154,100           |
| 900+00 to 968+80   | Offshore Mix            | 104.9                | 721,500           |
| 968+80 to 1020+00  | Offshore Mix            | 132.6                | 378,900           |
| 1020+00 to 1090+00 | Offshore Coarse         | 57.6                 | 403,300           |
| 581+80 to 785+00   | Offshore Mix            | 25.2                 | 512,400           |

557,400 Cubic Yards Required; 357,000 Cubic Yards Available Offshore

Table 2. Revised fill volumes – 100% utilization of offshore coarse material

| Baseline Stations  | Source of Fill Material | Fill Density (cy/lf) | Total Volume (cy) |
|--------------------|-------------------------|----------------------|-------------------|
| 785+00 to 840+00   | Offshore Mix            | 73.0                 | 401,500           |
| 840+00 to 900+00   | Offshore Coarse         | 25.0                 | 150,000           |
| 900+00 to 968+80   | Offshore Mix            | 104.9                | 721,500           |
| 968+80 to 1020+00  | Offshore Mix            | 132.6                | 378,900           |
| 1020+00 to 1090+00 | Offshore Coarse         | 25.0                 | 175,000           |
| 581+80 to 785+00   | Offshore Mix            | 25.2                 | 512,400           |



## Plans to Consider:

### 1. Permitted Phase 2 – 5 Project using offshore sand

#### Permit Modifications:

- Modify permit to allow multiple phases to be built simultaneously.



## Plans to Consider:

### 1. Permitted Phase 2 – 5 Project using offshore sand

#### Pro

- Minimal permit modifications required
- Provides fill along all Phases
- Provides coarse material for hardbottom areas
- Provides 100% of the design fill in all areas other than hardbottom areas (64% in HB)
- Highly probable that construction can occur in 2013/2014

#### Con

- Triggers hardbottom monitoring for offshore borrow
- More down time for weather



## Plans to Consider:

### 2. DA-143 (Upland Sand Only)

- Construction of Phases 2 – 4 only, does not include Phase 5
- Utilization of Upland Borrow Area Only
- Provides about 47.4% of the placement volume in the Northern Segment and 59.4% of the placement volume in the Central Segment compared to the original design
- Utilization of Cutterhead Suction Dredge (Does not require ABS)
- Requires coordination with the owner of the Island



## Plans to Consider:

### 2. DA-143 (Upland Sand Only)

#### Permit Modifications:

- Modify permit to allow multiple phases to be built simultaneously.
- Modify permit to include DA-143 as a borrow source
- Modify permit to allow fine sand to be placed in areas with nearshore hardbottom



## Plans to Consider:

### 2. DA-143 (Upland Sand Only)

#### Pro

- Avoid hardbottom monitoring for offshore borrow area (nearshore HB monitoring still required).
- Low downtime for weather

#### Con

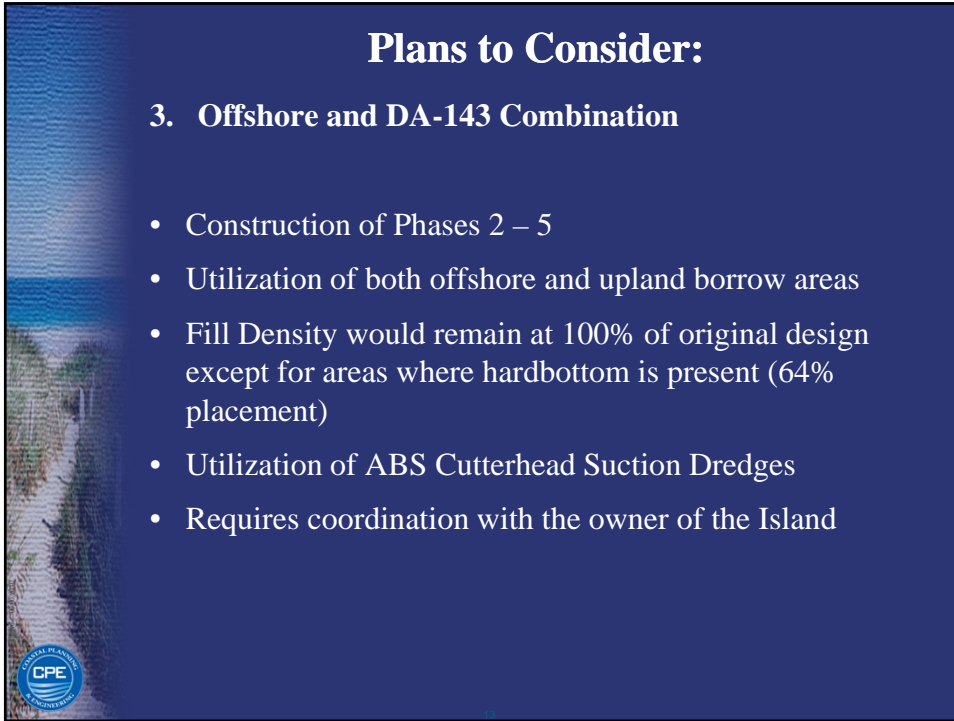
- Requires 3 permit modifications
- Does not provide fill along segment 5
- Only 47.4% of the design volume in the Northern Segment and 59.4% of the design volume in the Central Segment will be placed
- May not have all permit modifications in time for 2013/2014 construction



## Plans to Consider:

### 3. Offshore and DA-143 Combination

- Construction of Phases 2 – 5
- Utilization of both offshore and upland borrow areas
- Fill Density would remain at 100% of original design except for areas where hardbottom is present (64% placement)
- Utilization of ABS Cutterhead Suction Dredges
- Requires coordination with the owner of the Island

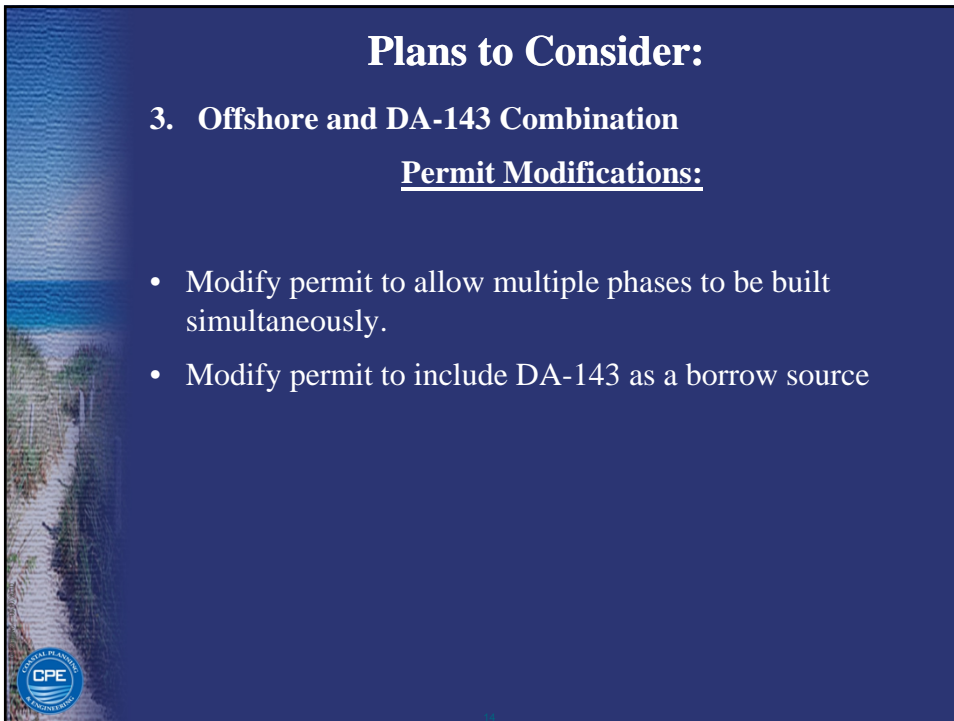


## Plans to Consider:

### 3. Offshore and DA-143 Combination

#### Permit Modifications:

- Modify permit to allow multiple phases to be built simultaneously.
- Modify permit to include DA-143 as a borrow source



## Plans to Consider:

### 3. Offshore and DA-143 Combination

#### Pro

- Additional flexibility for contractors to choose how to construct the project
- Provides fill along Phase 5
- Provides coarse material for hardbottom areas
- Provides 100% of the design fill in all areas other than hardbottom areas (64% in HB)

#### Con

- Requires 2 permit modifications
- Triggers hardbottom monitoring for offshore borrow area
- May not have all permit modifications in time for 2013/2014 construction



## Plans to Consider:

### 4. Offshore and DA-143 Combination (With Hopper Dredges)

- Construction of Phases 2 – 5
- Utilization of both offshore and upland borrow areas
- Fill Density would remain at 100% of original design except for areas where hardbottom is present (64% placement)
- Utilization of ABS Cutterhead Suction and/or Hopper Dredges
- Requires coordination with the owner of the Island



## Plans to Consider:

### 4. Offshore and DA-143 Combination (With Hopper Dredges)

#### Permit Modifications:

- Modify permit to allow multiple phases to be built simultaneously.
- Modify permit to include DA-143 as a borrow source
- Modify permit to allow hopper dredges



## Plans to Consider:

### 4. Offshore and DA-143 Combination (With Hopper Dredges)

#### Pro

- Greatest flexibility for contractors to choose how to construct the project
- Provides fill along Phase 5
- Provides coarse material for hardbottom areas
- Provides 100% of the design fill in all areas other than hardbottom areas (64% in HB)

#### Con

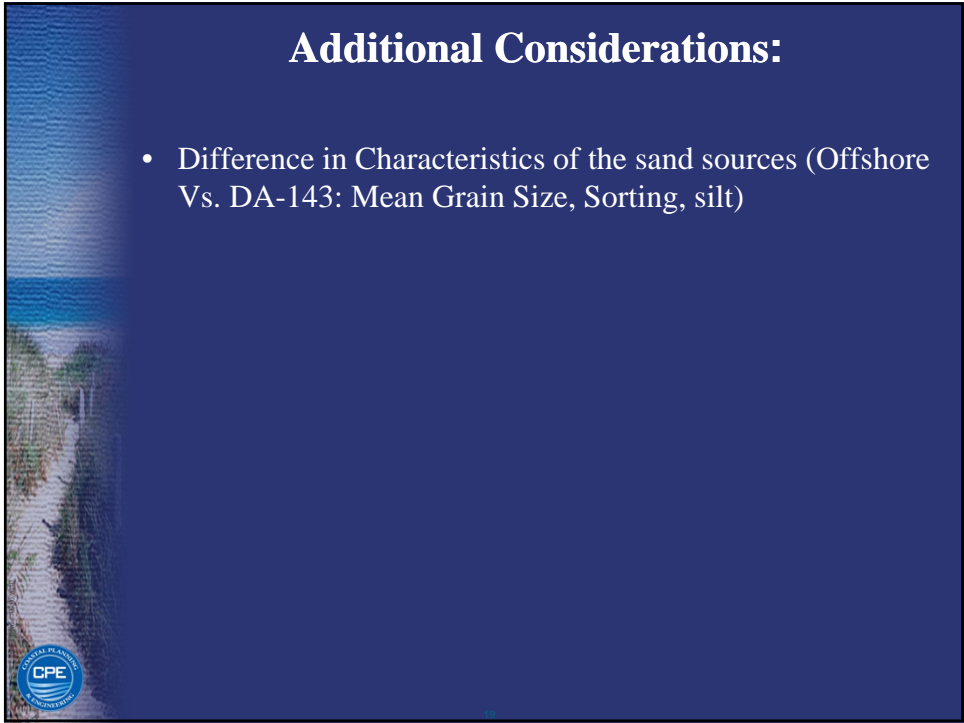
- Requires 3 permit modifications
- Triggers hardbottom monitoring for offshore borrow area
- May not have all permit modifications in time for 2013/2014 construction





## Additional Considerations:

- Difference in Characteristics of the sand sources (Offshore Vs. DA-143: Mean Grain Size, Sorting, silt)



| Native          |                              |
|-----------------|------------------------------|
| Mean Grain Size | 0.23 mm                      |
| Sorting         | 0.94 Phi (moderately Sorted) |

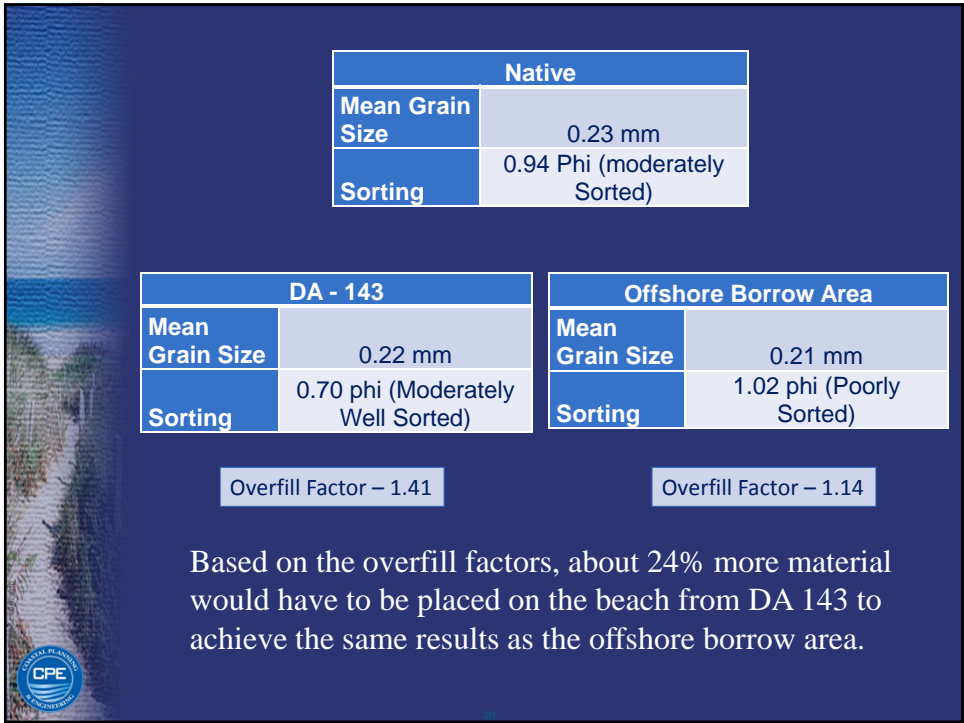
| DA - 143        |                                   |
|-----------------|-----------------------------------|
| Mean Grain Size | 0.22 mm                           |
| Sorting         | 0.70 phi (Moderately Well Sorted) |

| Offshore Borrow Area |                          |
|----------------------|--------------------------|
| Mean Grain Size      | 0.21 mm                  |
| Sorting              | 1.02 phi (Poorly Sorted) |

Overfill Factor – 1.41

Overfill Factor – 1.14

Based on the overfill factors, about 24% more material would have to be placed on the beach from DA 143 to achieve the same results as the offshore borrow area.





## Additional Considerations:

- Difference in Characteristics of the sand sources (Offshore Vs. DA-143: Mean Grain Size, Sorting, Carbonate, silt)
- Extended Dredging Season – Ongoing initiative – cost sharing possibilities
- Contractor bids can be estimated and specs can be written to achieve favorable bids, but no crystal balls to see the future
- Proven success at writing plans and specification to attract favorable bids
- Past performance and experience with the project



## Recommendations:

1. Begin Coordination with USACE and DCM to Modify Permits for feasible scenarios immediately
2. Develop a realistic budget for the 2<sup>nd</sup> Event Construction based on expected contributions and financing plans
3. Develop a list of priorities with regards to:
  - Phases – 2, 3, 4, and 5
  - % design fill
  - Additional fill in Phase 5
  - Construction time (2013/2014, 2014/2015, both)
4. Accomplish item 2 and 3 ASAP, at which time direct consultant to begin preparations of plans and specs for 2<sup>nd</sup> Event Construction (End of May)



# Town of North Topsail Beach Beach Nourishment Project

## Integrated Inlet and Beach Management Plan

April 19, 2013



### PHASE AREAS

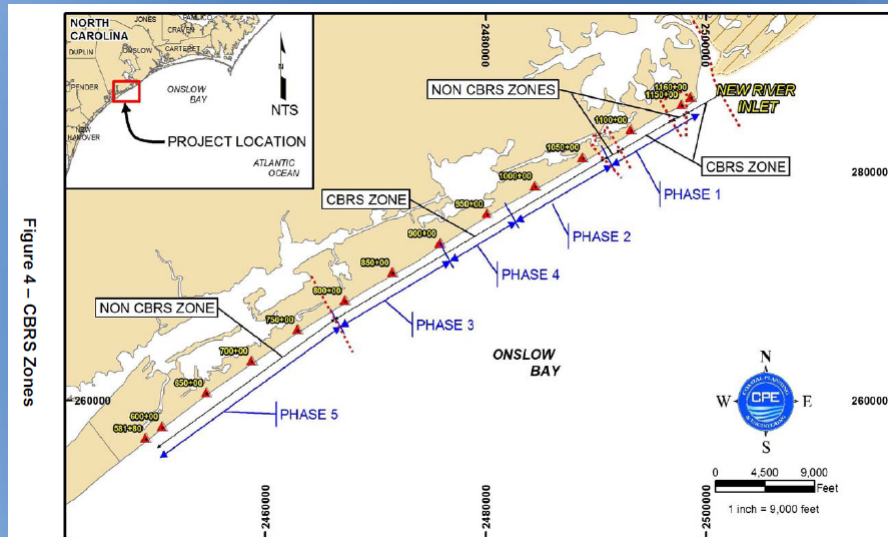


Figure 4 - CBRS Zones

### Potential Borrow Areas



- Initial Construction of PHASES 2,3,4 from DA 143
- Renourishment from Inlet and AIWW shoal Maintenance
- Key Points
  - Use of USACE Hoppers
  - Differential Cost on AIWW Maint.

### Offshore Borrow Area

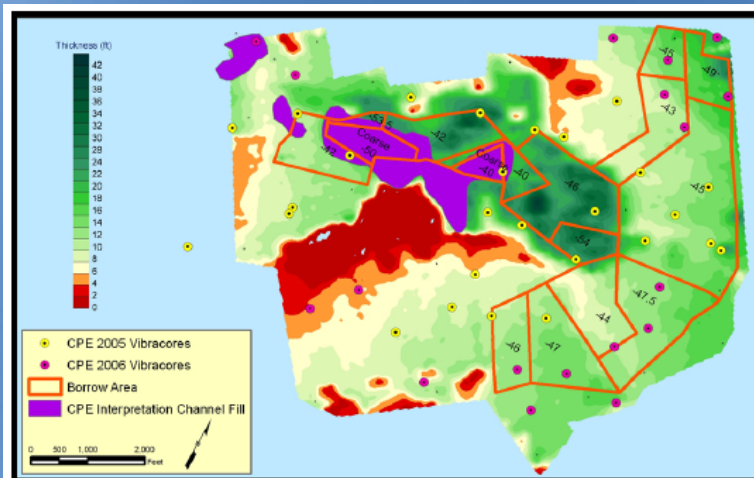
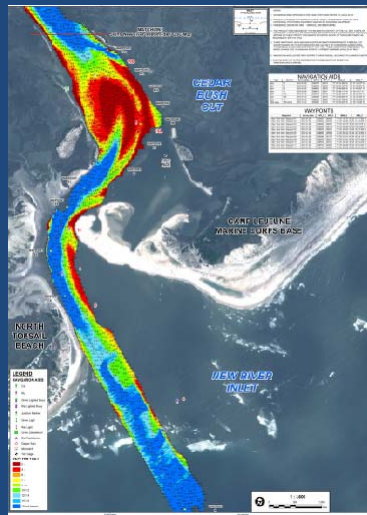
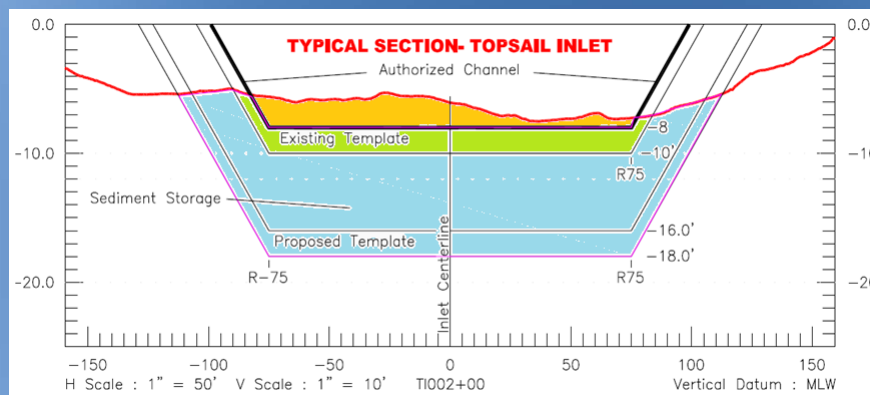
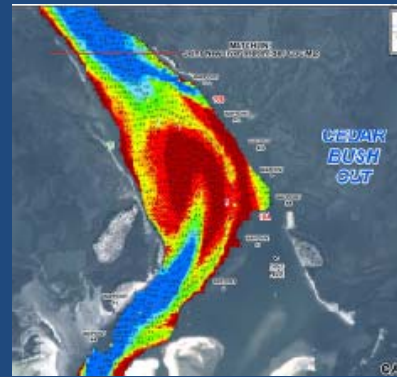


Figure 30. Borrow area isopach of sand thickness showing subareas, maximum cut depths, and vibracore locations.

### Existing Conditions New River Inlet



- Town of North Topsail Beach dredged New River Inlet to 14.5 feet this year
- Cedar Bush Cut connecting the Inlet to the AIWW is still only **4 feet deep**



## Economics - Topsail Beach Example



- Mobilization and Prep \$1,243,000
- Avg. Cost Per Cubic Yard \$6.34
- Total Cost for 960,000 cy

**\$7,336,200**

**GROSS COST per CY \$8.24**

### Conceptual Budget Estimate

1 year in advance for \$9,360,000

#2 & #3 Bids \$9.44M and \$9.62M

**SO, WHAT' S THE PLAN ?**

- 1. Use DA 143 to Nourish Phases 2,3,4 in FY 2015**
- 2. Use USACE AIWW Maintenance to Renourish Phases 1 & 2**
- 3. Use Shoal "Topping" to Construct & Maintain Phase 5**
- 4. Use Inlet/ Cedar Bush Cut to Maintain Phases 3 & 4**

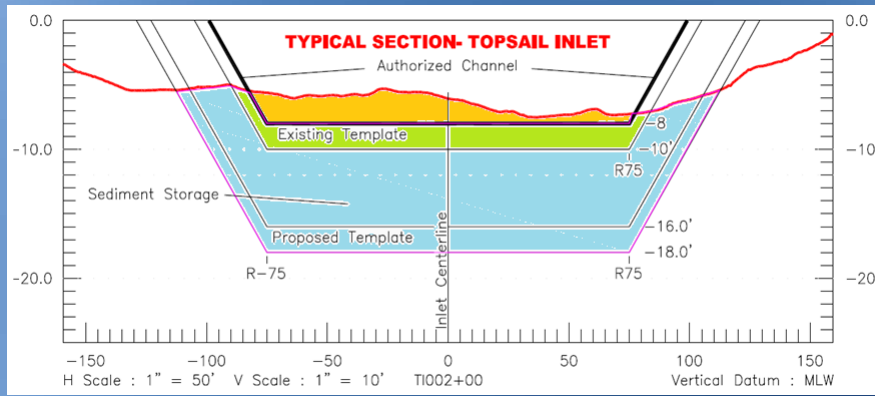
### Potential Borrow Areas



- Initial Construction of PHASES 2,3,4 from DA 143
- Construction of Phase 5 from "topping" shoals in inlet
- Renourishment from Inlet and AIWW shoal Maintenance
- Key Points
  - Use of USACE Hoppers
  - Differential Cost on AIWW Maint.



### “Topping” Shoals



Dredge “Green” Before It becomes “Orange”  
and Place in Nearshore of Phase 5

### AIWW Maintenance Material

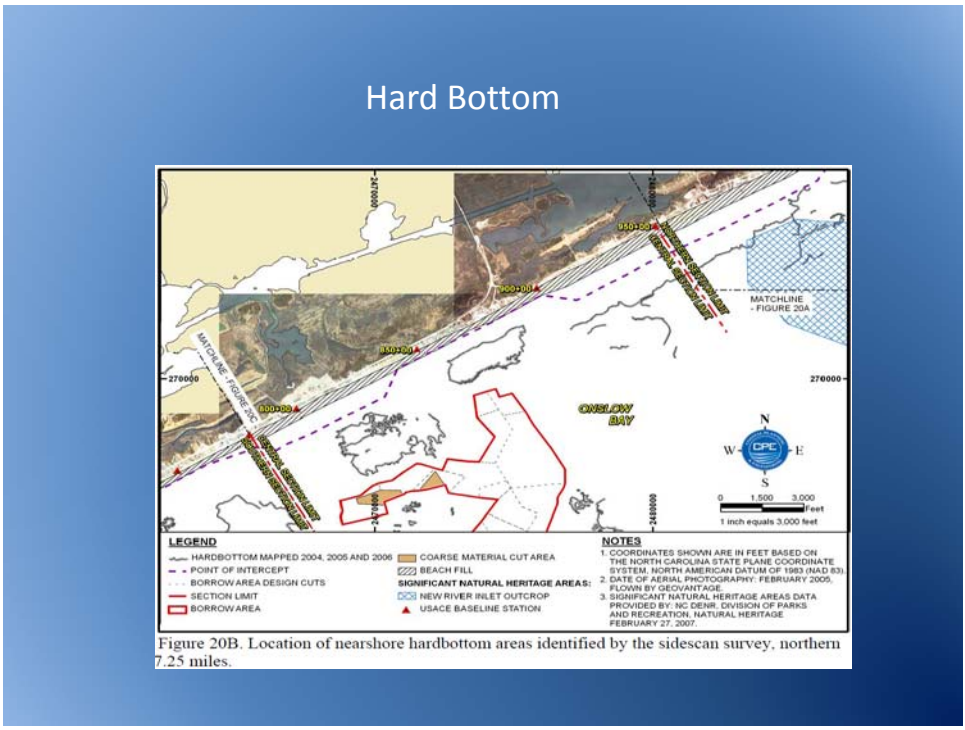


Local Must Pay Differential Cost Between Least Coast  
and Locally Preferred Alternative (\$2-\$3 per CY)

### Dredges “Currituck” and “Murden”



Dredge Loads ship with 600 CY of sand and then places it in Nearshore (< 10 ft of water)





### North Topsail Beach Profiles

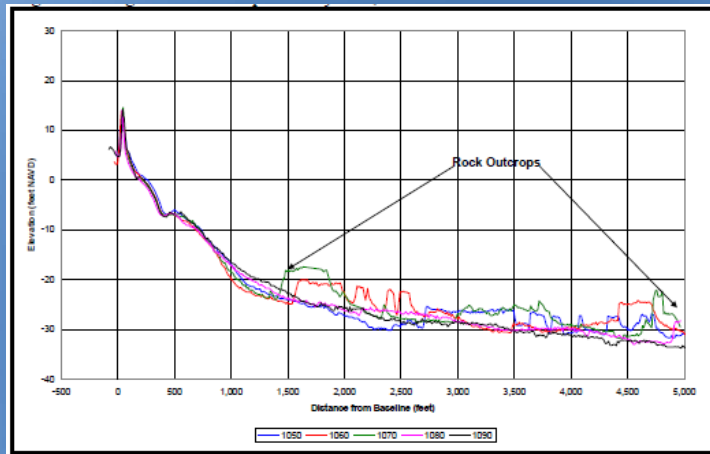
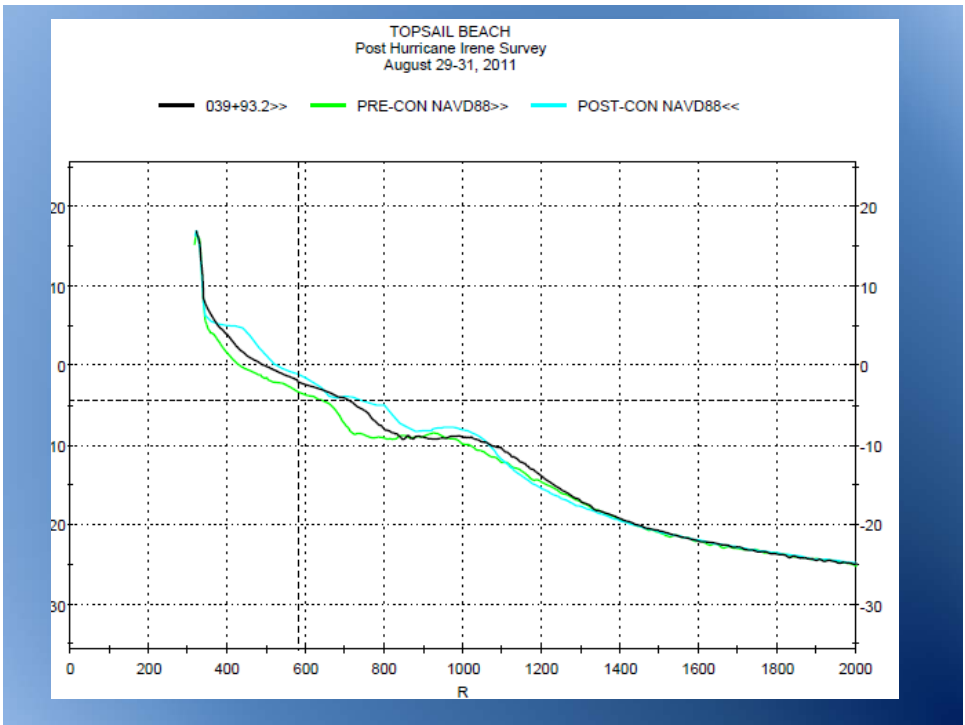
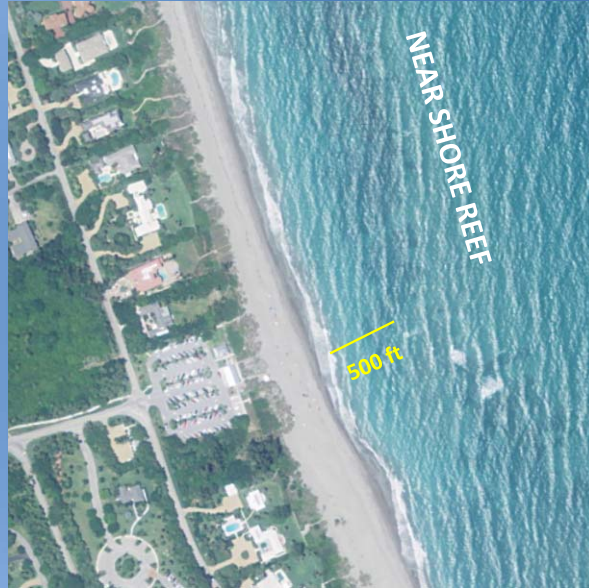


Figure 17. August 2005 beach profiles by CPE, baseline stations 1050+00 to 1090+00.



## Jupiter Island, Florida



Depth of Reef  
 0 - 8 ft MLW

Distance From Shore  
 500-1,000 ft

Grain Size  
 0.42 mm

Toe of Fill / Tie Point  
 Range 500 / Range 1000

Monitoring Transects  
 3 and 2 control FADs

Duration of Project  
 35 years

Number of Incidences  
 0

| FY   | ENG/SURVEY COSTS | FY   | PROJECT VOLUMES |           |           |           |           |
|------|------------------|------|-----------------|-----------|-----------|-----------|-----------|
|      |                  |      | Phase 1         | Phase 2   | Phase 3   | Phase 4   | Phase 5   |
| 2013 | \$ 50,000        | 2013 | 600,000         |           |           |           |           |
| 2014 | \$ 250,000       | 2014 | 75,000          |           |           |           |           |
| 2015 | \$ 125,000       | 2015 | 75,000          |           |           |           |           |
| 2016 | \$ 700,000       | 2016 | 75,000          | 940,000   | 390,000   | 720,000   | 90,000    |
| 2017 | \$ 50,000        | 2017 | 37,500          | 37,500    |           |           | 90,000    |
| 2018 | \$ 50,000        | 2018 | 37,500          | 37,500    |           |           | 90,000    |
| 2019 | \$ 50,000        | 2019 | 37,500          | 37,500    |           |           | 90,000    |
| 2020 | \$ 450,000       | 2020 | 37,500          | 37,500    | 135,000   | 265,000   | 90,000    |
| 2021 | \$ 50,000        | 2021 | 37,500          | 37,500    |           |           |           |
| 2022 | \$ 50,000        | 2022 | 37,500          | 37,500    |           |           |           |
| 2023 | \$ 50,000        | 2023 | 37,500          | 37,500    |           |           | 90,000    |
| 2024 | \$ 50,000        | 2024 | 37,500          | 37,500    |           |           | 90,000    |
| 2025 | \$ 450,000       | 2025 | 37,500          | 37,500    | 135,000   | 265,000   |           |
| 2026 | \$ 50,000        | 2026 | 37,500          | 37,500    |           |           |           |
| 2027 | \$ 50,000        | 2027 | 37,500          | 37,500    |           |           |           |
| 2028 | \$ 50,000        | 2028 | 37,500          | 37,500    |           |           | 90,000    |
| 2029 | \$ 50,000        | 2029 | 37,500          | 37,500    |           |           | 90,000    |
| 2030 | \$ 450,000       | 2030 | 37,500          | 37,500    | 135,000   | 265,000   |           |
| 2031 | \$ 50,000        | 2031 | 37,500          | 37,500    |           |           |           |
| 2032 | \$ 50,000        | 2032 | 37,500          | 37,500    |           |           |           |
| 2033 | \$ 50,000        | 2033 | 37,500          | 37,500    |           |           | 90,000    |
| 2034 | \$ 50,000        | 2034 | 37,500          | 37,500    |           |           | 90,000    |
| 2035 | \$ 450,000       | 2035 | 37,500          | 37,500    | 135,000   | 265,000   |           |
| 2036 | \$ 50,000        | 2036 | 37,500          | 37,500    |           |           |           |
| 2037 | \$ 50,000        | 2037 | 37,500          | 37,500    |           |           |           |
| 2038 | \$ 50,000        | 2038 | 37,500          | 37,500    |           |           | 90,000    |
| 2039 | \$ 50,000        | 2039 | 37,500          | 37,500    |           |           | 90,000    |
| 2040 | \$ 450,000       | 2040 | 37,500          | 37,500    | 135,000   | 265,000   |           |
| 2041 | \$ 50,000        | 2041 | 37,500          | 37,500    |           |           |           |
| 2042 | \$ 50,000        | 2042 | 37,500          | 37,500    |           |           |           |
|      | \$ 4,425,000     |      | 1,800,000       | 1,915,000 | 1,065,000 | 2,045,000 | 1,170,000 |

| FY   | INITIAL CONSTRUCTION |              |              |              |              |
|------|----------------------|--------------|--------------|--------------|--------------|
|      | Phase 1              | Phase 2      | Phase 3      | Phase 4      | Phase 5      |
| 2013 | \$ 5,615,000         |              |              |              |              |
| 2014 |                      |              |              |              |              |
| 2015 |                      |              |              |              |              |
| 2016 |                      | \$ 7,400,000 | \$ 3,100,000 | \$ 5,675,000 | \$ 750,000   |
| 2017 |                      |              |              |              | \$ 750,000   |
| 2018 |                      |              |              |              | \$ 750,000   |
| 2019 |                      |              |              |              | \$ 750,000   |
| 2020 |                      |              |              |              | \$ 750,000   |
| 2021 |                      |              |              |              |              |
| 2022 |                      |              |              |              |              |
| 2023 |                      |              |              |              |              |
| 2024 |                      |              |              |              |              |
| 2025 |                      |              |              |              |              |
| 2026 |                      |              |              |              |              |
| 2027 |                      |              |              |              |              |
| 2028 |                      |              |              |              |              |
| 2029 |                      |              |              |              |              |
| 2030 |                      |              |              |              |              |
| 2031 |                      |              |              |              |              |
| 2032 |                      |              |              |              |              |
| 2033 |                      |              |              |              |              |
| 2034 |                      |              |              |              |              |
| 2035 |                      |              |              |              |              |
| 2036 |                      |              |              |              |              |
| 2037 |                      |              |              |              |              |
| 2038 |                      |              |              |              |              |
| 2039 |                      |              |              |              |              |
| 2040 |                      |              |              |              |              |
| 2041 |                      |              |              |              |              |
| 2042 |                      |              |              |              |              |
|      | \$ 5,615,000         | \$ 7,400,000 | \$ 3,100,000 | \$ 5,675,000 | \$ 3,750,000 |

| FY   | MAINTENANCE COSTS |              |               |               |              |
|------|-------------------|--------------|---------------|---------------|--------------|
|      | Phase 1           | Phase 2      | Phase 3       | Phase 4       | Phase 5      |
| 2013 |                   |              |               |               |              |
| 2014 | \$ 150,000        |              |               |               |              |
| 2015 | \$ 150,000        |              |               |               |              |
| 2016 | \$ 150,000        |              |               |               |              |
| 2017 | \$ 75,000         | \$ 150,000   |               |               |              |
| 2018 | \$ 75,000         | \$ 150,000   |               |               |              |
| 2019 | \$ 75,000         | \$ 150,000   |               |               |              |
| 2020 | \$ 75,000         | \$ 150,000   | \$ 2,500,000  | \$ 5,000,000  |              |
| 2021 | \$ 75,000         | \$ 150,000   |               |               |              |
| 2022 | \$ 75,000         | \$ 150,000   |               |               |              |
| 2023 | \$ 75,000         | \$ 150,000   |               |               | \$ 750,000   |
| 2024 | \$ 75,000         | \$ 150,000   |               |               | \$ 750,000   |
| 2025 | \$ 75,000         | \$ 150,000   | \$ 2,500,000  | \$ 5,000,000  |              |
| 2026 | \$ 75,000         | \$ 150,000   |               |               |              |
| 2027 | \$ 75,000         | \$ 150,000   |               |               |              |
| 2028 | \$ 75,000         | \$ 150,000   |               |               | \$ 750,000   |
| 2029 | \$ 75,000         | \$ 150,000   |               |               | \$ 750,000   |
| 2030 | \$ 75,000         | \$ 150,000   | \$ 2,500,000  | \$ 5,000,000  |              |
| 2031 | \$ 75,000         | \$ 150,000   |               |               |              |
| 2032 | \$ 75,000         | \$ 150,000   |               |               |              |
| 2033 | \$ 75,000         | \$ 150,000   |               |               | \$ 750,000   |
| 2034 | \$ 75,000         | \$ 150,000   |               |               | \$ 750,000   |
| 2035 | \$ 75,000         | \$ 150,000   | \$ 2,500,000  | \$ 5,000,000  |              |
| 2036 | \$ 75,000         | \$ 150,000   |               |               |              |
| 2037 | \$ 75,000         | \$ 150,000   |               |               |              |
| 2038 | \$ 75,000         | \$ 150,000   |               |               | \$ 750,000   |
| 2039 | \$ 75,000         | \$ 150,000   |               |               | \$ 750,000   |
| 2040 | \$ 75,000         | \$ 150,000   | \$ 2,500,000  | \$ 5,000,000  |              |
| 2041 | \$ 75,000         | \$ 150,000   |               |               |              |
| 2042 | \$ 75,000         | \$ 150,000   |               |               |              |
|      | \$ 2,400,000      | \$ 3,900,000 | \$ 12,500,000 | \$ 25,000,000 | \$ 6,000,000 |

|   | <u>TOTAL COST</u>   | <u>State Share</u>  | <u>Local Share</u>  |
|---|---------------------|---------------------|---------------------|
| Total Initial Cost  | \$25,540,000        | \$ 1,875,000        | \$23,665,000        |
| Total Maintenance Cost  | \$49,800,000        | \$24,900,000        | \$24,900,000        |
| Engineering/Survey/CM   | \$ 4,425,000        | \$ 1,650,000        | \$ 2,775,000        |
| <b>TOTAL PROJECT COST</b>   | <b>\$79,765,000</b> | <b>\$28,425,000</b> | <b>\$51,340,000</b> |
| Avg. Gross Cost Per CY<br>7,995,000 CY  | \$ 9.98             | \$3.56              | \$6.42              |
| Annualized Cost   | \$ 2,658,833        | \$ 1,052,779        | \$ 1,711,333        |
| <p>* Local Share includes any Onslow County Funding<br/>                     ** Assumes No NC Cost Share for Island Harvest<br/>                     *** Assumes 50% Cost share for Maintenance w/ Nav Component (SB58 &amp; HB707)</p> |                     |                     |                     |

## Effects of Super Storm Sandy

- \$6 Billion in non-expiring federal Dollars for USACE NAD
- 14 USACE New Starts in "Sandy" Bill
- Limited Availability of Ocean Certified Hydraulic Dredges For the next 24-36 months
- No Availability of Hopper Dredges next 24 months Limited next 4-6 years
- Price increase due to commodity nature of dredging and seasonal constraints.

## Benefits of Proposed Program

- Phases 3 &4 Constructed 5 years earlier
- Reduces Cost by Eliminating Offshore Weather from Initial Construction and optimizing USACE work.
- 25% Cost Savings Over Existing Plan
- Qualifies for 50% State Cost Share under SB-58.
- 75% savings to Local Share
- Initial Construction Does Not Require Ocean Certified Dredges
- Reserves Offshore Borrow for Emergency Use.

# *Town of North Topsail Beach*

Daniel Tuman, Mayor  
Suzanne Gray, Mayor Pro Tem  
Aldermen:  
Don Harte  
Tom Leonard  
Richard Macartney  
Michael Yawn



Stuart Turille  
Town Manager  
Carin Z. Faulkner, MPA  
Town Clerk

## **Board of Aldermen Regular Meeting Minutes\* Thursday, May 2, 2013 6:30 P.M.**

**PRESENT:** Mayor Daniel Tuman, Mayor Pro Tem Suzanne Gray, Aldermen Don Harte and Mike Yawn, Town Attorney Brian Edes, Town Manager Stuart Turille and Town Clerk Carin Faulkner.

**NOT PRESENT:** Aldermen Dick Macartney and Tom Leonard

- I. **CALL TO ORDER:** Mayor Tuman called the meeting to order at 6:30 p.m.
- II. **INVOCATION:** Alderman Harte gave the invocation.
- III. **PLEDGE OF ALLEGIANCE:** Mayor Tuman led those present in the Pledge of Allegiance.
- IV. **APPROVAL OF AGENDA:**
  - Mayor Pro Tem Gray made a motion to approve the agenda with a minor change, to put the Public Hearing first. Alderman Yawn seconded.
  - The amended agenda was approved unanimously.
- V. **PUBLIC HEARINGS/PRESENTATIONS:**
  - A. **Public Hearing– Case #SD-13-01 – A Subdivision Application by H&H contractors, Inc. for a Final Plat (Location: 1156 New River Inlet Road):**
    - Mayor Pro Tem Gray made a motion to open the public hearing. Alderman Yawn seconded the motion. The motion passed unanimously.
    - The Town Clerk swore in Ms. Deborah Hill and Mr. Linwood Jones.
    - Ms. Hill presented the Staff Report (Attachment A).
    - Ms. Hill took questions from the Board.
    - Mayor Tuman asked if there were any changes made since the preliminary plat. Ms. Hill indicated that there were no changes other than the final certification. There were no further questions.

\*There are attachments to these minutes.

- The applicant, Mr. Linwood Jones, surveyor who works for H&H Constructors thanked the Board for their time and attention and asked if there were any questions.
- Alderman Yawn asked Mr. Jones if there is sewer or septic available. Mr. Jones confirmed with Pluris that sewer is available.
- No one came forward in opposition to the application.
- Alderman Yaw made a motion to close the public hearing. Mayor Pro Tem Gray seconded the motion. The motion passed unanimously.
- Alderman Yawn made a motion to approve the application for the final plat at 1156 New River Inlet Road as presented. Mayor Pro Tem Gray seconded the motion. The motion passed unanimously.

**B. Presentation – Shoreline Protection Maintenance Plan for FEMA Qualification – Ken Willson, Coastal Planning & Engineering:**

- Mr. Willson gave a presentation on the Beach Maintenance Plan that CP&E prepared in order for the Town to have the documentation it needs to meet FEMA's requirements to receive Public Assistance after a qualifying event (Attachment B).
- Mr. Willson also gave a quick update on the condition of the New River Inlet Channel and showed the results of a recent U.S. Army Corps of Engineers survey indicating the water depths of the channel.
- Mr. Willson took questions from the Board.
- Alderman Yawn made a motion to approve the North Topsail Beach Shoreline Protection Project Phase One New River Inlet Channel Realignment and Beach Restoration Physical Monitoring Plan document as presented. Mayor Pro Tem Gray seconded.
- The motion passed unanimously.

**VI. MANAGER'S REPORT:**

**A. FY13-14 Budget**— remaining issues from the budget workshop:

1. **The health insurance rate**—good news the quote came in lower than anticipated at a 6% increase. I mentioned at the workshop that I assumed a 10% increase. After adding the 1% COLA increase, the contribution of fund balance required to balance budget reduces by \$13,000.
2. **The Beach Fund fund balance**—after discussion with the auditor there is \$1,635,000 in available fund balance. I will hand out at the meeting a calculation of the effect of this on how much capital we can raise for beach nourishment, (particularly after the County meeting on Sales Tax).
3. **CIP**—(meeting hand-out, preliminary draft) -- perhaps adopted as part of this year's budget. Even though not yet polished, it gives us a working position and helps when applying for grants.
4. **FY12-13 Budget:** can we consider a bonus to 3 Part time employees of ½ the full time bonus?

**B. CBRA**—the final map was submitted and I spoke with Marlowe about it. The issue slowing the process still seems to be funding. I suggested linking it with other coastal issues that require

additional coastal mapping, such as related to hurricane Sandy funding. I did speak with the Topsail Chamber of Commerce and they adopted a resolution to forward to Congress.

- C. **Sea Oats & Sand Fence Cost Share Programs** -- So far property owners have purchased 11,700 plants (20 people) and 198 rolls of sand fence (28 people).
- D. **Dune on North End update**--Sand fencing on the crest is completed. Sea oats and Hatteras ramp installation is ongoing.
- E. **Shallow Inlet draft legislation** --Carin, County Representative (Angela Christian) and myself rode up to Raleigh with other TISPC members and met with Connie Wilson. We developed an action plan to meet with 30-40 members that are pivotal to a favorable vote on the bill and made the rounds to explain our points. At the Four Town meeting Representative Millis gave a talk about the importance of the bill and moving it along.
- F. **Parking Signs**—Town Staff has requested that the County order new brown Regional Access signs for to direct visitors to the parking areas on the south side of Town. We have installed numerous white signs with large arrow to increase visibility.
- G. **Spring Beach Push**—is wrapped up. Staff met to discuss the success and areas of improvement needed in the future, and recommend that the Town’s involvement occur **only** to the extent of CAMA permitting and registration, under the current private owner/contractor arrangement.
- H. **Town Properties**—Town staff met and discussed Town-owned properties and identified properties for further market analysis/restrictive covenants research, to finance future capital projects.
- I. **Permuda Island Coastal Reserve Meeting**—the town met with representatives of NC Division of Coastal Management to discuss preservation of this N. Topsail resource in Stump Sound.
- J. **Hazard Mitigation/FEMA grant approved**—\$129,600 funds to elevate home at 304 Marina Way at no cost to town.

VII. **OPEN FORUM:**

**Mr. Paul Woodby of 464 Ocean Drive** – Mr. Woodby expressed concerns with the Town’s ability to raise taxes and finance the beach project. He made comments about day visitors not contributing to the clean-up of the beach. He suggested that the Town look into having a patrol to monitor the beach and look at programs to help with the beach nourishment program. He thanked the Board for the sea oat and sand fencing programs and said that he has seen a lot of participation this year. He also thanked the Board for their sponsorship of the Ocean City Jazz Festival.

VIII. **CONSENT AGENDA:**

- A. Request to Approve Tax Refund
- B. Request to Adopt Budget Amendments 3 through 7
- C. Approval of Minutes: April 4, 2013 April 9, 2013 April 19, 2013
- D. Department Head Reports: Finance, Fire, Inspections, Planning, Police Departments
- E. Committee Reports: Planning Board, Board of Adjustment, TISPC, ONWASA, Beautification and Recreation



- The Town Attorney suggested an addition to the Consent Agenda – Request to Accept Quitclaim Deed for the South End Fire Station. Alderman Yawn indicated that he would rather have it in New Business for discussion.
- Alderman Yawn made a motion to approve the Consent Agenda as presented.
- Mayor Pro Tem Gray seconded the motion.
- The motion passed unanimously.

**IX. OLD BUSINESS:**

**A. Request to Approve Easement Documents:**

- Mr. Turille introduced this item.
- Mr. Edes (Town Attorney) made comments in support the Town requesting a perpetual easement.
- There was discussion. Some minor changes were suggested by the Town Attorney and Alderman Yawn.
- Mayor Pro Tem Gray moved to approve the easement cover letter and documents as amended.
- Alderman Harte seconded.
- The motion passed 2 to 1 with Alderman Yawn voting against.

**B. Recommendation to Take Board Action on Municipal Service District (2012):**

- Mr. Turille introduced this item.
- He reported that the 2006 Municipal Service District (MSD) abolished automatically with non-passage of the bond referendum. Therefore if the Town would like to obtain a special obligation bond for the remainder of the beach it must create new municipal service districts. He reported that the 2012 MSD is still in place and may be abolished by the Board if it wishes to do so now that the project is complete.
- He indicated that he was advised by the Town's bond attorney to notify property owners that there is no intention to tax anyone separately in the Town for beach nourishment, but simply to state in order to finance beach nourishment for the remainder of the Town the issuance of special obligation bonds requires the creation municipal service districts. The bond attorney recommended that the Town create four districts for each of the remaining phases.
- There was discussion.
- Mayor Pro Tem Gray made a motion to authorize the Town Manager to move forward on the Municipal Service Districts with recommendations from the Town Attorney and to get the documents drafted and public hearings scheduled for adoption of the Municipal Service Districts so that they are in place by the end of FY13. Alderman Harte seconded the motion.

- The motion passed 2 to 1 with Alderman Yawn voting against.

X. **NEW BUSINESS**

**A. Request to Adopt Ordinance 2013-2 – Declaration to Enact Speed Limit on Topsail Road:**

- Mr. Turille introduced this item.
- Alderman Yawn made a motion to adopt Ordinance 2013-2 – Declaration to Enact Speed Limit on Topsail Road.
- Mayor Pro Tem Gray seconded the motion.
- The motion passed unanimously.

**B. Request to Accept Quitclaim Deed for the South End Fire Station:**

- Mr. Edes introduced this item.
- Mr. Edes asked the board to accept the quitclaim deed for the South End Fire Station. He explained that this property was never deeded to the Town after the Town was incorporated and currently belongs to the North Topsail Beach Volunteer Rescue and EMS, Inc. He said that they will be passing a resolution this Saturday to formally transfer the deed to the Town and he is asking the Board to accept the quitclaim deed in advance.
- Mayor Pro Tem Gray made a motion to accept the quitclaim deed for the South End Fire Station as described by Attorney Edes. Alderman Yawn seconded the motion.
- There was discussion.
- The motion passed unanimously.

XI. **OPEN FORUM:**

**Robert Swantek of 3772 Island Drive** – Mr. Swantek announced that the County has changed the sales tax distribution to 100 percent ad valorem which means our Town will be getting another \$345,000 a year in revenue.

XII. **ATTORNEY'S REPORT:** Mr. Edes announced that his firm filed the summons today on the remaining properties that we were not able to get service on and now they are going to proceed with the legal advertisements in the newspapers in the counties that the property owners reside. They are all over the country.

XIII. **MAYOR'S REPORT:** Mayor Tuman recognized the three Onslow County Commissioners who voted to change the sales tax distribution for the County – Chairman Paul Buchanan, Vice Chair Barbara Ilkner, and Commissioner W.C. Jarman. The sales tax will now be 100 percent ad valorem. He said this change will help the Town immensely. He also recognized Alderman Harte and Town Manager Stuart Turille for attending the special meeting of the Board of Commissioners when the action was taken.

XIV. **ALDERMEN'S REPORT:**

**Alderman Don Harte:** Mr. Harte thanked Mayor Tuman for his efforts in speaking with the County about changing the sales tax distribution.

**Alderman Yawn:** Mr. Yawn thanked the public works crew for their hard work this week as they have been doing vegetation pick up. He urged folks to attend the next Special Meeting where the Board will be discussing a tax increase. He said he is a fan of general obligation bonds for financing the beach project. He made comments about the sales tax distribution. He thanked everyone for coming out to the meeting.

**Mayor Pro Tem Gray:** Mrs. Gray addressed Mr. Woodby's concerns with the clean-up of the beach and indicated that the turtle watchers clean up the beach when performing their duties and that they will start doing this soon; she said she will say something to encourage them to pick up as much as they can.

XV. **ADJOURNMENT:** Alderman Yawn made a motion to adjourn. Mayor Pro Tem Gray seconded the motion. The motion passed unanimously. The meeting adjourned at 7:59 p.m.

**APPROVED:**

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Daniel Tuman, Mayor

**ATTEST:**

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Carin Z. Faulkner, Town Clerk

Approved on: 6/6/2013



Town of North Topsail Beach  
Board of Aldermen  
May 2, 2013

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**Item:** V. C.  
**Issue:** PUBLIC HEARING: Case #SD-13-01  
Final Subdivision Plat for H & H Constructors Inc. (Tax Map #774-29.2)  
**Staff:** Deb Hill, AICP - Planning Director

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**BACKGROUND:** H & H Constructors Inc. is requesting approval of a final plat by Linwood J. Jones, PLS dated April 5, 2013 submitted pursuant to Sec. 2.06.05 (C) of the Unified Development Ordinance (UDO). Zoned R-20, the property (formerly owned by North Topsail Baptist Church) is bisected by the state road. The proposed subdivision will result in two (2) parcels: a 2.53 acre (110,305.11 square feet) sound-side lot and a one acre (43572.10 square feet) ocean front lot.

**Analysis:** The final plat meets or exceeds the requirements of UDO Sec. 2.06.05 (C) and the minimum dimensional requirements for the R-20 zoning district. The proposed subdivision is consistent with the future land use and land suitability maps and analyses which are included in the CAMA Land Use Plan. The proposal has been reviewed by the Technical Review Committee and is consistent with requirements by: NC Department of Transportation, NC Division of Coastal Management, Jones Onslow EMC, PLURIS AND NTB Fire Marshall, Thomas Best.

**RECOMMENDATION:** the Planning Board reviewed the final subdivision plat on April 11, 2013, and unanimously recommends approval.

**ATTACHMENTS:**

- 1) Application dated April 5, 2013.
- 2) Final subdivision plat for H & H CONSTRUCTORS INC by Linwood J. Jones PLS dated April 5, 2013.

**SUBDIVISION APPLICATION**

Date Submitted: JAN 25, 2013

CASE NO. SD 13 - 0

Name of Subdivision: H & H CONSTRUCTORS, INC

Location: (Road name & SR number) 1156 NEW RIVER INLET ROAD

Exemption (\$50)

**Subdivision/ PRD**

Sketch (\$300)

Preliminary (\$300)

Final (\$150)

Tax Parcel ID: 428819504181

Smallest lot: 1.0 AC

Total acreage: 3.53 AC

Average lot size: 1.7 AC

Number of lots 2

Zoning District: \_\_\_\_\_

**Infrastructure:**

Water Supply:  ONWASA     individual well     community system

Sewer Type:  Pluris     individual septic     community system

Streets:  public     private

Surveyor/ Engineer: LINWOOD J. JONES, PLS

Address 201 GLEN ROAD, GARNER NC 27529

Phone 919-773-0183

Email address LINWOODJNS24@GMAIL.COM

Developer H & H CONSTRUCTORS, INC

Address 2919 BREEZEWOOD AVE, FAYETTEVILLE, NC 28303

Phone Fax 910-486-4864

Email address JAMIEGODWIN@HHHOMES.COM

Property Owner H & H CONSTRUCTORS, INC

Address 2919 BREEZEWOOD AVE, FAYETTEVILLE, NC 28303

Phone Fax 910-486-4864

Email address JAMIEGODWIN@HHHOMES.COM

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**NORTH TOPSAIL BEACH**

**PRELIMINARY PLAN CHECKLIST**

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The preliminary plat shall be drawn at a scale no smaller than 1"=100'. The preliminary plat shall contain the following information:

- Subdivision name, north arrow, and graphic scale;
- A vicinity map showing the location of the subdivision in relation to neighboring tracts, subdivisions, roads and waterways;
- Name(s) and mailing address(es) of property owner / developer and or agent / surveyor, engineer or land planner; All three must be included on the plan.
- Location of existing property lines, buildings, streets, railroads, bridges, culverts, water courses, transmission lines, sewers, drainpipes, water mains, public utility easements, township and municipal boundaries;
- The name and location of any property or buildings within or adjacent to the subdivision that is located on the National Register of Historic Places;
- The boundaries of the tract to be subdivided with all bearings and distances shown;
- The names of owners of adjoining properties and the names of any adjoining subdivisions;
- Zoning classifications of the tract and adjoining properties;
- Proposed lot lines and approximate dimensions;
- Lots numbered consecutively throughout the subdivision;
- The location of flood hazard and floodway areas, including the community panel number;
- Boundaries of areas of environmental concern to include 404 wetlands, CAMA wetlands, etc. ② CBR S
- CAMA wetlands: include surveyed date, as well as date marked in the field by LPO.
- USCOE federal wetlands: include status/approval of wetlands along with Jurisdictional Determination number on plans.
- Contour map with intervals of at minimum two feet; Preferred 1 foot intervals with high points & low points noted
- Proposed streets (along with designation as private or public), street names, rights-of-way, pavement widths, approximate grades and typical cross sections;
- Utility easements
- Utility plans for sanitary sewers, storm sewers, drainage, water distribution lines, natural gas lines\*, telephone lines\*, and electric lines\*;
- Location of shared or outlying drain field/wastewater systems;
- Location of reserved and dedicated public rights of way for access and utilities for adjoining parcels that do not have existing public access to a public street;
- Site data to include total acreage in tract, acreage in parks or other open space, average lot size, smallest lot size, total number of lots, and linear feet in streets;
- Location of riding trails, buffers, sidewalks, pedestrian or bicycle paths, parks and recreation areas with specific type indicated, school sites, and any other areas to be dedicated to or reserved for public use;

\*If so required by the Planning Department.

**Additional Information Required.**

If 404 wetlands are located on the property, the sub divider shall provide a map with a signature from the US Army Corps of Engineers verifying the location. Also provide the Jurisdictional Determination packet from the USCOE. Other information as applicable to the project.

***PLEASE COMPLETE THE CHECKLIST AND RETURN WITH THE APPLICATION.***



**WARNING: THIS IS NOT A SURVEY**

Parcel Information

|                                  |                                |                                   |              |
|----------------------------------|--------------------------------|-----------------------------------|--------------|
| <b>Parcel Number:</b>            | 774-29.2                       | <b>Assessed Value:</b>            | \$455,210.00 |
| <b>PARID:</b>                    | 040820                         | <b>Total Taxable Value:</b>       | \$455,210.00 |
| <b>NC PIN:</b>                   | 428819504181                   | <b>Building Value:</b>            | \$0.00       |
| <b>Owner Name:</b>               | H & H CONSTRUCTORS INC         | <b>Land Value:</b>                | \$455,210.00 |
| <b>Property Address:</b>         | 1156 NEW RIVER INLET RD        | <b>Heated Living Sq Ft:</b>       |              |
| <b>Property Description:</b>     | PT L4 HOBBS IS TR              | <b>Year Built:</b>                |              |
| <b>Subdivision:</b>              | ELM WOOD PARTNERS LLC          | <b>Adjusted Acres:</b>            | 2.96         |
| <b>Neighborhood Code:</b>        | 3074                           | <b>Legal Acres:</b>               | 2.96         |
| <b>City Limit:</b>               | NORTH TOPSAIL BEACH            | <b>Improvement Code:</b>          | V            |
| <b>Township:</b>                 | STUMP SOUND                    | <b>Book:</b>                      | 3541         |
| <b>Mailing Address:</b>          | 2919 BREEZEWOOD AVE<br>STE 400 | <b>Page:</b>                      | 78           |
| <b>Mailing City, State, Zip:</b> | FAYETTEVILLE NC 28303          | <b>Deed Date:</b>                 | 21-JAN-11    |
| <b>Sale Code:</b>                | <a href="#">00</a>             | <b>Deed Stamp Amount:</b>         | 895500.00    |
| <b>Number of Bedrooms</b>        |                                | <b>Plat Book &amp; Plat Page:</b> | 52-099       |



Onslow County  
 Geographic Information Systems  
 (GIS)  
 39 Tallman Street  
 Jacksonville, NC 28540

**WARNING: THIS IS NOT A SURVEY.**

This map is prepared for the inventory of real property found within this jurisdiction, and is compiled from recorded deeds, plats, and other public records and data. Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this map. The County and mapping company assume no legal responsibility for the information contained on this map.



# *Town of North Topsail Beach*

Daniel Tuman, Mayor  
Suzanne Gray, Mayor Pro Tem  
Aldermen:  
Don Harte  
Tom Leonard  
Richard Macartney  
Michael Yawn



Stuart Turille  
Town Manager  
Carin Z. Faulkner, MPA  
Town Clerk

## **Board of Aldermen Special Meeting Minutes Monday, May 13, 2013 1:00 P.M.**

**PRESENT:** Mayor Daniel Tuman, Mayor Pro Tem Suzanne Gray, Aldermen Don Harte, Tom Leonard, Dick Macartney, and Mike Yawn, Town Manager Stuart Turille and Town Clerk Carin Faulkner.

- I. **CALL TO ORDER:** Mayor Tuman called the meeting to order at 1:00 p.m.
- II. **APPROVAL OF AGENDA:**
  - Alderman Macartney made a motion to approve the agenda. Alderman Yawn seconded.
  - The amended agenda was approved unanimously.
- III. **Discussion of Options for Second Shoreline Protection Event:**
  - Mayor Tuman introduced this item.
  - The Board of Aldermen discussed the options, costs, and the time it would take for each option as well as how it will be funded.
  - Alderman Macartney made a motion to accept the proposal CP&E presented to do the work to get a second event completed. He said he would like to request that CP&E separate Task 4 of the proposal as a separately billed item.
  - Alderman Yawn seconded the motion and made a suggestion to amend the motion to have the proposal include 50 cubic yards per linear foot in Phase 5.
  - Alderman Macartney modified his motion to include Alderman Yawn's suggestions.
  - There was discussion.
  - The modified motion passed unanimously.
- IV. **Discussion of Statement and Plan for Municipal Service Districts for Beach Erosion Control and Flood and Hurricane Protection Works:**
  - Mayor Tuman introduced the item.
  - Ms. Faulkner discussed the documents that were prepared, the statement and plan and the notice of public hearings.
  - There was discussion.
  - The Board of Aldermen gave authorization to Town Staff to advertise and mail out Notices of Public Hearings for the Municipal Service Districts for



Phases 2 through 5 of the Town's Shoreline Projection Project and for the statement and plan to be posted on the Town's website.

V. **Workshop on Proposed FY14 Budget:**

- Mr. Turille went through the changes to the health insurance. He asked the Board if there are any questions about the departmental budgets.
- The Board agreed to provide a bonus of \$500 for each of the three part time employees.
- Mr. Turille went over the Capital Improvement Plan he drafted.
- Mr. Turille went over the Beach Fund.
- There was discussion on changing the method of collecting solid waste fees. No change was made.

VI. **Adjournment:** Alderman Leonard made a motion to adjourn. Alderman Yawn seconded the motion. The motion passed unanimously. The meeting adjourned at 2:31 p.m.

**APPROVED:**

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Daniel Tuman, Mayor

**ATTEST:**

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Carin Z. Faulkner, Town Clerk

Approved on: 6/6/2013

# *Town of North Topsail Beach*

Daniel Tuman, Mayor  
Suzanne Gray, Mayor Pro Tem  
Aldermen:  
Don Harte  
Tom Leonard  
Richard Macartney  
Michael Yawn



Stuart Turille  
Town Manager  
Carin Z. Faulkner, MPA  
Town Clerk

## **Board of Aldermen Regular Meeting Minutes Thursday, June 6, 2013 6:30 P.M.**

**PRESENT:** Mayor Daniel Tuman, Mayor Pro Tem Suzanne Gray, Aldermen Don Harte, Tom Leonard, Dick Macartney and Mike Yawn, Town Attorney Brian Edes, Town Manager Stuart Turille and Town Clerk Carin Faulkner.

- I. **CALL TO ORDER:** Mayor Tuman called the meeting to order at 6:30 p.m.
- II. **INVOCATION:** Alderman Leonard gave the invocation.
- III. **PLEDGE OF ALLEGIANCE:** Mayor Tuman led those present in the Pledge of Allegiance.
- IV. **APPROVAL OF AGENDA:**
  - Alderman Yawn made a motion to approve the agenda. Mayor Pro Tem Gray seconded.
  - The amended agenda was approved unanimously.
- V. **PUBLIC HEARINGS/PRESENTATIONS:**
  - A. **Public Hearing – FY 2013-2014 Proposed Budget:**
    - Alderman Leonard made a motion to open the public hearing. Alderman Macartney seconded the motion. The motion passed unanimously.
    - Mr. Turille gave a summary of the budget message.
    - The following citizens came forward to make comments:

Bob Fox of 4710 23<sup>rd</sup> Avenue – Mr. Fox spoke in opposition to beach nourishment and the tax increase.

Ed Cramer of Rogers Bay (Atlantic 11) – Mr. Cramer spoke in opposition to beach nourishment.

Lori Burnett of 208 Lanterna Lane – Ms. Burnett made comments about trash on the beach, she was asked to wait to make non-budget related comments during the Public Forum later in the meeting.

Paul Woodby of 464 Ocean Drive – Mr. Woodby made comments about the cost of the first phase and asked questions about the volume of sand for the remaining phases. He also asked if the Town could do paid parking.

Faye Daino of 5916 17<sup>th</sup> Avenue - Ms. Daino spoke in opposition to beach nourishment, she would like the Town to wait and see what happens in Phase One and then to put further beach nourishment before the voters.

Dick Peters of 601 New River Inlet Road – Mr. Peters asked the Town to spend funds to continue the bike path to the Villa Capriani.

Dick Farley of 2300 New River Inlet Road #1 – Mr. Farley made comments in opposition to the tax increase.

Ray Childress of 161 Old Village Lane – Mr. Childress spoke in opposition to the way the Town is handling beach nourishment, he is not against beach nourishment but feels that it should be put to a vote of the people.

- Alderman Leonard made a motion to close the Public Hearing. Mayor Pro Tem Gray seconded the motion. The motion passed unanimously.
- There was discussion.
- Mayor Pro Tem Gray moved that the Board of Aldermen adopt the Fiscal Year 2013-2014 Budget and its attached Ordinance and Fee Schedule as presented. Alderman Harte seconded the motion.
- There was further discussion.
- Mayor Tuman read a statement he prepared for the Local Government Commission in regard to the Town's need to do a second beach nourishment event to complete Phases 2 through 5.
- The motion passed 4 to 1 with Alderman Yawn voting against.

## VI. MANAGER'S REPORT:

\*Note-Shoreline protection financing will be discussed in the context of the budget agenda item.

1. **Shoreline Protection Project timeline**—Mr. Turille distributed a timeline to the Board that has the project requirements to complete Phases 2-5 by next spring.
2. **MSD establishment**—a requirement for obtaining the special obligation bonds is the establishment of municipal service districts to correspond to each particular phase of the project. The public hearing is scheduled for June 17.
3. **Amount of sale of surplus vehicles**—we returned \$5,400 to town funds with the surplus sale of three Crown VICs.
4. **Beach nourishment donation**—the project is garnering publicity and citizen response. A gentleman came to the Town Hall to donate \$1,000 to beach nourishment.
5. **CBRA**— we received notice that John Fleming, Chairman of the Committee on Oceans, Fisheries, Wildlife and Insular Affairs has contacted the Director of USFW of about an upcoming hearing. The letter mentions specifically Unit LO6 (N. Topsail Beach). The Mayor and I have submitted letters to the USFW Director, the Committee director and the Committee Chairman in support of the CBRA change.

6. **Sea Oats & Sand Fence Cost Share Programs** – to date property owners have purchased 38,800 plants (40 people) and 253 rolls of sand fence.
7. **Dune on North End update** – Hatteras ramps are installed and look good.
8. **Shallow Inlet draft legislation**—the Senate budget bill includes dedicated revenue of \$2.2 million from the highway trust fund. Regarding funding boats shorter than 26 feet would pay \$25 a year; those 26 feet or longer would pay \$50. For three-year registrations, the proposed fee is \$75 for boats shorter than 26 feet and \$150 for boats 26’ and above.
9. **Parking** - 2343 New River Inlet Rd. Chief Fillinger and I rode out to inspect a complaint on a parking situation here (the inlet access road). The complainant referred to an over-crowded parking situation. The Chief and I agreed that the only real danger was the 15’ set-back from the road intersection, to allow vision clearance. Therefore the recommendation would be to erect “No Parking Here to Intersection signs,” perhaps at all intersections where week-end parking is congested. The only other option would be to disallow parking on the entire length of the south-side of the road, but there are few alternative parking options in that area, at present.
10. **Permuda Island/ NC Coastal Reserve Meeting**—town representatives were conducted to the island by NC Coastal Reserve to witness first-hand the cultural value of the island. Numerous native American artifacts were clearly evident. Wildlife is also present – a bobcat was seen at the site.
11. **Town Properties**—Town Staff and Aldermen Yawn and Harte met to discuss the potential sale of Town-owned properties. The properties were discussed regarding valuation, access, possible lot packages or re-combinations, and restrictive covenants. The goal is to raise funds for our CIP projects. It was recommended that the Planning Director review the sites with regard to possible Parks & Recreation and future parking needs, and bring a presentation to you in August.

VII. **OPEN FORUM:**

**Lori Burnett of 208 Lanterna Lane** – Ms. Burnett made comments about parking on the south end indicating that the Onslow County Beach Access is overflowing and vehicles are parking on the shoulders of Island Drive. She also made comments about trash left of the beach and the location of the trash cans, she would like them moved back to the ocean side of the dunes. She said there needs to be more enforcement of the beach rules.

**Ed Cramer of Rogers Bay (Atlantic 11)** – Mr. Cramer made comments about beach access areas and wants the Town to look check them all and in particular access number 30 which is ends halfway in the dune and forces people to cross on the dune.

**Dick Peters of 601 New River Inlet Road** – Mr. Peters asked that the Town install a sign at the beach access near his house to prevent vehicles from parking in the sand there. He reminded everyone that the 14 cents is tax deductible. He said he is glad that the Town is doubling down its efforts on CBRA and commended the Town Manager for his efforts. He commended the Board for their courage and the time and effort they spent to move forward with beach nourishment.

VIII. **CONSENT AGENDA:**

- A. Request to Approve Tax Refund
- B. Request to Adopt Budget Amendments 8 through 11
- C. Request to Approve Contract to Audit Accounts
- D. Approval of Minutes: May 2, 2013 May 13, 2013
- E. Department Head Reports: Finance, Fire, Inspections, Planning, Police Departments
- F. Committee Reports: Planning Board, Board of Adjustment, TISPC, ONWASA, Beautification and Recreation
  - Alderman Macartney made a motion to approve the Consent Agenda as presented.
  - Alderman Leonard seconded the motion.
  - The motion passed unanimously.

IX. **NEW BUSINESS:**

**A. Discussion of Proposal for Temporary Special Event – Bluegrass Festival:**

- Ms. Faulkner introduced this item and introduced Mr. Dick Barnes, the event organizer.
- Mr. Barnes described his plan for this event to the Board and reported that he met with the Police Chief, Fire Chief and Deputy Fire Chief to see if they think the Town could handle this event. The result of the meeting indicated that the Town could handle the event, of any size, and that the specifics on the event would need to be discussed and a plan put in place.
- There was discussion.
- Alderman Macartney moved that the Board give Mr. Barnes the go ahead to move forward with planning this event. Mayor Pro Tem Gray seconded the motion. There was discussion.
- The motion passed unanimously.

**B. Discussion of Public Information on Beach Safety:**

- Alderman Leonard introduced this item.
- He reported that he had spoken with a citizen that had a good suggestion about distributing a DVD about rip currents through the rental agencies. He spoke with Ms. Faulkner after receiving the suggestion and Ms. Faulkner placed a link to a rip current video to the Town's website. He said they also discussed getting a video on the public access channel.
- Ms. Faulkner said she put out a press release for rip current awareness week and had Mr. Burke deliver the rip current brochures to the rental agencies. She said she would follow up with the rental agencies to see if they would post a link to the rip current video on their websites. She also said she would continue to explore having a video placed on the local cable public access channel.

- Aldermen Leonard recognized the Town's emergency responders for their professionalism in dealing with the most recent drowning.

**C. Discussion on Rescheduling July Board of Aldermen Meeting:**

- Alderman Yawn introduced this item.
- There was discussion.
- Alderman Yawn made a motion to change the date of the July Board of Aldermen meeting to Monday, July 8<sup>th</sup> and it will start at 6:30 p.m. Mayor Pro Tem Gray seconded the motion.
- The motion passed unanimously.

X. **OPEN FORUM:** No one came forward

XI. **ATTORNEY'S REPORT:** Mr. Edes thanked Staff and Mr. Turille for their participation in the monthly legal review meetings. He said that he thinks they are very effective and head off lawsuits before they get off the ground.

XII. **MAYOR'S REPORT:** Mayor Tuman thanked the Board for their hard work on the budget. He said that preserving Topsail Island is important and beach nourishment is important and that there is a cost to it but that it is really an insurance policy and that if the Town is successful in executing the plans it is pursuing the insurance cost for what we are doing is a good deal. He said there were questions about the nature of the proposal and what it is supposed to do and he suggested that those interested should attend the Board meeting where the coastal engineer will be presenting the plan.

XIII. **ALDERMEN'S REPORT:**

**Alderman Macartney:** Mr. Macartney said that we need to acknowledge that we are in our busy season and we should be nice to our visitors. He thinks the Town looks great and we are off to a good start this season.

**Mayor Pro Tem Gray:** Mrs. Gray thanked everyone for coming and said she thinks the Town is moving in the right direction and doing the right thing for the entire Town.

**Alderman Yawn:** Mr. Yawn made comments about the higher taxes and that the State has some programs (the website: <http://www.onslowcountync.gov/departmentnopb100.aspx?id=21396>) that may qualify some people to save up to 50 percent on their real estate property tax for their primary residence. He thanked everyone for coming out and wished everyone a very happy Independence Day.

**Alderman Leonard:** Mr. Leonard said that the budget was a tough decision, it is never easy to raise taxes, but it's the right thing to do for the right reason at this point in time. He thanked the Town's emergency personnel for their actions on April 23<sup>rd</sup> with the drowning at Beach Access 4.

**Alderman Harte:** Mr. Harte thanked everyone for coming out. He said he is in approval of the bluegrass festival and said that it would expand the Town's tax base and that he supports future events like this.

Mrs. Gray added a comment about emergency personnel assisting her neighbor. She said it was a great response and that her neighbor is doing well. She said they do wonderful work.

- XIV. **CLOSED SESSION:** Per N.C.G.S. 143-318.11 Closed Sessions (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 (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease. AND (6): To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee.

Alderman Macartney made a motion to go into Closed Session per N.C.G.S. 143-318.11 (5) & (6). Alderman Yawn seconded the motion. The motion passed unanimously.

Alderman Leonard made a motion to go out of Closed Session. Alderman Yawn seconded the motion. The motion passed unanimously.

No action was taken.

- XV. **ADJOURNMENT:** Alderman Leonard made a motion to adjourn. Alderman Yawn seconded the motion. The motion passed unanimously. The meeting adjourned at 9:05 p.m.

**APPROVED:**

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Daniel Tuman, Mayor

**ATTEST:**

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Carin Z. Faulkner, Town Clerk

Approved on: 7/8/2013

# *Town of North Topsail Beach*

Daniel Tuman, Mayor  
Suzanne Gray, Mayor Pro Tem  
Aldermen:  
Don Harte  
Tom Leonard  
Richard Macartney  
Michael Yawn



Stuart Turille  
Town Manager  
Carin Z. Faulkner, MPA  
Town Clerk

## **Board of Aldermen Special Meeting Minutes Monday, June 17, 2013 9:00 A.M.\***

**PRESENT:** Mayor Daniel Tuman, Mayor Pro Tem Suzanne Gray, Aldermen Don Harte, Tom Leonard, Dick Macartney, and Mike Yawn, Town Manager Stuart Turille and Town Clerk Carin Faulkner.

- I. **CALL TO ORDER:** Mayor Tuman called the meeting to order at 9:00 a.m.
- II. **APPROVAL OF AGENDA:**
  - Alderman Macartney made a motion to approve the agenda as presented. Alderman Leonard seconded.
  - The agenda was approved unanimously.
- III. **PUBLIC HEARING – An Amendment to the Regulations of Travel Trailers by the Unified Development Ordinance Section 4.03.11 (H) (1) (a) (b) vii (I) (1) (L):**
  - Alderman Leonard made a motion to open the Public Hearing. Alderman Yawn seconded the motion. The motion passed unanimously.
  - Ms. Hill read the Staff Report (Attachment A).
  - Mr. Larry Autry, the citizen who requested the change, made comments.
  - Alderman Leonard made a motion to close the Public Hearing. Alderman Yawn seconded the motion. The motion passed unanimously.
  - There was discussion. Alderman Macartney made a suggestion to strike the language about requiring a North Carolina licensed engineer. Ms. Hill explained why it was necessary to keep the language.
  - Alderman Macartney made a motion to adopt the amendment to the UDO as proposed.
  - Alderman Yawn seconded the motion.
  - The motion passed unanimously.
- IV. **PUBLIC HEARING – Establishment of Proposed Municipal Service District for the Town’s Shoreline Protection Project for Beach Erosion Control and Flood and Hurricane Protection Works – Phase 2:**
  - Mayor Tuman read the boundaries of Phase 2.

\* There is an attachment to these minutes.



- Alderman Leonard made a motion to open the Public Hearing. Mayor Pro Tem Gray seconded the motion. The motion passed unanimously.
- The Town Clerk announced that no one signed up to speak in favor or against.
- Mayor Pro Tem Gray made a motion to close the Public Hearing. Alderman Harte seconded the motion. The motion passed unanimously.
- Mayor Tuman discussed the procedure for the public hearings.
- There was further discussion.

V. **PUBLIC HEARING – Establishment of Proposed Municipal Service District for the Town’s Shoreline Protection Project for Beach Erosion Control and Flood and Hurricane Protection Works – Phase 3:**

- Mayor Tuman read the boundaries of Phase 3.
- Alderman Leonard made a motion to open the Public Hearing. Alderman Macartney seconded the motion. The motion passed unanimously.
- The Town Clerk announced that no one signed up to speak in favor or against.
- Alderman Leonard made a motion to close the Public Hearing. Mayor Pro Tem Gray seconded the motion. The motion passed unanimously.

VI. **PUBLIC HEARING – Establishment of Proposed Municipal Service District for the Town’s Shoreline Protection Project for Beach Erosion Control and Flood and Hurricane Protection Works – Phase 4:**

- Mayor Tuman read the boundaries for Phase 4.
- Alderman Macartney made a motion to open the Public Hearing. Mayor Pro Tem Gray seconded the motion. The motion passed unanimously.
- The Town Clerk announced that no one signed up to speak in favor or against.
- Alderman Leonard made a motion to close the Public Hearing. Mayor Pro Tem Gray seconded the motion. The motion passed unanimously.

VII. **PUBLIC HEARING – Establishment of Proposed Municipal Service District for the Town’s Shoreline Protection Project for Beach Erosion Control and Flood and Hurricane Protection Works – Phase 5:**

- Mayor Tuman read the boundaries for Phase 5.
- Alderman Leonard made a motion to open the Public Hearing. Alderman Yawn seconded the motion. The motion passed unanimously.
- Ms. Faye Daino came forward to speak. She signed up to speak in opposition to the MSD for Phase 5. She had some questions for the Board about whether the voters will decide if the Town can afford special obligation bonds. She asked about the Town’s meeting with the LGC. Mayor Tuman responded to Ms. Daino’s questions and reminded her that the hearing is for the Board to receive her comments. She continued to ask questions about the special obligation bonds and what the Town plans to do if they are not approved by the LGC.
- Alderman Leonard made a motion to close the Public Hearing. Alderman Yawn seconded the motion. The motion passed unanimously.

- Ms. Faulkner stated for the record that the Public Hearings were advertised and notices were sent to property owners according to the North Carolina General Statutes.
- There was discussion.
- Alderman Macartney made a motion to adopt Resolution 2013-11 – A Resolution Establishing and Creating the Town of North Topsail Beach Shoreline Protection Project Phase Two Municipal Service District. Alderman Leonard seconded the motion.
- The motion passed 4 to 1 with Alderman Yawn voting against.
- Mayor Pro Tem Gray made a motion to adopt Resolution 2013-12 – A Resolution Establishing and Creating the Town of North Topsail Beach Shoreline Protection Project Phase Three Municipal Service District. Alderman Macartney seconded the motion.
- There was discussion.
- The motion passed 4 to 1 with Alderman Yawn voting against.
- Alderman Macartney made a motion to adopt Resolution 2013-13 – A Resolution Establishing and Creating the Town of North Topsail Beach Shoreline Protection Project Phase Four Municipal Service District. Alderman Harte seconded the motion.
- The motion passed 4 to 1 with Alderman Yawn voting against.
- Alderman Leonard made a motion to adopt Resolution 2013-14 – A Resolution Establishing and Creating the Town of North Topsail Beach Shoreline Protection Project Phase Five Municipal Service District. Alderman Harte seconded the motion.
- There was discussion.
- The motion passed 4 to 1 with Alderman Yawn voting against.

**VIII. REQUEST TO APPROVE BUDGET AMENDMENTS 12 & 13:**

- Mr. Turille introduced Budget Amendment 12 which is to balance several line items that are over budget.
- Alderman Yawn made a motion to adopt Budget Amendment #12. Mayor Pro Tem Gray seconded the motion.
- The motion passed unanimously.
- Mr. Turille introduced Budget Amendment 13 which is for the financial consultant to assist the Town with the second shoreline protection event financing.
- There was discussion.
- Alderman Macartney suggested that the Board to wait to approve this after the Board has reviewed the contract.
- Alderman Yawn made a motion to adopt Budget Amendment #13. Alderman Harte seconded the motion. The motion passed 4 to 1 with Alderman Macartney voting against.

IX. **REQUEST TO APPROVE TOWN PARTICIPATION IN UNITEDHEALTHCARE'S EARLY RENEWAL PROGRAM:**

- Mr. Turille introduced this item.
- Mr. Jim Warren from JWB Insurance addressed the Board. He indicated that there has been an extension and that the Town has until July 9<sup>th</sup> to make a decision on whether or not to participate.
- There was discussion.
- The Board asked for historical data on the HRA funds used in the first sixth month of the previous year.
- Alderman Yawn suggested tabling this item to the July meeting.

X. **ADJOURNMENT:** Alderman Yawn made a motion to adjourn. Mayor Pro Tem Gray seconded the motion. The motion passed unanimously. The meeting adjourned at 10:09 a.m.

**APPROVED:**

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Daniel Tuman, Mayor

**ATTEST:**

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Carin Z. Faulkner, Town Clerk

Approved on: 7/8/2013



Town of North Topsail Beach  
Board of Aldermen  
June 17, 2013

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**Item:**  
**Issue:** Public Hearing: Request to Amend UDO Sec. 4.03.11 (H) (1) (b) (viii): To Permit Installation of Engineered Covered Decks in Travel Trailer Parks.  
**Staff:** Deborah J. Hill, AICP CFM CZO - Planning Director

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**BACKGROUND:** Covered decks were permitted in Roger's Bay Campground until August 12, 2009, when the Town Manager – after consulting with the Building Inspector, Planning Director and local engineer - made the determination that covered decks, sunrooms and other permanent structures could not meet the NC Building Code, specifically the road ready requirements listed in Appendix G (**Exhibit 1**) and the requirement for basic design wind speeds at 130 mph for Onslow County, east of the Intracoastal Waterway in Figure R301.2(4) (**Exhibit 2**). Since the adoption of the Unified Development Ordinance on November 11, 2011, only uncovered, engineered decks have been permitted.

On April 9, 2013, Mr. Merritt submitted plans rated to achieve the required 130 mph wind speed (**Exhibit 3**). E. C. Garber, P.E. of Fayetteville, NC certified the plan, titled "Awnings & Enclosures" by McCon Engineering, Inc of Kingsville, MD (**Exhibit 4**). Mr. Autry is requesting an amendment to Sec. 4.03.11 to allow for the installation of a Silver Top® RV Two-Way Awning (**Exhibit 5**).

**ANALYSIS:** Staff has requested that Mr. Garber's certification specify the plan's compliance with the requirement for basic design wind speeds at 130 mph for Onslow County, east of the Intracoastal Waterway.

**RECOMMENDATION:** the Planning Board reviewed Mr. Autry's request on May 9, 2013 and unanimously recommends that the Board of Aldermen conduct a public hearing and approve the proposed amendment (*indicated by red underlined text*) to the Unified Development Ordinance Sec. 4.03.11 Operating standards for existing travel trailer parks:

(H) (1) The following attachments or improvements are permitted:

(b) Decks which are:

(vii) Covered by a canvas awning attached to the *travel trailer*, but not to the deck itself or a cover certified by a NC Licensed Professional

Engineer to meet or exceed the 130 mph wind load requirement of the NC Building Code and can be capable of being securely stored within one hour.

- EXHIBITS:**
- 1) 2009 NC Building Code, Appendix G, p.576.
  - 2) 2012 NC Residential Code, p. 25.
  - 3) Engineered plans titled, "Awnings & Enclosures" by McCon Engineering, Inc, Kingsville, MD.
  - 4) Certification by E. C. Garber, P.E. of Fayetteville, NC.
  - 5) Larry Autry letter dated April 24, 2013.

**MANUFACTURED HOME PARK OR SUBDIVISION.** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**RECREATIONAL VEHICLE.** A vehicle that is built on a single chassis, 400 square feet (37.16 m<sup>2</sup>) or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light-duty truck, and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect-type utilities and security devices and has no permanently attached additions.

**VARIANCE.** A grant of relief from the requirements of this section which permits construction in a manner otherwise prohibited by this section where specific enforcement would result in unnecessary hardship.

**VIOLATION.** A development that is not fully compliant with this appendix or Section 1612, as applicable.

**SECTION G301  
SUBDIVISIONS**

**G301.1 General.** Any subdivision proposal, including proposals for manufactured home parks and subdivisions, or other proposed new development in a flood hazard area shall be reviewed to assure that:

1. All such proposals are consistent with the need to minimize flood damage;
2. All public utilities and facilities, such as sewer, gas, electric and water systems are located and constructed to minimize or eliminate flood damage; and
3. Adequate drainage is provided to reduce exposure to flood hazards.

**G301.2 Subdivision requirements.** The following requirements shall apply in the case of any proposed subdivision, including proposals for manufactured home parks and subdivisions, any portion of which lies within a flood hazard area:

1. The flood hazard area, including floodways and areas subject to high velocity wave action, as appropriate, shall be delineated on tentative and final subdivision plats;
2. Design flood elevations shall be shown on tentative and final subdivision plats;
3. Residential building lots shall be provided with adequate buildable area outside the floodway; and
4. The design criteria for utilities and facilities set forth in this appendix and appropriate *International Codes* shall be met.

**SECTION G401  
SITE IMPROVEMENT**

**G401.1 Development in floodways.** Development or land disturbing activity shall not be authorized in the floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering prac-

tice that the proposed encroachment will not result in any increase in the level of the base flood.

**G401.2 Flood hazard areas subject to high velocity wave action.**

1. Development or land disturbing activity shall only be authorized landward of the reach of mean high tide.
2. The use of fill for structural support of buildings is prohibited.

**G401.3 Sewer facilities.** All new or replaced sanitary sewer facilities, private sewage treatment plants (including all pumping stations and collector systems) and on-site waste disposal systems shall be designed in accordance with Chapter 8, ASCE 24, to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into floodwaters, or impairment of the facilities and systems.

**G401.4 Water facilities.** All new or replacement water facilities shall be designed in accordance with the provisions of Chapter 8, ASCE 24, to minimize or eliminate infiltration of floodwaters into the systems.

**G401.5 Storm drainage.** Storm drainage shall be designed to convey the flow of surface waters to minimize or eliminate damage to persons or property.

**G401.6 Streets and sidewalks.** Streets and sidewalks shall be designed to minimize potential for increasing or aggravating flood levels.

**SECTION G501  
MANUFACTURED HOMES**

**G501.1 Elevation.** All new and replacement manufactured homes to be placed or substantially improved in a flood hazard area shall be elevated such that the lowest floor of the manufactured home is elevated to or above the design flood elevation.

**G501.2 Foundations.** All new and replacement manufactured homes, including substantial improvement of existing manufactured homes, shall be placed on a permanent, reinforced foundation that is designed in accordance with Section 1612.

**G501.3 Anchoring.** All new and replacement manufactured homes to be placed or substantially improved in a flood hazard area shall be installed using methods and practices which minimize flood damage. Manufactured homes shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. Methods of anchoring are authorized to include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

**SECTION G601  
RECREATIONAL VEHICLES**

**G601.1 Placement prohibited.** The placement of recreational vehicles shall not be authorized in flood hazard areas subject to high velocity wave action and in floodways.

**FIGURE R301.2(4)—continued**  
**BASIC DESIGN WIND SPEEDS FOR 50-YEAR MEAN RECURRENCE INTERVAL**

|                        |                         |                          |                         |
|------------------------|-------------------------|--------------------------|-------------------------|
| Counties not listed    | 90                      |                          |                         |
| Anson                  | 100                     | Lee                      | 100                     |
| Alleghany              | special mountain region | Lenior                   | 110                     |
| Ashe                   | special mountain region | Madison                  | special mountain region |
| Avery                  | special mountain region | Martin                   | 110                     |
| Beaufort               | 110                     | Mitchell                 | special mountain region |
| Bertie                 | 110                     | Moore                    | 100                     |
| Bladen                 | 110                     | Nash                     | 100                     |
| Brunswick <sup>1</sup> | 120/130                 | New Hanover <sup>3</sup> | 120/130                 |
| Buncombe               | special mountain region | Northampton              | 100                     |
| Camden                 | 110                     | Onslow                   | 120/130 east of ICW     |
| Carteret               | 130                     | Pamlico <sup>5</sup>     | 120/130                 |
| Chowan                 | 110                     | Pasquotank               | 110                     |
| Columbus               | 120                     | Pender <sup>4</sup>      | 110/120/130             |
| Craven                 | 120                     | Perquimans               | 110                     |
| Cumberland             | 100                     | Pitt                     | 110                     |
| Currituck              | 120                     | Richmond                 | 100                     |
| Dare                   | 130                     | Robeson                  | 110                     |
| Duplin                 | 110                     | Sampson                  | 110                     |
| Edgecombe              | 100                     | Scotland                 | 100                     |
| Franklin               | 100                     | Swain                    | special mountain region |
| Gates                  | 100                     | Tyrell                   | 120                     |
| Graham                 | special mountain region | Wake                     | 100                     |
| Greene                 | 110                     | Washington               | 110                     |
| Halifax                | 100                     | Watauga                  | special mountain region |
| Harnett                | 100                     | Wayne                    | 110                     |
| Haywood                | special mountain region | Wilson                   | 100                     |
| Hertford               | 100                     | Yancey                   | special mountain region |
| Hoke                   | 100                     |                          |                         |
| Hyde <sup>2</sup>      | 120/130                 |                          |                         |
| Jackson                | special mountain region |                          |                         |
| Johnston               | 100                     |                          |                         |
| Jones                  | 120                     |                          |                         |

1. Brunswick County - 120 mph zone west of Hwy 17, 130 mph zone east of Hwy 17, 140 mph on Bald Head Island.
2. Hyde County - 120 mph zone west of U.S. Route 264, 130 mph zone east of U.S. Route 264.
3. New Hanover County - 120 mph zone west of Hwy 17, 130 mph zone east of Hwy 17.
4. Pender County - 130 mph zone east of the Intercoastal Waterway, 120 mph zone in the Township of Topsail, and the remainder of the County is the 110 mph zone.
5. Pamlico County - 130 mph zone east of SR 55 and Hwy 306, 120 mph zone west of SR 55 and Hwy 306.

**FIGURE R301.2(4)—continued**  
**BASIC DESIGN WIND VELOCITIES FOR MOUNTAIN REGIONS**

| FIRST FLOOR FINISH ELEVATION IN FEET | DESIGN WIND (MPH) |
|--------------------------------------|-------------------|
| Less than 2,700                      | 90                |
| 2,700 to less than 3,000 feet        | 100               |
| 3,000 to less than 3,500 feet        | 110               |
| 3,500 to less than 4,500 feet        | 120               |
| 4,500 feet or greater                | 130               |

For SI: 1 foot = 304.8, 1 mile per hour = 0.44 m/s,



|   |               |                                  |                |
|---|---------------|----------------------------------|----------------|
| <b>McCON ENGINEERING Inc.</b><br>7214 New Cut Road<br>Kingsville, MD 21087<br>Ph 410-543-9535 Cell 410-652-3635<br>Fax 410-543-9536 McCon@Comcast.net | PROJECT:      | SilverTop Manufacturing Co. Inc. | PAGE   OF      |
|   | DETAIL TITLE: | Awnings & Patio Enclosures       | DATE: 4/03/13  |
|   |               |                                  | PROJ No: 09405 |
|   |               |                                  | COMP BY: PFM   |
|   |               |                                  | CHECK BY: PFM  |

PROVIDE SNAP LOCK  
SCREW ANCHORS AT HALF  
THE TYPICAL SPACING  
(TWICE THE ANCHORAGE)

1'-0" MAX OVERHANG      10' MAX TO HOUSE

WRAP WIRE LOOP AROUND  
SUPPORT BEAM AT EACH COL

STM-480 SUPPORT BM

GALV WIRE CLAMP

3/16" SS WIRE ROPE (AIRCRAFT  
CABLE) w/ 3700 LB TEST

LOOP WIRE AROUND  
COL AT TOP & BOT

AWNING COLUMN @  
4'-0" MAX SPACING

EXIST DECK OR PATIO

(2) GALV WIRE CLAMPS

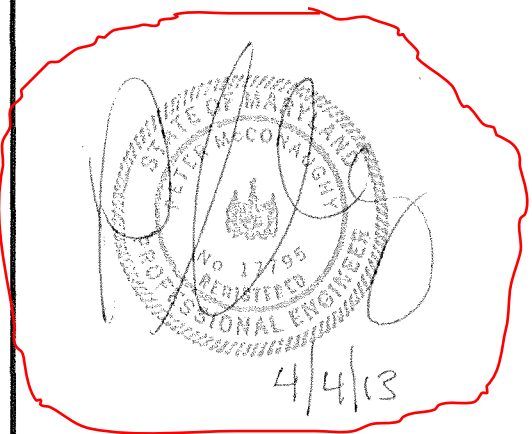
EXIST GRADE

PAINTED OR GALV STEEL  
AUGER ANCHOR (BY SHELTER  
LOGIC OR EQUAL) INSERTED  
INTO GROUND AT EA COLUMN

3'-0" MIN

4" MIN

NOTE: THIS DETAIL IS TO BE  
USED WHERE DESIGN WIND  
SPEEDS EXCEED 90 MPH EXP C  
(OR 100 MPH EXP B), AND IS  
GOOD FOR WINDS UP TO 130  
MPH EXP C

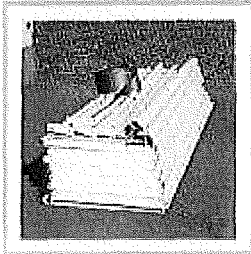


AWNING TIE-DOWNS FOR HIGH WINDS  
SCALE: 1" = 1'-0"



# Installation is So Easy... and you can do it yourself!

## Silver-top®



Shown above is an 8' x 16' complete awning

1. Adapter rail slides into the standard awning rail of RV. Once installed, it does not have to be removed if awning is disassembled.



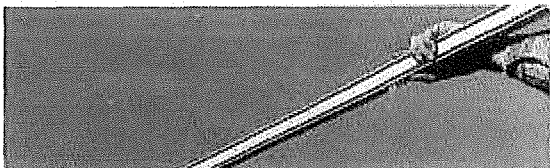
2. Roof panel slides easily into adapter rail.



3. Pictured above is 8' of a 16-foot awning (left side). Swing up awning—slide in poles.



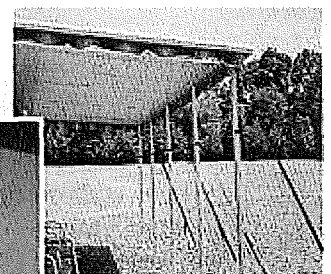
4. Right-side—ready to raise



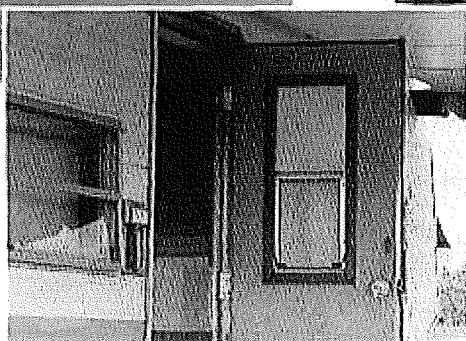
5. The unique extruded aluminum interlock connects both sections together. (No caulking.)



7. Slide in trim valance and trim corners.



9. ...or install optional tie-down anchors and straps



6. Adjust poles for door clearance. (No roller on top edge of door.)



8. Secure base plates (that are attached to poles) to deck or concrete...

April 19, 2013

Mr. Larry Autry  
3452 Gables Dr.  
Fayetteville, NC 28311

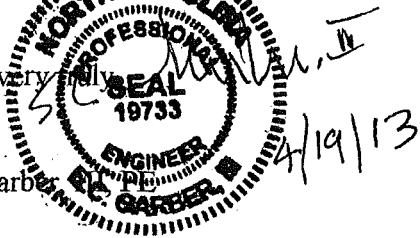
Re: 115 Dock St.  
North Topsail Beach, NC

Mr. Autry,

I have reviewed the attached drawing entitled Awnings and Patio Enclosures by Siler Top Manufacturing Co., Inc. and determined it to meet the requirements of the NC Building Code.

Yours very truly,

E.C. Garber



Attachment: Siler Top Manufacturing Co, Inc.  
Page 1 of 1  
Project 09405  
Dated: 4/3/13

E.C Garber, III PE  
P.O. Box 188  
Fayetteville, NC 28302

Larry Autry  
115 Dock St, Rogers Bay  
N. Topsail Beach, NC

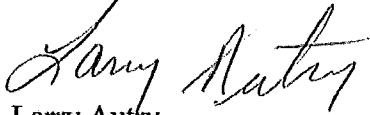
April 24, 2013

To Whom It May Concern:

I am petitioning the Planning Board, to have my application for a permit to install a hardtop to my park model trailer, located at the above address be considered and approved. This is a Silver Top hardtop that is 130 windload which meets State building code and has the stamp of a North Carolina engineer. It can be disassembled in 45 minutes so it will not hinder moving in case of an evacuation.

I understand that the Town code on structural attachments, sec 4.03.11 prohibits this type of structure, so I am requesting that the code be changed to include a structure that is 130 windload, and detachable in case of an evacuation.

Sincerely,



Larry Autry

# *Town of North Topsail Beach*

Daniel Tuman, Mayor  
Suzanne Gray, Mayor Pro Tem  
Aldermen:  
Don Harte  
Tom Leonard  
Richard Macartney  
Michael Yawn



Stuart Turille  
Town Manager  
Carin Z. Faulkner, MPA  
Town Clerk

## **Board of Aldermen Regular Meeting Minutes Monday, July 8, 2013 6:30 P.M. \***

**PRESENT:** Mayor Daniel Tuman, Mayor Pro Tem Suzanne Gray, Aldermen Tom Leonard, Dick Macartney and Mike Yawn, Town Attorney Brian Edes, Town Manager Stuart Turille and Town Clerk Carin Faulkner.

**NOT PRESENT:** Alderman Don Harte

- I. **CALL TO ORDER:** Mayor Tuman called the meeting to order at 6:30 p.m.
- II. **INVOCATION:** Alderman Macartney gave the invocation.
- III. **PLEDGE OF ALLEGIANCE:** Mayor Tuman led those present in the Pledge of Allegiance.
- IV. **APPROVAL OF AGENDA:**
  - Alderman Leonard made a motion to approve the agenda with a requested addition of New Business A – Request to Adopt Proclamation Designating North Topsail Beach as a Purple Heart Community. Alderman Macartney seconded.
  - The amended agenda was approved unanimously.
- V. **PUBLIC HEARINGS/PRESENTATIONS:**
  - A. **Public Hearing – Case #SUP-13-04 – Special Use Permit Application for the Installation and Operation of a Commercial Propane Tank at 4021 Island Drive (Tax Map #769-4.2):**
    - Mr. Edes was asked to conduct the hearing. No one signed up to speak at the hearing. Ms. Hill confirmed that the applicant was not present. Mr. Edes recommended that the Board table the hearing.
    - Alderman Macartney made a motion to suspend this hearing until a later time when the applicant can appear. Mayor Pro Tem Gray seconded the motion.
    - The motion was approved unanimously.

\*There are attachments to these minutes.

**B. Public Hearing – Case #R-13-01 – Rezoning Application by Walter and Mary Strickland to Rezone a Portion of 2.10 Acres +/- Identified as 115 Phil Harris Lane (Tax Map #810-45) From Con-D to R-10 or More Restrictive:**

- Alderman Leonard made motion to open the public hearing. Alderman Yawn seconded the motion. The motion passed unanimously.
- Ms. Hill read the staff report (Attachment A).
- Mr. Rick Biberstein, the Strickland's attorney, made comments on behalf of the Stricklands. He asked the Board if there were any questions or concerns. There were none. Mr. Edes commented that the information submitted to the Town by Mr. Riggs was exhaustive.
- Mr. Harry Daino of 5916 17<sup>th</sup> Avenue spoke in opposition to the rezoning on behalf of his niece and her husband, the Chaissons.
- Mr. Biberstein made further comments in response to Mr. Daino's comments.
- Mr. Daino specified the location of his niece's property.
- Alderman Macartney made a motion to close the public hearing. Alderman Yawn seconded the motion. The motion passed unanimously.
- Alderman Macartney made a motion to follow the recommendation of the Planning Board and adopt Ordinance R-13-01 to rezone this property, not because we are rezoning it from Con-D, but because of the material mistakes that were made over the last 20 years and bringing it into compliance with the thoughts at the time. Alderman Leonard seconded the motion.
- The motion passed 3 to 1 with Alderman Yawn voting against.

**C. Public Hearing – Case #SD-13-03 – Special Application by Walter and Mary Strickland to Divide 2.10 Acres +/- Identified as 115 Phil Harris Lane (Tax Map #810-45):**

- Alderman Leonard made a motion to open the public hearing. Mayor Pro Tem Gray seconded the motion. The motion passed unanimously.
- Mr. Edes went over the procedures required for the quasi-judicial hearing.
- Ms. Faulkner swore in Mr. Rick Biberstein, Mr. Charles Riggs, and Ms. Deborah Hill.
- Mr. Edes went through a series of questions for the Board.
- Alderman Yawn indicated he had been contacted by Mrs. Daino about the rezoning request for this property and that they had not discussed the subdivision request. Mr. Edes asked if anything about the contact would prevent him from being impartial. Alderman Yawn said no.
- Ms. Hill read the staff report (Attachment B).
- Mr. Biberstein asked that the staff report and application be entered into the record. He said Mr. Riggs will explain the survey. He indicated that all information has been provided to the Board to make its decision. He said they have accepted the condition of the Planning Board imposed on the request.
- Mr. Riggs made comments about the history of this property.
- Ms. Hill asked Mr. Biberstein for a copy of the subdivision application.
- Mr. Riggs took questions from the Board.

- Mr. Biberstein asked that the rezoning application be entered in the record as well (it is part of Attachment A).
- Mr. Edes asked if anyone else would like to speak at this hearing. No one came forward.
- Alderman Leonard made a motion to close the public hearing. Mayor Pro Tem Gray seconded the motion. The motion passed unanimously.
- Alderman Macartney made a motion to approve the subdivision with the stipulation made by the Planning Board that no other subdivision is allowed without the Board of Aldermen approval unless Phil Harris Lane is constructed to NCDOT standards. Alderman Yawn seconded the motion.
- There was discussion.
- The motion passed unanimously.

**D. Public Hearing – Case #R-13-02 – Rezoning Application by H & H Constructors to Rezone a 1.97 Acre Oceanfront Lot (Tax Map #774-29.4) from R-20 to R-15 or More Restrictive:**

- Alderman Leonard made a motion to open the public hearing. Alderman Yawn seconded the motion. The motion passed unanimously.
- Ms. Hill read the staff report (Attachment C).
- Mr. Linwood Jones, the applicant and also a land surveyor, came forward to speak on the behalf of the property owners Ron and Ralph Huff and explained the need for the rezoning.
- Mr. Jones took questions from the Board.
- Ms. Hill also answered questions.
- Alderman Yawn made a motion to close the public hearing. Mayor Pro Tem Gray seconded the motion. The motion passed unanimously.
- Mayor Pro Tem Gray made a motion to approve Case #R-13-02 as presented. Alderman Leonard seconded the motion.
- The vote was 2 to 2 with Mayor Pro Tem Gray and Alderman Leonard voting in favor and Aldermen Macartney and Yawn voting against. Mayor Tuman broke the tie with an affirmative vote; the motion passed 3 to 2.

**E. Public Hearing – Case #SD-13-02 – Sanctuary Preliminary Subdivision by First Service Corporation of NC (Tax Map #779-1.2):**

- Alderman Leonard made a motion to open the public hearing. Alderman Yawn seconded the motion. The motion passed unanimously.
- Mr. Edes conducted the hearing. He asked those who would like to testify to please come forward.
- Ms. Faulkner swore in Mr. Charles Riggs and Ms. Deborah Hill.
- Mr. Edes asked the Board the procedural questions for the hearing. The Board had no comments.
- Ms. Hill read the staff report (Attachment D). She took questions from the Board. She made a minor correction to her report the smallest lot is lot 9 and not 4.

- Mr. Riggs indicated that he had no questions for Ms. Hill.
- Mr. Riggs made a presentation on the subdivision with 9 lots.
- There were no questions for Mr. Riggs.
- No one came forward to speak against the subdivision request.
- Ms. Hill took a question from the Board.
- Alderman Leonard made a motion to close the public hearing. Alderman Yawn seconded the motion. The motion passed unanimously.
- Alderman Yawn made a motion to approve the subdivision as presented. Mayor Pro Tem Gray seconded.
- There was discussion.
- The motion passed unanimously.

**F. Public Hearing – Proposed Text Amendment – UDO Section 9.03 Nonconforming Structures:**

- Mayor Tuman introduced this item.
- No one had signed up to speak at this hearing.
- Ms. Hill summarized the staff report.
- Ms. Hill took questions from the Board.
- There was discussion.
- Mr. Edes made comments in support of the text amendment and the strength of the language.
- Alderman Leonard asked if he needed to be recused from the vote because he owns a nonconforming duplexes. Mr. Edes said no.
- Alderman Macartney made a motion to amend the ordinance as presented. Alderman Yawn seconded the motion. The motion passed unanimously.

**G. Public Hearing – Proposed Text Amendment UDO Section 4.02 Table 4-1 Use Table:**

- Alderman Leonard made a motion to open the public hearing. Alderman Leonard seconded the motion. The motion passed unanimously.
- Ms. Hill went over the recommended changes to the Use Table.
- There was discussion.
- Alderman Leonard made a motion to close the public hearing. Alderman Yawn seconded the motion. The motion passed unanimously.
- Alderman Yawn made a motion to approve the text amendment to UDO Section 4.02 Use Table deleting the three “not otherwise listed” lines. Mayor Pro Tem Gray seconded the motion.
- There was discussion.
- The motion passed unanimously.

**VI. MANAGER'S REPORT:**

**1. Shoreline Protection Project, Second event-update:**

- **Meeting with LGC:** Town staff met with the Local Government Commission to discuss our application to USDA for a special obligation bond and a thirty year loan, in order to complete phases 2-5 at one time.

Attending the LGC meeting were the Mayor, Carin, Tom Jarrart (CPE &E), Andrew Carter (DEC) and myself representing NTB and T. Vance Holloman, NC Deputy Treasurer, Tim Romocki, Biff McGilvray, Joe Futima and Robin Hayes of the LGC Staff. The Mayor gave a summary of our proposal, emphasizing the need to complete all phases together in order to protect the Town economically and from a public safety aspect, while saving the Town \$millions from mobilizing to complete each phase individually. He also emphasized that we have funding available to meet a five year maintenance plan, based on the consulting engineer's estimate of normal erosion, and a FEMA qualified beach in event of a major storm event, for sand replacement. The LGC asked basic questions and the meeting concluded with LGC asking town to keep them informed about progress on the USDA loan. The full presentation is on the Town website.

■ **Next steps –**

- ✓ submit scoping form and pre-application to **USDA, this should be in by august 1**
  - ✓ submit **LGC** formal application
  - ✓ **Finalize CP & E** requirements to complete any necessary modifications to Scope of work such as permitting
  - ✓ Continue to advocate aggressively for **CBRA correction**
2. A draft **Special Event Policy and Application** was distributed to the Planning Board for review. So far it looks good to them and it will be distributed to the Board of Aldermen for their review and approval in August. Mr. Barnes' plans for the music festival have been delayed.
  3. **Easements** – Easement letters went out to Phases 2-5 oceanfront property owners. The signed and notarized documents need to be returned to the Town as soon as possible. A number of folks have already stopped by to sign.
  4. Town Staff had a **hurricane preparation meeting**. A few minor changes were made to the plan to include more specific duties for the building inspector. Emergency phone numbers were updated and Staff plans on making a visit to the EOC at Dixon in the very near future to test out the phone lines and internet service.
  5. The **Sea oats and sand fencing programs** have wrapped up; the programs were very successful. Approximately 200 rolls of sand fence were sold, as well as 50,000 plants. I received a request for Town to take down and re-install sand fence after beach nourishment of dune occurs on his dune. I said I would mention it to you. However I am inclined to treat the fence as private property.
  6. **New Beach Wheelchair** – Onslow County has purchased a new beach wheel chair for use by our visitors. Town Staff prepared an inter-local agreement which was signed by the County Manager and NTB Staff so that it can be left at Town Hall for beachgoers to sign out.
  7. **FY12-13 close out**—based on our financial information, though unaudited, the general fund will likely produce a large surplus, building on and continuing our history of strong fiscal stewardship . The Beach Fund should also register a small surplus, anticipated to be confirmed by audit. Should anyone want to see a copy of the financial report, please contact me.

VII. **OPEN FORUM:** No one came forward.

VIII. **CONSENT AGENDA:**

- A. Request to Approve Tax Refund
- B. Request to Approve Volunteer Fire Department Mutual Aid Agreement
- C. Request to Re-appoint Members to the Planning Board & Board of Adjustment
- D. Approval of Minutes: June 6, 2013 June 17, 2013
- E. Department Head Reports: Finance, Fire, Inspections, Planning, Police Departments
- F. Committee Reports: Planning Board, Board of Adjustment, TISPC, ONWASA
  - Alderman Yawn made a motion to approve the Consent Agenda as presented. He had a question about the mutual aid agreement that was missing from the packet. Mr. Edes explained that it had been reviewed and approved by him. There was discussion and the Board was okay with it as long as it was sent to them.



- Mayor Pro Tem Gray seconded the motion.
- The motion passed unanimously.

IX. **OLD BUSINESS:**

**A. Request to Approve Town Participation in UnitedHealth Care's Early Renewal Program:**

- Mr. Turille introduced this item. He gave his recommendation to reject this proposal.
- Alderman Macartney made a motion to reject the proposal. Alderman Yawn seconded the motion.
- The motion passed unanimously.

**B. Request to Approve Financial Advisory Agreement:**

- Mayor Tuman introduced this item.
- Alderman Yawn made a motion that the Board approve the Financial Advisory Agreement from DEC Associates as presented for \$35,000 plus out of pocket expenses. Aldermen Leonard seconded the motion.
- There was discussion.
- The motion passed unanimously.

X. **NEW BUSINESS:**

**A. Request to Adopt Proclamation Designating North Topsail Beach a Purple Heart Community:**

- Alderman Leonard introduced this item.
- Alderman Leonard made a motion to adopt the proclamation designating North Topsail Beach a Purple Heart Community as presented. Mayor Pro Tem Gray seconded the motion.
- The motion passed unanimously.

XI. **OPEN FORUM:** No one came forward

XII. **ATTORNEY'S REPORT:** Mr. Edes said he had something to report in Closed Session.

XIII. **MAYOR'S REPORT:** Mayor Tuman thanked everyone for the good turnout. He said he believes that the Board made wise decisions today. He said a lot of work went into the materials that were presented to the Local Government Commission. He said that they accomplished what they intended when they met with the LGC that the meeting went well. He said they requested that the Town advise them of its progress with the USDA. He said the Town has a lot to prepare for the USDA application. In order to get funding from the USDA the Town will have to overcome CBRA.

XIV. **ALDERMEN'S REPORT:**

**Alderman Leonard:** Mr. Leonard said he appreciates everyone coming out. He said that he will be attending two change of command ceremonies this week on behalf of the Town.

**Alderman Yawn:** Mr. Yawn asked Tropical Storm Chantal to stay away.

**Mayor Pro Tem Gray:** Mrs. Gray thanked police officers Albright, Haskell, Faircloth and Sharpe for their assistance on Saturday night. They responded to a call about some kids tampering with vehicles in her parking lot and the officers located them and they were charged and arrested.

**Alderman Macartney:** Mr. Macartney said he attended the Ocean City Jazz Festival and the he is proud of our Town for sponsoring it.

XV. **CLOSED SESSION:** Per N.C.G.S. 143-318.11 Closed Sessions (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 (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease.

Alderman Leonard made a motion to go into Closed Session per N.C.G.S. 143-318.11 (5). Alderman Yawn seconded the motion. The motion passed unanimously.

Mayor Pro Tem Gray made a motion to go out of Closed Session. Alderman Macartney seconded the motion. The motion passed unanimously.

The Board directed the Town Manager to explore options for the Town.

XVI. **ADJOURNMENT:** Mayor Pro Tem Gray made a motion to adjourn. Alderman Leonard seconded the motion. The motion passed unanimously. The meeting adjourned at 9:07 p.m.

**APPROVED:**

---

Daniel Tuman, Mayor

**ATTEST:**

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Carin Z. Faulkner, Town Clerk



*Town of North Topsail Beach*  
Board of Aldermen

Agenda Item: V. B.  
Date: 7/8/2013

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**Issue:** Case # R-13-01: Rezoning application by Walter and Mary Strickland to rezone a portion of 2.10 acres+/- identified as 115 Phil Harris Lane (Tax Parcel 810-45) from Con-D to R-10 or more restrictive zoning.

**Department:** Planning

**Presented** Deborah J. Hill, AICP CFM CZO - Planning Director

**Presentation:** Yes

---

**NOTE:** For detailed chronology and documentation, please see applicant's Statement of Justification, II. History (Exhibit 1, p. 7-10) and letter, *Walter D. Strickland and wife, Mary Lee Strickland Onslow County Tax Parcel 810-45 Chronology*, by Charles F. Riggs, P.L.S. L-2981 dated 03/20/13 (Exhibit 1, p. 11-13). The supporting documentation referenced by Mr. Riggs' letter is not included in this staff report, but is available for review upon request.

**BACKGROUND:** The property identified as 115 Phil Harris Lane (Tax Map # 810-45) is a 2.10-acre lot with three (3) dwellings: 1) 1992 double wide; 2) 1993 singlewide; and 3) a 2001 duplex listed as 111 A & B Phil Harris Lane. A staff review of previous zoning maps and the Board of Aldermen minutes indicates that the property has been zoned Conservation district (Con-D) since County zoning in 1982. However, Board of Aldermen minutes dated April 23, 1990, indicate that the original owner, Mr. Harris stated that his mobile home park had been here 24 years. A preliminary plat dated October 30, 1991, indicates Sections I, II and III, specifically with lots 9, 10 and 11 being of Section III. The agenda for the Planning Board on November 21, 1991, indicates the property "(Zoned MHP/Mobile Home Park, same as MHS/Mobile Home Subdivision by Ordinance)". The Board of Aldermen unanimously approved the preliminary plat on January 2, 1992.

The current owners have obtained permits allowing repairs to the existing dwellings, new construction, as well as allowing the bulkheading of the upland area. Permits were issued for the duplex by building inspector/zoning enforcement officer John Starzinski, listing the zoning as R-10/MHR on May 10, 2000.

Staff has advised the owners, Walter and Mary Strickland that permits for the replacement of one of the mobile homes with a stick-built house cannot be approved pursuant to:

1. Sec. 6.01.04 **Standards**
-

(A) Relationship of *Buildings* to *Lot*

Every *building* hereafter erected, moved, or structurally altered *shall* be located on a *lot* and in no case *shall* there be more than one (1) *principal building* and its customary *accessory buildings* on the *lot*...

2. The property is zoned Con-D, which does not allow for residential development.

Staff advised the owners that both rezoning and subdivision applications must be approved by the Board of Aldermen prior to staff approval of any development permits. Otherwise, the mobile homes would be allowed to continue as a nonconforming use, but could not be replaced. The status of replacing the duplex is not clear, as former staff's approval appears to be inconsistent with both the zoning and regulations at the time.

**ANALYSIS:**

***For applicant's response, please see Exhibit 1.***

Staff's analysis of this application is organized around the policy guidelines outlined in UDO Sec. 3.07(B):

***1. The proposal will place all property similarly situated in the area in the same category, or in **appropriate complementary categories**.***

**Staff Comment:** The adjacent properties are zoned Con-D and Mobile Home Residential (MHR). R-10 is considered an appropriate complimentary category, pursuant to Sec. 3.02.05, as the purpose of R-10 district is to provide for single-family and multifamily residential developments where both central water and central sewer are available.

***2. There is convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group.***

**Staff Comment:** The surrounding area is generally developed with mobile homes. The proposed zoning to R-10 is somewhat compatible to pre-existing land uses. As the Town will not zone any property to a greater density than R-10 and new mobile homes are prohibited by NCAC 15A07H.0306, development should be designed consistent with good planning practice.

***3. There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district***

*requirements, and not merely uses which applicants state they intend to make of the property involved.)*

**Staff Comment:** Zoning to R-10 allows for duplexes and single family homes permitted by right. Condominiums, Planned Unit Development and Townhouses would require a special use permit.

**4.** *There is convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change.*

**Staff Comment:** The medium density of R-10 would provide a transition between the Con-D zoned property to the north and south and with the MHR zoned property to the east.

**5.** *The proposed change is in accord with any land use plan and sound planning principles.*

**Staff Comment:** Pursuant to Sec. 3.02.05, the purpose of R-10 district is to provide for single-family and multifamily residential developments where both central water and central sewer are available.

CAMA Land Use Plan Policy # 9 states, “The town supports quality future development reflecting the spectrum of housing needs ranging from single-family home to multi-family development in the form of duplex and triplex housing. Although this policy reflects support for medium density development, the town will not rezone any property to a density less than R-10 (10,000 square feet).”

Although the town will not support any commercial or residential development in a conservation classified area nor permit the rezoning of any lands designated as conservation district (Con-D), the development occurred prior to the Town’s incorporation. Despite Sec. 6.01.04, which prohibits more than one (1) principal dwelling on a single lot and the Con-D zoning, previous staff issued development permits for the third principal dwelling, listing the zoning as “R-10/MHR.”

The historic residential use and the continued Con-D zoning create practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Ordinance. The applicant’s request is in harmony with the general purposes and intent of the Ordinance and preserves its spirit. Rezoning the property to R-10 will assure public safety and welfare – as proper 911 addresses may be assigned - and that substantial justice has been done. Although this may be considered an administrative correction, rezoning procedures are required.

**PUBLIC NOTIFICATION:** Staff certifies that public notice has been made pursuant to NCGS 160A-384 and UDO Sec. 2.06.01 (C)(1).

**RECOMMENDATIONS:** The Planning Board unanimously recommends that the Board of Aldermen adopt Ordinance R-13-01 (**Exhibit 2**), approving the rezoning request by Walter and Mary Strickland.

**EXHIBITS:**

- 1) Application.
- 2) Ordinance R-13-01 (as recommended by the Planning Board).

**DRAFT**

**APPLICATION**

Project Name Walter D. and Mary Lee Strickland  
Property Address 115 Phil Harris Lane  
Tax Parcel ID# 810-45 Current Zoning Con-D Proposed Zoning R-10

APPLICANT INFORMATION

~~R. v. Biberstein, Jr., Attorney~~  
(Print)  
  
(Signature) Date

Address P. O. Box 428, Burgaw, NC 28425  
Telephone 910-259-2175 x 14  
Fax Number 910-259-6823  
Email Address rick@bibnunlaw.com

OWNER INFORMATION

✓ Walter D. & wife, Mary Lee Strickland  
(Print)  
  
(Signature) Date

Address 3000 Lamb Road, Willard, NC 28478  
Telephone 910-284-5226  
Fax Number \_\_\_\_\_  
Email Address wdstrickland2@yahoo.com

The application must either be signed by the property owner or a written, signed statement must be provided by the property owner giving consent to the request. Proposed changes or amendments to the zoning map may be initiated by the board of aldermen, planning board, town administration, board of adjustment, or by the owner(s), or his agent, of property within the area proposed to be changed.

**STATEMENT OF JUSTIFICATION**

The following policy guidelines shall be followed by the planning board concerning zoning amendments and no proposed zoning amendment will receive favorable recommendation unless:

- A. The proposal will place all property similarly situated in the area in the same category, or in *appropriate* complementary categories.
- B. There is convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group.
- C. There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses which applicants state they intend to make of the property involved.)
- D. There is convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change.
- E. The proposed change is in accord with any land use plan and sound planning principles.

The applicant shall submit the following Statement of Justification, presenting factual information supporting each and all of the required findings as they relate to the proposed zoning.

**Finding #1:** The proposal will place all property similarly situated in the area in the same category, or in *appropriate* complementary categories.

Statement by Applicant: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Finding #2:** There is convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group.

Statement by Applicant: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Finding #3:** There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses which applicants state they intend to make of the property involved.)

Statement by Applicant: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Finding #4:** There is convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change.

Statement by Applicant: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Finding #5:** The proposed change is in accord with any land use plan and sound planning principles.

Statement by Applicant: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



## STATEMENT OF JUSTIFICATION

### I. Introduction

This Statement of Justification is part of the application for a rezoning of property owned by the Applicants Walter D. Strickland and wife, Mary Lee Strickland. The deed to the Applicants for this property is recorded in Book 1368 at page 933 of the Onslow County Registry.

### II. History

The subject property (in Old Settlers Beach) was acquired by James J. Harris and wife, Isabelle C. Harris (Harris) in 1966 and 1973. Thereafter, Harris developed this property in three stages. Section I was the oceanfront portion of the property. Section II was the portion adjoining NC 210. Section III was 11 lots adjoining the sound. A preliminary plat of Sections I, II and III was approved by the Planning Board on 21 November 1991. That approval states that the property is zoned MHP or MHS. On 2 January 1992 Section I was approved and a map was recorded in Map Book 28 at page 209 of the Onslow Registry of Section I.

In February 1992 the Planning Board recommended final approval of Section II. The Board of Alderman approved this Section II on 5 March 1992. A map was recorded on 21 October 1993 in Map Book 30 at page 35 of Section II.

In April 1994 a preliminary plat of Sections II and III, not showing Lots 9, 10 and 11, was prepared. Harris had decided that for the time being they were keeping Lots 9, 10 and 11 for themselves for personal use and would not be including them in the mobile home park.

On 7 April 1994 the Planning Board agenda for the Board of Alderman reflected approval of a preliminary map for Section III. On 4 August 1994 the Board of Alderman approved the final plat for Section III, excluding Lots 9, 10 and 11. A letter of approval dated 11 August 1994 from Charles Hedgepeth, Town Manager, transmitted this final approval. In August 1994 a final plat of Section III was recorded in Map Book 32 at page 165.

During this entire process, the entire peninsula was treated as being zoned to allow mobile homes.

Thereafter, on 9 May 1997, Harris conveyed this property to the Applicants Strickland. Since acquiring title to the property, the Applicants Strickland have bulkheaded the upland area and placed a doublewide manufactured home and a stick built duplex on the property, all with proper permits both from the Town of North Topsail Beach and from the State.

When the Applicants Strickland applied to replace the existing manufactured home with a stick built home, the Stricklands were advised that the property was in a Conservation District and therefore no construction could be permitted on the land. The conclusion was reached that the property had been zoned CON-D since the County adopted its Zoning Ordinance in 1982. When North Topsail Beach adopted its Zoning Ordinance in 1990, the belief is that North Topsail Beach adopted the zoning in place for Onslow County as it applied to North Topsail Beach. However, there is no zoning map available that was part of the 1990 adoption. There is a 1992 zoning map which does appear to show the subject area as being zoned CON-D but this is not the original zoning map and it is unclear what it may have been copied from.

The property has always been treated as allowing mobile homes and other residential structures up until the discovery recently of the inconsistency in zoning. The land involved in this application is all upland and is buildable-witness the three structures presently on it.

RELEVANT ACTIONS TAKEN IN CONNECTION WITH THE SUBJECT PROPERTY:

1-7-66 deed to Harris

10-18-73 deed to Harris

4-23-90 NTB Board of Alderman Minutes refers to Harris mobile home park built since 1966.

10-30-91 Harris Subdivision Sections I, II, and III preliminary plat.

10-13-91 NTB Police Chief Perozzi response regarding preliminary plat for Sections I, II and III.

11-14-91 NCDOT response to preliminary plat for Sections, I, II, and III.

11-18-91 Onslow County Health Department response to Sections I, II, and III.

1-21-91 NTB Planning Board preliminary plat for Sections I, II and III approved. This clearly illustrates that the property was treated as zoned MHS.

1-2-92 NTB BOA approval of preliminary plat Section I.

3-5-92 NTB BOA final approval of Section I.

9-23-92 Stormwater impervious map of original improvements (illustrates 4 structures).

1-4-93 NCDENR-DCM CAMA permit for doublewide on point (last lot on Phil Harris Lane) issued by NTB.

8-5-93 BOA preliminary approval of Section II.

10-7-93 BOA approval of final plat

3-10-94 NTB Planning Board recommendation for approval of Section III.

4-7-94 NTB BOA approval of preliminary plat for Section III

7-12-94 NTB Town Planner Susan Daughtry letter of final plat for Section III

7-14-94 NTB Planning Board recommended approval of Section III

8-4-94 NTB BOA final approval of Section III

5-26-95 Riggs water as built map of Harris Subdivision on Phil Harris Lane showing 3 dwellings on the point.

5-28-97 Onslow County water service turn on.

6-9-97 Strickland DENR-DCM CAMA permit for pier and boat ramp on point.

6-16-97 NTB electrical permit for canal lot

11-19-97 Strickland DENR-DCM CAMA permit for bulkhead behind 111 and 113.

11-19-97 Strickland DENR-DCM CAMA permit for 111A and 111B Phil Harris Lane.

1-1-98 Onslow County Tax Office notice of change of value because of new construction building permit.

1-28-98 North Topsail Water and Sewer service permit for 111 Phil Harris Lane.

10-7-98 Strickland DENR-DCM CAMA permit for boat house on point.

1999 Strickland pre-elevation and foundation affidavit.

3-30-99 DENR-DCM Certificate of Exemption for Bulkhead behind 115.

4-26-99 Riggs elevation certificate for existing structure 106 Phil Harris Lane.

4-26-99 Riggs elevation certificate for proposed fourth proposed structure 111 Phil Harris Lane.

5-22-00 NTB Building Permit fees for Phil Harris Lane.

8-16-00 DENR-DCM permit for bulkhead along canal.

12-22-00 Riggs final elevation certificate of duplex at 111 Phil Harris Lane.

1-8-01 NTB Certificate of Occupancy for 111-A Phil Harris Lane.

1-8-01 NTB Certificate of Occupancy for 111-B Phil Harris Lane.

12-10-09 DENR-DCM permit for proposed boat dock at point.

Attached are photographs showing the property as it exists today.

The ad valorem valuation on this property currently is \$542,220, \$292,220 allocated to the structures and \$250,000 to the land. Prior to the last revaluation, the property had a tax valuation of \$800,000±. Obviously the Tax Assessor was not valuing this property as Conservation but was valuing it according to its current use. The Applicants Strickland since 1997 have paid ad valorem taxes both to Onslow County and to the Town of North Topsail Beach based on its current use.

### III. Analysis

It is the belief of the Applicants Strickland that there may have been a mistake in the zoning process. Clearly as new zonings were adopted, this property should have been addressed and zoned as it was being treated. Attached is a timeline showing various actions taken in connection with this property over the years by North Topsail Beach and other governmental agencies, all during the time that it was supposedly zoned Conservation.

When the Applicants Strickland purchased this property in 1997, they were not advised that it was zoned Conservation and therefore not allowed to be built on. In fact, since 1997, they have obtained permits allowing buildings to be placed thereon as well as allowing the bulkheading of the upland area.

Today there are three residences on the subject property. One is a manufactured doublewide home located on the waterfront. The second is a single wide mobile home and the third is a duplex. All of these structures were placed on the property pursuant to proper permitting. Nothing has been done to the property by the Applicants Strickland without a permit from the appropriate agency.

The Applicants Strickland firmly believe that this property was inadvertently zoned Conservation and was really thought to be and intended to be MHP because of its use. Nonetheless, the existing Ordinance shows it as Conservation. Consequently, the Applicants Strickland request that the property be rezoned to R-10 to accommodate the use that the Applicants Strickland plan to make of the property. In addition, since there are three structures on the property presently, and the original preliminary plat approval of Section III showed 3 lots (Lots 9, 10 and 11) as a subdivision of the subject property, the Applicants Strickland are also applying for subdivision approval simultaneously with applying for rezoning.

### IV. Intent

The Applicants Strickland intend to remove the manufactured home on the westernmost portion of the peninsula and to build a stick built home for their retirement. The single wide mobile home may be removed and the existing manufactured home moved to that site. The end result would be to have a duplex on one lot, a manufactured home on the middle lot, and a stick built single residence on the third lot.

It is fervant desire of the Applicants Strickland to resolve this issue in the most expeditious way possible. It is the request of the Applicants Strickland that the Board of Alderman eliminates past misunderstandings and to rezone the upland property to a classification of R-10 which will accommodate the existing uses. The marsh area is to remain Conservation.

## CHARLES F. RIGGS & ASSOCIATES, INC.

### Land Surveyors

Charles F. Riggs, P.L.S. L-2981  
James A. Lewis, P.L.S. L-4562, S.C.# 27741  
Kenneth E. Johnson, P.L.S. L-4925  
Corporate License (C-730)

502 NEW BRIDGE STREET  
P.O. Box 1570  
JACKSONVILLE, NORTH CAROLINA 28541  
TELEPHONE: (910) 455-0877  
FACSIMILE: (910) 455-9033  
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Wilmington Office:  
101 Scotts Hill Loop Road  
Wilmington, N.C. 28411  
(910) 681-7444

Walter D. Strickland and wife, Mary Lee Strickland  
Onslow County Tax Parcel 810-45 Chronology

- 1) Onslow County Deed Card – 02/13/13
- 2) Harris Deed – Deed Book 346, Page 590 dated January 7, 1966
- 3) Harris Deed – Deed Book 434, Page 444 dated October 18, 1973
- 4) Portion of Onslow County Zoning Map Effective Date January 15, 1982
- 5) Portion of Onslow County Tax Office GIS Aerial obtained in September of 1990
- 6) March 2, 1990 NTB BoA Minutes (Partial)
- 7) April 23, 1990 NTB BoA Minutes (Partial) Refers to Harris Mobile Home Park built since 1966
- 8) May 2, 1990 NTB BoA Minutes (Partial)
- 9) May 30, 1990 NTB BoA Minutes (Partial)
- 10) June 6, 1990 NTB BoA Minutes (Partial)
- 11) May 24, 1991 Susan Daughtry, NTB Town Planner report on Ocean Lots (eight)
- 12) October 30, 1991 Harris Subdivision Sections I, II and III Preliminary Plat (Illustrates Lots 9, 10, 11)(MAP)
- 13) July 3, 1991 NTB BoA Minutes (Partial)
- 14) August 7, 1991 NTB BoA Minutes (Partial)
- 15) September 4, 1991 NTB BoA Minutes (Partial)
- 16) September 18, 1991 NTB BoA Minutes (Partial)
- 17) November 13, 1991 NTB Police Chief Perozzi Response regarding Preliminary Plat for Sections I, II & III
- 18) November 14, 1991 NCDOT Response to Preliminary Plat for Sections I, II & III
- 19) November 18, 1991 Onslow County Health Department Response to Sections I, II & III
- 20) November 21, 1991 NTB Town Planner Susan Daughtry regarding Division of Coastal Management
- 21) Coastal Management Regulations (Partial)
- 22) November 21, 1991 NTB Planning Board Agenda – Preliminary Plat for Section I, II & III (Noted Approved)  
This plan clearly illustrates all property is zoned MHS.
- 23) January 2, 1992 NTB BoA Agenda – Preliminary Plat Section I (Noted Approved)
- 24) January 2, 1992 NTB BoA Minutes (Partial) Preliminary Plat for Section I Approved
- 25) January 23, 1992 NTB BoA Minutes (Partial)
- 26) March 5, 1992 NTB BoA Minutes (Partial) Final Plat for Section I Approved
- 27) April 15, 1992 Map Book 28, Page 209, Section I
- 28) May 11, 1992 NTB BoA Minutes (Partial)
- 29) June 10, 1992 NTB BoA Minutes (Partial)
- 30) September 23, 1992 Stormwater Maps-Original Improvements/Impervious Map (Illustrates four structures)
- 31) October 9, 1992 NCDENR Stormwater Letter
- 32) October 23, 1992 NCDENR Stormwater Letter
- 33) January 4, 1993 NCDENR – DCM CAMA Permit for Doublewide on point issued by NTB Susan Daughtry  
Permit states last lot on Phil Harris Lane
- 34) January 4, 1993 Permit Map of Doublewide dated December 31, 1992
- 35) August 5, 1993 NTB BoA Minutes (Partial) Preliminary Plat of Section II with 9 Lots - Approved
- 36) September 17, 1993 NTB BoA Minutes (Partial)



- 37) October 7, 1993 NTB BoA Minutes (Partial) Final Plat of Harris Approved
- 38) October 21, 1993 Harris Subdivision Section II, 9 lots Map Book 30, Page 35
- 39) March 31, 1994 NTB Town Planner Susan Daughtry Preliminary Plat Letter for Section III  
States NTB Planning Board recommended approval of Section III on March 10, 1994
- 40) April 7, 1994 NTB BoA Agenda – Preliminary Plat for Section III(Noted Approval)
- 41) April 7, 1994 NTB BoA Minutes (Partial) Preliminary Plat of Section III Approved
- 42) April 12, 1994 NTB Town Planner Susan Daughtry Preliminary Plat Approval Letter
- 43) May 5, 1994 NTB BoA Minutes (Partial)
- 44) July 7, 1994 NTB BoA Minutes (Partial)
- 45) July 12, 1994 NTB Town Planner Susan Daughtry Final Plat Letter for Section III
- 46) August 1, 1994 NTB Town Planner Susan Daughtry Final Plat Letter for Section III  
States NTB Planning Board recommended approval of Section III on July 14, 1994
- 47) August 4, 1994 NTB BoA Minutes (Partial)- Final Plat for Section III added as item J (Noted)
- 48) August 4, 1994 NTB BoA Minutes (Partial)- Final Plat for Section III Approved
- 49) August 11, 1994 NTB Town Planner Susan Daughtry – Final Plat Approval Letter
- 50) August 17, 1994 Harris Subdivision Section III 8 lots Map Book 32, Page 165  
Date of recording certificate was not correctly written by the Register of Deeds, however,  
It is obvious it was recorded on August 17, 1994 based on both the previous and following recorded maps
- 51) Riggs Water As-Built Map of Harris Subdivision on Phil Harris Lane  
Illustrates the presence of three dwellings on point.
- 52) May 13, 1997 Walter D. Strickland Map Book 34, Page 219 (Point Property)
- 53) May 13, 1997 Walter D. Strickland Deed Book 1368, Page 933
- 54) May 28, 1997 Onslow County Water Service Turn On
- 55) June 9, 1997 Walter D. Strickland NCDENR – DCM-CAMA Permit – Pier and Boat Ramp at Point
- 56) June 16, 1997 Town of North Topsail Beach Electrical Permit – Canal Lot
- 57) June 20, 1997 Riggs Elevation Certificate for 2.291 Acre Tract – Existing Structure
- 58) October 7, 1998 Walter D. Strickland NCDENR-DCM-CAMA Permit – Boathouse at Point
- 59) November 5, 1997 Riggs Elevation Certificate – Proposed for First Lot on Left of 2.291 Acre Tract
- 60) November 5, 1997 Riggs Elevation Certificate – Existing Structure Lot 3, Harris Subdivision
- 61) November 5, 1997 Riggs Elevation Certificate – Proposed for Center Lot on Left of 2.291 Acre Tract
- 62) November 19, 1997 Walter D. Strickland NCDENR – DCM –CAMA Permit –Bulkhead –Behind 111 & 113
- 63) November 19, 1997 Walter D. Strickland NCDENR – DCM – CAMA Permit – 111A & 111B Phil Harris Lane
- 64) January 1, 1998 Onslow County Tax Office – Change of Value of Property
- 65) January 28, 1998 Strickland – North Topsail Water & Sewer, Inc. – Sewer Service Permit – 111 Phil Harris Lane
- 66) January 14, 1999 – John Starzynski – Building Inspector – North Topsail Beach Building Requirements
- 67) March 9, 1999 North Topsail Beach Floodplain Certification
- 68) 1999 Walter D. Strickland PreElevation and Foundation Affidavit
- 69) March 10, 1999 North Topsail Beach Floodplain Information
- 70) March 30, 1999 NCDENR-DCM – Certificate of Exemption – Bulkhead – Behind 115
- 71) April 26, 1999 Riggs Elevation Certificate Existing Structure 106 Phil Harris Lane
- 72) April 26, 1999 Riggs Elevation Certificate – Proposed Structure- 111 Phil Harris Lane
- 73) August 5, 1999 Waterworks – Water System Quote
- 74) October 1999 – Coastal Designs – Phil Harris Lane
- 75) November 3, 1999 – Christopher A. Holmes, P.E. – Structure Certification
- 76) May 22, 2000 – Town of North Topsail Beach- Building Permit Fees for Phil Harris Lane
- 77) July 17, 2000 – Riggs Elevation Certificate - 111 Phil Harris Lane
- 78) August 16, 2000 – NCDENR – DCM – Permit for Bulkhead along Canal
- 79) December 22, 2000 Riggs Final Elevation Certificate of Duplex at 111 Phil Harris Lane
- 80) January 8, 2001 – North Topsail Beach Certificate of Occupancy for 111 – A Phil Harris Lane
- 81) January 8, 2001 – North Topsail Beach Certificate of Occupancy for 111- B Phil Harris Lane
- 82) January 17, 2001 Riggs Partial Boundary and Physical Survey of Duplex at 111 Phil Harris Lane

- 83) December 10, 2009 NCDENR – DCM – Permit Proposed Boat Dockage at Point
- 84) February 15, 2012 Onslow County GIS Tax Info Sheet
- 85) February 16, 2012 Onslow County GIS Tax Map
- 86) February 16, 2012 Onslow County GIS Tax Map
- 87) February 16, 2012 Onslow County GIS Tax Map
- 88) June 21, 2012 NTB Town Planner Debra Hill Email Discussing Property and Issues
- 89) January 2013 Onslow County GIS Zoning Map of Property
- 90) February 2013 Riggs Map of Strickland Property Today (Preliminary)
- 91) February 2013 Photographs of Property

Charles F. Riggs, P.L.S. L-2981 03/20/13

I, CHARLES FRANCIS RIGGS, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY AS SHOWN HEREON IN ACCORDANCE WITH THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA. THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS: 1:10,000±

CHARLES FRANCIS RIGGS P.L.S. L-2981

THIS IS TO CERTIFY THAT THE SUBJECT PROPERTY IS LOCATED IN FLOOD ZONE "AE" (EL=11.0+2) WHICH IS A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, AND THE NATIONAL FLOOD INSURANCE PROGRAM. COMMUNITY PANEL NUMBER 370466 3720425600J, NOVEMBER 3, 2005

DWELLING 1: TWO STORY ON PILINGS OVER CONCRETE SLAB OPEN BELOW

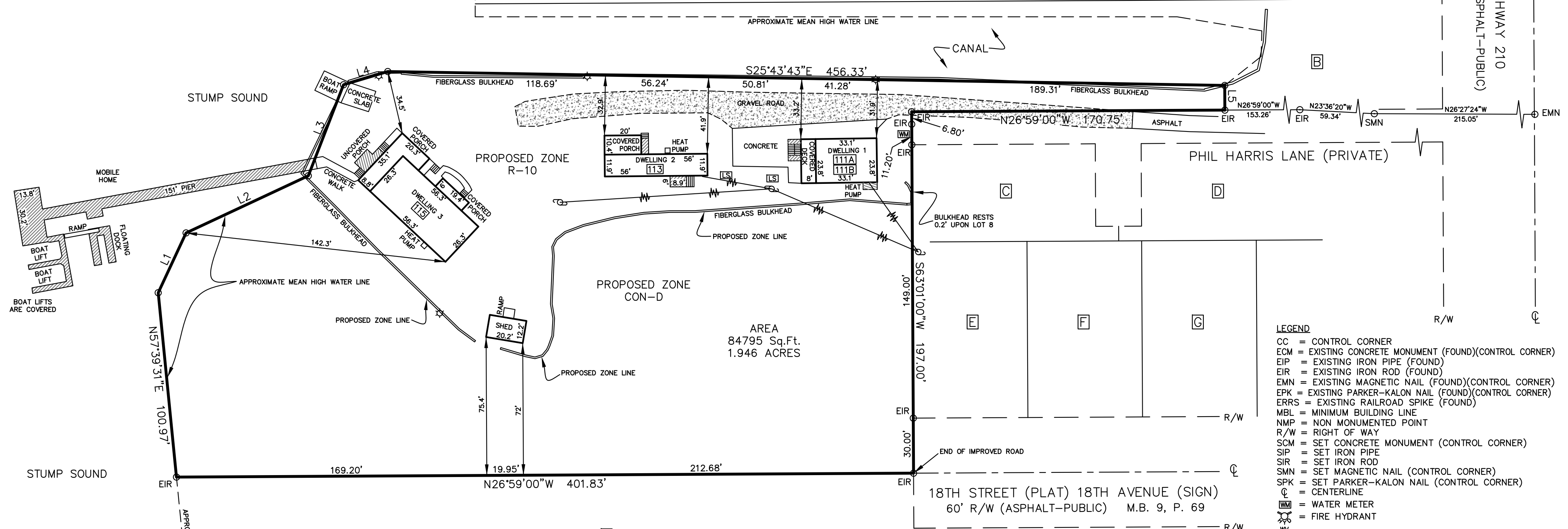
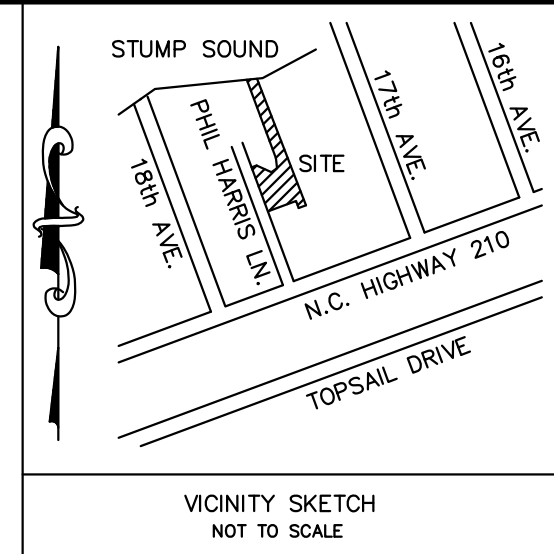
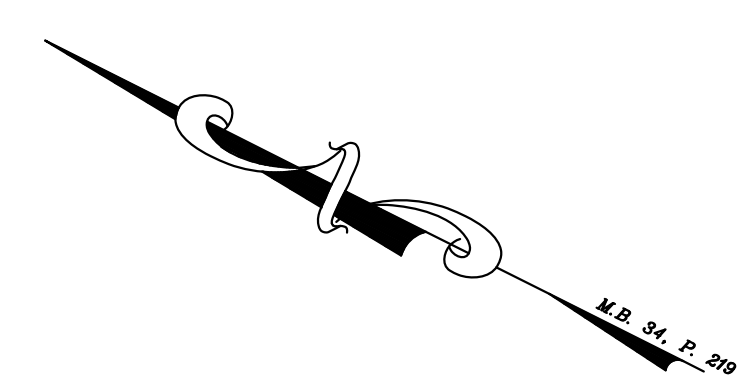
DWELLING 2: MOBILE HOME ON PIERS

DWELLING 3: MOBILE HOME ON PIERS

|   |  |
|---|--|
| A | NOW OR FORMERLY HAVEN PARKER CHAISSON 3917 BENTLEY MEADOW LN RALEIGH, NC 27612 D.B. 2286, P. 149 M.B. 10, P. 21 ZONED CON-D VACANT |
| B | NOW OR FORMERLY WALTER D. STRICKLAND 3000 LAMB RD WILLARD, NC 28478 D.B. 1324, P. 904 M.B. 32, P. 165 ZONED MHR SINGLE FAMILY USE  |
| C | NOW OR FORMERLY TREASURE E. RHODES PO BOX 453 BEULAVILLE, NC 28518 D.B. 1270, P. 403 M.B. 32, P. 165 ZONED MHR SINGLE FAMILY USE   |

|   |   |
|---|---|
| D | NOW OR FORMERLY CALVIN C. DEAN 501 CAROLINA AVE CLINTON, NC 28328 D.B. 1361, P. 989 M.B. 32, P. 165 ZONED MHR SINGLE FAMILY USE               |
| E | NOW OR FORMERLY HARRY T. HARRIS 5740 18th ST NORTH TOPSAIL BEACH, NC 28460 D.B. 1142, P. 341 LOT 9 M.B. 30, P. 35 ZONED MHR SINGLE FAMILY USE |
| F | NOW OR FORMERLY JOHN S. BURNS 5736 18th ST NORTH TOPSAIL BEACH, NC 28460 D.B. 1361, P. 436 LOT 8 M.B. 30, P. 35 ZONED MHR SINGLE FAMILY USE   |

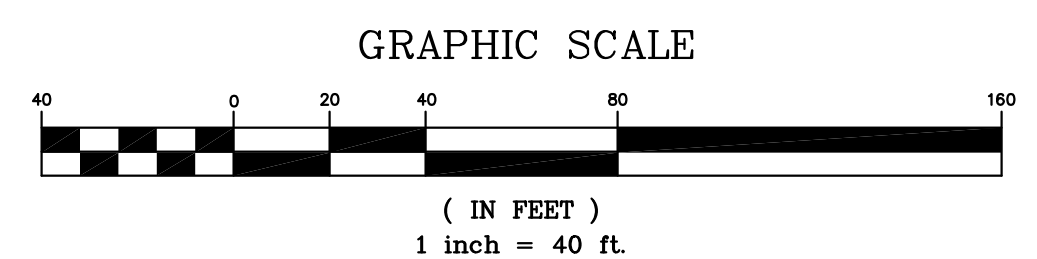
|   |  |
|---|--|
| G | NOW OR FORMERLY PALMA REAL ESTATE, LLC 406 BOBBY JONES DR. WILMINGTON, NC 28412 D.B. 2923, P. 873 LOT 7 M.B. 30, P. 35 ZONED MHR SINGLE FAMILY USE |
| H | NOW OR FORMERLY WALTER D. STRICKLAND 3000 LAMB RD WILLARD, NC 28478 D.B. 1652, P. 555 M.B. 15, P. 57 ZONED CON-D VACANT                            |



| LINE # | LENGTH | DIRECTION   |
|--------|--------|-------------|
| L1     | 35.96' | N88°18'17"E |
| L2     | 73.57' | S51°44'38"E |
| L3     | 53.17' | N84°28'42"E |
| L4     | 25.19' | S43°20'13"E |
| L5     | 13.44' | S63°01'00"W |

PRELIMINARY PLAT  
NOT FOR RECORDATION,  
CONVEYANCES OR SALES

- LEGEND**
- CC = CONTROL CORNER
  - ECM = EXISTING CONCRETE MONUMENT (FOUND)(CONTROL CORNER)
  - EIP = EXISTING IRON PIPE (FOUND)
  - EIR = EXISTING IRON ROD (FOUND)
  - EMN = EXISTING MAGNETIC NAIL (FOUND)(CONTROL CORNER)
  - EPK = EXISTING PARKER-KALON NAIL (FOUND)(CONTROL CORNER)
  - ERRS = EXISTING RAILROAD SPIKE (FOUND)
  - MBL = MINIMUM BUILDING LINE
  - NMP = NON MONUMENTED POINT
  - R/W = RIGHT OF WAY
  - SCM = SET CONCRETE MONUMENT (CONTROL CORNER)
  - SIP = SET IRON PIPE
  - SIR = SET IRON ROD
  - SMN = SET MAGNETIC NAIL (CONTROL CORNER)
  - SPK = SET PARKER-KALON NAIL (CONTROL CORNER)
  - CL = CENTERLINE
  - WM = WATER METER
  - FH = FIRE HYDRANT
  - WV = WATER VALVE
  - LS = LIFT STATION
  - SS = SANITARY SEWER MANHOLE
  - CO = CLEAN OUT
  - TP = TELEPHONE PEDESTAL
  - TV = TELEVISION PEDESTAL
  - LP = LIGHT POLE
  - PP = POWER POLE
  - PL = POWER LINE
  - AD = ADDRESS



CURRENT ZONE: CON-D  
PROPOSED ZONE: R-10  
ZONING SETBACKS  
FRONT = 20'  
REAR = 10'  
SIDE = 8'  
SIDE STREET = 15'

**OWNERS**  
WALTER D. STRICKLAND & WIFE  
MARY LEE STRICKLAND

**TITLE SOURCE**  
D.B. 1368, P. 933

**TAX ID**  
810-45

**REFERENCES**  
D.B. 1368, P. 933  
M.B. 9, P. 69  
M.B. 34, P. 219

PROPOSED REZONE FROM CON-D TO R-10  
FOR  
**WALTER D. STRICKLAND**  
& WIFE  
**MARY LEE STRICKLAND**  
1.946 ACRE TRACT ON 18th AVENUE  
STUMP SOUND TOWNSHIP, ONSLOW COUNTY, NORTH CAROLINA  
PHIL HARRIS LANE

**CHARLES F. RIGGS & ASSOCIATES, INC. (C-730)**  
LAND SURVEYING - CONVENTIONAL & GLOBAL POSITIONING SYSTEMS,  
LAND PLANNING & COMPUTER MAPPING

502 NEW BRIDGE STREET  
P.O. BOX 1570  
JACKSONVILLE, N.C.  
28541-1570 TELEPHONE: (910)  
455-0877 FACSIMILE: (910)  
455-9033  
E-MAIL: riggsland@bizrec.com

101 SCOTTS HILL LOOP ROAD  
WILMINGTON, N.C. 28411  
TELEPHONE: (910) 681-7444  
E-MAIL: riggsland@bizrec.com

S:\2012\12-02-08 Strickland\Drawings\12-02-08 REZONE.dwg - Wednesday, June 05, 2013 8:42:54 AM - CFRA



**ORDINANCE R-13-01**

**(AS RECOMMENDED BY THE PLANNING BOARD)**

An ordinance **approving** the request by owners, Walter and Mary Strickland to rezone the upland portion of the 2.14 acres of Tax Parcel # 774-29.2 from Con-D to R-10. The property is located at 115 Phil Harris Road, North Topsail Beach, Stump Sound Township, Onslow County, NC.

WHEREAS, the Board of Aldermen of the Town of North Topsail Beach has considered the recommendation of the Planning Board to **approve** the Zoning Map amendment to rezone a portion of the property described above from Conservation District (Con-D) to Residential District (R-10) and finds that:

- A. The proposal will place all property similarly situated in the area in the same category, or in appropriate complementary categories.
- B. There is convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group.
- C. There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change.
- D. There is convincing demonstration that the character of the neighborhood would not be materially and adversely affected by any use permitted in the proposed change.
- E. The proposed change is in accord with any land use plan and sound planning principles.

For the reasons that:

***The request is consistent with the policy guidelines outlined in UDO Sec. 3.07(B) and the CAMA Land Use Plan.***

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of North Topsail Beach that the Board **approves** the request by owners, Walter and Mary Strickland to rezone the uplands portion of 2.10 acres+/- identified as 115 Phil Harris Lane (Tax Parcel 810-45) from Con-D to R-10 with the wetlands to remain as Conservation District (Con-D).

This the \_\_\_\_ day of \_\_\_\_\_, 2013.



*Town of North Topsail Beach*  
Board of Aldermen

Agenda Item: V. C.  
Date: 7/8/2013

---

**Issue:** Case # SD-13-03: Subdivision application by Walter and Mary Strickland to divide 2.10 acres+/- identified as 115 Phil Harris Lane (Tax Parcel 810-45).  
**Department:** Planning  
**Presented** Deborah J. Hill, AICP CFM CZO - Planning Director  
**Presentation:** Yes

---

**BACKGROUND:** Walter and Mary Strickland request final approval of a plat of survey by Charles F. Riggs, 2.10 acres+/- identified as 115 Phil Harris Lane (Tax Parcel 810-45).

**ANALYSIS:** With the exception of the existing roadway and upon approval of the rezoning request, the final plat meets or exceeds the requirements of UDO Sec. 2.06.05 (C) and the minimum dimensional requirements for the R-10 zoning district.

**RECOMMENDATIONS:** The Planning Board unanimously recommends approval of the final plat with the condition that the plat includes the statement "No further subdivision is allowed without the Board of Aldermen approval unless Phil Harris Lane is constructed to NCDOT Standards."

**EXHIBITS:**

1. Final Plat for Walter D. Strickland and wife, Mary Lee Strickland by Charles F. Riggs & Associates, Inc. dated June 24, 2013.

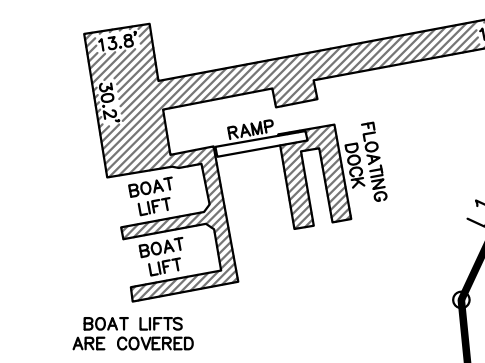
I, CHARLES FRANCIS RIGGS, PROFESSIONAL LAND SURVEYOR, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN DEED BOOK \_\_\_\_\_, PAGE \_\_\_\_\_); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS BROKEN LINES AND DRAWN FROM INFORMATION FOUND IN DEED BOOK \_\_\_\_\_, PAGE \_\_\_\_\_; THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS 1: 10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 2013

CHARLES FRANCIS RIGGS, P.L.S. L-2981

THIS IS TO CERTIFY THAT THE SUBJECT PROPERTY IS LOCATED IN FLOOD ZONE "AE" (EL=11.0+2) WHICH IS A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, AND THE NATIONAL FLOOD INSURANCE PROGRAM. COMMUNITY PANEL NUMBER 370466 3720425600J, NOVEMBER 3, 2005

**NOTES**  
TOTAL ACREAGE: 1.946 ACRES  
TOTAL ACREAGE TO BE SUBDIVIDED: 1.946 ACRES  
TOTAL ACREAGE TO BE RESIDENTIAL: 1.946 ACRES  
TOTAL ACREAGE TO BE NONRESIDENTIAL: NONE  
NUMBER OF LOTS: 3  
SIZE OF LOTS: 28265 Sq.Ft. AVERAGE (10000 Sq.Ft. MINIMUM REQUIRED)  
SIZE OF SMALLEST LOT: 21746 Sq.Ft., (0.499 ACRES) (LOT 10)  
EXISTING USES OF LAND: RESIDENTIAL  
EXISTING USES OF ADJOINING LAND: RESIDENTIAL  
PROPOSED USES OF LAND: RESIDENTIAL  
PROPOSED STREET WIDTH: N/A  
ZONING OF LAND: R-10  
ZONING OF ADJOINING LAND: MHR & CON-D  
ALL PROPOSED LOTS TO UTILIZE ONWASA WATER & PRIVATE SEPTIC TANKS  
ELECTRIC & TELEPHONE LINES TO BE UNDERGROUND

DWELLING 1: TWO STORY ON PILINGS OVER CONCRETE SLAB OPEN BELOW  
DWELLING 2: MOBILE HOME ON PIERS  
DWELLING 3: MOBILE HOME ON PIERS



I, CHARLES FRANCIS RIGGS, PROFESSIONAL LAND SURVEYOR NO. L-2981, CERTIFY TO ONE OR MORE OF THE FOLLOWING AS INDICATED THUS:

- \_\_\_\_\_ A. THAT THE SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.
- \_\_\_\_\_ B. THAT THE SURVEY IS LOCATED IN A PORTION OF A COUNTY OR MUNICIPALITY THAT IS UNREGULATED AS TO AN ORDINANCE THAT REGULATES PARCELS OF LAND.
- \_\_\_\_\_ C. ANY ONE OF THE FOLLOWING:
  - 1) THAT THE SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET:
  - 2) THAT THE SURVEY IS OF AN EXISTING BUILDING OR OTHER STRUCTURE, OR NATURAL FEATURE, SUCH AS A WATERCOURSE:
  - 3) THAT THE SURVEY IS A CONTROL SURVEY.
- \_\_\_\_\_ D. THAT THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION
- \_\_\_\_\_ E. THAT THE INFORMATION AVAILABLE TO THIS SURVEYOR IS SUCH THAT I AM UNABLE TO MAKE A DETERMINATION TO THE BEST OF MY PROFESSIONAL ABILITY AS TO THE PROVISIONS CONTAINED IN (A) THROUGH (D) ABOVE.

CHARLES FRANCIS RIGGS, PROFESSIONAL LAND SURVEYOR NO. L-2981

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, WHICH IS LOCATED IN THE SUBDIVISION JURISDICTION OF NORTH TOPSAIL BEACH, AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY FREE CONSENT, ESTABLISHED MINIMUM BUILDING SETBACK LINES, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS, AND OTHER SITES AND EASEMENTS TO PUBLIC OR PRIVATE USE AS NOTED.

DATE \_\_\_\_\_ OWNER \_\_\_\_\_

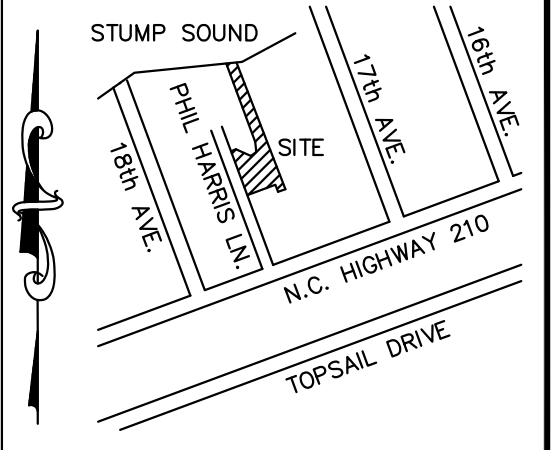
APPROVED BY THE BOARD OF ALDERMEN OF THE TOWN OF NORTH TOPSAIL BEACH, NORTH CAROLINA, EFFECTIVE ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

DATE \_\_\_\_\_ MAYOR, NORTH TOPSAIL BEACH, NORTH CAROLINA

I HEREBY CERTIFY THAT THE DEVELOPMENT PLAN SHOWN HAS BEEN FOUND TO COMPLY WITH THE ZONING ORDINANCE, TOWN OF NORTH TOPSAIL BEACH, NORTH CAROLINA WITH THE EXCEPTION OF SUCH VARIANCES, IF ANY, AS ARE NOTED IN THE MINUTES OF THE BOARD OF ADJUSTMENT AT ITS MEETING ON \_\_\_\_\_ AND MAY BE RECORDED IN THE OFFICE OF CLERK OF ONSLOW COUNTY.

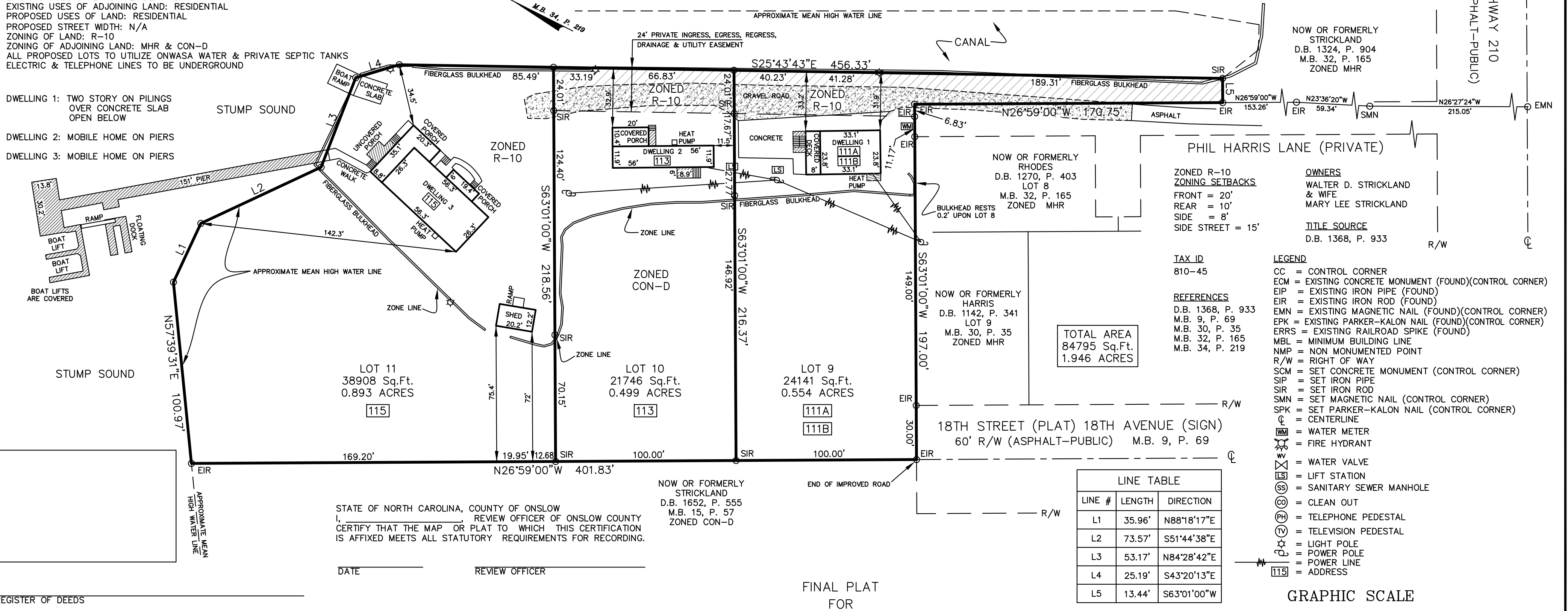
DATE \_\_\_\_\_ PLANNING DIRECTOR \_\_\_\_\_

FINAL PLAT  
FOR REVIEW PURPOSES ONLY  
NOT FOR RECORDATION, CONVEYANCES OR SALES



VICINITY SKETCH  
NOT TO SCALE

**NOTE**  
NO FURTHER SUBDIVISION IS ALLOWED WITHOUT THE BOARD OF ALDERMEN APPROVAL UNLESS PHIL HARRIS LANE IS CONSTRUCTED TO NCDOT STANDARDS



STATE OF NORTH CAROLINA, COUNTY OF ONSLOW  
I, \_\_\_\_\_ REVIEW OFFICER OF ONSLOW COUNTY  
CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.  
DATE \_\_\_\_\_ REVIEW OFFICER \_\_\_\_\_

**ZONED R-10 ZONING SETBACKS**  
FRONT = 20'  
REAR = 10'  
SIDE = 8'  
SIDE STREET = 15'

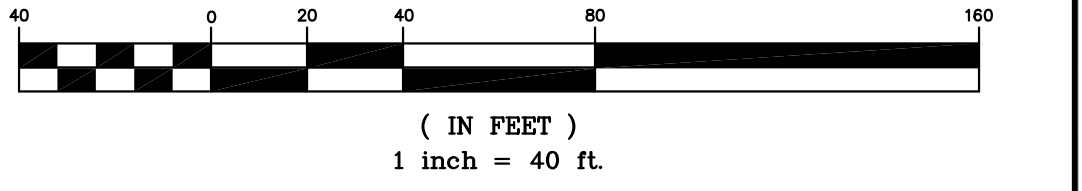
**TAX ID**  
810-45

**REFERENCES**  
D.B. 1368, P. 933  
M.B. 9, P. 69  
M.B. 30, P. 35  
M.B. 32, P. 165  
M.B. 34, P. 219

- OWNERS**  
WALTER D. STRICKLAND & WIFE  
MARY LEE STRICKLAND
- TITLE SOURCE**  
D.B. 1368, P. 933
- LEGEND**  
CC = CONTROL CORNER  
ECM = EXISTING CONCRETE MONUMENT (FOUND)(CONTROL CORNER)  
EIP = EXISTING IRON PIPE (FOUND)  
EIR = EXISTING IRON ROD (FOUND)  
EMN = EXISTING MAGNETIC NAIL (FOUND)(CONTROL CORNER)  
EPK = EXISTING PARKER-KALON NAIL (FOUND)(CONTROL CORNER)  
ERRS = EXISTING RAILROAD SPIKE (FOUND)  
MBL = MINIMUM BUILDING LINE  
NMP = NON MONUMENTED POINT  
R/W = RIGHT OF WAY  
SCM = SET CONCRETE MONUMENT (CONTROL CORNER)  
SIP = SET IRON PIPE  
SIR = SET IRON ROD  
SMN = SET MAGNETIC NAIL (CONTROL CORNER)  
SPK = SET PARKER-KALON NAIL (CONTROL CORNER)  
C = CENTERLINE  
WM = WATER METER  
FH = FIRE HYDRANT  
WV = WATER VALVE  
LS = LIFT STATION  
SS = SANITARY SEWER MANHOLE  
CO = CLEAN OUT  
TP = TELEPHONE PEDESTAL  
TV = TELEVISION PEDESTAL  
LP = LIGHT POLE  
PP = POWER POLE  
PL = POWER LINE  
A = ADDRESS

**LINE TABLE**

| LINE # | LENGTH | DIRECTION   |
|--------|--------|-------------|
| L1     | 35.96' | N88°18'17"E |
| L2     | 73.57' | S51°44'38"E |
| L3     | 53.17' | N84°28'42"E |
| L4     | 25.19' | S43°20'13"E |
| L5     | 13.44' | S63°01'00"W |



**CHARLES F. RIGGS & ASSOCIATES, INC. (C-730)**  
LAND SURVEYING - CONVENTIONAL & GLOBAL POSITIONING SYSTEMS,  
LAND PLANNING & COMPUTER MAPPING  
502 NEW BRIDGE STREET  
P.O. BOX 1570  
JACKSONVILLE, N.C. 28541-1570  
TELEPHONE: (910) 455-0877  
FACSIMILE: (910) 455-9033  
E-MAIL: riggsland@bizec.rr.com

101 SCOTTS HILL LOOP ROAD  
WILMINGTON, N.C. 28411  
TELEPHONE: (910) 681-7444  
E-MAIL: riggsland@bizec.rr.com

FINAL PLAT  
FOR  
**WALTER D. STRICKLAND**  
& WIFE  
**MARY LEE STRICKLAND**  
(FORMERLY LOTS 9, 10 & 11, SECTION III, PRELIMINARY MAP OF HARRIS SUBDIVISION)  
1.946 ACRE TRACT ON 18th AVENUE  
STUMP SOUND TOWNSHIP, ONSLOW COUNTY, NORTH CAROLINA  
PHIL HARRIS LANE

ACTUAL FIELD SURVEY DATE: MARCH 15, 2012  
MAPPING DATE: JUNE 24, 2013  
DRAWN BY: J. HELMS  
CHECKED BY: C.F. RIGGS  
FIELD BOOK: 760, PAGE: 30  
PROJECT NUMBER: 12-02-06



*Town of North Topsail Beach*  
**SUBDIVISION APPLICATION**

Date Submitted: \_\_\_\_\_

CASE NO. SD- \_\_\_\_\_ - \_\_\_\_\_

Name of Subdivision: Walter D. Strickland and wife, Mary Lee Strickland

Location: (Road name & SR number) Phil Harris Lane

Exemption (\$50)

Subdivision/PRD

Sketch (\$300)

Preliminary (\$300)

Final (\$150)

Tax Parcel ID: 810-45

Smallest lot: 0.499 Acres (21,746 Sq.Ft.)

Total acreage: 1.946 Acres

Average lot size: 28,265 Sq.Ft.

Number of lots 3

Zoning District: R-10

**Infrastructure:**

Water Supply:  ONWASA     individual well     community system

Sewer Type:  Pluris     individual septic     community system

Streets:  public     private

**Surveyor/Engineer:** Charles F. Riggs & Associates, Inc.

Address P. O. 1570, Jacksonville, NC 28541

Phone Fax 455-0877/455-9033

Email address riggsland@bizec.rr.com

**Developer** Walter D. Strickland and wife, Mary Lee Strickland

Address 3000 Lamb Road, Willard, NC 28478

Phone Fax 455-0877/455-9033

Email address riggsland@bizec.rr.com

**Property Owner** Walter D. Strickland and wife, Mary Lee Strickland

Address 3000 Lamb Road, Willard, NC 28478

Phone Fax 455-0877/455-9033

Email address riggsland@bizec.rr.com







*Town of North Topsail Beach*  
Board of Aldermen

Agenda Item: V. D.  
Date: 7/8/2013

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**Issue:** Case #R-13-02: Rezoning application by H & H Constructors to rezone a 1.97 acre ocean front lot (Tax Map #774-29.4) from R-20 to R-15.

**Department:** Planning

**Presented** Deborah J. Hill, AICP CFM CZO - Planning Director

**Presentation:** Yes

---

**BACKGROUND:** H & H Constructors, Inc. requests the rezoning of 1.97 acres located at 1156 New River Inlet Road (Tax Id # 774-29.4) from R-20 to R-15 (Exhibit 1).

**ANALYSIS:** Analysis of this application is organized around the policy guidelines outlined in Section 3.07:

1. *The proposal will place all property similarly situated in the area in the same category, or in **appropriate complementary categories.***

**Staff Comment:** The adjacent properties are zoned R-20 and R-15 to the east and R-5 to the west.

2. *There is convincing demonstration that all **uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group.***

**Staff Comment:** The surrounding area is generally developed with single family dwellings and duplex dwellings. With current zoning as R-20, three single family homes may be built, by right. Rezoning to R-15 would decrease the front setback thus increase the building envelope by 10 feet and allow for duplex structures, as well as single family.

3. *There is convincing demonstration that **all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change.** (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses which applicants state they intend to make of the property involved.)*

**Staff Comment:** All uses permitted under R-15 would be appropriate in the area included in the proposed change, as the surrounding area is generally developed with single family and duplex dwellings.

**4.** *There is convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change.*

**Staff Comment:** R-15 is compatible with existing development. The medium density of R-15 would provide a transition between the R-20 and R-15 zoned property to the east and the R-5 zoned property to the west.

**5.** *The proposed change is in accord with any land use plan and sound planning principles.*

**Staff Comment:** The request is consistent with the policy guidelines outlined in Section 3.07 and the CAMA Land Use Plan.

- MAP 13-B indicates the Future Land Use District is Low Density Residential.
- Low Density Residential is “generally consistent” with R-15 zoning (Reference: Table 36. Future Land Use Plan Compatibility Matrix).
- Policy Statement # 9: The town supports quality future development reflecting the spectrum of housing needs ranging from single-family home to multi-family development in the form of duplex and triplex housing. Although this policy reflects support for medium density development, the town will not rezone any property to a density less than R-10 (10,000 square feet).

**PUBLIC NOTIFICATION:** Staff certifies that public notice has been made pursuant to NCGS 160A-384 and UDO Sec. 2.06.01 (C)(1).

**RECOMMENDATIONS:** The Planning Board unanimously recommends that the Board adopts Ordinance R-10-02 (attachment 2), approving the request by H & H Constructors.

**EXHIBITS:**

1. Rezoning application.
2. Ordinance R-10-02 (as recommended by the Planning Board).





*Town of North Topsail Beach*

**ZONING MAP AMENDMENT:  
REZONING APPLICATION**

**INSTRUCTIONS**

Each application shall contain or be accompanied by such legal description maps, plans, and other information so as to completely describe the proposed use and existing conditions; and:

*A. Other Requirements:*

1. The applicant shall provide to the zoning enforcement officer a list of names and addresses, as obtained from the county tax listings and tax abstract, of all adjacent property owners and all owners of property within the area under consideration for rezoning along with two (2) set of business (#10) envelopes stamped with a first class stamp and addressed to each person on the list. The zoning enforcement officer shall then mail notices of the public hearing to each person on the list and shall certify that fact to the board of aldermen.

B. *Fee:* \$400.00 A nonrefundable fee, according to the schedule adopted by the Town Board of Aldermen shall be paid to the Town of North Topsail Beach for each application for an amendment, to cover costs of advertising and other administrative expenses involved. Any application submitted in accordance with the provisions of section 7-92 for the purpose of amending the regulations or district boundaries established by this ordinance may be withdrawn at any time, but fees are nonrefundable. This fee, however, shall not apply to requests originating with any department, board, or agency of the Town of North Topsail Beach.

A completed application is due 30 working days prior to the Planning Board meeting for a Public Hearing. The Planning Board meets the 2nd Thursday of each month at 6:30 p.m. The planning board shall render its decision following a public hearing and within sixty (60) days thereof transmit its recommendation, reasoning, and report to the board of aldermen.

The Board of Aldermen meets the 1st Thursday of each month at 7:00 p.m. Before taking such lawful action as it may deem advisable, the board of aldermen shall conduct a public hearing and consider the planning board's recommendations on each proposed zoning amendment.

Notice of any public hearing shall be published (the notice shall be published for the first time not less than ten (10) days nor more than twenty-five (25) days before the date fixed for the hearing) in a newspaper of general circulation in the Town of North Topsail Beach at least once each week for two (2) successive weeks prior to the hearing according to G.S. 160A-364 and by mailing notices to adjoining property owners in the envelopes provided by the applicant according to G.S. 160A-384. Notice may also be made by posting the property concerned.

The applicant, the planning board, and the zoning enforcement officer shall be given written copies of the board's decision and the reasons therefore.

Note: Application must be filed out in its entirety to be accepted and processed.

For Office Use Only  
Application No. 2-13-02  
Receipt # \_\_\_\_\_ Amount 700-  
One Set of Stamped Envelopes \_\_\_\_\_

Date Received: 6-5-2013



## APPLICATION

Project Name H-0 H CONSTRUCTION S  
Property Address 1154 NEW RIVER INLET RD  
Tax Parcel ID# 774-29.4 Current Zoning R20 Proposed Zoning R15

### APPLICANT INFORMATION

LINWOOD JONES, PLS

(Print)

[Signature] 6-4-13

(Signature)

Date

Address 201 GLENDA, Garner NC 27529

Telephone 919-422-8015

Fax Number 919-934-4556

Email Address LINWOODJNS24@GMAIL.COM

### OWNER INFORMATION

RALPH HUFF III

(Print)

[Signature] 6-4-13

(Signature)

Date

Address 2919 BREEZEWOOD AVE, Fayetteville

Telephone 910-486-4864 28303

Fax Number \_\_\_\_\_

Email Address \_\_\_\_\_

The application must either be signed by the property owner or a written, signed statement must be provided by the property owner giving consent to the request. Proposed changes or amendments to the zoning map may be initiated by the board of aldermen, planning board, town administration, board of adjustment, or by the owner(s), or his agent, of property within the area proposed to be changed.

## STATEMENT OF JUSTIFICATION

The following policy guidelines shall be followed by the planning board concerning zoning amendments and no proposed zoning amendment will receive favorable recommendation unless:

- A. The proposal will place all property similarly situated in the area in the same category, or in *appropriate* complementary categories.
- B. There is convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group.
- C. There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses which applicants state they intend to make of the property involved.)
- D. There is convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change.
- E. The proposed change is in accord with any land use plan and sound planning principles.

The applicant shall submit the following Statement of Justification, presenting factual information supporting each and all of the required findings as they relate to the proposed zoning.

**Finding #1:** The proposal will place all property similarly situated in the area in the same category, or in *appropriate* complementary categories.

Statement by Applicant: THE REQUESTED R-15 ZONE will put this

property in an appropriate, complementary category with  
the surrounding properties - R-5 to the west, R-10 and R-20  
to the north and R-15 to the east of this tract.

**Finding #2:** There is convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group.

Statement by Applicant: THE PROPOSED USES for this tract will be in the general public's interest, as it is keeping with the existing uses in the immediate area which contains single-family, DUPLEX and QUADPLEX UNITS.

**Finding #3:** There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses which applicants state they intend to make of the property involved.)

Statement by Applicant: THE PERMITTED USE OF this tract, AS A R-15 ZONE, will be a blend and a complement to the existing land use in the immediate area,

**Finding #4:** There is convincing demonstration that the character or the neighborhood will not be materially and adversely affected by any use permitted in the proposed change.

Statement by Applicant:    

THE ACTUAL VARIETY OF CONSTRUCTION in the AREA will not be materially or adversely effected by the requested R-15 ZONE, AS it perpetuates the present accepted usage.

**Finding #5:** The proposed change is in accord with any land use plan and sound planning principles.

Statement by Applicant: THE Proposed R-15 ZONE IS And will Continue to be in Accord with the CURRENT Landuse And will Continue to represent the current sound planning principles that are currently considered important to the AREA.

ON SLOW COUNTY  
Doc ID: 010476710001 Type: CRP  
Recorded: 05/13/2013 at 04:12:55 PM  
Page 1 of 1  
Rebecca L. Pollard Reg. of Deeds  
BK 66 Pg 129  
BY Copy 504 Slide  
REGISTER OF DEEDS

STATE OF NORTH CAROLINA  
COUNTY OF ONSLOW  
I, Rhonda Huffman Review Officer of Onslow County,  
certify that the map or plat to which this certification is  
affixed meets all statutory requirements for recording.  
DATE: 5-13-13  
REVIEW OFFICER: Rhonda Huffman

STATE OF NORTH CAROLINA, ONSLOW COUNTY  
I, LINWOOD J. JONES certify that this map was drawn  
under my supervision from an actual survey made under my supervision (deed  
description recorded in Book 52, page 99, etc.) (other):  
that the boundaries not surveyed are clearly indicated as drawn from information  
found in Book NA, page : that the ratio of precision as calculated is  
1:10,000; that this plat was prepared in accordance with G.S. 47-30 as  
amended.  
Witness my original signature, registration number and seal this 5 day  
of May, A.D., 2013  
Land Surveyor L-1381 Reg. #

CAMA MARKINGS AND DATES:  
THIS PROPERTY IS WITHIN THE OCEAN  
HAZARD AEC PER NTB CAMA LPO  
THIS PROPERTY IS WITHIN THE 575'  
OUTSTANDING RESOURCE WATER AEC  
PER NTB CAMA LPO  
THE COASTAL WETLANDS & NORMAL  
HIGH WATER WERE MARKED BY THE  
NTB CAMA LPO JASON DAIL, ON  
03/05/2013  
THE FIRST LINE OF STABLE NATURAL  
VEGETATION WAS MARKED BY JASON  
DAIL, NTB CAMA LPO, ON 03-05-2013

SECTION 404 WETLANDS WERE DETERMINED  
AND SIGNED OFF ON BY CHRISTY WICKER,  
REGULATORY SPECIALIST, USACOE ON  
2/08/2010

THIS PROPERTY LIES IN A COASTAL BARRIER  
RESOURCES SYSTEM AREA AS SHOWN ON  
FIRM FLOOD MAP, PANEL 4287J, DATED 10/03/2005

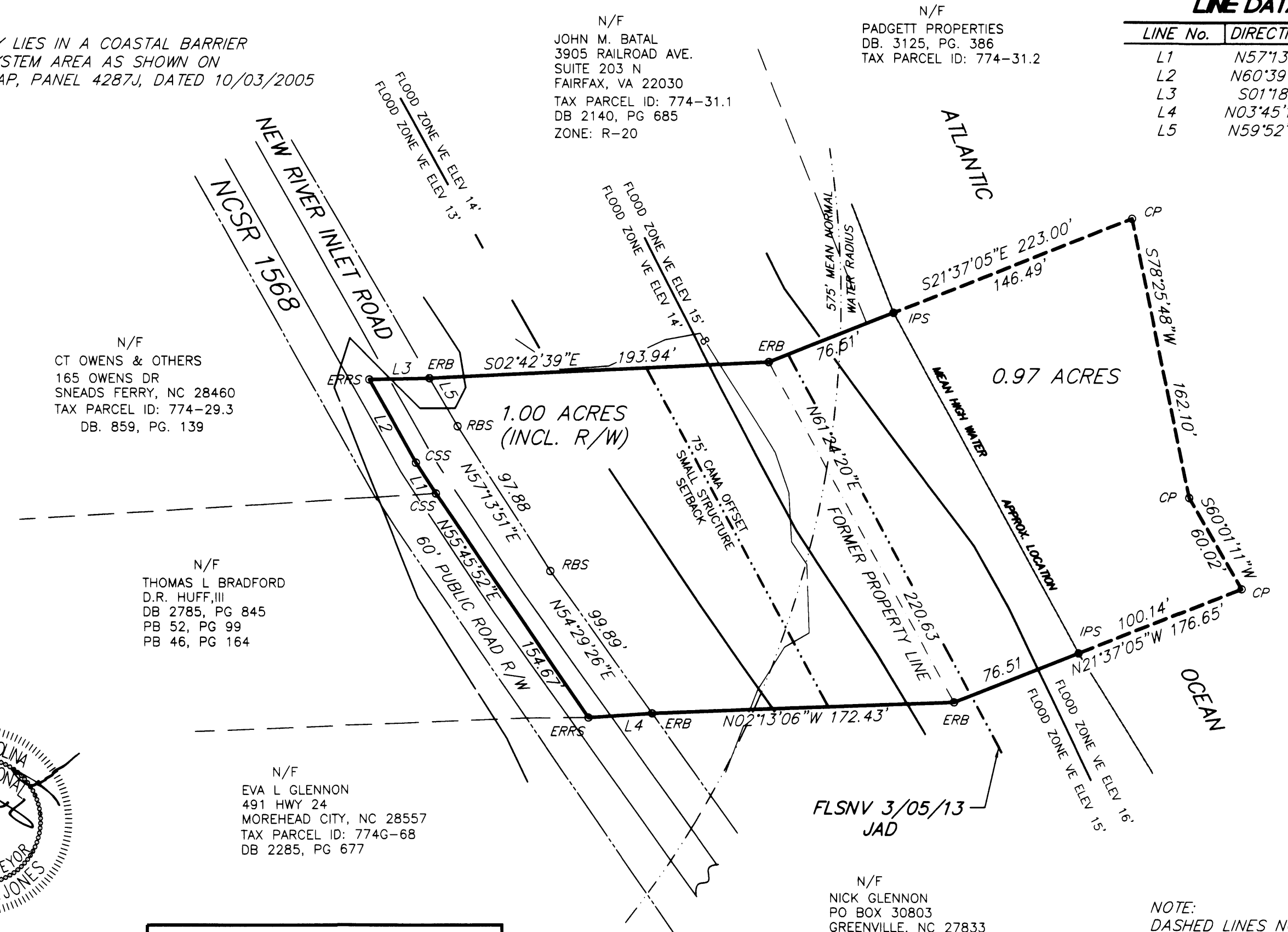
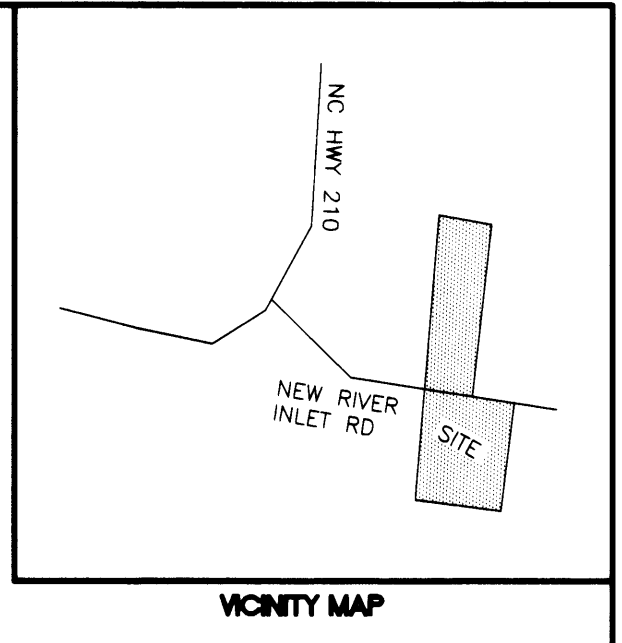
PLAT NORTH (PB 52, PG 99)



NOTES:  
NO NCGS MONUMENTS FOUND WITHIN 2000 FT.  
BOUNDARY INFORMATION TAKEN FROM AN ACTUAL  
FIELD SURVEY.  
REFERENCE PLAT BOOK 52, PG 99  
NO ATTEMPT WAS MADE TO LOCATE OR IDENTIFY  
UNDERGROUND ENCROACHMENTS.  
THIS SUBJECT PROPERTY DOES APPEAR TO BE IN  
A FLOOD HAZARD AREA AS DETERMINED BY FEMA  
FLOOD RATE INSURANCE MAPS.  
COMMUNITY PANEL #370466 4287J (EFF DATE: 11-03-05)  
COMMUNITY PANEL #370466 4288J (EFF DATE: 11-03-05)  
MAP INDEX: 37133CINDOC 02-16-07  
THIS SUBJECT PROPERTY IS IN A COASTAL BARRIER  
RESOURCE SYSTEM AREA. (10-01-83)  
THIS PROPERTY IS WITHIN THE OCEAN HAZARD  
AEC PER NTB CAMA LPO  
THIS PROPERTY IS WITHIN THE 575' OUTSTANDING  
RESOURCE WATER AEC PER NTB CAMA LPO

CURRENT ZONING - R-20  
MINIMUM LOT AREA - 20,000 SF

THIS SURVEY IS OF ANOTHER CATEGORY, SUCH AS  
THE RECOMBINATION OF EXISTING PARCELS, A  
COURT-ORDERED SURVEY, OR OTHER EXCEPTION  
TO THE DEFINITION OF SUBDIVISION.  
Linwood Jones, PLS



**LINE DATA TABLE**

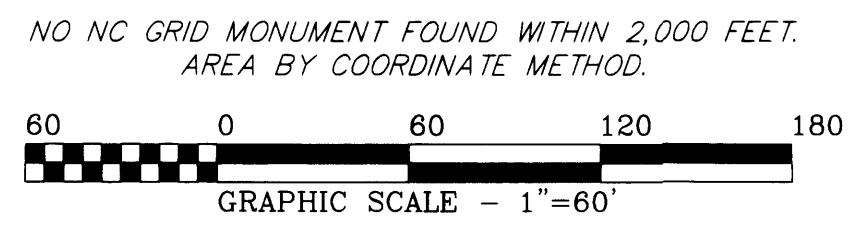
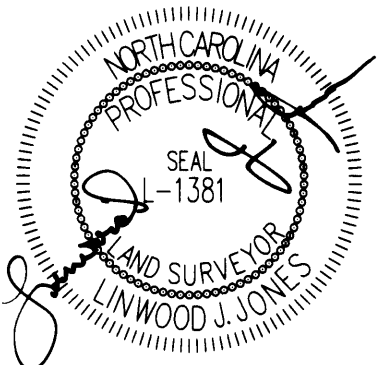
| LINE No. | DIRECTION   | DISTANCE |
|----------|-------------|----------|
| L1       | N57°13'17"E | 20.97'   |
| L2       | N60°39'49"E | 54.29'   |
| L3       | S01°18'12"E | 34.32'   |
| L4       | N03°45'17"W | 36.44'   |
| L5       | N59°52'10"E | 31.92'   |

REFERENCES:  
PLAT BOOK 52, PAGE 99  
DEED BOOK 772, PAGE 625  
DEED BOOK 787, PAGE 733  
DEED BOOK 709, PAGE 596  
DEED BOOK 698, PAGE 285  
DEED BOOK 517, PAGE 393  
DEED BOOK 2650, PAGE 51-53  
DEED BOOK 2785, PAGE 845  
DEED BOOK 859, PAGE 137  
DEED BOOK 876, PAGE 771

CERTIFICATE OF OWNERSHIP AND DEDICATION:  
I HEREBY CERTIFY THAT I AM THE OWNER OF THE  
PROPERTY SHOWN AND DESCRIBED HEREON, WHICH  
IS LOCATED IN THE SUBDIVISION JURISDICTION  
OF NORTH TOPSAIL BEACH AND THAT I HEREBY  
ADOPT THIS PLAN OF SUBDIVISION WITH MY FREE  
CONSENT AND ESTABLISH MINIMUM BUILDING  
SETBACK LINES AS NOTES.  
DRAGAGE 5/6/13  
OWNER: DATE:

CERTIFICATE OF EXEMPTION  
I HEREBY CERTIFY THAT THIS PLAT IS EXEMPT  
FROM THE SUBDIVISION REGULATIONS UNDER DEFINITIONS  
OF SUBDIVISION CONTAINED IN N.C. GEN. STATUTES AND  
SEC. 6.01.03 OF THE TOWN OF NORTH TOPSAIL BEACH  
UNIFIED DEVELOPMENT ORDINANCE, PURSUANT TO NC  
GEN. STATUTE 47-30 (b) (11) NO APPROVAL IS REQUIRED  
BY THE TOWN OF NORTH TOPSAIL BEACH  
BRADLEY C. Hill Assoc  
PLANNER DIRECTOR  
DATE: 5 May 2013  
NORTH TOPSAIL BEACH, NORTH CAROLINA

TOTAL AREA: 1.97 AC  
AREA EXCLUDING 30' R/W: 1.82 AC  
AREA TO MEAN HIGH WATER: 60,320.40SF



LEGEND:  
RBS = REBAR SET  
ERB = EXISTING REBAR  
ERRS = EXISTING RAILROAD SPIKE  
CSS = COTTON SPINDLE SET  
N/F = NOW OR FORMERLY

**LINWOOD JONES, PLS**  
LAND SURVEYING  
LAND PLANNING  
FIRM # L-1381  
201 GLEN RD.  
GARNER, NC 27529  
919-773-0183  
919-934-4556 (FAX)

RECOMBINATION PLAT FOR:  
**H & H CONSTRUCTORS, INC.**

|             |             |          |          |             |          |
|-------------|-------------|----------|----------|-------------|----------|
| TOWNSHIP    | STUMP SOUND | COUNTY   | ONSLOW   | STATE       | NC       |
| SURVEYED BY |             | DRAWN BY |          |             |          |
| RM          |             | LFH      |          |             |          |
| DATE        | 5-05-13     | SCALE    | 1" = 60' | DRAWING NO. | H09-9042 |

OWNER:  
H & H CONSTRUCTORS, INC.  
2919 BREEZEWOOD AVE.  
FAYETTEVILLE, NC 28303  
NC PIN 428819504181  
TAX PARCEL ID: 774-29  
TAX PARCEL ID: 774-30  
ZONE: R-20  
PROPERTY ADDRESS:  
1156 NEW RIVER INLET RD.  
NORTH TOPSAIL BEACH JURISDICTION



**ORDINANCE R-13-02**  
**(AS RECOMMENDED BY THE PLANNING BOARD)**

An ordinance approving the request by owners, H & H Constructors, Inc. to rezone approximately 1.97 acre parcel identified as Tax Parcel # 774-29.4 from R-20 to R-15.

WHEREAS, the Board of Aldermen of the Town of North Topsail Beach has considered the recommendation of the Planning Board to approve the Zoning Map amendment to rezone a portion of the property described above from Residential District (R-20) to Residential District (R-15) and finds that:

- A. The proposal will place all property similarly situated in the area in the same category, or in appropriate complementary categories.
- B. There is convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group.
- C. There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change.
- D. There is convincing demonstration that the character of the neighborhood would not be materially and adversely affected by any use permitted in the proposed change.
- E. The proposed change is in accord with any land use plan and sound planning principles

For the reasons that:

***The request is consistent with the policy guidelines outlined in Section 3.07 and the CAMA Land Use Plan.***

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of North Topsail Beach that the Board approves the request by owners, H & H Constructors to rezone approximately 1.97 acre parcel identified as Tax Parcel # 774-29.4 from R-20 to R-15.

This the \_\_\_\_ day of \_\_\_\_\_, 2013.



*Town of North Topsail Beach*  
Board of Aldermen

Agenda Item: V. E.  
Date: 7/8/2013

---

|                      |  |
|----------------------|--|
| <b>Issue:</b>        | Case #SD-13-02: The Sanctuary Preliminary Subdivision (Tax Map #779-1.2) |
| <b>Department:</b>   | Planning   |
| <b>Presented by:</b> | Deborah J. Hill, AICP CFM CZO - Planning Director                        |
| <b>Presentation:</b> | Yes  |

---

**BACKGROUND:** The Planning Board reviewed a sketch plan for First Service Corporation of NC by Charles F. Riggs & Associates, Inc. dated April 5, 2013 submitted pursuant to Sec. 2.06.05 (A) of the Unified Development Ordinance (UDO). Zoned R-20, the property is located between 1444 and 1521 New River Inlet Rd and is bisected by the state road. The proposed subdivision will result in twelve (12) parcels.

**ANALYSIS:** The developer has renamed the subdivision, The Sanctuary. The portion of oceanfront lots 4, 5 and 6 have been tied in unity with the soundside parent tract, per Onslow County GIS instruction.

CAMA minor permits will be required for individual construction. The 1<sup>st</sup> line is indicated correctly on the plat. Water and sewer are available by Pluris and Onwasa. U. S. Army Corps of Engineers wetland delineation is pending.

**RECOMMENDATION:** The Planning Board unanimously recommends approval of the preliminary subdivision titled the Sanctuary by Charles F. Riggs & Associates, Inc. dated June 5, 2013.

**ATTACHMENTS:**

- 1) Application dated June 6, 2013.
- 2) Preliminary Subdivision, titled the Sanctuary by Charles F. Riggs & Associates, Inc. dated June 5, 2013.



*Town of North Topsail Beach*  
**SUBDIVISION APPLICATION**

Date Submitted: June 6, 2013

CASE NO. SD- 13 - 02

Name of Subdivision: The Sanctuary

Location: (Road name & SR number) N.C.S.R. 1568 – New River Inlet Road

Exemption (\$50)

**Subdivision/PRD**

Sketch (\$300)

Preliminary (\$300)

Final (\$150)

Tax Parcel ID: 779-1.2

Smallest lot: 0.236 Acres (10,296 Sq.Ft.)

Total acreage: 7.692 Acres

Average lot size: 0.640 Acres (27,925 Sq.Ft.)

Number of lots 12

Zoning District: R-20

**Infrastructure:**

Water Supply:  ONWASA     individual well     community system

Sewer Type:  Pluris     individual septic     community system

Streets:  public     private

**Surveyor/Engineer:** Charles F. Riggs & Associates, Inc.

Address P. O. 1570, Jacksonville, NC 28541

Phone Fax 455-0877/455-9033

Email address riggsland@bizec.rr.com

**Developer** Mr. Chris McKinney

Address 5412 Horse Trail Road, Summerfield, NC 27358

Phone Fax 455-0877/455-9033

Email address riggsland@bizec.rr.com

**Property Owner** First Service Corporation of NC C/O PNC Bank National Association

Address P. O. Box 25999, Shawnee Mission, KS 66225

Phone Fax 455-0877/455-9033

Email address riggsland@bizec.rr.com



I, CHARLES FRANCIS RIGGS, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY AS SHOWN HEREON IN ACCORDANCE WITH THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA. THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS: 1:10,000±.

CHARLES FRANCIS RIGGS P.L.S. L-2981

THIS IS TO CERTIFY THAT THE SUBJECT PROPERTY IS LOCATED IN FLOOD ZONE VE WHICH IS A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, AND THE NATIONAL FLOOD INSURANCE PROGRAM. COMMUNITY PANEL NUMBER 370486 3720428800L NOVEMBER 3, 2005

THIS AREA IS NOT ELIGIBLE FOR FEDERAL FLOOD INSURANCE AS OF OCTOBER 1, 1983

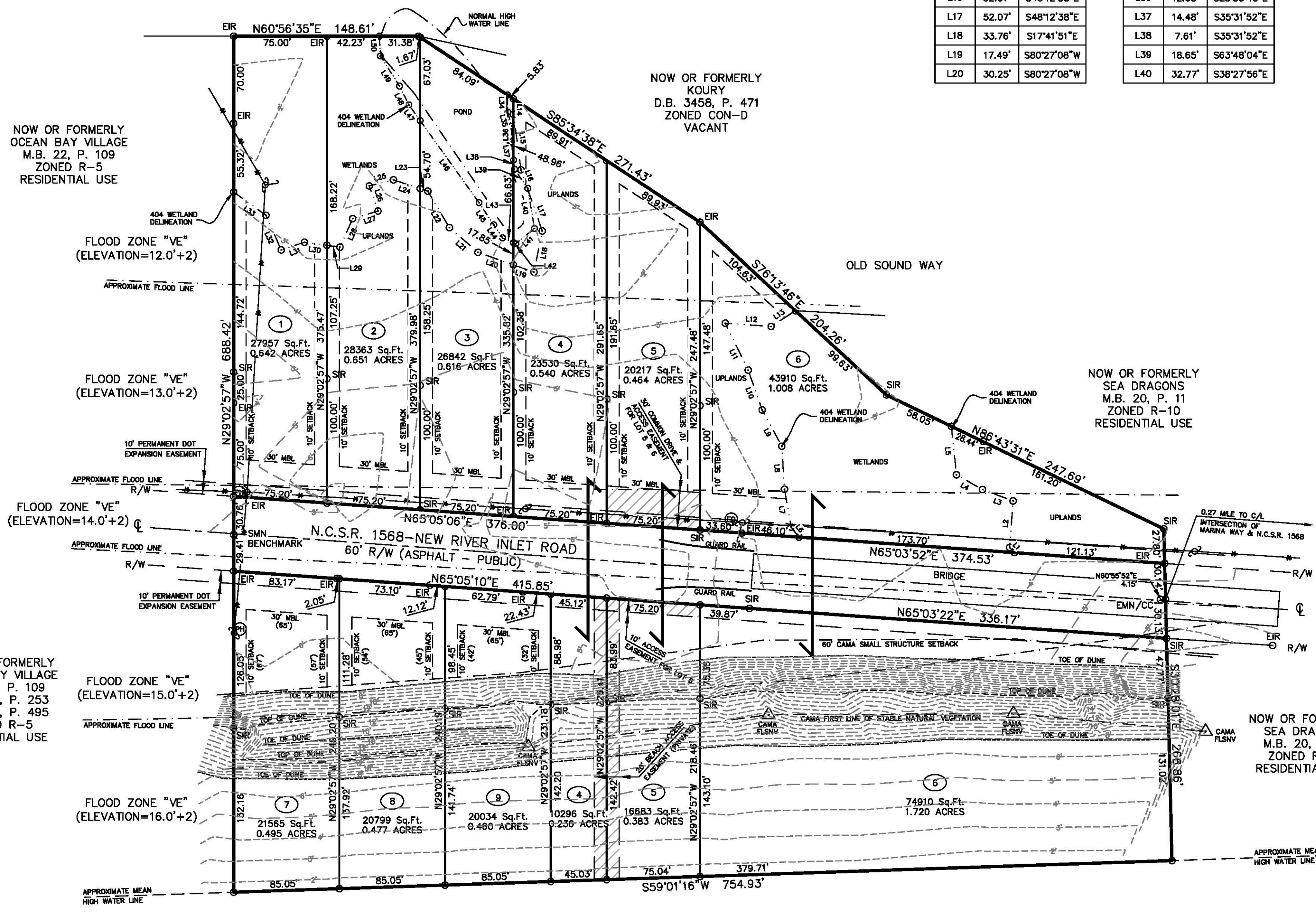
**NOTES**  
TOTAL ACREAGE: 7.692 ACRES  
TOTAL ACREAGE TO BE SUBDIVIDED: 7.692 ACRES  
TOTAL ACREAGE TO BE RESIDENTIAL: 5.353 ACRES  
TOTAL ACREAGE TO BE NONRESIDENTIAL: 2.339 ACRES (LOTS 4-6 OCEAN SIDE)  
NUMBER OF LOTS: 9  
SIZE OF LOTS: 27925 Sq.Ft. AVERAGE (20000 Sq.Ft. MINIMUM REQUIRED)  
SIZE OF SMALLEST LOT: 10296 Sq.Ft., (0.236 ACRES) (LOT 4 OCEAN SIDE)  
EXISTING USES OF LAND: NONE  
EXISTING USES OF ADJOINING LAND: RESIDENTIAL & VACANT  
PROPOSED USES OF LAND: RESIDENTIAL  
PROPOSED STREET WIDTH: N/A  
PROPOSED RIGHT-OF-WAY WIDTH: N/A  
PROPOSED LENGTH OF STREET: N/A  
ZONING OF LAND: R-20  
ZONING OF ADJOINING LAND: R-5, R-10 & CON-D  
ALL PROPOSED LOTS TO UTILIZE ONWASA WATER & PLURIS SEWER  
ELECTRIC & TELEPHONE LINES TO BE UNDERGROUND

NOW OR FORMERLY  
DOTSON  
D.B. 946, P. 738  
ZONED CON-D  
VACANT

NOW OR FORMERLY  
KOURY  
D.B. 3458, P. 471  
ZONED CON-D  
VACANT

NOW OR FORMERLY  
SEA DRAGONS  
M.B. 20, P. 11  
ZONED R-10  
RESIDENTIAL USE

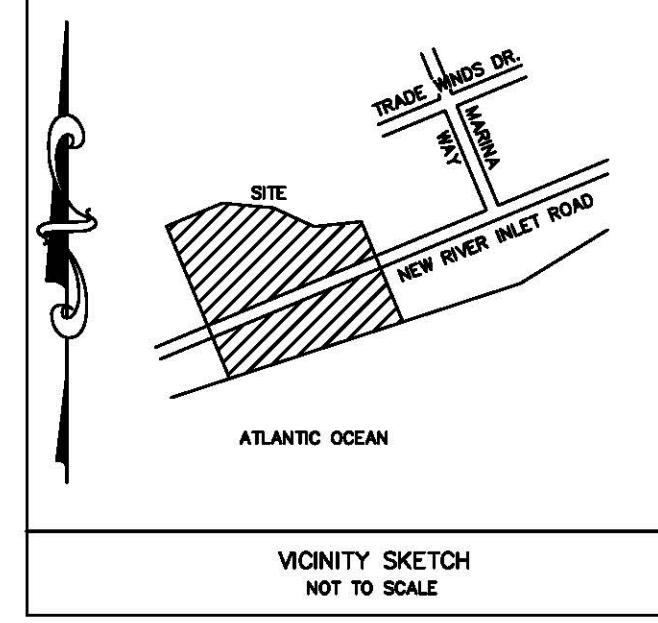
NOW OR FORMERLY  
OCEAN BAY VILLAGE  
M.B. 22, P. 109  
D.B. 652, P. 253  
D.B. 864, P. 495  
ZONED R-5  
RESIDENTIAL USE



| LINE # | LENGTH | DIRECTION   |
|--------|--------|-------------|
| L1     | 5.64'  | N71°39'13"W |
| L2     | 37.50' | N24°48'12"W |
| L3     | 26.33' | S81°22'09"W |
| L4     | 23.99' | N89°26'33"W |
| L5     | 39.19' | N35°00'51"W |
| L6     | 10.14' | N66°41'24"W |
| L7     | 31.00' | N39°05'46"W |
| L8     | 34.68' | N32°38'53"W |
| L9     | 33.10' | N57°29'14"W |
| L10    | 33.95' | N48°23'15"W |
| L11    | 42.05' | N55°07'28"W |
| L12    | 36.99' | N65°05'43"E |
| L13    | 23.36' | N28°05'38"E |
| L14    | 12.32' | S29°06'34"E |
| L15    | 45.07' | S36°43'52"E |
| L16    | 52.07' | S48°12'38"E |
| L17    | 52.07' | S48°12'38"E |
| L18    | 33.76' | S17°41'51"E |
| L19    | 17.49' | S80°27'08"W |
| L20    | 30.25' | S80°27'08"W |

| LINE # | LENGTH | DIRECTION   |
|--------|--------|-------------|
| L21    | 30.38' | N78°11'33"W |
| L22    | 34.05' | N59°41'38"W |
| L23    | 6.48'  | S79°11'39"W |
| L24    | 22.62' | S79°11'39"W |
| L25    | 20.08' | S46°42'47"W |
| L26    | 21.29' | S48°13'40"E |
| L27    | 21.24' | S44°01'17"W |
| L28    | 25.08' | S04°53'49"E |
| L29    | 10.57' | S68°52'11"W |
| L30    | 18.29' | S68°52'11"W |
| L31    | 19.66' | S42°28'22"W |
| L32    | 30.42' | N52°46'44"W |
| L33    | 32.06' | N83°14'07"W |
| L34    | 13.68' | S30°14'25"E |
| L35    | 11.87' | S43°53'12"E |
| L36    | 12.63' | S28°33'45"E |
| L37    | 14.48' | S35°31'52"E |
| L38    | 7.61'  | S35°31'52"E |
| L39    | 18.65' | S63°48'04"E |
| L40    | 32.77' | S38°27'56"E |

| LINE # | LENGTH | DIRECTION   |
|--------|--------|-------------|
| L41    | 19.36' | S21°45'21"W |
| L42    | 2.02'  | S84°48'27"W |
| L43    | 9.62'  | S84°48'27"W |
| L44    | 12.64' | N63°03'28"W |
| L45    | 21.30' | N62°40'36"W |
| L46    | 81.24' | N64°41'12"W |
| L47    | 15.57' | N64°41'12"W |
| L48    | 16.93' | N55°32'37"W |
| L49    | 28.69' | N61°36'12"W |
| L50    | 15.98' | N31°34'35"W |



TOTAL AREA  
335106 Sq.Ft.  
7.692 ACRES  
(EXCLUDING R/W)

ZONED R-20  
ZONING SETBACKS  
FRONT = 30'  
REAR = 10'  
SIDE = 10'

SUBDIVIDER  
CHRISTOPHER DAVID MCKINNEY  
5412 HORSE TRAIL RD.  
SUMMERFIELD, NC 27358

OWNERS  
FIRST SERVICE CORPORATION OF NORTH CAROLINA,  
A NORTH CAROLINA CORPORATION  
c/o PNC BANK NATIONAL ASSOCIATION  
SHAWNEE MISSION, KS 66225

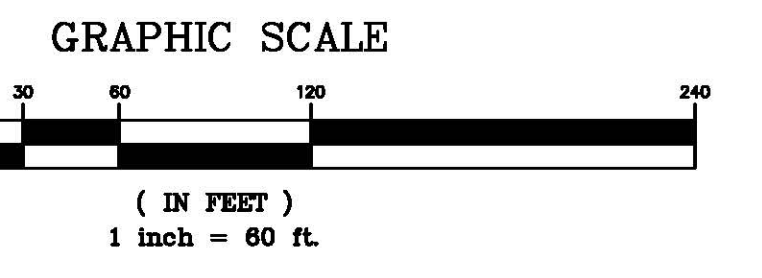
TITLE SOURCE  
D.B. 3400, P. 367

TAX ID  
779-1.2

REFERENCES  
D.B. 3400, P. 367  
M.B. 47, P. 102

NOTE  
BENCHMARK: SMN  
NORTHING: 281472.25'  
EASTING: 2488892.98'  
ELEVATION: 5.45'  
HORIZONTAL DATUM: NAD 83 (2011)  
VERTICAL DATUM: NAVD 88  
HORIZONTAL & VERTICAL DATUM  
OBTAINED WITH TOPCON GRS USING  
N.C. GEODETIC CONTINUOUS  
OPERATING REFERENCE STATIONS

- LEGEND**
- CC = CONTROL CORNER
  - EQM = EXISTING CONCRETE MONUMENT (FOUND)(CONTROL CORNER)
  - EIP = EXISTING IRON PIPE (FOUND)
  - EIR = EXISTING IRON ROD (FOUND)
  - EMN = EXISTING MAGNETIC NAIL (FOUND)(CONTROL CORNER)
  - EPK = EXISTING PARKER-KALON NAIL (FOUND)(CONTROL CORNER)
  - ERS = EXISTING RAILROAD SPIKE (FOUND)
  - MBL = MINIMUM BUILDING LINE
  - NMP = NON MONUMENTED POINT
  - R/W = RIGHT OF WAY
  - SCM = SET CONCRETE MONUMENT (CONTROL CORNER)
  - SIP = SET IRON PIPE
  - SIR = SET IRON ROD
  - SMN = SET MAGNETIC NAIL (CONTROL CORNER)
  - SPK = SET PARKER-KALON NAIL (CONTROL CORNER)
  - C = CENTERLINE
  - W = WATER METER
  - F = FIRE HYDRANT
  - V = WATER VALVE
  - S = SANITARY SEWER MANHOLE
  - CO = CLEAN OUT
  - TP = TELEPHONE PEDESTAL
  - TEP = TELEVISION PEDESTAL
  - FOM = FIBER OPTIC CABLE MARKER
  - LP = LIGHT POLE
  - PP = POWER POLE
  - PL = POWER LINE
  - ET = ELECTRIC TRANSFORMER
  - 1 = LOT NUMBER



ACTUAL FIELD SURVEY DATE: APRIL 25, 2013  
MAPPING DATE: JUNE 5, 2013  
DRAWN BY: J. HELMS  
CHECKED BY: C.F. RIGGS  
FIELD BOOK: 806 PAGE: 1  
PROJECT NUMBER: 13-02-33

PRELIMINARY PLAT  
NOT FOR RECORDATION,  
CONVEYANCES OR SALES

**CHARLES F. RIGGS & ASSOCIATES, INC. (C-730)**  
LAND SURVEYING - CONVENTIONAL & GLOBAL POSITIONING SYSTEMS,  
LAND PLANNING & COMPUTER MAPPING

502 NEW BRIDGE STREET  
P.O. BOX 1570  
JACKSONVILLE, N.C. 28541-1570  
TELEPHONE: (910) 455-0877  
FACSIMILE: (910) 455-9033  
E-MAIL: riggsland@bizec.rr.com

101 SCOTTS HILL LOOP ROAD  
WILMINGTON, N.C. 28411  
TELEPHONE: (910) 681-7444  
E-MAIL: riggsland@bizec.rr.com

PRELIMINARY PLAT  
FOR  
**THE SANCTUARY**  
7.692 ACRES ON NEW RIVER INLET ROAD - NCSR 1568  
STUMP SOUND TOWNSHIP, ONSLOW COUNTY, NORTH CAROLINA  
FIRST SERVICE CORPORATION, A NORTH CAROLINA CORPORATION, OWNERS, D.B. 3400, P. 367  
NCSR 1568

# *Town of North Topsail Beach*

Daniel Tuman, Mayor  
Suzanne Gray, Mayor Pro Tem  
Aldermen:  
Don Harte  
Tom Leonard  
Richard Macartney  
Michael Yawn



Stuart Turille  
Town Manager  
Carin Z. Faulkner, MPA  
Town Clerk

## **Board of Aldermen Special Meeting Minutes\* Thursday, July 18, 2013 2:00 P.M.**

**PRESENT:** Mayor Daniel Tuman, Mayor Pro Tem Suzanne Gray, Aldermen Don Harte, Tom Leonard, Dick Macartney, and Mike Yawn, Town Manager Stuart Turille and Town Clerk Carin Faulkner.

- I. **CALL TO ORDER:** Mayor Tuman called the meeting to order at 2:00 p.m.
- II. **APPROVAL OF AGENDA:**
  - Mayor Pro Tem Gray made a motion to approve the agenda as presented. Alderman Yawn seconded.
  - The agenda was approved unanimously.
- III. **PRESENTATION/WORKSHOP ON SECOND SHORELINE PROTECTION EVENT – KEN WILLSON, COASTAL PLANNING & ENGINEERING:**
  - Mr. Willson gave a presentation (Attachment A) reviewing the previous project, the proposed plan, and pre-construction tasks for the Town's second shoreline protection event.
  - Mr. Willson explained the feedback he received from the Army Corps of Engineers when he showed them the new plan (to do Phases 2-5 in one event). He said that the feedback given to him was that the Town would need a supplemental Environmental Impact Statement (EIS) for Phases 2 & 4 and a major permit modification will be needed. The supplemental EIS would take more time than the current project timeline allows. Phase 5 will only need a minor permit modification.
  - Mr. Willson went over the items that need to be considered moving forward.
  - Mr. Willson explained that it would probably take at least another 6-12 months to get the permit modification to do Phases 2-5 in one event. It is not feasible to get all phases completed this year.
  - He said that it would be feasible to construct Phase 5 this dredging season and that to obtain the minor permit would be in the 2 to 6 month timeframe. There are some concerns about the demand on the dredging fleet and what kind of bids the Town will be able to get this year. They have made contact with dredging companies.
  - Mr. Willson indicated that the Board would need to authorize a change order for them to begin pre-construction hardbottom monitoring related to Phase 5. This would need to be authorized in the next 3-5 weeks. He said one of the risks is that if Phase 5 is not done within this dredging season, they do not know if that data will be valid for more than a year. He has asked U.S. Fish and Wildlife and they are getting back to him with a definite answer.

\*There are attachments to these minutes.



- He presented the Board with alternative plans to consider and gave the pros and cons for each alternative.
- There was discussion and Mr. Willson took questions from the Board.
- There was discussion about the USDA loan and that getting USDA funding for Phase 5 is not an issue because it is non-CBRA.
- Alderman Macartney made a motion for the Board to direct CP&E to proceed with Phase 5 this year within the confines of the existing contract. Aldermen Leonard seconded the motion.
- There was discussion.
- The motion passed 4 to 1 with Alderman Yawn voting against.
- Alderman Macartney made a motion asking CP&E to provide a proposal for the August meeting which would cover the permit modification and supplemental EIS for Phase 2-4 which would have it completed in time for a 2014/2015 project. Mayor Pro Tem Gray seconded the motion.
- The motion passed unanimously.
- There was further discussion on the USDA loan application and the Local Government Commission's requirements.

IV. **CLOSED SESSION:** Per N.C.G.S. 143-318.11 Closed Sessions (5) to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body's staff or negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease & (6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective employee.

- Alderman Macartney made a motion to go into Closed Session. Mayor Pro Tem Gray seconded the motion.
- The motion passed unanimously.
- Alderman Leonard made a motion to go out of Closed Session. Alderman Yawn seconded.
- The motion passed unanimously.
- No action was taken.

V. **ADJOURNMENT:** Alderman Leonard made a motion to adjourn. Alderman Yawn seconded the motion. The motion passed unanimously. The meeting adjourned at 4:20 p.m.

**APPROVED:**

---

Daniel Tuman, Mayor

**ATTEST:**

---

Carin Z. Faulkner, Town Clerk

# Beach and Inlet Management Program Town of North Topsail Beach 2<sup>nd</sup> Event Construction Plan



Coastal Planning & Engineering of North Carolina  
July 18, 2013

Ken Willson, Robert Neal

## Project Location Map:



## 2<sup>nd</sup> Event Construction Goal

Complete the beach restoration for the Town's remaining approx. 9.6 miles of shoreline during the 2013/2014 dredge season.

### Assumptions:

- Construction costs should not exceed \$30 Million (including engineering services).
- Town anticipates financing the project through USDA.
- 'Phase 5' area should receive an equivalent design as the remaining project (i.e. Federal delays have made waiting on USACE project unrealistic).

07/18/2013 09:00:2011

3

## Review of Proposed Plan

- Task 1: Beach Profile Surveys (Pre-Construction)
  - Phase 2 – 5: Pre-Construction
- Task 2: Construction Plans & Specs
  - Volume Change / Shoreline Change Analysis
  - Vulnerability Analysis
  - Re-design
  - Develop Plans and Specifications
- Task 3: Permit Modification
  - Inclusion of upland borrow source DA-143 as a sand source;
  - Utilization of hopper dredges;
  - The construction of Phases 2, 3, 4, and 5 in one event;
  - And increase fill density to a minimum of 50 cy/lf for Phase 5

07/18/2013 09:00:2011

4

## Review of Proposed Plan (Continued)

- Task 4: Contractor Bidding, Selection & Negotiations
  
- Task 5: Beach Profile Surveys (Monitoring)
  - Phase 1: Monitoring
  - Onslow Beach: Monitoring

07/18/2013 09:00:2013

5

## Items to Consider

1. Permit Modifications
  - Combining Phase 2 – 5 (Most likely 6 – 12 month process)
  - Constructing Phase 5 in 2013 (2 - 6 month process)
  
2. Permit Required Hardbottom / Sidescan Monitoring
  - Offshore Borrow Area
  - Nearshore Phase 2 & 4

} Estimated Cost  
of \$250,000
  
3. Timeframe for Construction
  - Increasing volume in Phase 5 will require maximum dredge window possible.

07/18/2013 09:00:2013

6

## Plans to Consider:

1. Continue on path to construct Phase 1 – 5 during FY 2014/2015.
2. Move towards constructing Phase 5 this year with Phase 2 - 4 next year.
3. Move towards construction Phase 5 this year with Phase 2 – 4 in 3 years (2016 and /or 2017).

07/18/2013 09:00:2013

7

## Alternative 1 Construct Phase 2 thru 5 in FY 2014/2015

### Pro

- Allows for construction of all phases concurrently, which minimizes mobilization
- Allows sufficient time to modify the permit as proposed in May, 2013 Scope
- Allows an opportunity to pursue permit modifications to extend dredge season to 12 months
- Allows 1 year to strengthen financial position of the Town

### Con

- Delays any shoreline protection for 1 dredge season
- Most likely would not allow for complete build out of nearshore hardbottom areas
- Volume of project may limit the number of contractors that could construct for current estimates

07/18/2013 09:00:2013

8



### Alternative 2

## Construct Phase 5 in FY 2013/2014 & Phase 2 thru 4 in FY 2014/2015

| <u>Pro</u>   | <u>Con</u>  |
|--|---|
| <ul style="list-style-type: none"><li>• Potential to complete ~ 1/2 of remaining project this year</li><li>• Opens Market to More contractors</li><li>• Allows opportunity to negotiate a multi-year construction contract (Potential cost savings)</li><li>• Allows sufficient time to modify the permit as proposed in May, 2013 Scope for Phases 2-4</li><li>• Allows opportunity to pursue permit modifications to extend dredge season to 12 months</li></ul> | <ul style="list-style-type: none"><li>• Most likely would not allow for complete build out of nearshore hardbottom areas</li><li>• Delay completion of Phases 2 – 4 of the shoreline protection project for 1 dredge season</li><li>• Most likely to increase overall cost of the project. Would increase project cost due to 2<sup>nd</sup> mobilization. (Currently estimated at \$3 M)</li></ul> |

10


### Alternative 3

## Construct Phase 5 in FY 2013/2014 & Phase 2 thru 4 in FY 2016/2017

| <u>Pro</u>  | <u>Con</u>  |
|---|---|
| <ul style="list-style-type: none"><li>• Potential to complete ~ ½ of remaining project this year</li><li>• Opens Market to More contractors</li><li>• Allows for complete build out of nearshore hardbottom areas</li><li>• Best opportunity to pursue permit modifications for Phases 2 – 4 including 12 month dredging</li><li>• Potential cost savings with combining Initial Construction 3 and Maintenance Event 1</li><li>• Allows opportunity to negotiate a multi-year construction contract (Potential cost savings)</li><li>• Allows additional time to strengthen financial position of the Town</li></ul> | <ul style="list-style-type: none"><li>• Delay completion of the shoreline protection project for 3 dredge seasons</li><li>• Could increase project cost due to multiple mobilizations. (Currently estimated at \$3 M)</li></ul> |

11

## Discussions

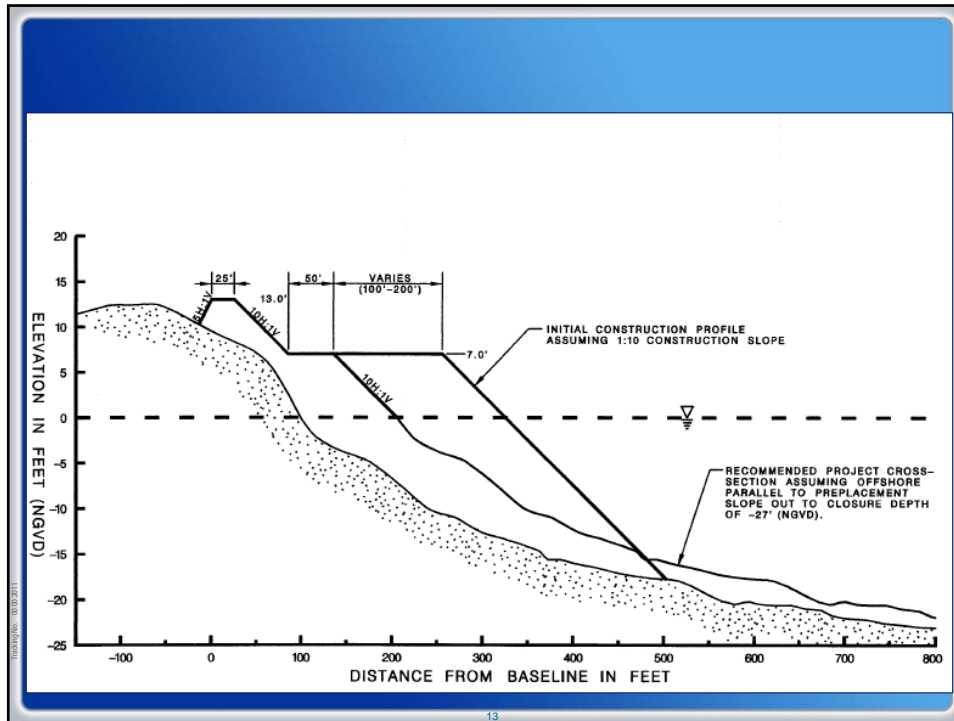


**Coastal Planning & Engineering of North Carolina**  
**July 18, 2013**

Ken Willson – [kenneth.willson@cbi.com](mailto:kenneth.willson@cbi.com)  
Robert Neal – [Robert.neal@cbi.com](mailto:Robert.neal@cbi.com)

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## Design Parameters

| Phase   | Reach             | Length | Dune Width (ft) | Berm Width (ft) | Total Volume (cy/lf) | Total Volume CY |
|---------|-------------------|--------|-----------------|-----------------|----------------------|-----------------|
| Phase 2 | 1090+00 - 1048+30 | 4,170  |                 | 20              | 20                   | 83,400          |
|         | 1048+30 - 1020+00 | 2,830  |                 | 20              | 20                   | 56,600          |
|         | 1020+00 - 1008+30 | 1,170  | 25              | 42              | 108                  | 126,711         |
|         | 1008+30 - 968+30  | 4,000  | 25              | 42              | 56                   | 225,600         |
| Phase 4 | 968+30 - 934+00   | 3,430  | 25              | 42              | 76                   | 258,965         |
|         | 934+00 - 900+00   | 3,400  | 25              | 42              | 71                   | 242,760         |
| Phase 3 | 900+00 - 865+00   | 3,500  |                 | 9               | 20                   | 70,000          |
|         | 865+00 - 840+00   | 2,500  |                 | 9               | 20                   | 50,000          |
|         | 840+00 - 825+00   | 1,500  | 25              | 42              | 55                   | 82,050          |
|         | 825+00 - 785+00   | 4,000  | 25              | 42              | 95                   | 379,200         |
| Phase 5 | 785+00 - 731+80   | 5,320  | 25              | 42              | 52                   | 278,236         |
|         | 731+80 - 681+80   | 5,000  | 25              | 42              | 92                   | 460,500         |
|         | 681+80 - 631+80   | 5,000  | 25              | 42              | 79                   | 395,000         |
|         | 631+80 - 581+80   | 5,000  | 25              | 42              | 78                   | 389,500         |

Design Volume (CY) 3,098,522

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# *Town of North Topsail Beach*

Daniel Tuman, Mayor  
Suzanne Gray, Mayor Pro Tem  
Aldermen:  
Don Harte  
Tom Leonard  
Richard Macartney  
Michael Yawn



Stuart Turille  
Town Manager  
Carin Z. Faulkner, MPA  
Town Clerk

## **Board of Aldermen Regular Meeting Minutes Thursday, August 1, 2013 6:30 P.M.\***

**PRESENT:** Mayor Daniel Tuman, Mayor Pro Tem Suzanne Gray, Aldermen Don Harte, Tom Leonard, Dick Macartney and Mike Yawn, Town Attorney Brian Edes, Town Manager Stuart Turille and Town Clerk Carin Faulkner.

- I. **CALL TO ORDER:** Mayor Tuman called the meeting to order at 6:30 p.m.
- II. **INVOCATION:** Alderman Yawn gave the invocation.
- III. **PLEDGE OF ALLEGIANCE:** Mayor Tuman led those present in the Pledge of Allegiance.
- IV. **APPROVAL OF AGENDA:**
  - Alderman Harte made a motion to approve the agenda as presented. Alderman Yawn seconded.
  - The agenda was approved unanimously.
- V. **PUBLIC HEARINGS/PRESENTATIONS:**
  - A. **Presentation of “Proclamation Designating North Topsail Beach as a Purple Heart Town” to Sergeant Major Grant Beck, USMC (Retired), Commander of Beirut Memorial Chapter 642 of the Military Order of the Purple Heart:**
    - Mayor Tuman introduced the item.
    - Alderman Leonard introduced Sergeant Major Beck and nine other Purple Heart veterans from the chapter. He read the proclamation.
    - Mayor Tuman presented the proclamation to Sergeant Major Beck.
    - Mayor Tuman, Alderman Leonard, Sergeant Major Beck and the Purple Heart veterans posed for pictures with the proclamation.
    - Sergeant Major Beck thanked the Town for stepping up. He explained that this is a nationwide effort to bring awareness to folks about what the Purple Heart is about. He said North Topsail Beach is the first town in Onslow County to make this designation.

\*There are attachments to these minutes.

**B. Public Hearing (continued) – Case #SUP-13-04 – Special Use Permit Application for the Installation and Operation of a Commercial Propane Tank at 4021 Island Drive (Tax Map #769-4.2):**

- Alderman Leonard made motion to open the public hearing. Mayor Pro Tem Gray seconded the motion. The motion passed unanimously.
- Ms. Faulkner swore in Ms. Deborah Hill, Mr. Frank Rochelle, and Ms. Anne Whelan.
- Mr. Edes went over the procedures and questions required for the quasi-judicial hearing.
- Ms. Hill summarized the Staff Report and asked that the exhibits be entered into the record (Attachment A).
- Ms. Hill took a question from the Board. The applicant did not have any questions for Ms. Hill.
- Ms. Anne Whelan spoke on behalf of the applicant. She brought exhibits for the Board to review and those were passed around. The pictures would not come up on the projection screen but she gave a description of them (Attachment B- Exhibit 1 – Site Plan, Exhibit 2 – Drawing of Tank, Exhibit 3 – Training Requirements, Exhibit 4 – Photos (8), Exhibit 5 – What is Propane?).
- Ms. Whelan took questions from the Board.
- Mr. Frank Rochelle expressed his concerns about where the propane tank is going to be installed. He indicated that he was given several locations. He took questions from the Board and Ms. Whelan.
- Ms. Hill made comments about the flood act regulations put in place after North Carolina experienced several hurricanes. She took questions from the Board.
- Ms. Hill made comments about the completeness of the application.
- Ms. Whelan made further comments.
- Alderman Leonard made a motion to close the public hearing. Alderman Yawn seconded the motion. The motion passed unanimously.
- Mr. Edes went over the three criteria that need to be met for the Board to approve the permit.
- There was discussion.
- Alderman Macartney made a motion to grant the special use permit subject to an appearance by the property manager with engineered drawings showing the location of the propane tank and subject to approval by this Board.
- The motion failed for lack of a second.
- Alderman Yawn moved that the Board of Aldermen, pursuant to UDO Section 2.06.04, deny this special use permit application based on:
  - The use or development is **not** located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare.

- That the use or development does not comply with all the required regulations and standards of this ordinance and with all other applicable regulations.
- That the use or development does not conform to the plans for the land use and development of the Town of North Topsail Beach as embodied in this ordinance and in the Town of North Topsail Beach CAMA Land Use Plan.
- Alderman Harte seconded the motion.
- The motion passed 4 to 1 with Alderman Macartney voting against.

**C. Public Hearing – Case #SD-13-02 – Sanctuary Final Subdivision Plat by First Service Corporation of NC (Tax Map #779-1.2):**

- Alderman Macartney made a motion to open the public hearing. Mayor Pro Tem Gray seconded. The motion passed unanimously.
- Mr. Edes conducted the hearing. He asked those who would like to testify to please come forward.
- Mr. Edes asked the Board the procedural questions for the hearing. The Board had no comments.
- Ms. Faulkner swore in Mr. Charles Riggs and Ms. Deborah Hill.
- Ms. Hill read the staff report (Attachment C). There were no questions.
- Mr. Riggs spoke about the subdivision and said that no major permits are needed. He asked that the Board approve the subdivision with the condition that the wetlands are approved; he is waiting on the wetlands delineation from the Army Corps of Engineers.
- Mr. Riggs took questions from the Board.
- There was discussion.
- Aldermen Leonard made a motion to close the public hearing. Alderman Yawn seconded the motion. The motion passed unanimously.
- There was discussion.
- Alderman Yawn made a motion that the Board of Aldermen approve subdivision case #SD-13-02 contingent upon the Town receiving the Federal wetlands delineation and that the Town shall not sign off on the final subdivision plat until it is received. Mayor Pro Tem Gray seconded the motion. The motion passed unanimously.

**D. Presentation – Update on Financing for Second Shoreline Protection Event – Doug Carter, DEC Associates:**

- Mr. Carter gave a presentation (Attachment D) on the financing for the Town's second shoreline protection event (Phase 5).
- He took questions from the Board.
- There was discussion.

VI. **MANAGER'S REPORT:**

- Mr. Turille gave an update on the recent double homicide then gave his report as presented to the Board.

1. **Shoreline Protection Project, second event-update:**

- July 18 meeting—CP& E, our Project Engineering firm, presented information involving three options for** proceeding to complete the remaining four phases of the Project. The critical change in information was the determination by the Corps of Engineers to view the integration of all four phases into one as a major modification of the permit, meaning a delay in obtaining the permit until December, 2013 at the earliest. With such a late start and a reduced chance of completing the remaining phases by the end of the dredge window, combined with the additional information that USDA does not want to lend an area still in CBRA, it was determined to break out phase 5 and do it first in the Fall or Winter of 2013-14, with the current permit. This will give us more time to seek a major permit modification to do the remaining phases in the fall and winter of 2014-15 and have more time to change CBRA.
- USDA pre-application** – USDA said that we should separate our request into two loans, one for Phase 5 and another for the remaining phases. A Pre-application request for \$16,245,000 was submitted for Phase 5 only. They seem more interested in this approach. This will give us time to change CBRA and complete the major permitting modification, submitting the Phase 2-4 pre- application to USDA later.
- Critical Path for Obtaining Financing** –see document attached to so that we all know what steps are required to complete the Shoreline Protection Project.

2. **Onslow County meeting—Monday July 22—Alderman McCartney and I rode up to Jacksonville to listen to presentations on a Small Area Plan for Sneads Ferry and a Feasibility Study of Channel Dredging.**

- Sneads Ferry Small Area Plan**—the Planning Director stated that the County, due to the significant growth in Sneads Ferry was contracting with a consulting company to begin a public input process to discuss: 1. **Land Use evaluation** (residential and commercial density, mixed-use patterns etc.) current and proposed use and 2. **Transportation**—particularly at the four corners but also access from the base. Charettes, visioning exercises and public input are set to begin around October 1 and a Steering Committee will be formed. I have the presentation and can forward to anyone interested.
- Feasibility Study of NRI Channel Dredging**—CP&E gave a presentation to the County. Key points include: the annual cost would be around \$1.3 million for removal of 100,000 CY. Annual maintenance would require a cost-share approach (He mentioned N. Topsail Beach's need for the sand as part of its beach maintenance). Commissioner Midgett made a point of thanking his fellow commissioners for approving this study and said that channel dredging would not be a one-time issue but on-going (**seeming to indicate that the County is interested in developing a long-term maintenance plan**).

3. **Easements** – easement letters continue to come in we have received approximately 208 out of 767 as of last Friday.
4. **Shallow Draft Inlet Dredging**— The **Shallow Draft Inlet dredging funding bill** was signed by the Governor.

VII. **OPEN FORUM:**

**John Schoffner of Topsail Reef # 285** – Mr. Schoffner thanked the Board for their work on getting Phase One completed. He said it turned out fantastic and that he owes the Town a lot. He said that last November we learned the meaning of a barrier island and the importance of maintaining the beach and its dunes to protect the mainland.

VIII. **CONSENT AGENDA:**

- A. Approval of Minutes: July 8, 2013 July 18, 2013
- B. Department Head Reports: Finance, Fire, Inspections, Planning, Police Departments
- C. Committee Reports: Planning Board, Board of Adjustment, TISPC, ONWASA
  - Alderman Yawn made a motion to approve the Consent Agenda as presented. Mayor Pro Tem Gray seconded the motion.
  - Mr. Edes requested one change to the July 8<sup>th</sup> minutes.
  - Alderman Yawn amended his motion to make the correction. Mayor Pro Tem Gray seconded the amended motion.
  - The motion passed unanimously.

IX. **OLD BUSINESS:**

**A. Request to Approve Budget Amendment #1:**

- Alderman Macartney made a motion approve Budget Amendment #1. Alderman Yawn seconded the motion.
- There was discussion.
- The motion passed unanimously.

X. **NEW BUSINESS:**

**A. Request to Approve Engagement Letter for Special Counsel to Assist with Beach Renourishment Financing:**

- Mr. Turille introduced this item.
- Mayor Pro Tem Gray made a motion to approve the engagement letter with Parker Poe. Alderman Leonard seconded the motion.
- There was discussion.
- The motion passed unanimously.

**B. Request to Approve Legal Services Agreement:**

- Mr. Turille introduced this item.
- Alderman Leonard made a motion to approve the legal services agreement with Crossley, McIntosh, Collier, Hanley and Edes as presented. Mayor Pro Tem Gray seconded the motion.
- There was discussion.
- The motion passed 4 to 1 with Alderman Macartney voting against.

**C. Request to Adopt a Resolution to Amend the Biggert-Waters Flood Insurance Reform Act of 2012:**

- Alderman Harte made a motion to adopt Resolution 2013-16. Mayor Pro Tem Gray seconded the motion.
- The motion passed 4 to 1 with Alderman Macartney voting against.

XI. **OPEN FORUM:**

Richard Peters of 601 New River Inlet Road - Mr. Peters wanted more information about the resolution the Board just passed and asked for an update on CBRA.

XII. **ATTORNEY'S REPORT:** Mr. Edes said he had something to report in Closed Session.

XIII. **MAYOR'S REPORT:** Mayor Tuman thanked everyone for coming. He expressed his satisfaction with the State legislature for passing funding for shallow draft inlet dredging. He said that Senator Harry Brown did yeoman's work on this bill and we now have a solution for our State after the Federal government took themselves out of the picture. He indicated it is important to keep the State's inlets open for navigation. Kudos to Senator Brown.

XIV. **ALDERMEN'S REPORT:**

**Alderman Macartney:** Mr. Macartney thanked the Town Manager, Staff, PIO and Police Department for the professional way they handled the unfortunate event that occurred last week with the double homicide. We came off very well as a Town and continue to do so because of our professional staff. He said it is a shame that it happened, but we handled it well.

**Mayor Pro Tem Gray:** Mrs. Gray thanked everyone for coming.

**Alderman Yawn:** Mr. Yawn thanked the Police Department and PIO and the Town Manager for handling the unfortunate incident. He urged the Town Manager to work with the Police, Fire Department and Public Works to work on a policy for biohazards in response to the complaints about the blood left on the beach at the scene.

**Alderman Leonard:** Mr. Leonard thanked everyone for coming out. He said he appreciated the help with everyone on the Purple Heart Proclamation. He said we took good care of the recipients. He commended the Staff for their work on the double homicide it was professionally handled.

**Alderman Harte:** Mr. Harte thanked everyone for coming.

Mr. Edes gave a quick update on legislation that passed giving clarification on what beach municipalities can enforce on the public beach. It passed both houses and now the Governor needs to sign it.

XV. **CLOSED SESSION:** Per N.C.G.S. 143-318.11 Closed Sessions (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 (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease.

Alderman Leonard made a motion to go into Closed Session per N.C.G.S. 143-318.11 (5). Mayor Pro Tem Gray seconded the motion. The motion passed unanimously.

Alderman Leonard made a motion to go out of Closed Session. Alderman Yawn seconded the motion. The motion passed unanimously.

The Board directed the Town Staff to put out a Public Notice for a potential exchange of property.

- XVI. **ADJOURNMENT:** Mayor Pro Tem Gray made a motion to adjourn. Alderman Leonard seconded the motion. The motion passed unanimously. The meeting adjourned at 9:18 p.m.

**APPROVED:**

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Daniel Tuman, Mayor

**ATTEST:**

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Carin Z. Faulkner, Town Clerk

Approved on: 10/3/2013



*Town of North Topsail Beach*  
Board of Aldermen

Agenda Item: V. B.

Date: 08/01/2013

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**Issue:** **Public Hearing: Case #SUP-13-04 (cont.)**  
Special Use Permit Application by Taylor Ross for the Installation and Operation of a Commercial Propane Tank at 4021 Island Drive (Tax Map # 769-4.2).

**Department:** Planning

**Presented** Deborah J. Hill, AICP CFM CZO - Planning Director

**Presentation:** Yes

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**BACKGROUND:** On May 7, 2013, agent for the owner, Jonathan Byrd and applicant, Taylor Ross of Suburban Propane submitted a special use permit application for a commercial 500-gallon propane tank to be located at 4021 Island Drive (**Exhibit 1**). Owned by Durwood T. and Janice S. Bradshaw, the 2.75-acre lot is zoned Business (B-1) and is surrounded to the south, west and north by Roger's Bay Campground – also, zoned B-1 - with Island Drive to the east (**Exhibits 2, 2a**). The Flood Insurance Rate Map (FIRM), Map Number 3720426600J, dated November 3, 2005, indicates that the property has a base flood elevation (BFE) of 11 feet and is within a Coastal AE zone, the portion of the Special Flood Hazard Area landward of a V zone. The property is also within the Coastal Barrier Resource System L06 established on October 1, 1983 (**Exhibit 3**).

Built in 1964, the existing structure is a 3,168 square foot commercial building. There are currently twelve (12) permitted businesses. The building tenants include: 1) a beauty salon, *Knotty* operated by Stephanie Parker; 2) a bar, *Come Wine at NTB*, operated by Anne M. Whelan and Jonathan Byrd; and 3) kayak and bicycle rental, *Adrenaline Rush*, operated by Frank Rochelle. Permitted parking lot vendors include:

- |   |   |
|---|---|
| 4) Kim Nelson - beach glass jewelry.  | 9) Mary Denson- E & J Sales- funnel cakes, shaved ice.        |
| 5) John Brown - beach chairs.   | 10) Minnie McPhatter-Mobile food, Italian ice.                |
| 6) Alex Borroto - handmade wood crafts.   | 11) James & Jennifer Stewart- hotdogs.                        |
| 7) Jim Smith- paintings and signs.  | 12) Randy Croom&Alafair Pierce-Boiled Peanuts and Pork Skins. |
| 8) Open Arms of Eastern NC Non Profit- Calvin Harvey- cotton candy, snow cones, funnel cakes, lemonade, nachos. |   |

The proposal is not incidental or accessory to any existing use or development of the premises; however, the use of the structure (tank) for purposes of the retail operation of propane sales is considered a principal use and is classified according to the UDO Table 4-1 Use Table as, *“retailing or servicing with operations conducted and merchandise*



stored inside or outside building and not otherwise listed,” which may be allowed as a special use in B-1 and B-2 districts. As such, the proposal is required to meet the terms, conditions, and requirements for special uses and for which a special use permit is required to have been issued by the Board of Aldermen.

**ANALYSIS:** In granting the permit, the Board of Aldermen shall make a written decision that identifies the key facts of the case and applies these facts to the following standards. The Board must find that all of these conditions exist or the application will be denied (Reference: UDO Sec. 2.06.04):

**A.** The use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;

**Applicant’s comments:** *The use will provide a regulated safe service of the dispensing of propane.*

**Staff’s comments:**

**Location**

FEMA 348 publication “*Protecting Building Utilities from Flood Damage*” states that above ground tanks in V Zones and A Zones that experience velocity flow are not only subject to buoyancy forces, but also to lateral forces caused by velocity flow, wave action, and debris impact. The effects of buoyancy and/or those of velocity flow can move a tank from its location, break it open, and cause fuel leakage. To accomplish protection of public health and service needs, the Town adopted an implementing action (#57) in the CAMA Land Use Plan which prohibits the installation of underground and above ground storage tanks in the 100-year floodplain (**Exhibit 4**).

No other commercial propane facility exists within the Town’s corporate limits. However, replacement tanks and tank refill facilities are available nearby, in Surf City and Sneads Ferry. Additionally, alternative locations exist for the use safely outside the Special Flood Hazard Area. Therefore, the proposal does not serve a critical need in the community, but may be considered a convenience for the owners in Roger’s Bay Campground. A survey by staff indicated fifteen (15) local businesses that either refill or exchange tanks:

**Sneads Ferry**

Food Lion-Exchange Tank  
Bp Gas-Exchange Tank  
Hess Gas 4 Corners-Exchange Tank  
Tru Value Hwy 172-Exchange Tank  
Exxon Gas Hwy 172 Sneads Ferry Rd  
Sneads Ferry Lp Gas Hwy 210-Refill  
Shell Gas 210 & 17-Exchange Tank

**Holly Ridge**

Hess Gas Rte 17-Exchange Tank  
Holly Ridge Hardware Ocean Rd &  
Lee-Refill  
Country Store Ocean Rd-Exchange  
Tank

**Surf City**

Bp Gas 210 & 50-Exchange Tank  
Food Lion-Exchange Tank  
Dollar General Hghwy 50-Exchange  
Tank  
Exxon Gas Roland/210-Exchange Tank  
Friendly Mart N. New River Dr-  
Exchange Tank

### Design

On June 13, 2013, the applicant submitted to the Planning Board, "Propane Tank Anchorage Installation for Floatation and Wind" by Dale V. Murdrak, P.E., of Christmas, Florida (**Exhibit 8**). The document is not signed nor sealed as required by Florida Statutes Title XXXII, 471.023 and 025. A North Carolina professional engineer's certification and required notation per 21 NCAC 56.1106 is required for all standard design plans used.

The design does not meet the specific standards for non-residential construction, pursuant to UDO Sec. 7.52(B). A registered professional engineer or architect has not certified that the standards of subsection, UDO Sec. 7.52(B), are satisfied. Such certification is required as set forth in Section 7.32(C), along with the operational and maintenance plans.

The elevation of tanks in AE zones is "highly recommended" but a "minimum requirement" in a VE zone (**Reference: FEMA 348 publication "Protecting Building Utilities from Flood Damage, p. 3.2-4**). The tank may be floodproofed to the regulatory flood protection elevation in lieu of elevation provided that all areas the tank and components below the regulatory flood protection elevation are watertight and substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy (**Reference: UDO Sec. 7.52 (B)**).

### Operation

The applicant does not state how the "regulated safe service of the dispensing of propane" will be accomplished. The applicant has not submitted sufficient information in order to provide a full and accurate description of the proposed use including its appearance and operational characteristics (**Reference: UDO Sec. 2.06.04(C)(4)**). A regularly scheduled fire safety analysis by the operator is not required by NC Department of Agriculture for a 500- gallon tank.

**B.** The use or development complies with all required regulations and standards of this Ordinance and with all other applicable regulations;

**Applicant's comments:** *All installations will be in accordance with NFPA 58 & approved by the North Carolina Department of Agriculture and Consumer Services (Standards Division).*

**Staff's comments:** A site plan to include lighting and parking and an engineered design and

certification are required in order for Division of Coastal Management and Town staff to determine if the proposal complies with CAMA regulations, the UDO and the North Carolina Building Code.

### **Unified Development Ordinance**

If a propane tank is considered a chemical storage facility, both NCGS **§143-215.54(c)** for North Carolina and **§143-215.54A(2)** for local ordinances, state that new solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities are prohibited in the 100-year floodplain except as authorized under G.S. 143-215.54A(b), which states that:

*A flood hazard prevention ordinance may include a procedure for granting variances for uses prohibited under G.S. 143-215.54(c). A county or city shall notify the Secretary of its intention to grant a variance at least 30 days prior to granting the variance. A county or city may grant a variance upon finding that all of the following apply:*

- (1) The use serves a critical need in the community.*
- (2) No feasible location exists for the location of the use outside the 100-year floodplain.*
- (3) The lowest floor of any structure is elevated above the base flood elevation or is designed to be watertight with walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.*
- (4) The use complies with all other applicable laws and regulations.*

However, according to Richard D. Ducker, Adjunct Associate Professor of Public Law and Government of the UNC School of Government:

*G.S. 143-215.54A(a)(3) address both “chemical storage” and “fuel storage” when they are incidental uses in the floodplain, requiring them to be elevated or watertight. G.S. 143-215.54A(a)(2), which addresses principal uses of property by requiring them to be prohibited in a local ordinance, mentions “chemical storage facilities,” but not new fuel storage facilities. The rules of legal interpretation would suggest that this distinction was intentional and does make a difference. As a result, the statute does not necessarily require local government ordinances to prohibit fuel storage facilities when they are principal uses. I guess the only*

*way this differential treatment can be explained is that the statutes leave the question of how fuel storage facilities should be treated when they are principal uses to local governments to decide by local ordinance.*

The Senior Engineer and State NFIP Coordinator, John T. Gerber, PE, CFM of the North Carolina Division of Emergency Management Floodplain Mapping Program is pursuing a ruling from the State Attorney General's office to better address this issue in the future. He is hesitant to label a propane tank a chemical storage facility. He has discussed this with the NC Department of Environmental Resources, Divisions of Water Quality, Water Resources and Waste Management. No one is able to provide a definition or interpretation of a chemical storage facility. The NC Division of Emergency Management Floodplain Mapping Program has had questions before whether or not paints, insecticides, and other chemicals that are stored in a garage are considered a chemical storage facility.

Technically, these are chemicals and being stored. Propane is the chemical name for Dimethyl methane, LP-Gas, Liquefied Petroleum Gas (LPG), Propane, Propyl Hydride and the chemical formula is  $C_3H_8$ . According to 41 CFR 51-10.103, facility means "all or any portion of buildings, structures, equipment, roads, walks, parking lots, rolling stock or other conveyances, or other real or personal property.

Whether or not a propane tank is legally or technically considered a *chemical storage facility*, the proposed commercial propane tank still does not meet the conditions for approval pursuant to UDO Sec. 7.51 (J) and as provided for by N.C.G.S. 143-215.54A, as the "structure or tank for chemical or fuel storage" is not "incidental to a use that is allowed under this section or to the operation of a water treatment plant or wastewater treatment facility." By definition, the tank is considered a *structure* (**Reference: NCGS § 143-215.52 (a)(6)**). The principal *use* would be the commercial sale of propane gas, which requires a Special Use Permit. An example of a propane tank that would be allowed by UDO Sec. 7.51 (J) would be one that services a restaurant, a house or even the numerous tanks existing in Rogers Bay Campground that serve the travel trailers.

### **Site Plan**

No site plan has been submitted. A site plan is a plan, *to scale*, showing uses and structures proposed for a parcel of land as required by the regulations involved. It includes lot lines, streets, building sites, reserved open space, buildings, major landscape features--both natural and manmade--and, depending on requirements, the location of proposed utility lines. The nearest fire hydrant is approximately 221 feet, across the

state road at 4006 Island Drive. As the hand-drawn diagram is not to scale, staff is unable to determine impervious surface and exact distances relative to required setbacks; Areas of Environmental Concern (AEC's) and existing buildings and recreational vehicles.

### **Lighting Plan**

Outdoor lighting is required to be in accordance with Sec. 6.02.06 (C). The diagram indicates an existing light pole, but does not include sufficient detail to determine if in compliance with 1) Sec. 6.02.06 (C); or 2) if lighting is sufficient for nighttime operations to illuminate storage containers, container being loaded, control valves, and other equipment. All lighting shall be directed away from residentially zoned areas. The location and height of all lighting shall be shown on a lighting plan. Any lighting provided within the project shall be so located or shielded so that no offensive glare will be visible from an adjoining street or property.

### **Parking Plan**

A number of tenants and vendors co-exist at 4021 Island Drive and staff has received several complaints regarding commercial tenants, the parking lot and permitted vendors. In addition to the requirement by Sec. 6.05, a parking plan would clarify the owner's intent by specifying assigned outdoor area and parking.

Pursuant to Sec. 6.05 off-street parking and loading requirement, permanent off-street parking spaces shall be indicated on plans submitted for review and provided on the lot. Each application for a zoning permit or certificate of occupancy shall include plans and other information of sufficient detail to enable the Zoning Administrator to determine whether or not the requirements of this section have been met. Plans for off-street loading areas shall include information as to:

- A. The location and dimensions of driveway entrances, access aisles and loading spaces.
- B. The provision for vehicular and pedestrian circulation.
- C. The location of sidewalks and curbs.

### **NC Building Code**

A building permit is required for the construction, repair, alteration, or addition to a structure, which sets the inspection schedule and construction techniques for a particular project and specified use in accordance with this Ordinance and adopted building ordinances and other prevailing standards for construction, and includes the Town's

necessary zoning approval.

### **NC Division of Coastal Management**

The 2.75-acre lot lies partially within the Outstanding Resource Waters (ORW) Area of Environmental Concern (AEC) and partially within the Ocean AEC. The diagram does not indicate whether or not the proposed location is within or outside of either AEC. If the proposal is located in either AEC and constitutes development, then the proposed installation of the commercial propane tank would require authorization, as determined by the Field Representative of the NC Division of Coastal Management.

### **NC Department of Agriculture and Consumer Services**

The Standards Division of the NC Department of Agriculture is responsible for enforcing provisions of the National Fire Protection Association Pamphlet No. 58, which applies to anchoring propane tanks —Where necessary to prevent flotation due to possible high flood waters around above-ground or mounded containers. The Standards Division has also developed guidelines on how propane tanks located in flood-prone areas should be properly anchored.

The site must be licensed by NC Department of Agriculture and Consumer Services, Standards Division prior to commencing operation. Due to their limited staff and distance, the Standards Division does not necessarily require an inspection prior to operation. The location of propane tanks and facilities does not fall under the jurisdiction of the NC Building Codes; therefore, local inspectors do not have the authority to perform these routine inspections. However, an application for a building permit is required prior to the erection, construction or alteration of the commercial propane tank (**Reference UDO Sec. 2.06.14**).

- C. The use or development conforms to the plans for the land use and development of Town of North Topsail Beach as embodied in this Ordinance and in the Town of North Topsail Beach CAMA Land Use Plan.

**Applicant's comments:** *Suburban propane will follow all local & state regulations with install and operation of their unit.*

**Staff's comments:** The Planning Board shall pay particular attention to consistency of the proposed use with the CAMA Land Use Plan. MAP 13-A of the CAMA Land Use Plan indicates the Future Land Use District is Mixed Use Business (**Exhibit 5**). The Town supports bulk fuel storage tanks for retail and wholesale sales (**Exhibit 6**); however, the Town opposes new above

ground storage tanks within the Town's corporate limits (**Exhibit 7**). Floodplain regulation is a concern in the town. To accomplish protection of public health and service needs, the town will prohibit the installation of underground and above ground storage tanks in the 100-year floodplain (**Exhibit 4**).

**RECOMMENDATION:** On June 13, 2013, the Planning Board reviewed the application by Mr. Ross and unanimously makes the following recommendation to the Board of Aldermen for the public hearing to be held on July 8, 2013: that pursuant to UDO Sec. 2.06.04, the special use permit be denied as:

- A. The use or development is **not** located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare:
  - 1) **Location:**  
To accomplish protection of public health and service needs, the town will prohibit the installation of underground and above ground storage tanks in the 100-year floodplain (**Exhibit 4**).
  - 2) **Design:**  
The application does not meet the specific standards for non-residential construction. (**Reference: UDO Sec. 7.52(B)**)
  - 3) **Operation:**  
The applicant has not submitted sufficient information in order to provide a full and accurate description of the proposed use including its appearance and operational characteristics (**Reference: UDO Sec. 2.06.04 (C) (4))**).
- B. The use or development does **not** comply with all required regulations and standards of this Ordinance and with all other applicable regulations:
  - 1) A site plan to include lighting and parking and engineered design for installation are required in order for Division of Coastal Management and Town staff to determine if the proposal complies with CAMA regulations, the UDO and the North Carolina Building Code.
- C. The use or development does **not** conform to the plans for the land use and development of Town of North Topsail Beach as embodied in this Ordinance and in the Town of North Topsail Beach CAMA Land Use Plan:

- 1) The proposed use is not consistent with the CAMA Land Use Plan, as the Town supports bulk fuel storage tanks for retail and wholesale sales; however, the Town opposes new above ground storage tanks within the Town's corporate limits (**Exhibits 6, 7**).
- 2) To accomplish protection of public health and service needs, the town will prohibit the installation of underground and above ground storage tanks in the 100-year floodplain (**Exhibit 4**).

**EXHIBITS:**

1. T. Ross application received May 7, 2013.
2. Onslow County Tax Parcel Report indicating 2012 aerial with Coastal AE and V zones.
- 2a. Onslow County Register of Deeds: Map Book 43, Page 112.
3. Digital Flood Insurance Rate Map (FIRMETTE), Map Number 3720426600J, November 3, 2005.
4. CAMA Land Use Plan, Implementing Action #57.
5. CAMA Future Land Use Map.
6. CAMA Land Use Plan, page 168.
7. CAMA Land Use Plan, Policy Statement #64.
8. "Propane Tank Anchorage Installation for Floatation and Wind" by Dale V. Murdrak, P.E., Christmas, Florida FLPE # 42669 submitted to the Planning Board on June 13, 2013.



**Town of North Topsail Beach**  
**SPECIAL USE PERMIT (SUP) APPLICATION**  
(A Pre-submittal conference **must be held** prior to submission)

|                          |   |                              |
|--------------------------|---|------------------------------|
| Application (Staff Only) |   |                              |
| Number: SU- 13-04        | Date/Time received: MAY 7 2013            | Application verified by: DJH |
| Fee: \$150.00            | Check #:                                  | Receipt #:                   |
| Fee for Legal Ad: JUNE 7 | Scheduled for Planning Board on: JUN 13   | at 6:30 p.m.                 |
| Fee for Legal Ad: JUNE 7 | Scheduled for Board of Aldermen on: JUL 3 | at 6:30 p.m.                 |

Application

**ONLY COMPLETE APPLICATIONS CAN BE ACCEPTED**

SPECIAL USEs, as specified in the various districts (reference: UDO Table 4-1 Use Table), may be considered after review by the Planning Board and approval by the Board of Aldermen.

Applications are due by noon on the submittal deadline date. Deadlines are discussed at the pre-submittal meeting. Applications should be submitted in-person, and fees are due at time of submittal.

The application is a form of written testimony, and used both to show how Ordinance considerations are addressed and to provide evidence that the required findings for approval can be made. In addition to the application materials, the applicant may provide any other written, drawn or photographed material to support his/her request and as permitted by the Planning Board and/or Board of Aldermen, as applicable. Any additional material submitted will become part of the application, and as such cannot be returned.

Attendance at the hearing is required. Applicants may represent themselves or may be represented by an attorney appropriate for quasi-judicial public hearings. The applicant has the **burden of proof** and must provide sufficient evidence in order for the required findings to be made. The public hearing will allow the applicant, proponents, opponents and anyone else the opportunity to testify in regards to the request. An application may be approved, approved with conditions, continued for more information, or denied.

**Information:** If you have any questions, please contact the Planning Director at (910) 328-1349 ext. 100 between 8:00 a.m. and 5:00 p.m. on weekdays or email at [dhill@north-topsail-beach.org](mailto:dhill@north-topsail-beach.org).

| Application Requirements  | Applicant Initials | Staff Initials |
|---|--------------------|----------------|
| Pre-submittal meeting   | [Signature]        |                |
| Site plan or PLOT PLAN, as determined at the pre-submittal meeting. | [Signature]        |                |
| Completed application and responses: ORIGINAL signatures required.  | [Signature]        | DJH            |
| Additional supporting documents                                     | [Signature]        |                |

| Property Information                      |  |
|---|--|
| Site Address: <b>4021 Island Drive</b>    | Parcel #: <b>(Tax Parcel Id 769-4.2)</b> |
| Zoning District(s) : <b>B-1</b>           | Plat Book/Page #:                        |
| Overlay District(s): <b>ORW/OCEAN AEC</b> | Date Plat Filed:                         |
| Current Use: <b>BUSINESS</b>              | Deed Book/Page #:                        |
| Flood Zone: <b>COASTAL AE</b>             | Date Deed Recorded:                      |

Property Owner: The application must either be signed by the property owner or a written, signed statement must be provided by the property owner giving consent to the request.

|  |                                |
|--|--------------------------------|
| Name(s): <b>DURWOOD BRADSHAW</b>                   |                                |
| Contact Person: <b>(same)</b>                      | Telephone: <b>910-200-2320</b> |
| Address: <b>1777 KingsLanding Rd</b>               | Fax:                           |
| City/State/ZIP: <b>Hampstead, NC 28443</b>         | Email:                         |
| Owner Signature <b>Durwood Bradshaw</b> Date _____ |                                |

| Applicant  |  |
|--|--|
| Name(s): <b>Suburban Propane</b>   |  |
| Contact Person: <b>Taylor Ross</b>   | Telephone: <b>843-251-8244</b>               |
| Address: <b>430 Landmark Drive</b>   | Fax: <b>843-293-1551</b>                     |
| City/State/ZIP: <b>Wilmington NC 28412</b>   | Email: <b>taylorross@suburbanpropane.com</b> |
| <b>I certify that all of the information presented by me in this application is accurate to the best of my knowledge, information, and belief.</b> |  |
| Applicant Signature _____  | Date <b>8/7/13</b>                           |

| Agent (if different than applicant)   |  |
|---------------------------------------|--|
| Name: <b>Jonathan Byrd</b>            |  |
| Contact Person: <b>Jonathan Byrd</b>  | Telephone: <b>919-915-2072</b>         |
| Address: <b>168 Harring St</b>        | Fax:                                   |
| City/State/ZIP: <b>Rodgers Bay NC</b> | Email: <b>carolinadadjob@yahoo.com</b> |

Complete and respond to the following with an attachment (suggested) or in the space provided:

Applicant's Name: I, Taylor Ross (Suburban Propane), do hereby petition the Town of North Topsail Beach for a SPECIAL USE permit to allow the following:

I. **Findings:** In granting the permit, the Board of Aldermen *shall* make a written decision that identifies the key facts of the case and applies these facts to the following standards. The Board must find that all of these conditions exist, or the application will be denied.

A. *The use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare; Statement by Applicant:*

The use will provide a regulated safe service of the dispensing of propane.

B. *The use or development complies with all required regulations and standards of this Ordinance and with all other applicable regulations; Statement by Applicant:*

All Installations will be in accordance with NFPA 58 & approved by the North Carolina Dept of Agriculture and Consumer Services (Standards Division)

C. *The use or development conforms to the plans for the land use and development of Town of North Topsail Beach as embodied in this Zoning Ordinance and in the Town of North Topsail Beach CAMA Land Use Plan. Statement by Applicant:*

Suburban Propane will follow all local & state regulations with install and operation of this unit.

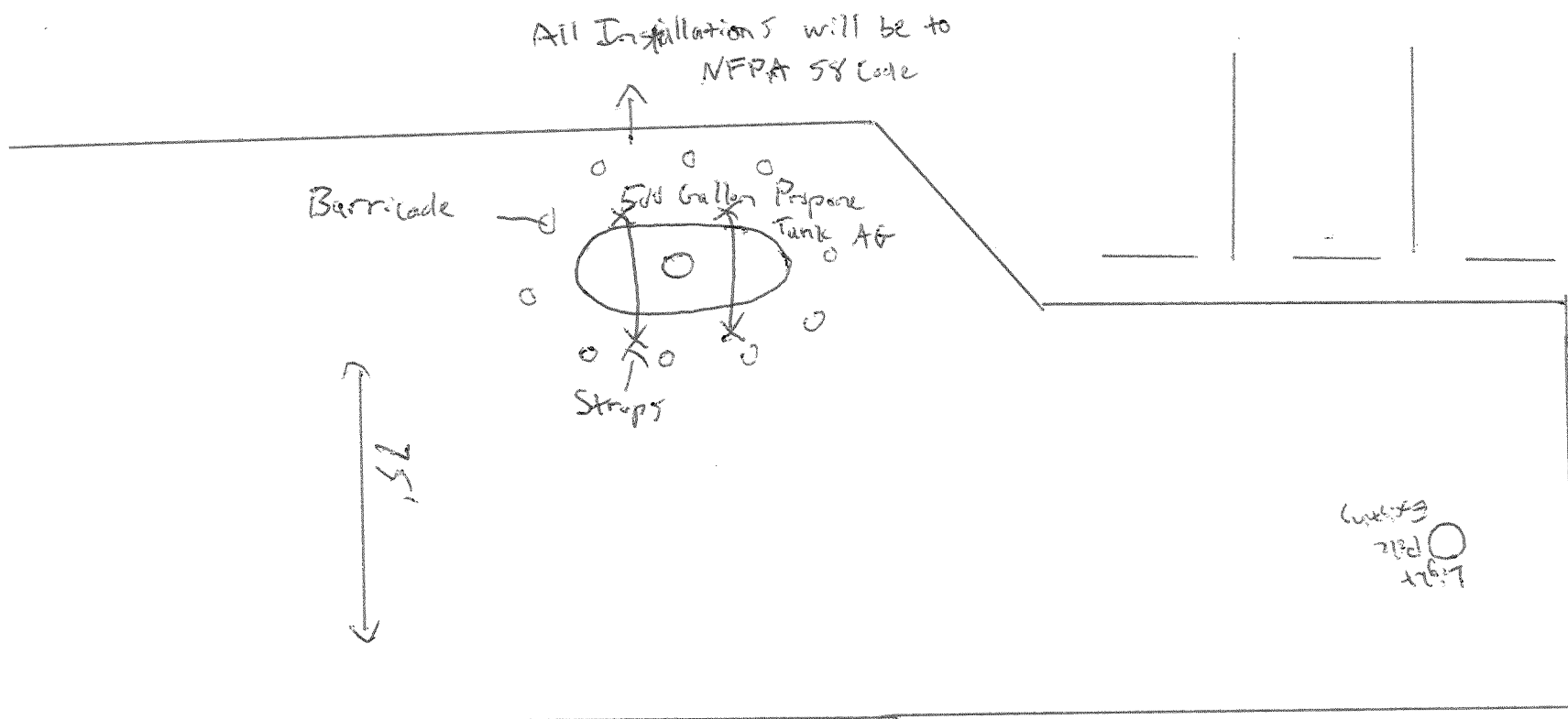
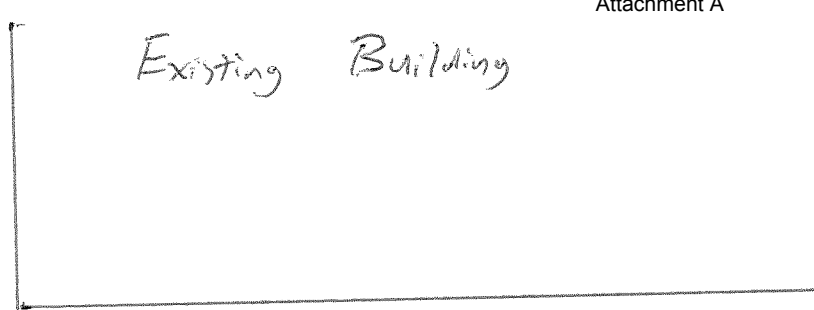
Read and sign below:

**General provisions** (reference UDO Sec. 2.06.04 Special Use Permits).

- A. **Additional Conditions:** In granting the Special Use Permit, the Board may designate additional conditions that will, in its opinion, assure that the use in its proposed location will be harmonious with the area in which it is proposed to be located, is within the spirit of this Ordinance and clearly in keeping with the public welfare. All such additional conditions shall be entered into the minutes of the meeting, at which the Special Use Permit is granted, on the Special Use Permit itself and on the approved plans. The Special Use Permit and any other specific conditions shall run with the land and shall be binding on the original applicants, their heirs, successors and assigns.
- B. **Denial:** If the specified board denies a request for a Special Use permit, it shall enter the reasons for its action in the minutes of the meeting at which the action was taken. A letter signed by the Zoning Administrator is mailed to the applicant identifying the reasons for denial.
- C. **Approvals and copies:** Upon approval of the request for a Special Use Permit, a copy of the plan shall be dated and signed by the Zoning Administrator, denoting Town approval. One (1) copy shall be returned to the applicant.
- D. **Appeal of Decision:** Appeal may be taken from the action of the Board of Aldermen in granting or denying a Special Use Permit through Superior Court of Onslow County. Any petition for review shall be filed with the Clerk of Superior Court within 30 days after a decision of the board is filed in the office of the Town Clerk, or after a written copy of the decision is delivered to every aggrieved party who has filed a written request for such copy with the clerk at the time of the hearing of the case, whichever is later. The decision of the authorized board shall be delivered to the aggrieved party either by personal service or by registered mail or certified mail return receipt requested.
- E. **Failure to Comply with Plans or Conditions:** In the event of failure to comply with the plans approved by the Board of Aldermen or with any other conditions imposed upon the Special Use Permit, the permit shall thereupon immediately become void and of no effect. No building permits for further construction or certificates of occupancy under this Special Use Permit shall be issued, and all completed structures shall be regarded as nonconforming uses subject to the provisions of this Ordinance; provided, however, that the Board of Aldermen shall not be prevented from thereafter rezoning said property for its most appropriate use.

\_\_\_\_\_  
Applicant Signature

5/7/13  
\_\_\_\_\_  
Date





8/1/2013



TOWN OF NORTH TOPSAIL BEACH  
2008 Loggerhead Court  
North Topsail Beach, NC 28460  
(910) 328-1349

NO 36131

Date 5/7, 2013

Received of: Suburban Propane \$ 500.00

For:  SOLID WASTE FEE  ACCOMMODATION TAX  OTHER:

Special permit

CASH  CHECK #: 90350

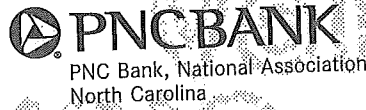
By: Kimi Wee

PLEASE KEEP YOUR RECEIPT

Thank You!

FORM 161412-0812  
04000905

CASHIER'S CHECK



No. 90350

DATE MAY 07, 2013

PAY TO THE ORDER OF TOWN OF NORTH TOPSAIL BEACH

\$ 500.00

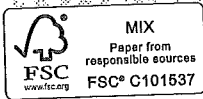
FIVE HUNDRED AND 00 / 100\*\*\*\*\* DOLLARS

SUBURBAN PROPANE

REMITTER

PNC Bank, National Association

Bentley Kelly  
OFFICIAL SIGNATURE



⑈00090350⑈ ⑆054000030⑆ 5306447369⑈



**WARNING: THIS IS NOT A SURVEY**

Parcel Information

|                                  |                                  |                                   |                |
|----------------------------------|----------------------------------|-----------------------------------|----------------|
| <b>Parcel Number:</b>            | 769-4.2                          | <b>Assessed Value:</b>            | \$1,488,780.00 |
| <b>PARID:</b>                    | 053150                           | <b>Total Taxable Value:</b>       | \$1,488,780.00 |
| <b>NC PIN:</b>                   | 426608797436                     | <b>Building Value:</b>            | \$113,780.00   |
| <b>Owner Name:</b>               | BRADSHAW DURWOOD T<br>& JANICE S | <b>Land Value:</b>                | \$1,375,000.00 |
| <b>Property Address:</b>         | 4021 ISLAND DR                   | <b>Heated Living Sq Ft:</b>       |                |
| <b>Property Description:</b>     | TR1 HUNTER HEATH<br>TRUST        | <b>Year Built:</b>                |                |
| <b>Subdivision:</b>              | ISLAND CAMP INC                  | <b>Adjusted Acres:</b>            | 2.75           |
| <b>Neighborhood Code:</b>        | 3072                             | <b>Legal Acres:</b>               | 2.75           |
| <b>City Limit:</b>               | NORTH TOPSAIL BEACH              | <b>Improvement Code:</b>          | C              |
| <b>Township:</b>                 | STUMP SOUND                      | <b>Book:</b>                      | 3265           |
| <b>Mailing Address:</b>          | 1777 KINGS LANDING RD            | <b>Page:</b>                      | 25             |
| <b>Mailing City, State, Zip:</b> | HAMPSTEAD NC 28443               | <b>Deed Date:</b>                 | 17-JUL-09      |
| <b>Sale Code:</b>                | <a href="#">00</a>               | <b>Deed Stamp Amount:</b>         | 0.00           |
| <b>Number of Bedrooms</b>        |                                  | <b>Plat Book &amp; Plat Page:</b> | 43-112         |



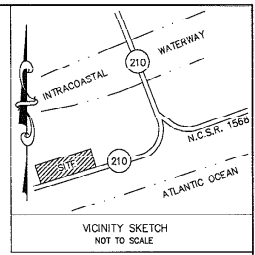
Onslow County  
 Geographic Information Systems  
 (GIS)  
 39 Tallman Street  
 Jacksonville, NC 28540

**WARNING: THIS IS NOT A SURVEY.**

This map is prepared for the inventory of real property found within this jurisdiction, and is compiled from recorded deeds, plats, and other public records and data. Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this map. The County and mapping company assume no legal responsibility for the information contained on this map.

Board of Aldermen Meeting Minutes  
8/1/2013  
Attachment A

ONSLW COUNTY NORTH CAROLINA  
FILED FOR REGISTRATION AT 8:10 A.M. O'CLOCK ON  
THE 29th DAY OF August 2002. RECORDED IN  
MAP BOOK 43, PAGE 112, SLIDE K-1539.  
REGISTER OF DEEDS



I, CHARLES FRANCIS RIGGS, PROFESSIONAL LAND SURVEYOR, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN DEED BOOK 43, PAGE 3604); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS BROKEN LINES AND DRAWN FROM INFORMATION FOUND IN DEED BOOK 43, PAGE 3604; THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS 1:10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED, WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 28TH DAY OF August 2002.

THIS PROPERTY IS NOT SUBJECT TO THE TOWN OF NORTH TOPSAIL BEACH SUBDIVISION REGULATIONS, AND IS AN EXEMPTION PER ARTICLE V (501 a), TOWN OF NORTH TOPSAIL BEACH SUBDIVISION REGULATIONS, WHICH STATES THE COMBINATION OR RECOMBINATION OF PORTIONS OF PREVIOUSLY SUBDIVIDED AND RECORDED LOTS WHERE THE TOTAL NUMBER OF LOTS IS NOT INCREASED AND THE RESULTANT LOTS ARE EQUAL TO OR EXCEED THE STANDARDS OF THE MUNICIPALITY AS SHOWN IN THIS ORDINANCE.  
Sue McLaughlin 8/29/02  
NORTH TOPSAIL BEACH SUBDIVISION ADMINISTRATOR

CHARLES FRANCIS RIGGS, P.L.S. L-2981  
SURVEYED 10/02/03 & 08/28/02

TO ONE OR MORE OF THE FOLLOWING AS INDICATED THIS.  D. THAT THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.

STATE OF NORTH CAROLINA, COUNTY OF ONSLOW  
I, Sandra Gormanus, REVIEW OFFICER OF ONSLOW COUNTY CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.  
Sandra Gormanus 8-29-02  
REVIEW OFFICER DATE

NOTE: THE 0.047 ACRE PARCEL SHOWN TO BE CONVEYED TO THE CO-OWNERS OF THE ROGERS BAY CAMPGROUND AS COMMON PROPERTY IS TO BE COMBINED INTO THE ADJOINING TRACT OWNED BY SUCH CO-OWNERS AS DESCRIBED IN THAT JOINT TENANCY AGREEMENT AND DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS OF ROGERS BAY FAMILY CAMPWAY DATED NOVEMBER 4, 1993 AND RECORDED IN BOOK 1146, PAGE 279, ONSLOW COUNTY REGISTRY, AS AMENDED. TRACT I AS SHOWN ON THIS PLAT IS OWNED BY ISLANDCAMP, INC., SUBJECT TO THE EASEMENTS SHOWN HEREON, THE USES AND LIMITATIONS OF SUCH EASEMENTS BEING SPECIFICALLY DESCRIBED IN AN AMENDMENT TO DECLARATION TO BE RECORDED IN THE ONSLOW COUNTY REGISTRY.

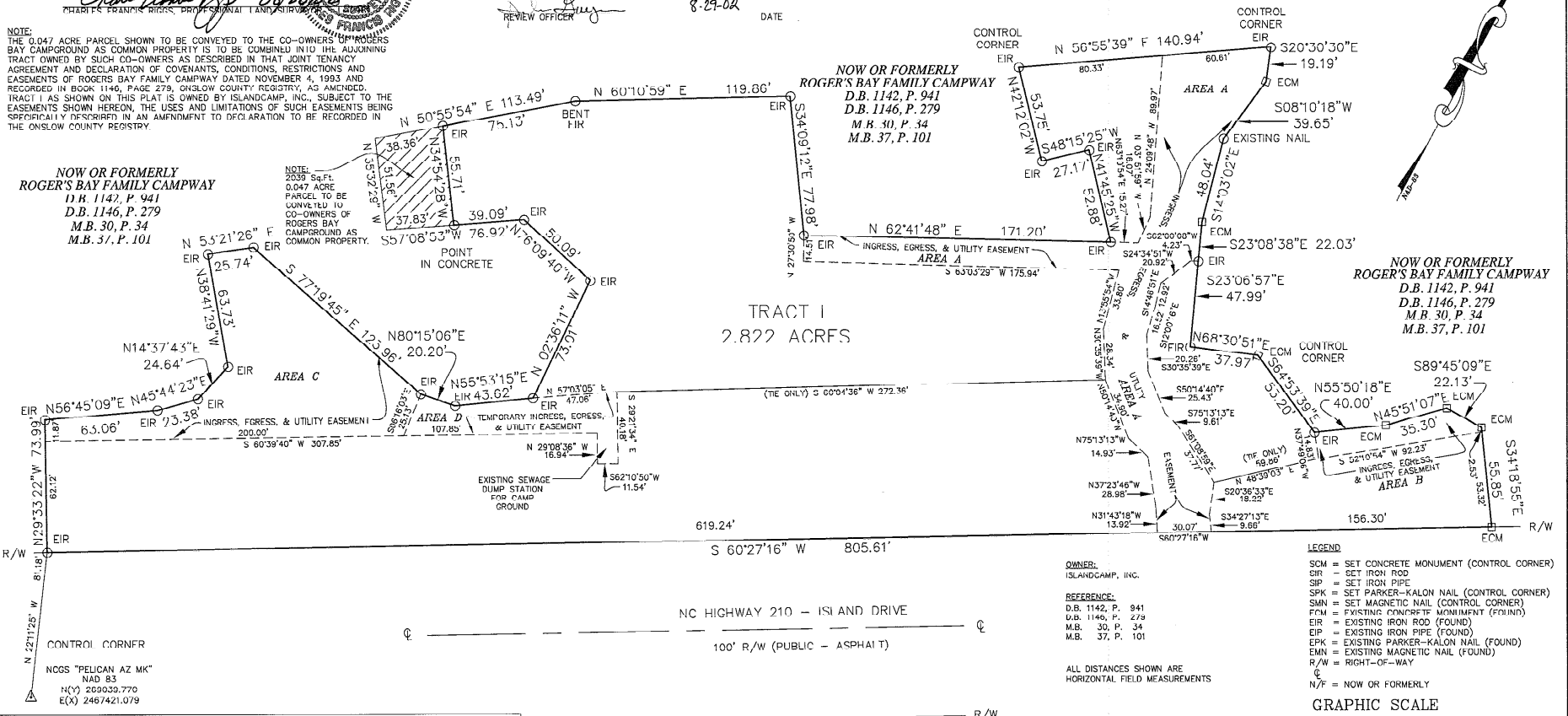
NOW OR FORMERLY  
ROGERS BAY FAMILY CAMPWAY  
D.B. 1142, P. 941  
D.B. 1146, P. 279  
M.B. 30, P. 34  
M.B. 37, P. 101

NOTE: 2039 SQ.FT. 0.047 ACRE PARCEL TO BE CONVEYED TO CO-OWNERS OF ROGERS BAY CAMPGROUND AS COMMON PROPERTY.

TRACT I  
2.822 ACRES

NOW OR FORMERLY  
ROGERS BAY FAMILY CAMPWAY  
D.B. 1142, P. 941  
D.B. 1146, P. 279  
M.B. 30, P. 34  
M.B. 37, P. 101

NOW OR FORMERLY  
ROGERS BAY FAMILY CAMPWAY  
D.B. 1142, P. 941  
D.B. 1146, P. 279  
M.B. 30, P. 34  
M.B. 37, P. 101



OWNER:  
ISLANDCAMP, INC.  
REFERENCE:  
D.B. 1142, P. 941  
D.B. 1146, P. 279  
M.B. 30, P. 34  
M.B. 37, P. 101

LEGEND  
SCM = SET CONCRETE MONUMENT (CONTROL CORNER)  
SIR = SET IRON ROD  
SIP = SET IRON PIPE  
SPK = SET PARKER-KALON NAIL (CONTROL CORNER)  
SMN = SET MAGNETIC NAIL (CONTROL CORNER)  
FCM = EXISTING CONCRETE MONUMENT (FOUND)  
EIR = EXISTING IRON ROD (FOUND)  
EIP = EXISTING IRON PIPE (FOUND)  
EPK = EXISTING PARKER-KALON NAIL (FOUND)  
EMN = EXISTING MAGNETIC NAIL (FOUND)  
R/W = RIGHT-OF-WAY  
N/F = NOW OR FORMERLY

ALL DISTANCES SHOWN ARE HORIZONTAL FIELD MEASUREMENTS

GRAPHIC SCALE



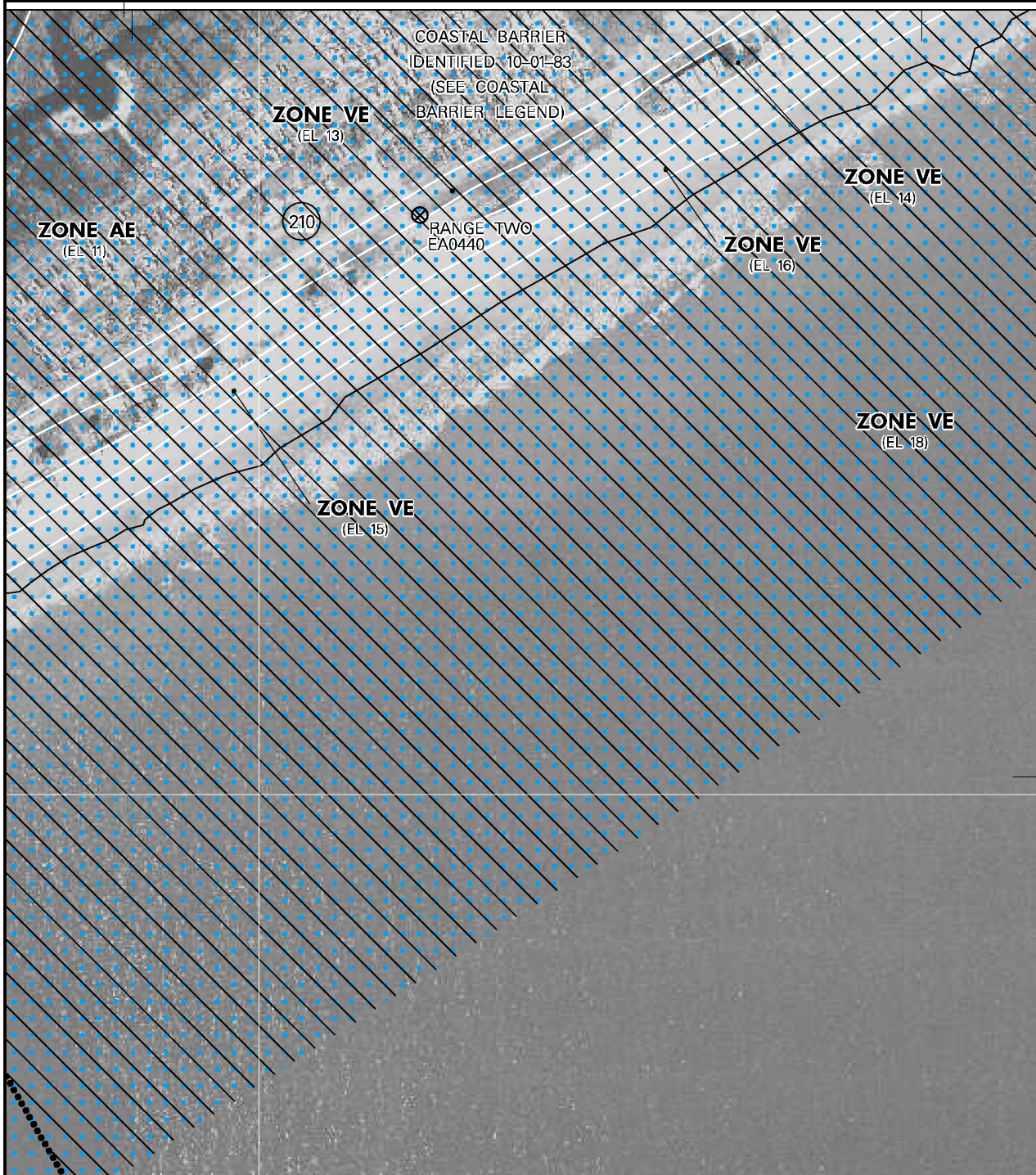
CHARLES F. RIGGS & ASSOCIATES, INC.  
LAND SURVEYING - CONVENTIONAL & GLOBAL POSITIONING SYSTEMS,  
LAND PLANNING & COMPUTER MAPPING  
202 WARLICK STREET  
P.O. BOX 1570  
JACKSONVILLE, N.C. 28541-1570  
TELEPHONE: (910) 455-0877  
FACSIMILE: (910) 455-9033  
E-MAIL: riggsland@blzccr.com

BOUNDARY & EASEMENT SURVEY FOR  
ISLANDCAMP, INC.  
TRACT I HUNTER HEATH TRUST  
SIDE SOUND PROPERTY  
N.C. HIGHWAY 210  
STUMP SOUND TOWNSHIP, ONSLOW COUNTY, NORTH CAROLINA  
TOWN OF NORTH TOPSAIL BEACH

( IN FEET )  
1 inch = 40 ft.  
DATE: JANUARY 24, 2001  
DRAWN BY: EDWARD J. PEECELI  
FIELD BOOK: 310/IND., PAGE: 40/14  
CHECKED BY:  
COMPUTER: CDRW\WS3\PROJ  
PROJECT NUMBER: 00-08-16

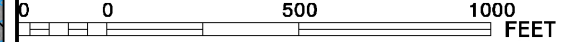
EXHIBIT 2a





GRID NORTH

SCALE 1" = 500' (1 : 6,000)



NFIP

PANEL 4266J

**FIRM  
FLOOD INSURANCE RATE MAP  
NORTH CAROLINA**

**PANEL 4266**

(SEE LOCATOR DIAGRAM OR MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

| COMMUNITY                       | CID No. | PANEL | SUFFIX |
|---------------------------------|---------|-------|--------|
| NORTH TOPSAIL BEACH,<br>TOWN OF | 370466  | 4266  | J      |
| ONslow COUNTY                   | 370340  | 4266  | J      |

-NOTE-

THIS MAP INCORPORATES APPROXIMATE BOUNDARIES OF COASTAL BARRIER RESOURCES SYSTEM UNITS AND/OR OTHERWISE PROTECTED AREAS ESTABLISHED UNDER THE COASTAL BARRIER IMPROVEMENT ACT OF 1990 (PL 101-591).

Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.

**EFFECTIVE DATE  
NOVEMBER 3, 2005**

**MAP NUMBER  
3720426600J**



State of North Carolina  
Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at [www.msc.fema.gov](http://www.msc.fema.gov)

**Implementing Actions - General Health and Human Services Needs:**

EXHIBIT 4

- I.57 Floodplain regulation is a concern in the town. To accomplish protection of public health and service needs, the town will:
- ▶ Continue to enforce the flood hazard reduction provisions of the the town Land Development Ordinances.
  - ▶ **Prohibit the installation of underground and above ground storage tanks in the 100-year floodplain.**
  - ▶ Zone for open space, recreational, low to moderate density residential, or other low-intensity uses within the floodplain.  
***Schedule: Continuing Activities.***
- I.58 The town will research alternatives for establishing a curb-side recycling service in conjunction with existing waste management services. ***Schedule: Continuing Activity.***
- I.59 To effectively manage the town's investment in existing and proposed community facilities and services, the town needs to develop a capital improvements plan with emphasis placed on services and facilities which affect growth and development. This effort should especially focus on dealing with the effects of seasonal population fluctuations. ***Schedule: Fiscal Years 2009-2010.***
- I.60 The town will provide sufficient emergency services to all residents. The town will implement the following:
- ▶ Require that all necessary infrastructure firefighting capability/capacity be provided in new subdivisions and developments. ***Schedule: Continuing Activity.***
  - ▶ Continue to maintain an effective signage and addressing system for all streets, roads, and highways. ***Schedule: Continuing Activity.***

**Implementing Actions - Funding Options:**








- I.61 The town will continue to support state and federal programs that are deemed necessary, cost-effective, and within the administrative and fiscal capabilities of the town. ***Schedule: Continuing Activity.*** These programs include:
- ▶ Community Development Block Grant Program
  - ▶ Area Agency on Aging
  - ▶ Emergency Medical Services



# North Topsail Beach

## Land Use Plan *Future Land Use*

**Legend**

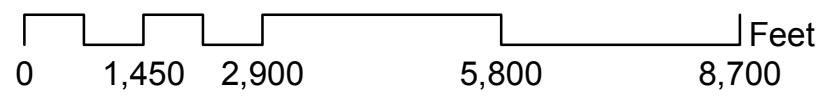
-  Corporate Limits
- Future Land Use District**
-  Conservation
-  Mixed Use Business
-  Inlet Hazard Residential
-  Low Density Residential
-  Medium Density Residential
-  High Density Residential

Source: Holland Consulting Planners, Inc.

Compilation Date: March 2008



1 inch = 2,000 feet



The preparation of this map was financed in part through a grant provided by the North Carolina Coastal Management Program, through funds provided by the Coastal Zone Management Act of 1972, as amended, which is administered by the Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration.



### Manmade Hazards

- (a) North Topsail Beach will coordinate the regulation of underground storage tanks with the North Carolina Division of Water Quality. North Topsail Beach will support 15A NCAC 2N, Sections .0100-.0800, which includes the criteria and standards applicable to underground storage tanks.
- (b) **With the exception of bulk fuel storage tanks used for retail and wholesale sales, and individual heating fuel storage tanks, North Topsail Beach opposes the bulk storage of manmade hazardous materials within its jurisdiction. This policy is supported by the town's zoning ordinance.**
- (c) North Topsail Beach opposes the establishment of toxic waste dump sites within Onslow County.

### Cultural/Historical Resources

There are three sites in North Topsail Beach worthy of designation for the National Register of Historic Places and at least 14 historic and prehistoric period archaeological sites have been recorded within North Topsail Beach, (see page I-62). In order to protect these areas, North Topsail Beach will:

- (a) Coordinate where necessary housing code enforcement/redevelopment projects with the N.C. Division of Archives and History, to ensure that any significant archeological sites are identified and preserved.
- (b) Coordinate where necessary county and town public works projects with the N.C. Division of Archives and History, to ensure the identification and preservation of significant archaeological sites.

### Industrial Impacts on Fragile Areas

No industrial development of any type shall be located within North Topsail Beach's planning jurisdiction. This policy is enforced by the Town of North Topsail Beach Zoning Ordinance.

## **MISCELLANEOUS RESOURCE PROTECTION**

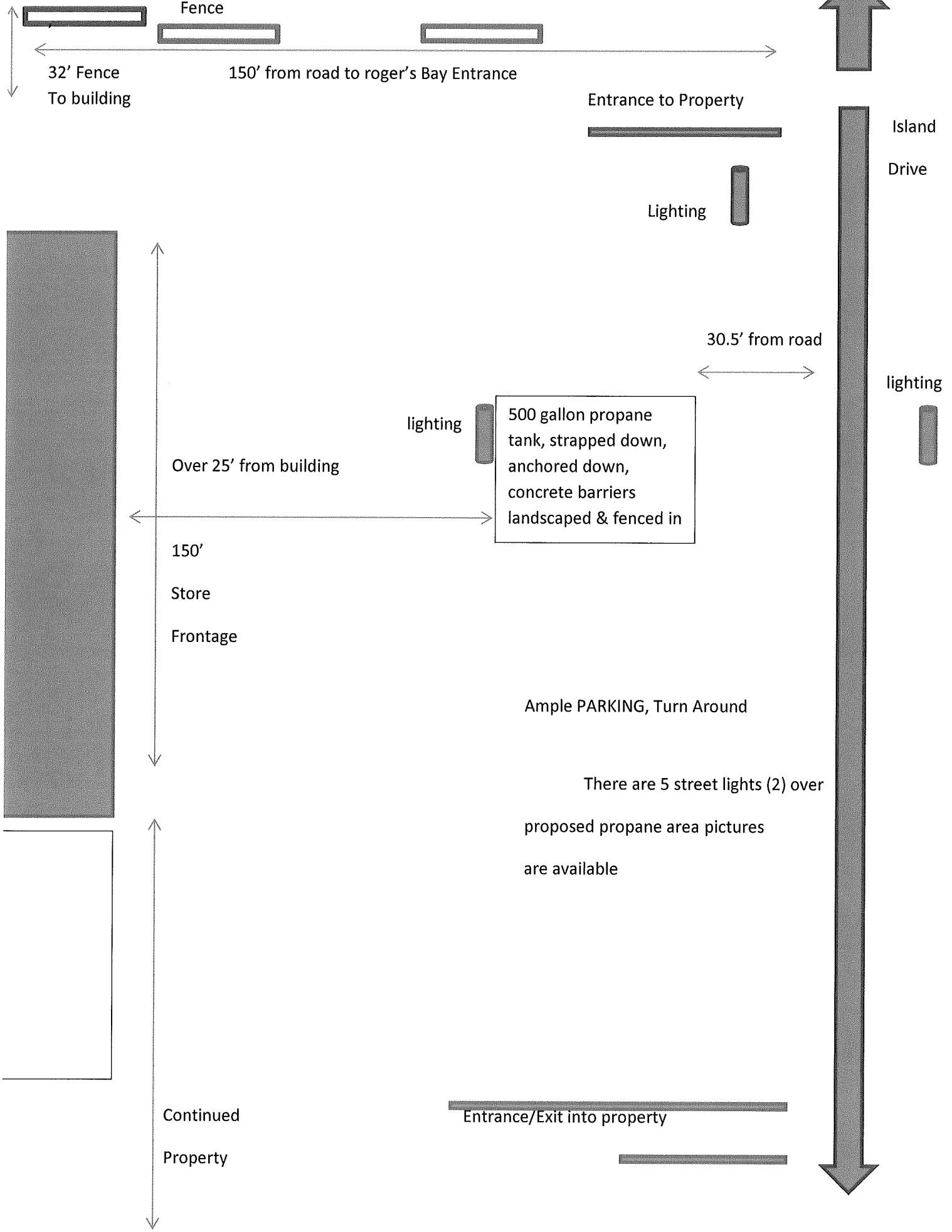
### Marina and Floating Home Development

- (a) North Topsail Beach opposes the construction of marinas as defined by 15A NCAC 7H and will review and revise its zoning ordinance to provide better control of marina placement. (Marinas are those facilities which include more than 10 boat slips.)
- (b) North Topsail Beach supports the restriction of floating structures in all public trust areas, estuarine waters, and ORW areas. Floating structures are defined as any structure or vessel used, designed, and occupied as a permanent dwelling unit, business, office, or source of any occupation or any private or social club, which floating structure or vessel is primarily immobile and out of navigation or which functions substantially as a land structure while moored or docked on waters within town jurisdiction. Floating structures shall not be used commercially or inhabited in one place for more than 10 days. The town will develop and adopt an ordinance designed to enforce this policy.

**Policies:**

- P.59 The town supports the guidelines of the Coastal Area Management Act and the efforts and programs of the North Carolina Department of Environment and Natural Resources, Division of Coastal Management and the Coastal Resources Commission to protect the coastal wetlands, estuarine waters, estuarine shorelines, and public trust waters of the town.
- P.60 The town supports conserving subsurface groundwater resources throughout the Castle Hayne Aquifer, which serves as the source of drinking water for the citizens of North Topsail Beach.
- P.61 The town supports commercial and recreational fishing in its waters and will cooperate with other local governments and state and federal agencies to control pollution of these waters to improve conditions so that commercial and recreational fisheries will not be depleted. It also supports the preservation of nursery and habitat areas.
- P.62 The town opposes the disposal of any toxic wastes, as defined by the US Environmental Protection Agency's Listing of Hazardous Substances and Priority Pollutants (developed pursuant to the Clean Water Act of 1977), within its planning jurisdiction.
- P.63 The town recognizes the value of water quality maintenance to the protection of fragile areas and to the provision of clean water for recreational purposes and supports the control of stormwater runoff to aid in the preservation of water quality. The town will support existing state regulations relating to stormwater runoff resulting from development (Stormwater Disposal Policy 15 NCAC 2H.001-.1003). Additionally, the town supports all efforts of the Onslow County NPDES Phase II stormwater management program.
- P.64 **The town supports regulation of underground, as well as above ground, storage tanks in order to protect its groundwater resources; however, the town does not support the establishment of new underground or above ground storage tanks within the town's corporate limits.** This policy shall include the installation of private on-site septic systems where central sewer service is currently available.
- P.65 The town supports the policy that all State of North Carolina and Town of North Topsail Beach projects should be designed to limit to the maximum extent practicable stormwater runoff into coastal waters.
- P.66 The town supports implementation of the Cape Fear and White Oak River Basin Water Quality Management Plans.



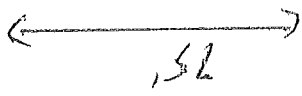
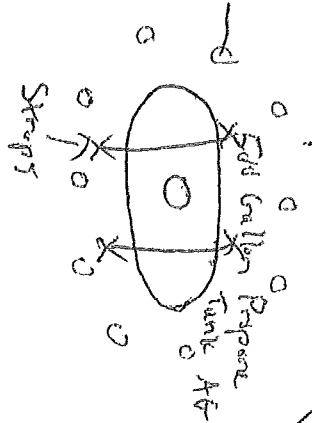




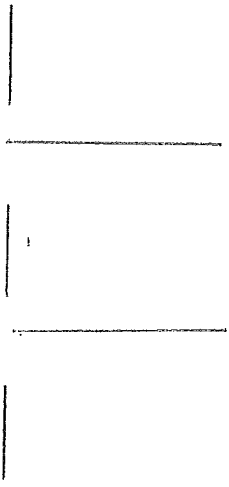
Existing Building

All Installations will be to NFA 58 Code

Barricade



Light Pole Station



Board of Aldermen Meeting Minutes

8/1/2013

Attachment B (Placeholder)

Exhibit 3

Training Requirements for Propane Tank Operators

Board of Aldermen Meeting Minutes  
8/1/2012  
Attachment B

Exhibit 4



Board of Aldermen Meeting Minutes  
8/1/2012  
Attachment B

Exhibit 4



Board of Aldermen Meeting Minutes

8/1/2013

Attachment B (Placeholder)

Exhibit 5

What is Propane?



*Town of North Topsail Beach*  
Board of Aldermen

Agenda Item: V. C.  
Date: 8/1/2013

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**Issue:** Case #SD-13-02: Final subdivision plat for *The Sanctuary* by First Service Corporation of NC (Tax Map # 779-1.2)

**Department:** Planning

**Presented by:** Deborah J. Hill, AICP CFM CZO - Planning Director

**Presentation:** Yes

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**BACKGROUND:** The Planning Board reviewed a final plan for First Service Corporation of NC by Charles F. Riggs & Associates, Inc. dated July 11, 2013 submitted pursuant to Sec. 2.06.05 (C) of the Unified Development Ordinance (UDO).

**ANALYSIS:** Zoned R-20, the property is located between 1444 and 1521 New River Inlet Road and is bisected by the state road. The proposed subdivision will result in nine (9) parcels. Water and sewer are available by Pluris and Onwasa. The proposed subdivision is in compliance with UDO Sec. 2.06.05 (C) except as noted below. The resultant lots are in compliance with the minimum dimensional standards for R-20 zoning.

**RECOMMENDATION:** the Planning Board unanimously recommends to the Board of Aldermen that the final subdivision plat be approved, contingent upon Jurisdictional Determination packet from the U. S. Army Corps of Engineers.

**ATTACHMENTS:**

- 1) Application dated July 3, 2013.
- 2) Final Subdivision, titled the Sanctuary by Charles F. Riggs & Associates, Inc. dated June 24, 2013 (seperate).



*Town of North Topsail Beach*

**SUBDIVISION APPLICATION**

Date Submitted: July 3, 2013

CASE NO. SD- \_\_\_\_\_ - \_\_\_\_\_

Name of Subdivision: The Sanctuary

Location: (Road name & SR number) N.C.S.R. 1568 – New River Inlet Road

**Exemption (\$50)**

**Subdivision/PRD**

Sketch (\$300)

Preliminary (\$300)

Final (\$150)

Tax Parcel ID: 779-1.2

Smallest lot: 0.236 Acres (10,296 Sq.Ft.)

Total acreage: 7.692 Acres

Average lot size: 0.640 Acres (27,925 Sq.Ft.)

Number of lots 12

Zoning District: R-20

**Infrastructure:**

Water Supply:  ONWASA     individual well     community system

Sewer Type:  Pluris     individual septic     community system

Streets:  public     private

**Surveyor/Engineer:** Charles F. Riggs & Associates, Inc.

Address P. O. 1570, Jacksonville, NC 28541

Phone Fax 455-0877/455-9033

Email address riggsland@bizec.rr.com

**Developer** Mr. Chris McKinney

Address 5412 Horse Trail Road, Summerfield, NC 27358

Phone Fax 455-0877/455-9033

Email address riggsland@bizec.rr.com


**Property Owner** First Service Corporation of NC C/O PNC Bank National Association

Address P. O. Box 25999, Shawnee Mission, KS 66225

Phone Fax 455-0877/455-9033

Email address riggsland@bizec.rr.com





# Town of North Topsail Beach

2013 Beach Nourishment Phases 5 Financing Discussion

August 1, 2013



## 2013 Beach Nourishment Financing Modes

- Phase 1 Financed in 2012 - Project Cost of \$5,618,660 - \$2,840,000 Financed - Remainder Funded Paygo From Beach Fund Balance
- Phase 5 Financing for Fall 2013
  - USDA Rural Development Loan - Special Obligation Statute - First Application \$16.240 Million
    - Application Would Request Full Funding for Phase 5
    - Rate of 4% Anticipated with 30 Year Mortgage Amortization (Level Annual Payments)
    - Approval Process Potentially Several Months
  - Without USDA Loan Other Alternative Approaches Create Less Financing Potential at Current Revenue Levels
- Special Obligation Bonds - G.S. 159I-30 - Preferred Method
  - State Law Prescribes Use of MSD to Use Special Obligation Financing
  - Pledge of Selected Town Tax Revenues that are Not Levied by the Town
  - Pledge of Selected Town Tax Revenues Do Not Have to be Used to Pay Debt Service and Can Remain in the General Fund Budget as Customary
  - Any Other Source of Revenue Can be Used for Debt Service - the Beach Fund Revenues


### Project Cost and Sources of Funds

Uses

Estimated Project Cost: \$16,245,000  
Cost of Issuance: \$70,000  
\$16,315,000

Sources

Special Obs - USDA  
\$16,315,000



Beach Fund Balance FY14

Estimated Ending FY2013 Balance: \$2,237,976

Expenses

Debt Service of Phase 1 \$617,416  
Estimate Expenses (excl. debt) \$200,000  
\$817,416

Revenues

Estimated FY2014 Revenues \$2,439,280

Total Projected Fund Balance: \$3,898,438

Beach Fund Balance FY15

Estimated Ending FY2014 Balance: \$3,898,438

Expenses

Debt Service of Phase 1 \$607,533  
Debt Service of Phase 5 \$942,600  
Estimate Expenses (excl. debt) \$210,000  
\$1,760,133

Revenues

Estimated FY2014 Revenues \$3,118,030

Total Projected Fund Balance: \$5,308,899

### Pledged and Repayment Funds

PLEGGED FUNDS


|      | Cable Franchise* | Utilities Franchise* | Sales Tax** | Total              |
|------|------------------|----------------------|-------------|--------------------|
| 2013 | \$60,013         | \$127,922            | \$672,100   | <b>\$860,035</b>   |
| 2014 | \$60,013         | \$127,922            | \$1,017,100 | <b>\$1,205,035</b> |
| 2015 | \$60,013         | \$127,922            | \$1,641,000 | <b>\$1,828,935</b> |
| 2016 | \$60,013         | \$127,922            | \$1,641,000 | <b>\$1,828,935</b> |
| 2017 | \$60,013         | \$127,922            | \$1,641,000 | <b>\$1,828,935</b> |
| 2018 | \$60,013         | \$127,922            | \$1,641,000 | <b>\$1,828,935</b> |
| 2019 | \$60,013         | \$127,922            | \$1,641,000 | <b>\$1,828,935</b> |
| 2020 | \$60,013         | \$127,922            | \$1,641,000 | <b>\$1,828,935</b> |
| 2021 | \$60,013         | \$127,922            | \$1,641,000 | <b>\$1,828,935</b> |
| 2022 | \$60,013         | \$127,922            | \$1,641,000 | <b>\$1,828,935</b> |
| 2023 | \$60,013         | \$127,922            | \$1,641,000 | <b>\$1,828,935</b> |
| 2024 | \$60,013         | \$127,922            | \$1,641,000 | <b>\$1,828,935</b> |
| 2025 | \$60,013         | \$127,922            | \$1,641,000 | <b>\$1,828,935</b> |
| 2026 | \$60,013         | \$127,922            | \$1,641,000 | <b>\$1,828,935</b> |
| 2027 | \$60,013         | \$127,922            | \$1,641,000 | <b>\$1,828,935</b> |
| 2028 | \$60,013         | \$127,922            | \$1,641,000 | <b>\$1,828,935</b> |
| 2029 | \$60,013         | \$127,922            | \$1,641,000 | <b>\$1,828,935</b> |
| 2030 | \$60,013         | \$127,922            | \$1,641,000 | <b>\$1,828,935</b> |
| 2031 | \$60,013         | \$127,922            | \$1,641,000 | <b>\$1,828,935</b> |
| 2032 | \$60,013         | \$127,922            | \$1,641,000 | <b>\$1,828,935</b> |

REPAYMENT FUNDS


15 cents starting in FY14

|      | Occupancy Tax*** | Beach Fund Tax**** | Sales Tax** | Total              |
|------|------------------|--------------------|-------------|--------------------|
| 2013 | \$850,000        | \$82,000           |             | <b>\$932,000</b>   |
| 2014 | \$850,000        | \$1,244,280        | \$345,000   | <b>\$2,439,280</b> |
| 2015 | \$913,750        | \$1,244,280        | \$960,000   | <b>\$3,118,030</b> |
| 2016 | \$982,281        | \$1,244,280        | \$960,000   | <b>\$3,186,561</b> |
| 2017 | \$1,055,952      | \$1,244,280        | \$960,000   | <b>\$3,260,232</b> |
| 2018 | \$1,135,149      | \$1,244,280        | \$960,000   | <b>\$3,339,429</b> |
| 2019 | \$1,191,906      | \$1,244,280        | \$960,000   | <b>\$3,396,186</b> |
| 2020 | \$1,251,502      | \$1,244,280        | \$960,000   | <b>\$3,455,782</b> |
| 2021 | \$1,314,077      | \$1,244,280        | \$960,000   | <b>\$3,518,357</b> |
| 2022 | \$1,379,780      | \$1,244,280        | \$960,000   | <b>\$3,584,060</b> |
| 2023 | \$1,448,769      | \$1,244,280        | \$960,000   | <b>\$3,653,049</b> |
| 2024 | \$1,521,208      | \$1,244,280        | \$960,000   | <b>\$3,725,488</b> |
| 2025 | \$1,597,268      | \$1,244,280        | \$960,000   | <b>\$3,801,548</b> |
| 2026 | \$1,677,132      | \$1,244,280        | \$960,000   | <b>\$3,881,412</b> |
| 2027 | \$1,760,988      | \$1,244,280        | \$960,000   | <b>\$3,965,268</b> |
| 2028 | \$1,849,038      | \$1,244,280        | \$960,000   | <b>\$4,053,318</b> |
| 2029 | \$1,941,490      | \$1,244,280        | \$960,000   | <b>\$4,145,770</b> |
| 2030 | \$2,038,564      | \$1,244,280        | \$960,000   | <b>\$4,242,844</b> |
| 2031 | \$2,140,492      | \$1,244,280        | \$960,000   | <b>\$4,344,772</b> |
| 2032 | \$2,247,517      | \$1,244,280        | \$960,000   | <b>\$4,451,797</b> |

### Financing and Repayment Estimation



| Fiscal Year | \$5.74M Phase 1 Financing (5yr) | \$16.315M Phase 5 Financing** (30yr) | Total D/S   | Operating & Misc Expenses | Pay-go Used | Beach Fund Balance before Beach Maintenance Expense | Beach Maintenance | FY Ending Beach Fund Balance* | 1.25               | 1.00                      | Pledged Coverage |
|-------------|---------------------------------|--------------------------------------|-------------|---------------------------|-------------|---|-------------------|-------------------------------|--------------------|---------------------------|------------------|
|             |                                 |                                      |             |                           |             |   |                   |                               | Minimum            | Minimum                   |                  |
|             |                                 |                                      |             |                           |             |   |                   |                               | Repayment Coverage | Repayment Coverage (w/FB) |                  |
| 2012        |                                 |                                      |             |                           |             | \$4,052,364   |                   | \$4,052,364                   |                    |                           |                  |
| 2013        |                                 |                                      |             | \$560,644                 | \$2,841,660 | \$2,237,976   |                   | \$2,237,976                   |                    |                           |                  |
| 2014        | \$617,416                       |                                      | \$617,416   | \$200,000                 |             | \$3,898,438   |                   | \$3,898,438                   | 3.95               | 10.26                     | 1.95             |
| 2015        | \$607,533                       | \$942,600                            | \$1,550,133 | \$210,000                 |             | \$5,308,899   |                   | \$5,308,899                   | 2.01               | 5.44                      | 1.18             |
| 2016        | \$597,650                       | \$941,000                            | \$1,538,650 | \$220,500                 |             | \$6,803,673   |                   | \$6,803,673                   | 2.07               | 6.49                      | 1.19             |
| 2017        | \$587,766                       | \$944,000                            | \$1,531,766 | \$231,525                 |             | \$8,383,621   |                   | \$8,383,621                   | 2.13               | 7.60                      | 1.19             |
| 2018        | \$577,883                       | \$941,400                            | \$1,519,283 | \$243,101                 |             | \$10,060,272  | \$4,306,000       | \$5,754,272                   | 2.20               | 5.99                      | 1.20             |
| 2019        |                                 | \$943,400                            | \$943,400   | \$255,256                 |             | \$8,031,320   |                   | \$8,031,320                   | 3.60               | 12.11                     | 1.94             |
| 2020        |                                 | \$944,800                            | \$944,800   | \$268,019                 |             | \$10,377,025  |                   | \$10,377,025                  | 3.66               | 14.64                     | 1.94             |
| 2021        |                                 | \$945,600                            | \$945,600   | \$281,420                 |             | \$12,795,045  |                   | \$12,795,045                  | 3.72               | 17.25                     | 1.93             |
| 2022        |                                 | \$945,800                            | \$945,800   | \$295,491                 |             | \$15,289,192  |                   | \$15,289,192                  | 3.79               | 19.95                     | 1.93             |
| 2023        |                                 | \$945,400                            | \$945,400   | \$310,266                 |             | \$17,863,442  | \$4,593,031       | \$13,270,411                  | 3.86               | 17.90                     | 1.93             |
| 2024        |                                 | \$944,400                            | \$944,400   | \$325,779                 |             | \$15,882,977  |                   | \$15,882,977                  | 3.94               | 20.76                     | 1.94             |
| 2025        |                                 | \$942,800                            | \$942,800   | \$342,068                 |             | \$18,583,654  |                   | \$18,583,654                  | 4.03               | 23.74                     | 1.94             |
| 2026        |                                 | \$945,600                            | \$945,600   | \$359,171                 |             | \$21,371,898  |                   | \$21,371,898                  | 4.10               | 26.71                     | 1.93             |
| 2027        |                                 | \$942,600                            | \$942,600   | \$377,130                 |             | \$24,257,611  |                   | \$24,257,611                  | 4.21               | 29.94                     | 1.94             |
| 2028        |                                 | \$944,000                            | \$944,000   | \$395,986                 |             | \$27,240,651  | \$4,899,500       | \$22,341,151                  | 4.29               | 27.96                     | 1.94             |
| 2029        |                                 | \$944,600                            | \$944,600   | \$415,786                 |             | \$25,377,801  |                   | \$25,377,801                  | 4.39               | 31.26                     | 1.94             |
| 2030        |                                 | \$944,400                            | \$944,400   | \$436,575                 |             | \$28,522,067  |                   | \$28,522,067                  | 4.49               | 34.69                     | 1.94             |
| 2031        |                                 | \$943,400                            | \$943,400   | \$458,404                 |             | \$31,779,686  |                   | \$31,779,686                  | 4.61               | 38.29                     | 1.94             |
| 2032        |                                 | \$941,600                            | \$941,600   | \$481,324                 |             | \$35,156,644  |                   | \$35,156,644                  | 4.73               | 42.07                     | 1.94             |

- ### Final Observations
- 
- Separation of Phase 5 Will Allow Moving Forward with USDA Application and Present Financial Projections Provide Adequate Room for 30 Year USDA Repayment of Entire Project Cost
  - Ability of Phases 2 Through 4 to be Funded by Current Revenues Dependent on Mode of Financing, Interest Rate, Term of Prepayment and Other Factors
  - Special Obligation Bond Issuance Continues to be Method of Financing and Additional Pledged Revenues May Be Necessary
  - Timing Critical and Tight to Meet Phase 5 Plan Using USDA Source of Funding
  - Scope and Timing of Phasing Will be Adjusted, if Necessary, as Sources of Funding Become Final and Financial Plan is Fully Developed
  - Further Updates to be Provided in Moving Forward

# *Town of North Topsail Beach*

Daniel Tuman, Mayor  
Suzanne Gray, Mayor Pro Tem  
Aldermen:  
Don Harte  
Tom Leonard  
Richard Macartney  
Michael Yawn



Stuart Turille  
Town Manager  
Carin Z. Faulkner, MPA  
Town Clerk

## **Board of Aldermen Regular Meeting Minutes Thursday, September 5, 2013 6:30 P.M.\***

**PRESENT:** Mayor Daniel Tuman, Mayor Pro Tem Suzanne Gray, Aldermen Don Harte, Tom Leonard, Dick Macartney and Mike Yawn, Town Attorney Brian Edes, Town Manager Stuart Turille and Town Clerk Carin Faulkner.

- I. **CALL TO ORDER:** Mayor Tuman called the meeting to order at 6:30 p.m.
- II. **INVOCATION:** Mayor Pro Tem Gray gave the invocation.
- III. **PLEDGE OF ALLEGIANCE:** Mayor Tuman led those present in the Pledge of Allegiance.
- IV. **APPROVAL OF AGENDA:**
  - Mayor Pro Tem Gray made a motion to approve the agenda as presented. Alderman Harte seconded.
  - The motion passed 4 to 1 with Alderman Yawn voting against.
- V. **CLOSED SESSION:** Per N.C.G.S. 143-318.11 Closed Sessions (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 (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease.
  - Mayor Tuman read the section of the N.C.G.S. pertaining to the reason for the Closed Session.
  - Alderman Leonard made a motion to go into Closed Session. Mayor Pro Tem Gray seconded the motion. The motion passed 4 to 1 with Alderman Yawn voting against.
  - Alderman Macartney made a motion to come out of Closed Session. Alderman Yawn seconded. The motion passed unanimously.
  - Mayor Tuman announced that the Board was out of Closed Session and that no action was taken.

\*There are attachments to these minutes.

VI. PUBLIC HEARINGS/PRESENTATIONS

**A. Public Hearing – Case #SD-12-01 – Final Subdivision Application by Wellman’s Construction Inc. and Thomas W. Nelson for Scotch Bonnet Soundside (located on Island Drive between 2111 N. New River Drive, Surf City and 122 Seaside Ln., North Topsail Beach):**

- Alderman Leonard made a motion to continue this Public Hearing to the October 3, 2013 regular Board of Aldermen meeting. Alderman Yawn seconded the motion. The motion passed unanimously.

**B. Presentation/Request – Robert Neal, Coastal Planning & Engineering – Request to Approve Proposal for Environmental Documentation and Permitting Services for Phases 2-4 of the North Topsail Beach Shoreline Protection Project and Pre-Construction Monitoring for Phase 5 Project:**

- Mr. Neal made a presentation to the Board (Attachment A).
- Mr. Neal took questions from the Board.
- Mayor Pro Tem Gray made a motion for the Board of Aldermen to authorize CP&E to move forward with Task 4 Contractor Bidding, Selection, and Negotiating, totaling \$12,320. Alderman Yawn seconded the motion.
- The motion passed unanimously.
- Mayor Pro Tem Gray made a motion for the Board of Alderman to authorize CP&E to do the Proposed New Items totaling \$388,310 with the understanding that \$218,678 will be included in the USDA loan request. Alderman Leonard seconded the motion.
- There was discussion.
- The motion passed 4 to 1 with Alderman Yawn voting against.
- Aldermen Leonard made a motion to authorize the Town Manager to review and sign the USDA required Engineering Services Contract subject to the Town Attorney’s approval and consent, contingent upon the project moving forward. Mayor Pro Tem Gray seconded the motion.
- There was discussion.
- Discussion resulted in the discovery that this would be an additional \$559,900 cost to the Town.
- Alderman Leonard withdrew his motion.
- There was further discussion.
- Alderman Macartney made a motion to authorize the Town Manager and Town Attorney to move forward with the USDA required Engineering Services Contract since the Town knows the cost involved (\$559,900). Mayor Pro Tem Gray seconded the motion.
- There was further discussion.
- The motion passed 4 to 1 with Alderman Yawn voting against.

VII. **MANAGER'S REPORT:**

**1. Shoreline Protection Project, second event-update;**

**The following occurred, since last August meeting, to further the USDA loan request:**

**A. Environmental Review** --on August 20 --USDA, USACE, CP & E, the Mayor and I met in Wilmington to discuss the timetable for environmental approval, which is a precursor to USDA loan approval. Both the minor permit and the loan require notification of stakeholder agencies such USFW, and then a waiting period for comments, about 30 days. USDA must issue its own decision, but, as it turns out, USDA will base its decision mostly on the information received by the Corp. Therefore, the meeting's primary purpose was to get the Corp, USDA and CP&E communicating about what they have and need, and sharing information. The meeting went well, particularly when Mr. Suggs of the Corp agreed to reach out to agencies about how the earlier EIS was approved already, and that little had changed since then except for the timetable.

**B. Financial Review:** Doug Carter and I submitted letters in response to questions that USDA has risen regarding the Town's ability to service the debt, particularly in event of hurricane or recession. My letter addressed the USDA concern about the impact of hurricanes and the economy on town revenues. (I had Breck go to the storage vault and obtain the audits from 1994 to today). Attached is the letter, chart and data.

**C. Bond Counsel**—I spoke with Jeff Poley at length. Consequently, a letter was sent out to the Joint Legislative committee in Raleigh notifying them of our intentions. He also recommended that the LGC be kept informed.

**D. LGC**—a conference call is scheduled for Wednesday, September 4 about our plans. It is imperative that LGC is aware of the tight timetable, particularly the dredging window, and that any meetings be set ASAP.

**2. Reception for Congressional Representative Walter Jones**—the Mayor and I attended a constituent reception at the Gulf Stream site in Holly Ridge. We thanked Representative Jones for his assistance with CBRA, which is still on for a late September, early October hearing date. (The Mayor and I are continuing to discuss with Marlowe and write letters supporting an early hearing date).

**3. End of Summer Review**—post Labor Day usually marks the end of summer. I propose to hold meetings with everyone involved with Public Safety and discuss issues that arose throughout the summer and see if:

- Any changes are necessary
- If so, are they minor "tweaks" or substantive in nature?
- What correlation is there between problems that we noted and the new authority granted us to regulate public trust (beach areas)?

**4. Staff/Board Pig Roast:** how about we roast a pig at the fire station and have small party celebrating the end of the successful Summer Season, either September 13 or 27 for Board, staff and families. Given that today is the 5<sup>th</sup> already, we may want to set the 27<sup>th</sup> to get the word out. If so, October 4 could be the rain date.

Ms. Faulkner announced changes to the solid waste and recycling schedule and reminded oceanfront property owners to return easement documents to the Town as soon as possible.

Mr. Turille notified the Board of a required public hearing regarding the USDA loan. The Board set the public hearing for September 26<sup>th</sup> at 10:00 a.m.

**VIII. OPEN FORUM:**

**John Harrington of Oyster Lane** – Mr. Harrington thanked the NTB Fire Department for their assistance. He fell in his house and broke his leg which left him in a wheelchair for seven weeks and he was unable to use his stairs. Fire department staff carried him up and down his stairs. He said they were there for him every single time he needed them and he wanted to publicly acknowledge their help.

**IX. CONSENT AGENDA:**

- A. Request to Approve Tax Refunds
- B. Request to Adopt National Preparedness Month Proclamation
- C. Request to Accept County Contribution
- D. Request to Adopt a Resolution Authorizing Award of Professional Services Contracts Hurricane Irene HMGP Elevation Program
- E. Request to Approve Budget Amendment #3
- F. Department Head Reports: Finance, Fire, Inspections, Planning, Police Departments
- G. Committee Reports: Planning Board, Board of Adjustment, TISPC, ONWASA
  - Alderman Yawn made a motion to approve the Consent Agenda as presented. Mayor Pro Tem Gray seconded the motion.
  - Alderman Yawn made a comment about the Shoreline Protection Capital Fund being left out of the finance report. He said that Mr. Smith is working with the auditor to get that added. The Town Manager acknowledged this comment.
  - The motion passed unanimously.

**X. OLD BUSINESS:**

**A. Request to Sponsor Autumn with Topsail:**

- Alderman Macartney made a motion to sponsor Autumn with Topsail in the amount of \$1,000. Mayor Pro Tem Gray seconded the motion.
- Alderman Yawn abstained from voting.
- The motion passed unanimously (Alderman Yawn's abstention counted as an affirmative vote).



XI. **NEW BUSINESS:**

**A. Request to Adopt a Resolution Authorizing the Exchange of Property:**

- Mr. Turille introduced this item.
- Alderman Macartney made a motion to adopt Resolution 2013-18 authorizing the swap of Tax Parcel 779C-4 oceanside located adjacent to 1310 New River Inlet Road, owned by the Town, with Tax Parcel 778D-13.1 located at 3954 River Road, owned by Mr. Thamotharampillai Silvaraj and authorize Staff to proceed with all closing requirements. Alderman Harte seconded the motion.
- There was discussion.
- The motion passed 4 to 1 with Alderman Yawn voting against.

**B. Request to Adopt a Resolution Opposing the US Fish and Wildlife Service's Proposed Designation of Critical Habitat for the Northwest Atlantic Ocean District Population Segment of the Loggerhead Sea Turtle:**

- Mayor Tuman introduced this item.
- Mayor Pro Tem Gray added comment.
- Mayor Pro Tem Gray moved that the Board of Aldermen adopt Resolution 2013-19 A Resolution Opposing the US Fish and Wildlife Service's Proposed Designation of Critical Habitat for the Northwest Atlantic Ocean District Population Segment of the Loggerhead Sea Turtle. Alderman Harte seconded the motion.
- The motion passed 4 to 1 with Alderman Yawn voting against.

**C. Request to Adopt an Ordinance to Declare Speed Limit on River Drive and River Road:**

- Alderman Leonard introduced this item.
- Alderman Leonard made a motion to for the Board of Aldermen to adopt Ordinance 2013-6 – A Ordinance of the Town of North Topsail Beach, NC Declaration to Enact Speed Limit on River Road and River Drive and said he would like to specify the speed limit of 20 mph for discussion purposes. Mayor Pro Tem Gray seconded the motion.
- There was discussion.
- The motion passed 3 to 2 (speed limit 20 mph) with Aldermen Macartney and Yawn voting against.

**D. Request to Approve Special Events Policy:**

- Ms. Faulkner introduced this item.
- Alderman Yawn moved that the Board of Aldermen approve the Special Events Policy as presented, to include the attached Special Event Permit Application and Budget Amendment for the addition of the Special Event Permit Application Fee, Sanitation Fee, and Staff Fee to the FY14 Fee Schedule. Alderman Leonard seconded the motion.

- Alderman Leonard made a suggested change to the policy, to change the number from 2 toilets per 500 to 2 toilets per 50 people (typo).
- Alderman Yawn modified his motion to include this change. Alderman Leonard seconded.
- The motion passed unanimously.

**E. Request to Extend Pavement on Certain Town Owned Streets:**

- Mr. Best, Public Works Director introduced this item and presented the paving projects that he is requesting.
- Mr. Best took questions from the Board.
- Alderman Leonard moved that the Board of Aldermen award paving work as described in Mr. Best's report for 23<sup>rd</sup> Avenue, 9<sup>th</sup> Avenue and Myrtle Drive to Norris Construction Company for \$25,025.00. Mayor Pro Tem Gray seconded.
- The motion passed unanimously.

**F. Discussion of SB 151 Part III. Cities Enforce Ordinances within Public Trust Areas:**

- Mr. Turille introduced this item.
- There was discussion about the Board reviewing the Town's current ordinances for the beach and possibly adding some more or amending the existing and making it an item for a workshop or the next Board retreat.
- Ms. Edes made comments about the bill.

**G. Request to Increase Noise Violation Fee:**

- Alderman Macartney made a motion to table this item for next month's meeting. Alderman Yawn seconded the motion.
- The motion passed unanimously.

XII. **OPEN FORUM:** No one came forward.

XIII. **ATTORNEY'S REPORT:** Mr. Edes announced that the Town has now been litigation free (with the exception of the easements) for two years. He thanked the Board and Staff.

XIV. **MAYOR'S REPORT:** Mayor Tuman announced that he had sent letters to Jack Dougherty and Gene Dougherty thanking them for their courageous actions to rescue a potential drowning victim. He thanked the Board for their ongoing efforts to solve the parking problems adjacent to County Access #3. He pointed out that the U.S. Congress is back in session and they have serious problems to address. He said he hopes that these deliberations will not be all consuming and they will take time to address our requested legislation, House Bill 187 and Senate Bill 533, which address the CBRA designation. He said the Town continues to make contact with our U.S. representatives and lobbyists and are prepared to go to Washington when this legislation comes before the committee.

XV. **ALDERMEN'S REPORT:**

**Alderman Macartney:** Mr. Macartney complimented the Town Manager for his persistence and the manner in which he is working to get the beach finished.

**Mayor Pro Tem Gray:** Mrs. Gray thanked everyone for coming.

**Alderman Yawn:** Mr. Yawn thanked everyone for coming. He said he hoped everyone had a great summer and a great Labor Day.

**Alderman Leonard:** Mr. Leonard thanked everyone for coming out and said that he liked the Town Manager's idea to have an end of the season wrap up with Town Staff.

**Alderman Harte:** Mr. Harte said thank you.

XVI. **ADJOURNMENT:** Mayor Pro Tem Gray made a motion to adjourn. Alderman Leonard seconded the motion. The motion passed unanimously. The meeting adjourned at 8:50 p.m.

**APPROVED:**

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Daniel Tuman, Mayor

**ATTEST:**

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Carin Z. Faulkner, Town Clerk

Approved on: 10/3/2013

**Town of North Topsail Beach  
Shoreline Protection Project 2<sup>nd</sup> Event  
Phase 5 Beach Restoration  
Pre-Construction Monitoring Proposal**



**Coastal Planning & Engineering of North Carolina  
September 5, 2013**

**Robert Neal**



1

**Outline**

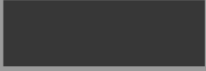

- Estimated Cost and Description of Work
- Longevity of Results (Risk of No Construction)
- Future Cost Associated with Phase 5 for FY13/14 & FY14/15
- Remaining Items Required for FY13/14 Construction of Phase 5
- Action Requested for Today



2

### **Estimated Cost and Description of Work**



- Task 1 - Environmental Documentation (\$142,276) : Work to evaluate cost saving measures to minimize future construction expenditures.
- Task 2 - Permitting (\$5,445) : Obtaining State and Federal authorization to implement cost saving measures identified in Task 1.
- Task 3 – Phase 5 & Offshore Borrow Area Environmental Monitoring (\$201,678): Permit required monitoring of exposed rock outcroppings.
- Task 3a – Phase 2 & 4 Environmental Monitoring (\$21,911): Optional monitoring to prepare for construction of Phase 2 – 4.



3

### **Estimated Cost and Description of Work**

- Task 4 – USDA Coordination (\$17,000): Time & Materials task to provide technical documentation and resources to assist Town in obtaining a USDA loan.



4

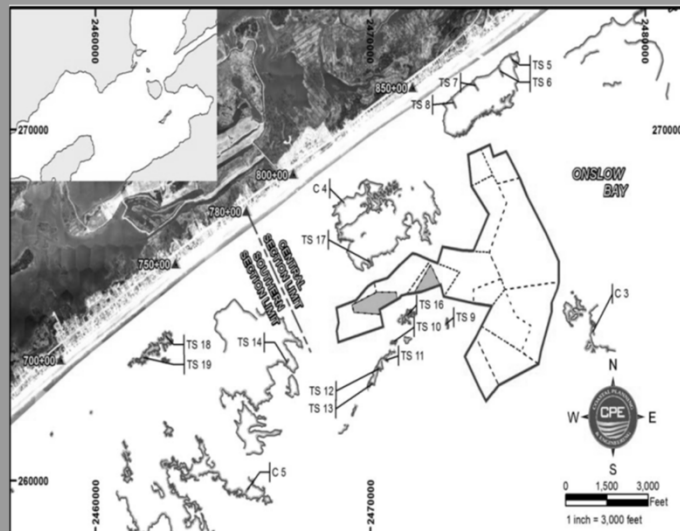
## Environmental Documentation & Permitting

- Cost Saving Measures to Evaluate for Inclusion in a Major Permit Modification Request:
  - Constructing Phases 2-4 in tandem
  - DA143 (Upland borrow source)
  - Summer Time Dredging Authorization (April 1<sup>st</sup> – Nov. 15<sup>th</sup>)
  - Re-evaluation of Environmental Monitoring Requirements
- CPE-NC will submit a Major Permit Modification Request to include all above options in the project scope.



5

## Phase 5 – Offshore Borrow Area and Nearshore Environmental Monitoring



6

## Phase 2 & 4 –Nearshore Environmental Monitoring



7

## USDA Coordination

- Time & materials task for providing technical documentation to USDA to assist in processing the Town's loan request.
- Unable to estimate the requirements of loan review from CPE-NC.
- Prior approval and description of tasks performed required for invoicing.

8



## Longevity of (Monitoring) Results

Federal agencies have stated the monitoring results would be valid for 1 year (Fritz Rohde – NMFS).

If construction is not implemented w/n the 1 year period then *new* monitoring may be required.

If Phase 5 constructed this year, Phase 2 & 4 can be completed next year with Phase 5 post construction monitoring.

Phase 2 & 4 optional monitoring will be beneficial if Phase 5 is not constructed this year and Town elects to build remaining 4 phases next year (Phase 2 – 5) or summer time dredging is authorized prior to next April.



9

## Future Cost Associated with Phase 5 for FY13/14 & FY14/15

Construction (Est. 1.5 MCY Design) - \$15,841,000

Construction Admin (On-site Representation) - \$200,00

Environmental Monitoring:

    During Construction - \$204,000

    Post Construction - \$131,700

Physical Monitoring (Post Con) - \$24,200

Total - \$16,400,900



10

## Remaining Items Required for FY13/14 Construction of Phase 5

- Environmental Monitoring of nearshore and offshore exposed hardbottom (Must be completed by October).
- Advertise Project (Anticipated by Sept. 15<sup>th</sup>).
- USACE issuance of minor permit modification. (Timeframe Sept 13<sup>th</sup> - ???).
- USDA adoption of EIS (Sept 23rd).
- USDA approval of construction phase contract (Requires Town and CPE-NC to execute construction phase services agreement).
- USDA approval of Supplemental Engineering Report (Submittal expected by Sept 13<sup>th</sup>).



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## Remaining Items Required for FY13/14 Construction of Phase 5

- USDA approval of Town of North Topsail Beach loan application (expected approx. 2 weeks after USDA adopts EIS: Oct 7th)
- Award Construction Contract (contingent on LGC approval) [No earlier than Oct 15<sup>th</sup> due to NC administrative code.]
- Seek LGC approval of project financing: Expected November 5<sup>th</sup>.



12

## Action Requested Today

- Approve current proposal with consideration towards the optional hardbottom monitoring for Phase 2 & 4.
- Authorize Task 4 – Contractor Bidding, Selection, and Negotiation of current contract to allow bid solicitation this month.
- Consider options for executing a Professional Service Agreement for construction and post construction work most likely the week of Sept 17<sup>th</sup>. (Est. cost \$559,900)



# Town of North Topsail Beach

Daniel Tuman, Mayor  
Suzanne Gray, Mayor Pro Tem  
Aldermen:  
Don Harte  
Tom Leonard  
Richard Macartney  
Michael Yawn



Stuart Turille  
Town Manager  
Carin Z. Faulkner, MPA  
Town Clerk

## Board of Aldermen Special Meeting Minutes\* Thursday, September 26, 2013 10:00 A.M.

**PRESENT:** Mayor Daniel Tuman, Mayor Pro Tem Suzanne Gray, Aldermen Tom Leonard, Dick Macartney, and Mike Yawn, Town Manager Stuart Turille and Town Clerk Carin Faulkner.

**NOT PRESENT:** Alderman Don Harte

- I. **CALL TO ORDER:** Mayor Tuman called the meeting to order at 10:00 a.m.
- II. **APPROVAL OF AGENDA:**
  - Alderman Leonard made a motion to approve the agenda as presented. Alderman Yawn seconded.
  - The agenda was approved unanimously.
- III. **PUBLIC HEARING – TOWN’S PROPOSAL TO OBTAIN FINANCING FROM USDA, RURAL DEVELOPMENT FOR PHASE V SHORELINE PROTECTION PROJECT:**
  - Mayor Tuman opened the public hearing.
  - Mr. Turille explained the purpose of the public hearing and gave a summary of the proposed project.
  - The following citizens spoke *in favor* of the Town’s proposal to obtain financing from the USDA for Town’s Phase V Shoreline Protection Project:
    1. Harry Hertrich of 1896 New River Inlet Road
    2. Mike Curley of 804 S. Shore (Surf City), Chairman of the Topsail Island Shoreline Protection Commission
    3. Don Street of Topsail Reef Unit 382, President of the Topsail Reef Condominium HOA
    4. Sharon Capps of 1896 New River Inlet Road, Member – Board of Directors for Shipwatch Condominiums
    5. Wayne Pace of 2000 New River Inlet Road, Member – Board of Directors for St. Regis Condominiums
    6. Richard Peters of 601 New River Inlet Road
    7. Lenny Dennitis of 126 N Permuda Wynd
  - The following citizens spoke *in opposition* of the Town’s proposal to obtain financing from the USDA for Town’s Phase V Shoreline Protection Project:
    1. Robert Swantek of 3772 Island Drive
    2. Harry Daino 5916 17<sup>th</sup> Avenue

\*There are attachments to these minutes.

- Mayor Tuman announced that the Town has also received letters that expressed support for the Town's plan and also letters objecting to the plan. He said that the Town received a total of 12 letters in opposition representing 11 residences. He said that the Town received more than 30 letters in support of the Town's plan representing approximately 533 residences.
- Mayor Tuman said the letters will be available for view at Town Hall and on the Town's website and will be included as part of the minutes of this meeting (Attachment A). The letters will also be forwarded to the USDA and the State for review.

IV. **ADJOURNMENT:** Alderman Leonard made a motion to adjourn. Alderman Yawn seconded the motion. The motion passed unanimously. The meeting adjourned at 10:22 a.m.

**APPROVED:**

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Daniel Tuman, Mayor

**ATTEST:**

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Carin Z. Faulkner, Town Clerk

Approved on: 10/3/2013

**Communication in Favor of North Topsail Beach Shoreline Protection Plan**

Mr. and Mrs. Paul Lawlor (LGC - 7/8/2013)

Mr. and Mrs. Eric Emerich (LGC - 7/8/2013)

Mr. and Mrs. John Slocum (LGC - 6/28/2013)

Mr. and Mrs. Karl Priest (LGC - 7/1/2013 & 9/20/2013)

Rick Bumgardner (LGC - 7/1/2013)

Udo Perkuhn of 2224 New River Inlet Road #139 (LGC - 7/1/2013)

JoAnn Williams (LGC – 6/22/2013)

Michael Curley, Councilman Town of Surf City/Topsail Island Shoreline Protection Commission Chairman (LGC – 9/18/2013)

Mr. and Mrs. Howells (Town Clerk - 9/20/2013)

Mr. and Mrs. Hoffman of 114 Salt Marsh Cove Sneads Ferry, NC (Town Clerk – 9/20/2013)

Lou Gagliano (Town Clerk – 9/22/2013)

Mr. & Mrs. Bill Bowman (Town Clerk – 9/24/2013)

Emily Easter of 2250 New River Inlet Road #312 (LGC – 9/24/2013)

Mr. and Mrs. Pat Bagnal of 110 N Permuda Wynd (Town Clerk – 9/23/2013)

Mr. and Mrs. Bob Reynolds (Town Clerk – 9/24/2013)

Mr. and Mrs. Jon Samuelson of 107 S Permuda Wynd (Town Clerk – 9/24/2013)

Mr. and Mrs. Jeffrey Stevens of 284 Seashore Drive (Town Clerk – 9/24/2013)

Donald Street, Topsail Reef HOA President (USDA & LGC - 9/24/2013) **238 Dwelling Units**

Mr. and Mrs. J.P. Chalmin of 2342 New River Inlet Road (Town Clerk – 9/25/2013)

Wayne Pace Board of Directors, St. Regis Homeowners Association (LGC & Town Clerk – 9/25/2013)

**243 Dwelling Units**

St. Moritz Homeowners Association (Town Clerk – 9/25/2013) **32 Dwelling Units**

Greater Topsail Island Chamber of Commerce Resolution in Support (Town Clerk - 9/18/2013)

Ocean City Beach Citizens Council Letter & Resolution (Town Clerk - 9/26/2013) **179 Properties**

**Communication Against North Topsail Beach Shoreline Projection Plan**

Faye Daino of 5916 17<sup>th</sup> Avenue (LGC – 6/25/2013)

Ed Doherty of 169 Old Village Lane (LGC- 6/7/2013 & 6/28/2013)

David Crump of 3782 Island Drive (LGC – 6/28/2013)

Mr. and Mrs. William Walsh (LGC- 6/26/2013)

Debra Swantek (LGC-6/26/2013)

Robert Swantek (LGC-6/26/2013)

Bill O'Donnell of 3612 Island Drive (LGC-6/26/2013)

Mr. & Mrs. Emmanuel Lionikis of 3809 Island Drive (LGC-6/26/2013)

Gregory Hoch (LGC 6/26/2013) (Mayor Tuman – 9/22/2013)

Georgia Routsis Savas of 205 Tamarix Court (LGC 6/10/2013 & 6/26/2013)

Mr. Ed Tennett (LGC 6/26/2013)

Mr. Richard Farley (LGC 6/26/2013)

## Letters in Support:

### 1. Lawlors

From: [eric.emerich@yahoo.com](mailto:eric.emerich@yahoo.com) [<mailto:eric.emerich@yahoo.com>]  
Sent: Monday, July 08, 2013 9:32 AM  
To: Tim Romocki  
Subject: North Topsail Beach

Dear Sir,

We fully support the town of North Topsail Beach's efforts to preserve its beaches. Please act favorably with NTB's funding efforts to do so.

Thank you,

Paul Lawlor and  
Eileen Lawlor

### 2. Emerichs

From: [beachdude80@yahoo.com](mailto:beachdude80@yahoo.com) [<mailto:beachdude80@yahoo.com>]  
Sent: Monday, July 08, 2013 9:39 AM  
To: Tim Romocki  
Subject: North Topsail Beach

Sir,

We fully support North Topsail Beach's beach renourishment efforts.  
Please assist the town with its efforts.

Sincerely,

Eric Emerich and Rachel Emerich, North Topsail Beach Sent via BlackBerry from T-Mobile

### 3. Slocums

From: [rail.man@verizon.net](mailto:rail.man@verizon.net)  
Date: Jun 28, 2013 10:26:55 PM  
Subject: North Topsail Beach Renourishment Project  
To: [tim.rimocki@treasurer.state.nc.us](mailto:tim.rimocki@treasurer.state.nc.us)

We are owners of property in North Topsail Beach and want to express that we are in support of our town board's efforts to complete the protection of the remainder of the shoreline in one single project. As taxpayers and property owners we are in support of the tax increase for shoreline protection. There are no other alternatives to save our beach; its protection will ultimately benefit the town, the county and the entire state of North Carolina. We ask that you support the continuation of the project. Thank you.

Janet and John Slocum



#### 4. Priests

**From:** [Kcpriest@aol.com](mailto:Kcpriest@aol.com) [<mailto:Kcpriest@aol.com>]

**Sent:** Monday, July 01, 2013 5:38 PM

**To:** Tim Romocki

**Subject:** NTB Beach Nourishment

To: Local Government Commission (c/o Mr. Tim Rimocki)

From: Karl and Melody Priest

Subject: Beach Nourishment

Date: 2 July 2013

We strongly support providing protection of the remainder of the North Topsail Beach shoreline in one single project. Please persevere.

Thank you.

#### 5. Baumgardner

**From:** Rick Bumgardner [<mailto:rickwithalliance@gmail.com>]

**Sent:** Monday, July 01, 2013 2:20 PM

**To:** Tim Romocki

**Cc:** Tom Leonard

**Subject:** FW: North Topsail Beach, NC

Mr. Rimocki,

I am a current resident of the Town of North Topsail Beach, NC. I live at 557 New River Inlet Road. My wife and I have been residents for about 10 years and we also own 9 beautiful ocean front properties that are part of our rental business in the town. Please do not be fooled into thinking that the majority of the folks who live in the town are against what our mayor and aldermen are doing to fix our beaches. There are a great many residents here who applaud the tremendous efforts by our current leaders to finally do something to preserve one of North Carolina's greatest assets, Our Beaches!

They have my and my families support 110%!

Have a great day!

Rick Bumgardner

Alliance Companies

910-330-0789

6. **From:** Udo Perkuhn [<mailto:uperkuhn@gmail.com>]

**Sent:** Monday, July 01, 2013 7:33 AM

**To:** Tim Romocki

**Subject:** Support N Topsail Beach accelerated beach nourishment

My name is Udo Perkuhn. I am a property owner, full time resident, and registered voter of North Topsail Beach.

I fully support our Board of Alderman and their efforts to accelerate beach nourishment as this will save us money by reducing the mobilization costs. It will also bring our entire beach front into FEMA qualification to help restore the beach in case of a named event (ie hurricane) as early as next year, protecting our investment in the beach nourishment projects.

I hope that we can count on your support as well.

Thank you.

Udo Perkuhn  
2224 New River Inlet Rd #139  
N. Topsail Beach, NC

## **7. Williams**

**Sent:** Saturday, June 22, 2013 1:13 PM  
**To:** Tim Romocki  
**Subject:** NTB beach renourishment project.

Mr. Romocki,

My name is JoAnn Williams, my husband and I are full-time residents and business owners in North Topsail Beach, NC. I just wanted to drop you a note to voice our support for the ongoing beach renourishment project here in NTB. We have lived here since 2004 and have seen first hand the erosion that takes place during storms as well as the typical day to day tide cycles. We have also seen the great improvement that occurred to the beach, at the north end of the island, following the completion of Phase I. This town relies heavily on the health of our beach for business purposes as well as personal enjoyment. For these reasons we are in favor of the needed beach renourishment and would ask you to support the funding needed for the Town to continue and complete the proposed project.

I will admit, that I like anyone else, am not happy about the increase in my taxes due to this project. It is the residents of NTB that are footing the bill for these tax increases, when everyone that visits our beaches becomes the beneficiary of what the relatively few are paying for. Anything you could suggest to make this an equitable situation for all would be appreciated.

I look forward to any updates you can send my way as this process continues.

Thank you for your time,

JoAnn Williams

**From:** [Stuart Turille](#)  
**To:** [carinf@north-topsail-beach.org](mailto:carinf@north-topsail-beach.org)  
**Subject:** FW: USDA Financing for North Topsail Beach Shoreline Protection Project  
**Date:** Wednesday, September 18, 2013 5:02:13 PM

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For files

Stuart

**From:** Michael Curley [mailto:michaelhcurley@aol.com]  
**Sent:** Wednesday, September 18, 2013 4:45 PM  
**To:** Tim.Romocki@nctreasurer.com  
**Subject:** USDA Financing for North Topsail Beach Shoreline Protection Project

Timothy Romoki,

Below is a copy of an original letter I have placed in the US Mail. I am providing you this copy to insure that you receive my thoughts prior to the scheduled meeting with North Topsail Beach a week from tomorrow. The mailed letter is the original and is signed.

I do hope you are able to continue the needed support that they are planning on.

Mike Curley

Timothy Romoki  
Director, Debt Management  
State and Local Government Finance Division  
325 North Salisbury  
Raleigh, NC 27603

Dear Mr. Romoki,

As a Councilman for the Town of Surf City, I have been designated as one of the Town's representatives on the Topsail Island Shoreline Protection Commission (TISPC). The purpose of this organization is to "... actively support and promote plans and programs to restore and maintain wide sandy beaches and storm protection dunes through beach nourishment...". The group represents the Island's three Towns Councils of Topsail Beach, Surf City and North Topsail Beach. I have been Chairman of this group during most of its' existence and I feel that I am sufficiently familiar with each town's beaches to make appropriate recommendations as to their needs and concerns relative to nourishment. That being said, I would like to express to you my thoughts in regards to North Topsail Beach request for a long term financing solution from United States Department of Agriculture. Recently, the Town has dedicated itself to resolve the beach erosion problems it has had since its' inception. They have successfully engineered, planned and analyzed cost for five

section of their ocean front. They are making plans to implement said plan but are in need of financial planning that they feel comfortable with. Knowing the individuals involved and their thoughts and effort assure me that it is in the best interest of the Federal Government to support this project.

Please keep in mind the result from Sandy and the lessons learned from those areas that had been properly nourished.

Michael Curley  
Councilman Town of Surf City  
Chairman  
Topsail Island Shoreline Protection Commission

214 N New River Dr - Surf City, NC 28445 - Phone 910-328-4131 - Fax: 910-328-1476  
e-mail [parnold @ townof surfcity.com](mailto:parnold@townofsurfcity.com)

Michael Curley  
[michaelhcurley@aol.com](mailto:michaelhcurley@aol.com)

=

Board of Aldermen Special Meeting Minutes  
September 26, 2013  
Attachment A

**From:** [DONALD HOWELLS](#)  
**To:** [carinf@north-topsail-beach.org](mailto:carinf@north-topsail-beach.org)  
**Subject:** In support of North Topsail Beach Renourishment  
**Date:** Friday, September 20, 2013 2:07:29 PM

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Our names are Donald and Gloria Howells. We have been residents of Onslow County for 23 years and plan to be residents for years to come.

We are definitely in support of North Topsail's efforts to re-nourish their beach. We commend their efforts and acknowledge that its beach has been and is an important recreational asset which we, our family and all citizens of Onslow County use and enjoy often. Please help us to get this message across to our Federal and State agencies.

Board of Aldermen Special Meeting Minutes  
September 26, 2013  
Attachment A

**From:** [Robert](#)  
**To:** [carinf@north-topsail-beach.org](mailto:carinf@north-topsail-beach.org)  
**Cc:** [ntopsail@charter.net](mailto:ntopsail@charter.net)  
**Subject:** Support for North Topsail Beach Renourishment.  
**Date:** Friday, September 20, 2013 10:37:54 PM

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To whom it may concern. I am writing to inform you of my support for the Renourishment of the beach on NTB. My family have been enjoying the wonderful beaches in town. Your towns efforts in improving the beaches has been commendable. As residents of Onslow County we want you to keep up the good fight.

Robert and Mary Lou Hoffman  
114 Salt Marsh Cove  
Sneads Ferry NC 28460

Sent from my iPad

Board of Aldermen Special Meeting Minutes  
September 26, 2013  
Attachment A

From: [dan\\_tuman](mailto:dan_tuman)  
To: [carinf@north-topsail-beach.org](mailto:carinf@north-topsail-beach.org); [Town Manager](#)  
Cc: [Dick Macartney](#); [dick peters](#); [don harte](#); [Thomas Leonard](#); [suzanne gray](#); [Sue Tuman](#)  
Subject: FW: NTB Beach Nourishment plans  
Date: Monday, September 23, 2013 12:52:32 PM

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From: Zubecca Bowman [mailto:[zubecca@charter.net](mailto:zubecca@charter.net)]  
Sent: Monday, September 23, 2013 10:06 AM  
To: Dan Tuman  
Subject: Fwd: NTB Beach Nourishment plans

FYI  
Ed Doherty comes out.  
Becky

Begin forwarded message:

**From:** Lou Gagliano <[ljgags@aol.com](mailto:ljgags@aol.com)>  
**Date:** September 22, 2013, 7:22:26 PM EDT  
**To:** [epdoherty@juno.com](mailto:epdoherty@juno.com)  
**Cc:** Becky Bowman <[zubecca@charter.net](mailto:zubecca@charter.net)>  
**Subject: Re: NTB Beach Nourishment plans**

While I can not vote in local elections, I have two properties that I pay taxes on, I do believe in the best interest in the town and its values, that the nourishment should move forward. I would hope that you support this position. I would hope that the town elected officials have the best interest of all citizens and do not see fit to hold a special referendum on whether taxes need to be increased to fund this important work. If taxes need to be raised as a result of protecting town property and related values, I am only too happy to support this by paying my fair share.

Lou Gagliano

On Sep 22, 2013, at 7:06 PM, [epdoherty@juno.com](mailto:epdoherty@juno.com) wrote:

TO: Village of Stump Sound property owners

This note is to provide you with an update about NTB's current Beach Nourishment (BN) plans, which will include the Village of Stump Sound's beach. Last fall NTB implemented Beach Nourishment of 1.5 miles of the north end of Topsail Island ("Phase I"). Funding of the \$5.6 million north end BN project was sourced from a combination of NTB's BN reserve account and the issuance of Special Obligation Bonds. In June 2013 the NTB Board of Aldermen voted to increase NTB property taxes 60% to replenish the Town's BN reserve account.

NTB is currently applying for a \$16 million loan from the USDA to fund Beach Nourishment of the south end of NTB's shoreline ("Phase V"), which includes the beach of the Village of Stump Sound. If the loan is approved Beach Nourishment of Phase V will commence in November 2013. (Phases II thru IV are ineligible for a USDA loan since they are included in the Town's CBRA area. If the CBRA designation is rescinded NTB is expected to apply for another USDA loan for Beach Nourishment of Phases II thru IV in the fall of 2014). Information about the Town's activities to secure the USDA loan can be found in NTB's Town Manager's report at:

<http://www.ntbnc.org/Documents/Managers%20Report%20%20September%20%205%202013.pdf>

My opinion is that the Town should secure the approval of NTB's voters of their Beach Nourishment plan before pursuing USDA funding. Below is a copy of a recent e-mail I sent to NTB's Town Manager in this regard. If you wish to express your view to the USDA, the contact is Ms. Kimberly Miller, whose e-mail address is [Kimberly.miller@nc.usda.gov](mailto:Kimberly.miller@nc.usda.gov).

A meeting to hear public comments about NTB's plan to borrow \$16 million from the USDA will be held at the NTB Town Hall at 10:00 a.m. on Thursday, Sept. 26. Please attend this meeting if you can.

Ed Doherty  
169 Old Village Lane

From: "[epdoherty@juno.com](mailto:epdoherty@juno.com)" <[epdoherty@juno.com](mailto:epdoherty@juno.com)>  
To: [townmanager@north-topsail-beach.org](mailto:townmanager@north-topsail-beach.org)  
Cc: [Kimberly.miller@nc.usda.gov](mailto:Kimberly.miller@nc.usda.gov)  
Subject: Fw: Response to Your Email to USDA  
Date: Fri, 20 Sep 2013 13:59:06 GMT

Mr. Turille, thank you for your comments about my e-mail to Ms. Miller of the USDA in which I expressed some concerns about NTB's Beach Nourishment (BN) plans. You assert that the Town's funding plan can implement Beach Nourishment and the renourishment of NTB's shoreline every few years with little or no impact on the tax burden of NTB's citizens. My instincts tell me otherwise. But this matter is not so much about the tremendous cost of implementing BN and whether or not the Town can truly afford to do so. Rather, this matter is about whether or not the citizens of North Topsail Beach support the Beach Nourishment plan being pursued. Regrettably, the Mayor and most of the members of the Board of Aldermen refuse to allow NTB's voters to have a say in this matter and are aggressively pursuing a Beach Nourishment plan while ignoring past votes and surveys in which voters and non-voters alike rejected funding Beach Nourishment.

As you may know, I chaired NTB's Beach Erosion Study Team (BEST) in 2008 - 2009. The recommendations of BEST are as appropriate today as when the BEST report was submitted in February 2009. BEST recognized that Beach Nourishment is not without considerable controversy and is a daunting financial challenge to NTB. Given those facts, BEST strongly recommended that NTB secure the support of NTB's citizens before proceeding with Beach Nourishment.

You contend that it would be unfair for NTB's voters to decide on Beach Nourishment, as the voters represent only 15% of NTB's property owners. How, then, is it fair for this matter to be decided by 4 members of the BOA, who represent a minuscule .00001% of the property owners? As I am sure you are aware, the law of the land throughout the USA is that only full-time residents may vote in Town elections. The law is based on sound logic, as NTB is HOME to the full-time resident, unlike the part-time resident whose interest in NTB is primarily financial....his/her HOME is elsewhere.

The proper approach -- the democratic approach -- is to secure the approval of NTB's voters before proceeding. Every NTB citizen should be provided with a full



disclosure of the pros and cons of Beach Nourishment along with a clear explanation of how BN would be funded, and the reasons why the Mayor and 4 of the 5 Aldermen strongly recommend proceeding. Then a YES/NO choice for the plan should be included on the ballot in the upcoming November election. The Mayor contends he has the support of the citizens of NTB. He would be well advised to have the voters confirm his belief. In so doing the controversy surrounding this matter would be resolved once and for all.

Ed Doherty

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One Weird Trick

Could add \$1,000s to Your Social Security Checks! See if you Qualify&#8230

<http://thirdpartyoffers.juno.com/TGL3141/523f784276b6f7841020fst02vuc<Message.eml>>

From: [Zubecca Bowman](#)  
To: [Leonard Tom](#); [Macartney Dick](#); [Yawn Mike](#); [Harte Don](#); [Tuman Dan](#); [carinf@north-topsail-beach.org](mailto:carinf@north-topsail-beach.org); [Gray Suzanne](#)  
Subject: Phase 5 Storm Damage Reduction Project  
Date: Tuesday, September 24, 2013 3:13:43 PM

---

Hi, First, I would like to thank you all for the great work you have done the past several years with the New River Channel realignment, the sand project at the North end of Town and now the plans for a Phase 5 project.

This has all been done in a time frame that six years ago I thought impossible. This is all absolutely wonderful. Good work. I know it has not been without pitfalls.

We support fully your plans for the Phase 5 project. We support obtaining financing from USDA. This in itself is such a boon. That is, that financing can be obtained from the Federal Government. And I see that all those hours spent in meetings with the Corp and the state agencies detailing the studies and permits are now showing benefits for the Town.

Even though there are some citizens who cannot envision the future with a fully engineered beach, we can. We also appreciate the fact that, those who are skeptical now, can and will enjoy the benefits to our Town and to our neighborhood, the Village of Stump Sound.

Sincerely and with Gratitude,  
Becky and Bill Bowman

**From:** [Stuart Turille](#)  
**To:** [carinf@north-topsail-beach.org](mailto:carinf@north-topsail-beach.org)  
**Cc:** [Mayor Tuman](#)  
**Subject:** FW: SUPPORT---USDA funded loan  
**Date:** Tuesday, September 24, 2013 3:46:40 PM  
**Attachments:** [image001.png](#)

---

Carin:

For files – thanks,

Stuart

---

**From:** Tim Romocki [mailto:Tim.Romocki@nctreasurer.com]  
**Sent:** Tuesday, September 24, 2013 2:46 PM  
**To:** eeaster6284@aol.com  
**Cc:** Town Manager  
**Subject:** RE: SUPPORT---USDA funded loan

Ms. Easter - We have received your e-mail expressing your support of a proposed financing for the town of North Topsail Beach's beach renourishment project. To date, we have not received an application for the town's financing. In the event the town does submit a request and it goes before the Local Government Commission (LGC), your e-mail/letter of support, along any objections received and the town's responses, will be included with the agenda item that will be provided to the LGC members.

Timothy Romocki  
Director, Debt Management  
State and Local Government Finance Division  
Phone: (919) 807 2360  
Fax: (919) 807 2377  
[www.nctreasurer.com](http://www.nctreasurer.com)  
Find us on Facebook 



**DEPARTMENT OF STATE TREASURER**  
**Janet Cowell, State Treasurer of North Carolina**  
325 N. Salisbury St. | Raleigh, NC 27603-1385

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**From:** [eeaster6284@aol.com](mailto:eeaster6284@aol.com) [mailto:eeaster6284@aol.com]  
**Sent:** Tuesday, September 24, 2013 1:05 PM  
**To:** Tim Romocki  
**Subject:** SUPPORT---USDA funded loan

Good Morning, Tim,

My husband and I own beach front property at Topsail Reef in the Town of North Topsail Beach. We have always been in support of beach nourishment and maintaining the beauty and use of the ocean front beaches. We are contacting you in support of a USDA funded loan for a beach nourishment project that we believe will breathe life into North Topsail Beach's long term beach nourishment program. We certainly appreciate any efforts you can put forth to make this loan a reality.

Thank you,  
Emily Easter  
2250 New River Inlet Road,  
#312  
NTB, NC 28460

528 8th St. NE  
Charlottesville, VA 22902

434-295-6284  
434-242-6284

From: [patrick01@earthlink.net](mailto:patrick01@earthlink.net)  
To: [ntopsail@charter.net](mailto:ntopsail@charter.net); [suzannegrays456@gmail.com](mailto:suzannegrays456@gmail.com); [daharte@charter.net](mailto:daharte@charter.net); [tom.leonardNTB@yahoo.com](mailto:tom.leonardNTB@yahoo.com); [beachmonger@gmail.com](mailto:beachmonger@gmail.com); [cmyawn@charter.net](mailto:cmyawn@charter.net); [carinf@north-topsail-beach.org](mailto:carinf@north-topsail-beach.org); [Town Manager](#)  
Cc: [Zubecca Bowman](#)  
Subject: NTB Renourishment Project SUPPORT  
Date: Monday, September 23, 2013 10:58:16 PM  
Importance: High

---

Greetings:

We are Oceanfront home owners in the Village of Stump Sound. We are writing you to let you know that we fully support the plans you have developed to renourish the beach in our area in November. I disagree with the comments in the letter from Ed Dougherty that oppose the decision. He doesn't speak for all of the residents of Stump Sound.

The following is an e-mail from Zubecca Bowman that included a response from Mayor Tuman. We writing in response to let you know we fully support the renourishment project and hope you continue with the plans that have been developed. Jerry Riggelman and Ed Doherty don't speak for all residents in the Village and I can assure you that all residents there are not opposed to the project

Best Regards,

Pat and Cheryl Bagnal

110 North Permuda Wynd

NTB

302-588-7108 (Cell)

### E-Mail from Zubecca Bowman

Hi, Hope you all had a good summer. There were more visitors here on the island than I have seen in the past 17 years. That's how long we have been waited for a beach project or as it is called too a Storm Damage Reduction Project. I like Damage Reduction as this is a more accurate description.

Now, maybe you received an email yesterday about the Beach Nourishment Plans for our beach. The Town of North Topsail Beach is initiating a project this Fall to put sand on our beach and other areas starting at the Surf City border and going north for several miles. It is called Phase 5. This is not just a normal sand push like we paid to have

From: [Zubecca Bowman](#)  
To: [Macartney Dick](#); [Leonard Tom](#); [Harte Don](#); [Tuman Dan](#); [carinf@north-topsail-beach.org](mailto:carinf@north-topsail-beach.org); [Gray Suzanne](#)  
Subject: Fw: Town's beach project  
Date: Tuesday, September 24, 2013 2:44:03 PM

---

Attached is an email from one of our neighbors supporting the Phase 5 project. Apparently he is away from home. I have highlighted their message.

Becky Bowman

From: [Robert Reynolds](#)  
Sent: Tuesday, September 24, 2013 8:16 AM  
To: [patrick01@earthlink.net](mailto:patrick01@earthlink.net)  
Cc: [Zubecca Bowman](#) ; [Cunningham Danny](#) ; [Hodgen Bradley](#) ; [Rennick Shirley](#) ; [Madison David and Rhonda](#) ; [Marston Diane](#) ; [samuelson jon](#) ; [Keeley Patti](#) ; [Steingraber Karen](#) ; [Gagliano Lou](#) ; [Delia Frank](#) ; [Bresee Susan and Jim](#) ; [Bush Gary](#) ; [Bolts Nancy](#) ; [Kizior Lori and Steven](#) ; [Denittis Lenny](#) ; [Dolan Jennifer](#) ; [geo](#) ; [donnannc@aol.com](mailto:donnannc@aol.com) ; [Bowman B](#) ; [Carney Ed and Ingrid](#)  
Subject: Re: Town's beach project

Pat, I found it easier to reply to your email than start from scratch, so please bear with me.

Thanks, Becky for the heads up! We're in Dallas for the week and I haven't figured out how to cut, paste, etc. on my new iPhone, but I'd appreciate your passing on to the Town Mgt.

Martha Anne's and my feelings:

**We've spent thousands of \$\$ over the past 13 years on pushes, sea oats, sand fence, + a A LOT OF SWEAT to keep the dunes (and, more importantly, improve them!) on the 2 oceanfront lots we own and it is startling to read that some of the same people who benefit from them (remember FRAN!!) want to just let the ocean take over!**

**We support the township 100%! Not only because IT'S THE RIGHT THING TO DO for Topsail Island, the township and VSS, but our taxes have already recognized this action.**

**We'd appreciate your passing this on so our voices will be heard.**

**By the way, we've mailed the signed and notarized Easement requested by NTB.**

**Thank you again!**

**Bob and Martha Anne Reynolds**

T-Bob

Sent from my iPhone

On Sep 23, 2013, at 9:33 PM, [patrick01@earthlink.net](mailto:patrick01@earthlink.net) wrote:

Becky:

Than you for the thoughtful detailed summary. We need to get this done. Many residents who enjoy and use the beach but don't live on the beach don't think we need this project. The beach is for all residents in Stump Sound, not just the

From: [Jon Samuelson](#)  
To: [carinf@north-topsail-beach.org](mailto:carinf@north-topsail-beach.org); [ntopsail@charter.net](mailto:ntopsail@charter.net)  
Subject: Phase 5 Beach Project  
Date: Tuesday, September 24, 2013 8:37:16 AM

---

Hello Dan and Carin,

I just wanted to send a quick note to you to voice my opinion of the subject item as I will not be able to attend the public meeting on Thursday. My wife and I are the owners of 107 South Permuda Wynd in the Village of Stump Sound. I know there have been some non-supporters of the project from the village, but that does not reflect all the homeowners opinions. We fully support the town proceeding with the Phase 5 beach project. It is the right thing to do not only for beach front owners, but the entire island.

I certainly hope all goes well on Thursday and again, you have our support.

Regards,  
Jon & Joanie Samuelson  
107 South Permuda Wynd

Board of Aldermen Special Meeting Minutes  
September 26, 2013  
Attachment A

**From:** [Stevens, Jeffrey O \(JEFF\)](#)  
**To:** [carinf@north-topsail-beach.org](mailto:carinf@north-topsail-beach.org); [ntopsail@charter.net](mailto:ntopsail@charter.net); [suzannegray456@gmail.com](mailto:suzannegray456@gmail.com); [daharte@charter.net](mailto:daharte@charter.net); [tom.leonardNTB@yahoo.com](mailto:tom.leonardNTB@yahoo.com); [beachmonger@gmail.com](mailto:beachmonger@gmail.com)  
**Subject:** Phase 5 Beach Project  
**Date:** Tuesday, September 24, 2013 8:35:31 AM

---

To the mayor and Aldermen of NTB,

My wife and I have been property owners in North Topsail Beach for three years. While our beautiful beach house is a rental property, it is also the home we have chosen for our retirement starting in 2016. We've grown to love the area and even in the short time span, we have weathered two hurricanes that damaged our Topsail.

As an engineer, I have had growing concerns about the shifting weather patterns over the years due to global warming. To counter such forces, we have to be smarter and more proactive. My wife and I believe that the Phase 5 Project is an innovative and long-term solution that will significantly add to the conservation and preservation of the island's beaches.

You have our full support. Kudos to those with such visions.

**Jeffrey and Susan Stevens**  
**284 Seashore Drive**

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From: [Donald Street](#)  
To: [carinf@north-topsail-beach.org](mailto:carinf@north-topsail-beach.org)  
Subject: Fwd: Support for the Town of North Topsail Beach and their Beach Nourishment program  
Date: Tuesday, September 24, 2013 8:32:25 AM

---

Town Clerk,  
For your records and use.

Begin forwarded message:

**From:** Donald Street <[streetdon11@gmail.com](mailto:streetdon11@gmail.com)>  
**Subject:** Fwd: Support for the Town of North Topsail Beach and their Beach Nourishment program  
**Date:** September 24, 2013 8:12:48 AM EDT  
**To:** [Kimberly.Miller@nc.usda.gov](mailto:Kimberly.Miller@nc.usda.gov)

Kim Miller,

I'm writing to show our support for the town of North Topsail Beach and their beach nourishment program. We understand the importance of the USDA loan request by the Town to protect and nourish our beaches. We fully support this effort and the Town's long term beach nourishment plan. I have had the pleasure of being the President of the Topsail Reef Condominium association located on the North end of the island for the past 4 years. Our Board members and I represent 240 members that are not only property owners within the town but we are located directly on the beach. Most recently the Town's support for the channel realignment project has proven to be a big success and represents a need to continue with the town's planned beach nourishment program. Because of this, property values have started to improve and we no longer have threatened property at the North end of the island. We are great supporters of our beaches and we fully lend our support behind the Town on this issue.

Thank you,  
Donald Street, TRHOA Board President

From: [Stuart Turille](#)  
To: [carinf@north-topsail-beach.org](mailto:carinf@north-topsail-beach.org)  
Cc: [Mayor Tuman](#)  
Subject: FW: Support for the Town of North Topsail Beach and their Beach Nourishment program  
Date: Tuesday, September 24, 2013 3:46:53 PM

---

Carin:

For files.

Stuart

-----Original Message-----

From: Tim Romocki [<mailto:Tim.Romocki@nctreasurer.com>]  
Sent: Tuesday, September 24, 2013 3:19 PM  
To: Donald Street  
Cc: Town Manager  
Subject: RE: Support for the Town of North Topsail Beach and their Beach Nourishment program

Mr. Street - We have received your e-mail expressing your support of a proposed financing for the town of North Topsail Beach's beach renourishment project. To date, we have not received an application for the town's financing. In the event the town does submit a request and it goes before the Local Government Commission (LGC), your e-mail/letter of support, along any objections received and the town's responses, will be included with the agenda item that will be provided to the LGC members.

Timothy Romocki  
Director, Debt Management  
State and Local Government Finance Division  
Phone: (919) 807 2360  
Fax: (919) 807 2377  
[www.nctreasurer.com](http://www.nctreasurer.com)  
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-----Original Message-----

From: Donald Street [<mailto:streetdon11@gmail.com>]  
Sent: Tuesday, September 24, 2013 8:09 AM  
To: Tim Romocki

Subject: Fwd: Support for the Town of North Topsail Beach and their Beach Nourishment program

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>> Tim Romocki,

>> I'm writing to show our support for the town of North Topsail Beach and there beach nourishment program. We understand the importance of the USDA loan request by the Town to protect and nourish our beaches. We fully support this effort and the Towns long term beach nourishment plan. I have had the pleasure of being the President of the Topsail Reef Condominium association located on the North end of the island for the past 4 years. Our Board members and I represent 240 members that are not only property owners within the town but we are located directly on the beach. Most recently the Town's support for the channel realignment project has proven to be a big success and represents a need to continue with the towns planned beach nourishment program. Because of this, property values have started to improve and we no longer have threatened property at the North end of the island. We are great supporters of our beaches and we fully lend our support behind the Town on this issue.

>> Thank you,

>> Donald Street, TRHOA Board President

>

Board of Aldermen Special Meeting Minutes  
September 26, 2013  
Attachment A

**From:** [JeanPierre Chalmin](#)  
**To:** [carinf@north-topsail-beach.org](mailto:carinf@north-topsail-beach.org)  
**Cc:** "[dan tuman](#)"  
**Subject:** shoreline protection program  
**Date:** Wednesday, September 25, 2013 9:09:17 AM

---

Dear Caryn,

We have been owners and part-time residents of North Topsail beach for the past 30 years. We have unfortunately witnessed the devastating effects of multiple storms and erosion on our towns' beach and the near-loss of our home several times. We were therefore elated to see the completion of Phase 1 of the shoreline protection program earlier this year!

We are writing to you to convey our very strong support for the current effort to continue North Topsail Beach's shoreline protection program. We believe that the Board and the Mayor have crafted a solid financial and physical plan to make this happen.

We love our island and want to see it prosper and provide an attractive setting for all of its residents and vacationers alike! Please ensure that we continue to have a home at the beach which we treasure so much.

Respectfully,

J.P. & Eileen Chalmin  
2342 New river Inlet Road  
NTB

=

**From:** [Stuart Turille](#)  
**To:** [carinf@north-topsail-beach.org](mailto:carinf@north-topsail-beach.org)  
**Cc:** [Mayor Tuman](#)  
**Subject:** FW: Letter of Support of North Topsail Beach Shoreline Protection Plan  
**Date:** Thursday, September 26, 2013 4:02:10 PM  
**Attachments:** [image001.png](#)

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Carin:

For files.

Thanks,

Stuart

---

**From:** Tim Romocki [mailto:Tim.Romocki@nctreasurer.com]  
**Sent:** Thursday, September 26, 2013 2:13 PM  
**To:** Wayne Pace; ntopsail@charter.net; Tom Leonard; Dick Macartney  
**Cc:** Town Manager  
**Subject:** RE: Letter of Support of North Topsail Beach Shoreline Protection Plan

Mr. Pace - We have received your e-mail with your letter expressing your support of a proposed financing for the town of North Topsail Beach's beach renourishment project. To date, we have not received an application for the town's financing. In the event the town does submit a request and it goes before the Local Government Commission (LGC), your e-mail/letter of support, along any objections received and the town's responses, will be included with the agenda item that will be provided to the LGC members.

Timothy Romocki  
Director, Debt Management  
State and Local Government Finance Division  
Phone: (919) 807 2360  
Fax: (919) 807 2377  
[www.nctreasurer.com](http://www.nctreasurer.com)  
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**DEPARTMENT OF STATE TREASURER**  
**Janet Cowell, State Treasurer of North Carolina**  
325 N. Salisbury St. | Raleigh, NC 27603-1385

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**From:** Wayne Pace [<mailto:waynpace@thepaces.org>]  
**Sent:** Wednesday, September 25, 2013 11:12 AM  
**To:** Tim Romocki; [ntopsail@charter.net](mailto:ntopsail@charter.net); Tom Leonard; Dick Macartney  
**Subject:** Letter of Support of North Topsail Beach Shoreline Protection Plan

Mr. Romocki:

The attached letter expresses the support of the St. Regis Homeowners Association for the Town of North Topsail Beach and its elected officials in their continuing efforts to obtain funding for and to implement the Shoreline Protection Plan, including all phases of the project.

Wayne Pace  
St. Regis Homeowners Association Board of Directors

Kim B. Miller

U.S. Department of Agriculture

Rural Development

2044-C-HWY 11/55 South

---

PO Box 6189

Kinston, N.Carolina 28501

Dear Ms. Miller,

Please accept this letter of support for the shoreline protection, beach nourishment in North Topsail Beach North Carolina.

The Home owners association of the St Moritz is overwhelming in favor of this project. The protection of the shoreline is critical to the owners and other residents within the state. The St Moritz is comprised of 32 families who live in North Topsail beach, North Carolina.

Thank you for your consideration and advocacy in protecting our shorelines through beach nourishment.

Sincerely,

Martin Lang

President St Moritz HOA

4110 Island Dr

N. Topsail Beach, N.C.

Timothy Romocki

Director, debt management

State and local Government Finance division

---

Mr Romocki-

Please accept this letter of support for the shoreline protection, beach nourishment in North Topsail Beach North Carolina.

The Home owners association of the St Moritz is overwhelming in favor of this project. The protection of the shoreline is critical to the owners and other residents within the state. The St Moritz is comprised of 32 families who live in North Topsail beach, North Carolina.

Thank you for your consideration and advocacy in protecting our shorelines through beach nourishment.

Sincerely,

Martin Lang

President St Moritz HOA

4110 Island dr

N. Topsail Beach, N.C.





**Resolution in Support of USDA Financing  
for North Topsail Beach Shoreline Protection Project**

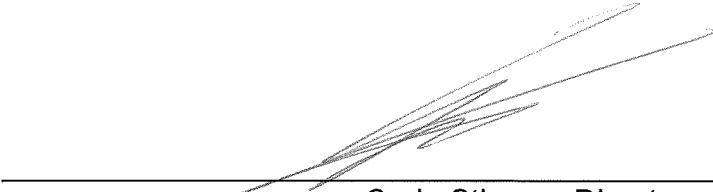
**WHEREAS**, the Town of North Topsail Beach is located in Onslow County on Topsail Island and the beaches within the town are a valuable asset to the Island and are enjoyed by County, State and non-State citizens and visitors alike accounting for more than \$60 million dollars of annual tourist related economic activity and the creation of 950 local jobs; and

**WHEREAS**, The Greater Topsail Area Chamber of Commerce & Tourism understands that shoreline erosion poses a genuine threat to public beach access, public and private property, businesses and infrastructure, creating the risk of significant costs in reconstruction and lost tax revenue; and

**WHEREAS**, The Topsail Chamber recognizes that a safe, wide, attractive beach *is the critical drawing point* to our Island, and that every effort must be undertaken to support the beach through ongoing beach nourishment and shoreline protection efforts, to create new jobs and businesses on the Island

**NOW, THEREFORE, BE IT RESOLVED**, that the Topsail Island Chamber of Commerce does hereby support the action of the Town of North Topsail Beach to fund the future phases of the Town's shoreline protection plan (Phases 2 through 5) through USDA financing.

Adopted this the 18<sup>th</sup> day of September 2013 by the Board of Directors of The Greater Topsail Area Chamber of Commerce & Tourism.



---

Craig Stinson, Director

The Greater Topsail Area Chamber of Commerce & Tourism

Ocean City Beach Citizens Council

PO Box 1207

Sneads Ferry, NC 28460

Mayor Tuman,

The Ocean City Community, which consists of approximately 100 residents and 179 properties, believes the Town of North Topsail Beach has developed a responsible and reasonable shoreline management plan which provides a long-term solution to shoreline erosion. The Community has existed in Topsail Island since 1949 and has been directly impacted by the lack of beach nourishment in the past decade. As the majority of homeowners are not permanent residents and are unable to participate in a vote, we feel the majority of homeowners are best served by the plan presented by the NTB Board of Alderman.

The Ocean City Beach Citizens Council

Kenneth Chestnut, President

Ocean City Beach Citizens' Council

RESOLUTION IN SUPPORT OF FUNDING FOR THE  
NORTH TOPSAIL BEACH  
BEACH RESTORATION AND MAINTENANCE PROGRAM

**WHEREAS**, The Town of North Topsail Beach, its residents, property owners and visitors from all over the nation, recognize that our beautiful beach we love and enjoy so much is eroding;

**WHEREAS**, The Town of North Topsail Beach has sought for many years to understand and address this chronic threat to our homes, our livelihoods, and our property, investing more than \$10 million in various studies, federal and local investigations, beach restoration projects, and design and permitting efforts; and

**WHEREAS**, The OCBC members recognize the critical necessity of a wide beach and healthy dune system to provide recreational benefits to all, reduce potential property damage caused high tides, nor'easters, hurricanes and storms, and to ensure our resort economy and our community continues to prosper and thrive; and

**WHEREAS**, The OCBC takes special notice of the challenges we face as a community when persistent erosion takes away our beach as this unrelenting natural force reveals not only our vulnerability as a barrier island community but also the differences of view on this matter within the Town; and

**WHEREAS**, After years of effort, the Town has secured all necessary permits to undertake a long-term beach restoration and maintenance program beginning with Phase I this year and continuing through Phase V in coming years; and

**WHEREAS**, The Town recognizes that the beach restoration and maintenance program cannot be undertaken without the financial participation of the state, county, and visitors who come to enjoy our fabulous public beach; and

**WHEREAS**, The Town is working persistently to develop a comprehensive funding strategy for our beach restoration and maintenance program and, with all diligence and good faith, will seek to secure fair financial participation of the State of North Carolina, Onslow County, and visitors to North Topsail Beach in the NTB beach restoration and maintenance program;

**NOW, THEREFORE, BE IT RESOLVED**, that the Ocean City Beach Citizens' Council does hereby support the NTB Beach Restoration and Maintenance Program and including, should it come to pass, the implementation of the Federal Beach Restoration Project, including the willingness of our members and property owners to contribute to the cost of these projects though an increase in property taxes in a manner that is fair and equitable to all.

RESOLVED AND PASSED by the Ocean City Beach Citizens' Council, by affixing our signatures this  
20<sup>TH</sup> day of July, 2012.

OCEAN CITY BEACH CITIZENS COUNCIL



KENNETH S. CHESTNUT

PRESIDENT

\_\_\_\_\_

\_\_\_\_\_

# Emails to LGC in Opposition.

## 1. Faye Daino

Jennell Baughman  
Protocol Officer and Executive Assistant to  
Elaine F. Marshall, Secretary of State  
P.O. Box 29622  
Raleigh, NC 27626-0622  
919.807.2008

>>> <[fdaino@charter.net](mailto:fdaino@charter.net)> 6/25/2013 7:32 PM >>>

Ms Baughman,

I recently wrote to you (June 8, 2013) regarding our Board of Alderman seeking \$27 million from the LGC consisting of Special Obligation Bonds over 30 years, for beach nourishment.

It has come to my attention that Mayor Tuman will be meeting on June 27, 2013, for a pre-application staff conference meeting.

As I stated before, I am not in favor of the LGC granting \$27 million of Special Obligation Funds for beach nourishment.

There are numerous reasons for the LGC not to grant funds for this project.

- \* Citizens will not be given a chance to vote, if Special Obligation Funds are OK'd.
- \* Thirty years is a long time to be paying for a project that has been voted down by the citizens before.
- \* If the LGC approves the project it will amount to 10 times our annual budget. Where will these funds come from, for the next 30 years, to repay the loan? Our Board of Alderman recently voted to increase our property taxes 60 percent (amounts to 14 percent per property) to help fund the project without the residents voting.
- \* A 30 year debt will be going on for 25 years after the sand is all washed away.
- \* Different types of beach nourishment has been tried on North Topsail Beach before, and have not worked. I asked the BOA to wait at least for one year to see if the current beach nourishment project is working, before we spend any more money that just washes away.

Faye Daino  
5916 17th Avenue  
North Topsail Beach

## 2. Ed Doherty

From: [epdoherty@juno.com](mailto:epdoherty@juno.com) [<mailto:epdoherty@juno.com>]

Sent: Friday, June 28, 2013 11:27 AM

To: Tim Romocki

Subject: Yesterday's Meeting with the LGC

Mr. Romocki, numerous citizens of North Topsail Beach wrote to the LGC recently to express concern over the Town's proposed Beach Nourishment 30 year funding plan. Central to the concerns are: (1) funding BN over 30 years is unwise, as BN lasts less than 6 years, and (2) most importantly NTB 's voters are not being given the opportunity to vote on the plan even though property taxes will be significantly increased. I understand that none of these concerns were brought up at yesterday's meeting between members of the LGC and officials from NTB. If my understanding is correct, can you please explain why none of NTB's citizen's concerns were discussed?

Ed Doherty  
North Topsail Beach  
910-526-5255

**3. From: DAVID CRUMP** [<mailto:crumpdavid@centurylink.net>]

**Sent:** Friday, June 28, 2013 8:25 AM

**To:** Tim Romocki

**Subject:** NORTH TOPSAIL BEACH LOAN

SIR

MY NAME IS DAVID CRUMP AND I AM A HOMEOWNER AT NORTH TOPSAIL BEACH. I AM AGAINST THE TOWN BORROWING MONEY FOR ANY REASON . THE TOWN HAS NEVER DONE ANYTHING TO PRESERVE THE BEACH OR THE DUNE SYSTEM AND NOW THAT THE BEACH NEEDS SOME WORK THE BOARD IS TRYING TO OVERDO THE SOLUTION . THE PEOPLE ARE OVER TAXED ALREADY AND EVERYONE I HAVE TALKED TO IS AGAINST SPENDING MONEY WE DONT HAVE AND CANNOT AFFORD .

IF THE BOARD OF ALDERMAN IS GOING TO BORROW THE MONEY AGAINST THE PROPERTY OWNERS WISHES THE RESIDENTS SHOULD AT LEAST GET TO VOTE ON IT . WE PREFER A GENERAL OBLIGATION LOAN IF WE MUST HAVE ONE .

DAVID CRUMP

3782 AND DRIVE , NORTH TOPSAIL BEACH

**4. Walsh** [KNBBeached@aol.com](mailto:KNBBeached@aol.com) [<mailto:KNBBeached@aol.com>]

**Sent:** Thursday, June 27, 2013 11:33 AM

**To:** Tim Romocki

**Cc:** [topsailvoice1@aol.com](mailto:topsailvoice1@aol.com)

**Subject:** DENY the North Topsail Bond issue request

100 S Permuda Wynd  
North Topsail Beach, NC 28460  
June 27, 2013

North Carolina Local Government Commission  
325 North Salisbury Street  
Raleigh, N.C. 27603-1388

Ladies and Gentlemen:

In a way of introducing myself and my interest in North Topsail Beach, North Carolina, I offer the following: My wife and I have owned and lived on North Topsail Beach (NTB) for years. We purchased property there in 1996 and were full time residents from 2002 until about a year ago. We still own the North Topsail property but now split our time between Florida and North Carolina.

We have come to understand that NTB Town officials (the Town) have requested, or soon plan to request, the issuance of Special Obligation Bonds to pay for a beach nourishment plan. We wish to express to your Commission our strongest opposition to this request and hope you turn it down outright.

Overwhelming opposition for this fiscal folly was demonstrated in 2006 in a vote of the townspeople of NTB. At that time, a town referendum rejected a beach nourishment proposal. That vote has not been overturned. The Town now is ignoring that vote and plans to use all the occupancy taxes and beach nourishment funds to pay for a project very similar (if not identical) to the one rejected by the voters.

NTB beach nourishment options have been evaluated and studied. Large amounts of town funds have been used to hire "experts" who have called the project "experimental" at best, and complete folly at worst. It is a project that will be short-lived and beneficial to only a small portion of the town. It is an unsound investment, that even property owners who might benefit the most, refuse to pay in proportion to their benefit.

The Town's plan to circumvent the voter wishes and to seek issuance of Special Obligation Bonds in the amount of \$27 million over **THIRTY** years to fund Beach Nourishment is arrogance with a capital "A"! It is FOLLY and the people DO NOT WANT IT. This certainly gives the appearance of possible improper motives.

Those with the responsibility of representing the property owners and voters of NTB must, before incurring huge debt through a Special Obligation Bonds, obtain approval from the people by way of a referendum vote.

Thank you for taking this into consideration.  
Mr. and Mrs. William Walsh

5. **From:** Debra Swantek [<mailto:topsailbeachdeb@aol.com>]  
**Sent:** Wednesday, June 26, 2013 8:26 PM  
**To:** Tim Romocki  
**Subject:** Meeting with North Topsail Beach Alderman

I am a resident and voter in North Topsail Beach. I understand that the Mayor and some Alderman are going to ask to borrow 27 million dollars to continue beach nourishment. As a resident I ask that you refuse this request. or at least make them use general obligation bonds so that the voters of North Topsail have a say.

6. **From:** Robert Swantek Robertg4080 [<mailto:robertg4080@aol.com>]  
**Sent:** Wednesday, June 26, 2013 8:18 PM  
**To:** Tim Romocki  
**Subject:** North Topsail Beach Meeting

Mr. Romocki,

Let me introduce myself, I am Robert Swantek, former Alderman at North Topsail Beach and one believes the voters should have the choice when it comes to spending millions of their dollars on something they really don't need. As we all know we are in a time of depression and people are just making ends meet. By borrowing 27 million dollars to do beach nourishment in a town with slightly over 3.5 million budget is in my opinion ridiculous

I implore you to if you do let them borrow the money make them general obligation bonds so that the residents will have the right to vote on the issue. This issue and feelings is also shared by another Topsail Island resident by the name of Ben F. McGilvrey, 285 Topsail Rd. North Topsail Beach NC 28460.

I told him I would state his name in my e-mail because he has no computer available.

7. **From:** Bill O'Donnell [<mailto:billodnc@aol.com>]  
**Sent:** Wednesday, June 26, 2013 3:12 PM  
**To:** Tim Romocki  
**Subject:** North Topsail Beach Bond Request

Mr. Romocki,

Please help prevent the taxpayers, their children, and grandchildren from being saddled with a \$23 million debt without DIRECT voter approval.

William O'Donnell  
3612 Island Drive  
North Topsail Beach, NC 28460

**8. From:** Manny Lionikis [<mailto:manny@lionikis.com>]  
**Sent:** Wednesday, June 26, 2013 2:13 PM  
**To:** Tim Romocki  
**Subject:** North Topsail Beach Beach Nourishment Funding

Mr Romocki,

We have been told that elected officials from North Topsail Beach will be making a request to the LGC for approval to issue special obligation bonds to provide funding for beach nourishment for the shoreline of our town.

We are owner/residents (full-time) of NTB and not economists or financing experts. However, it seems glaringly obvious to us that borrowing money payable in 30 years to pay for something with a likely expected useful life of 4-5 years is not a wise or prudent course of action. (As an example of a somewhat similar situation, the state of New Jersey still owes \$110 million for the old Giants Stadium that was demolished in 2010. It won't retire this debt until 2025. Usefulness of the old stadium, now a parking lot, is practically zero but the debt remains.) And it is certainly not fiscally reasonable for a town of our limited resources and sources of funding (the bond issue is many times greater than our annual budget). Unless a clear majority of owners agrees to be obligated to pay back this large amount of money, it would be irresponsible of our elected officials to proceed in any direction at all. Now that the far north end has been re-nourished, the need for immediate emergency action is no longer necessary. If the LGC gives approval for any action at all, approval for a general obligation bond referendum giving owners the opportunity to approve or disapprove is a more appropriate course of action, not approval for a special obligation bond issue.

We ask that the LGC not approve the issuance of special obligation bonds.

Emmanuel and Athanasia Lionikis  
3809 Island Drive, NTB  
[910-934-0408](tel:9109340408)

**9. From:** Hoch [ghoch@charter.net](mailto:ghoch@charter.net) [<mailto:ghoch@charter.net>]  
**Sent:** Wednesday, June 26, 2013 6:06 PM  
**To:** Tim Romocki  
**Subject:** North Topsail Beach

Mr. Romocki,

I urge to to only support a request from Mayor Tuman that would require a referendum vote.

The current town board continues to push forward in obligating tax payers to a program that the only taken referendum voted down by 80% of the voters.

Thak You,  
Gregory A. Hoch  
North Topsail Beach



**10. From:** georgia routsis savas [<mailto:omenseeker@charter.net>]

**Sent:** Wednesday, June 26, 2013 1:33 PM

**To:** Tim Romocki

**Subject:** special obligation bonds

dear tim romocki:

i am writing to express my dismay regarding North Topsail Beach's plans to issue special obligation bonds totaling 27 million dollars.

this is frivolous and wasteful, particularly given these tough economic times. my property taxes have quadrupled in the past 17 years, as has my home insurance. pretty soon there will be no one living on topsail island.

the only way bonds should be put forth is if they are voted on by the residents who would be footing the bill.

i hope that you will do the right thing.

sincerely,

georgia routsis savas

205 tamarix courtn. topsail beach, nc 28460 #910 328-5566

**11. From:** ed tennent [<mailto:tennentmail@yahoo.com>]

**Sent:** Wednesday, June 26, 2013 3:30 PM

**To:** Tim Romocki

**Subject:** N. Topsail Beach Meeting with LGC tomorrow (Thursday)

Hi tim.

I have a home in north topsail beach and have never been asked whether i support borrowing \$30M for beach nourishment.... eg, pushing sand up on the beach which could be washed away in the first year in the first storm. It seems a like a highly risky proposition to me. I hope that you'll help our town understand that the citizens should be allowed to vote on something this massive. Thanks.

ed tennent

**12. From:** Richard Farley [<mailto:farleyntb@yahoo.com>]

**Sent:** Wednesday, June 26, 2013 3:10 PM

**To:** Tim Romocki

**Subject:** North Topsail bonds

Mr. Romacki and the members of the Local Government Commission

I will not take your time going through the many reasonable and common sense arguments not to approve a \$27,000,000 bond issue.

I do not support a 30 year bond issue. I do not support the current funding mechanism and I would certainly would not support a project, such as the current one, which is not capable of providing the "protection" it promises

Let the citizens have a say. If you must approve bonds make them GOs.

Richard Farley North Topsail Beach

**13. From:** georgia routsis savas [<mailto:omenseeker@charter.net>]  
**Sent:** Monday, June 10, 2013 2:53 PM  
**To:** [lyons.gray@dornc.com](mailto:lyons.gray@dornc.com)  
**Subject:** NTB beach nourishment

**Ladies and Gentlemen of the N.C. Local Government Commission (LGC):**

**I was dismayed to learn that at the June 6, 2013 meeting of North Topsail Beach's Board of Aldermen, the Board voted, 4 - 1, to seek approval to issue \$27 million of Special Obligation Bonds to fund beach nourishment of NTB's entire coastline. I have been told that the BOA plans to meet with the LGC on Tuesday, June 11 of this year to ask for approval to issue \$27 million of 30 year term Special Obligation Bonds.**

**As a long-time resident of North Topsail Beach, I cannot understand why the BOA and Mayor Dan Tuman have refused to allow voter input on the most expensive and controversial project in our town's history. And I certainly cannot understand how the BOA is allowed to vote on this issue, given that several of them live on the oceanfront--which means their property would directly benefit from beach nourishment. THIS IS ILLEGAL AND THEY SHOULD RECUSE THEMSELVES!**

**I would appreciate you stepping in to save North Topsail Beach.**

Sincerely,

georgia routsis savas  
205 tamarix court  
n. topsail beach, nc 28460  
#910 328-5566

**14. From:** [epdoherty@juno.com](mailto:epdoherty@juno.com) [<mailto:epdoherty@juno.com>]  
**Sent:** Friday, June 07, 2013 5:56 PM  
**To:** Tim Romocki  
**Subject:** NTB request to issue 30 year \$27M special obligation bonds

Tim, I am a resident of North Topsail Beach and quite knowledgeable about Beach Nourishment (I chaired the NTB Beach Erosion Study Team (BEST) a few years ago). It is my understanding that NTB wishes to fund the BN project by issuing \$27M of Special Obligation Bonds over a term of 30 years. Can you confirm this? I do not disagree with attempting to arrest the erosion of NTB's shoreline. But I have two major concerns with the Town's financial approach: (1) Beach Nourishment projects typically require re-nourishment every 4 - 6 years. How can it be financially justified to incur debt over 30 years to fund a project that will only last 4 - 6 years? And (2) NTB's voters have not been given the opportunity to approve/disapprove the plan. Should not a commitment of such magnitude require approval of the Town's voters? Issuing GENERAL obligation bonds, which require voter approval, would seem to be more appropriate than issuing SPECIAL obligation bonds, particularly in light of the fact that 7 years ago the Town's voters overwhelmingly rejected a similar bond plan.

Thank you for sharing your understanding of this matter with me.

Ed Doherty  
169 Old Village Lane  
North Topsail Beach  
(910) 526-5255

**From:** [dan\\_tuman](mailto:dan_tuman)  
**To:** [ghoch@charter.net](mailto:ghoch@charter.net)  
**Cc:** [carinf@north-topsail-beach.org](mailto:carinf@north-topsail-beach.org)  
**Subject:** RE: Hearing  
**Date:** Monday, September 23, 2013 6:16:46 AM

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Mr. Hoch,

I'm forwarding your e-mail to Carin Falkner, Town Clerk. It will be included in the meeting record as public comment.

Although you are unable to attend the meeting, the meeting minutes will be published on the Town's website and you are also welcome to come to Town Hall and view all related meeting documents.

Thank you for contacting North Topsail Beach.

Dan Tuman, Mayor  
North Topsail Beach

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**From:** [ghoch@charter.net](mailto:ghoch@charter.net) [mailto:[ghoch@charter.net](mailto:ghoch@charter.net)]  
**Sent:** Sunday, September 22, 2013 10:17 PM  
**To:** Tuman; [wkeller0710@charter.net](mailto:wkeller0710@charter.net); [cmyawn: charter.net](mailto:cmyawn@charter.net); [farleyntb: yahoo.com](mailto:farleyntb@yahoo.com); [g.m.childress: charter.net](mailto:g.m.childress@charter.net); [KNBBeach: aol.com](mailto:KNBBeach@aol.com); Bob Swanteck  
**Cc:** [epdoherty: juno.com](mailto:epdoherty@juno.com)  
**Subject:** Hearing

Mr. Tuman,

I can not attend the hearing scheduled for Thursday, September 26th at 10:00. I have to work. I have to work to pay my bills. Bills I worry about meeting given the town's recent 60% tax increase and worry even more about since the town is seeking a 30 year loan for a plan that requires replenishment every 5 years or so.

I urge you to place a referendum on the next ballot that allows voters to speak before you make a move like this.

I doubt you will consider this, as you have demonstrated that you will not consider voters' wishes in the past.

I am basically sending you this email so that it can be part of public record. I don't even expect a reply.

Respectfully.  
Greg Hoch  
North Topsail Beach

# *Town of North Topsail Beach*

Daniel Tuman, Mayor  
Suzanne Gray, Mayor Pro Tem  
Aldermen:  
Don Harte  
Tom Leonard  
Richard Macartney  
Michael Yawn



Stuart Turille  
Town Manager  
Carin Z. Faulkner, MPA  
Town Clerk

## **Board of Aldermen Special Meeting Minutes Monday, September 30, 2013 1:00 P.M.**

**PRESENT:** Mayor Daniel Tuman, Mayor Pro Tem Suzanne Gray, Aldermen Don Harte (via phone), Tom Leonard, Dick Macartney, and Mike Yawn, Town Manager Stuart Turille, Norwood Blanchard for Town Attorney Brian Edes, and Town Clerk Carin Faulkner.

**ALSO PRESENT:** Ms. Kim Miller, Area Specialist USDA Rural Development

- I. **CALL TO ORDER:** Mayor Tuman called the meeting to order at 1:00 p.m.
- II. **APPROVAL OF AGENDA:**
  - Mayor Pro Tem Gray made a motion to approve the agenda as presented. Alderman Yawn seconded.
  - The agenda was approved unanimously.
- III. **REQUEST TO ALLOW BOARD MEMBER TO PARTICIPATE ELECTRONICALLY:**
  - Mayor Tuman indicated that Alderman Harte is out of town with family but that he is available over the phone. He asked for a motion to allow Alderman Harte to participate in this meeting electronically.
  - Alderman Leonard made a motion to allow a board member (Alderman Don Harte) to participate in this meeting electronically (over speaker phone). Mayor Pro Tem Gray seconded the motion.
  - There was discussion with the attorney about the legality. Mr. Blanchard said there is not a State statute that governs this but that the School of Government's position is that the Board has discretion. He said they suggest that the board member participating electronically should not be needed to achieve a quorum and is not the deciding vote.
  - The motion passed unanimously.
  - The clerk called Alderman Harte on the speaker phone and he answered and was willing to participate.
- IV. **REQUEST TO ADOPT A RESOLUTION AUTHORIZING THE MAYOR AND TOWN CLERK TO PURSUE USDA LOAN ASSISTANCE FROM THE USDA, RURAL DEVELOPMENT FOR THE SHORELINE PROTECTION PROJECT PHASE V:**
  - Mr. Turille introduced this item.
  - Alderman Leonard made a motion to adopt Resolution 2013-21 – A Resolution Authorizing the Mayor and Town Clerk to Pursue USDA Loan Assistance from the USDA Rural Development for the Shoreline Protection Project Phase V. Mayor Pro Tem Gray seconded the motion.
  - There was discussion.

- Ms. Miller gave background and information about the forms that will be signed. She indicated that the Town is not locked in until a construction contract is signed.
- Alderman Leonard thanked Ms. Miller for her hard work.
- The motion passed 4 to 1 with Alderman Yawn voting against.
- Below is the resolution:

*Town of North Topsail Beach*

Daniel Tuman, Mayor  
 Suzanne Gray, Mayor Pro Tem  
 Aldermen:  
 Don Harte  
 Tom Leonard  
 Richard Macartney  
 Michael Yawn



Stuart Turille  
 Town Manager  
 Carin Z. Faulkner, MPA  
 Town Clerk

RESOLUTION NO. 2013-21

BE IT RESOLVED

That the Town of North Topsail Beach accepts the conditions set forth in a Letter of Conditions dated September 30, 2013 and Form RD 1942-47-1, "Loan Resolution":

That the Board of Aldermen of the **Town of North Topsail Beach** will adopt Form RD 442-7 - Operating Budget, when prepared to reflect repayment of the loan:

That the Mayor and Town Clerk be authorized to execute all forms necessary to obtain a loan from Rural Development, including, but not limited to the following forms:

|                               |   |
|-------------------------------|---|
| Form RD 1942-47-1             | Loan Resolution   |
| Form RD 1942-46               | Letter of Intent to Meet Conditions                               |
| <b>Form RD 442-7</b>          | <b>Operating Budget</b>   |
| Form RD 400-1                 | Equal Opportunity Agreement                                       |
| Form RD 400-4                 | Assurance Agreement   |
| Form RD 1940-1                | Request for Obligation of Funds                                   |
| Form RD 1910-11               | Applicant Certification Federal Collection Policies               |
| Form AD-1047                  | Certification Regarding Debarment Primary Covered Transactions    |
| Form AD-1048                  | Certification Regarding Debarment Lower Tier Covered Transactions |
| 1940-Q, Exhibit A-1           | Certification for Contracts, Grants and Loans                     |
| <b><u>Unnumbered Form</u></b> | <b><u>Certificate of Compliance</u></b>                           |

That if the interest rate charged by Rural Development should change between this date and the date of actual approval, the Mayor and Town Clerk be authorized to execute new forms reflecting the current interest rate and revised payments as required by Rural Development.

That the Board of Aldermen elects to have the interest charged by Rural Development to be the lower of the rate in effect at either the time of loan approval or loan closing.

This resolution is to become a part of the official minutes of the Board of Aldermen meeting held on **September 30, 2013**

MOTION MADE BY: Alderman Leonard and SECONDED BY: Mayor Pro Tem Gray  
 THAT THE RESOLUTION BE APPROVED.

MOTION PASSED FOUR FOR AND ONE AGAINST.

TO BE MADE A PART OF THE MINUTES DATED September 30, 2013.

BY: \_\_\_\_\_  
 Daniel Tuman, Mayor

Attest: 9/30/2013

BY: \_\_\_\_\_  
 Carin Z. Faulkner, Town Clerk

- V. **ADJOURNMENT:** Alderman Leonard made a motion to adjourn. Alderman Yawn seconded the motion. The motion passed unanimously. The meeting adjourned at 1:26 p.m.

**APPROVED:**

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Daniel Tuman, Mayor

**ATTEST:**

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Carin Z. Faulkner, Town Clerk

Approved on: 10/3/2013

# *Town of North Topsail Beach*

Daniel Tuman, Mayor  
Suzanne Gray, Mayor Pro Tem  
Aldermen:  
Don Harte  
Tom Leonard  
Richard Macartney  
Michael Yawn



Stuart Turille  
Town Manager  
Carin Z. Faulkner, MPA  
Town Clerk

## **Board of Aldermen Regular Meeting Minutes Thursday, October 3, 2013 6:30 P.M.\***

**PRESENT:** Mayor Daniel Tuman, Mayor Pro Tem Suzanne Gray, Aldermen Don Harte, Tom Leonard, Dick Macartney and Mike Yawn, Town Attorney Brian Edes, Town Manager Stuart Turille and Town Clerk Carin Faulkner.

- I. **CALL TO ORDER:** Mayor Tuman called the meeting to order at 6:30 p.m.
- II. **INVOCATION:** Mayor Tuman gave the invocation.
- III. **PLEDGE OF ALLEGIANCE:** Mayor Tuman led those present in the Pledge of Allegiance.
- IV. **APPROVAL OF AGENDA:**
  - Alderman Leonard made a motion to approve the agenda as presented. Mayor Pro Tem Gray seconded.
  - The motion passed unanimously.
- V. **PUBLIC HEARINGS/PRESENTATIONS**
  - A. **Public Hearing – Case #SD-12-01 – Final Subdivision Application by Wellman’s Construction Inc. and Thomas W. Nelson for Scotch Bonnet Soundside (located on Island Drive between 2111 N. New River Drive, Surf City and 122 Seaside Ln., North Topsail Beach):**
    - Alderman Leonard made a motion to open the public hearing. Alderman Yawn seconded the motion. The motion passed unanimously.
    - Mr. Edes gave the Staff report (Attachment A). He summarized the report and pointed out that there are six conditions that must be met and that the Board is advised to approve the final plan contingent upon the conditions being met. He said he had received a letter of credit which meets one of the six conditions.
    - Mr. Edes took questions from the Board.
    - Mr. James Lewis, an employee of Charles Riggs & Associates, the surveyor of record, made comments and took questions from the Board.
    - Alderman Yawn made a motion to close the public hearing. Mayor Pro Tem Gray seconded the motion. The motion passed unanimously.

\*There are attachments to these minutes.

- Alderman Yawn made a motion to approve Case #SD-12-01 contingent upon the six conditions being met. Mayor Pro Tem Gray seconded the motion.
- There was discussion.
- The motion passed unanimously.

**B. Public Hearing – Proposed Text Amendments to the Unified Development Ordinance Consistent with Session Law 2013-126 (House Bill 276) New Legislation Concerning Quasi-Judicial Zoning Cases:**

- Mayor Tuman introduced this item.
- Alderman Leonard made a motion to open the public hearing. Alderman Yawn seconded the motion. The motion passed unanimously.
- Mr. Edes gave the Staff report (Attachment B).
- No one came forward to speak.
- Mayor Pro Tem Gray made a motion to close the public hearing. Alderman Leonard seconded the motion. The motion passed unanimously.
- Attorney Edes strongly recommended that the Board adopt the text amendments so that the Town is compliant with North Carolina law.
- Mayor Pro Tem Gray made a motion to adopt the proposed UDO text amendments consistent with SL 2013-126 (House Bill 276) as presented. Alderman Macartney seconded the motion.
- The motion passed unanimously.

**VI. MANAGER'S REPORT:**

**1. Shoreline Protection Project, Phase five-update:**

The following occurred, since the September meeting, on the USDA loan request:

- ✓ **Environmental and Engineering Review** – approved during the week of September 23-27
- ✓ **Financial Review** -- approved by the State office, including the use of Special obligation bonds
- ✓ **Federal (DC) office review**—the application was then forward to the federal office of the Community Facilities department, but the Director instructed staff NOT to complete the review this fiscal year (which ends September 30), *absent a new budget for the federal fiscal year beginning October 1*. According to our source, Representative Jones, there is no substantive objection to our loan application; rather, it is one of timing
- ✓ **The USDA hearing**—held September 26<sup>th</sup>
- ✓ **CP&E set to issue bid documents once USDA bid checklist is complete**

Also, Representative Jones sent a letter and made a call to USDA. The information from the call is that the appropriation will occur to USDA for programs in the new fiscal year and we are at the top of the list for review when the appropriation becomes clear. We are working with Marlowe to have McIntyre, Burr and Hagen write letters and make calls.

The bottom line appears to be that there is no substantive issue with the loan but that it is caught in the budget impasse. I am speaking with the state and federal program directors about the urgency of the dredging timetable.

**LGC**—we will begin work on scheduling a pre-formal Board meeting, called an “organizational” meeting, in anticipation of a loan commitment letter in mid-October. According to Doug Carter, the outcome of that meeting is usually a sign about whether or not the LGC is interested in approval.

- 2. CBRA**—the House Natural Resources committee is asking detailed questions of Representative Jones and Town staff. Congressman McIntyre’s office wrote a letter of support for us and made calls to Resources staff. The process seems to be moving regardless of the budget impasse.



3. **End of Summer Review**—Public Safety staff held a meeting with me to discuss their thoughts on Summer events. All agreed that the two major issues were parking and enforcement of ordinances on the beach:
  - **Inadequate parking** -- impacts police who are called about disputes over public versus private parking locations and subsequent issuing of tickets; it impacts public works because parking areas involve right-of-way demarcation; it affects fire protection because of clearance zone requirements on roads and hydrants. All agreed that the solution is in the comprehensive parking plan, currently in review.
  - **The enforcement of beach ordinances** seems to be really a question of the time, \$\$ and manpower we want to devote to enforcing ordinances on the beach. Many of citizen and tourist concerns we receive involve ordinances already on the books. To resolve this, I propose that we have a workshop this Fall, about the end of October or early November, to discuss what ordinances we have currently on the books, what additional ones to consider or even remove, and what it will cost to enforce.
4. **Double-Homicide**—The Chief and our Police department worked hard to lead the investigation, leading to the District Attorney charge of murder to the wife of one of the victims. Good work Police Department. (The clean-up of crime scenes was also discussed at the Public Safety meeting).
5. **Road Extension**—the roadwork on Myrtle lane, 9<sup>th</sup> and 23<sup>rd</sup> streets that we discussed earlier, is prepped with subsurface fill, graded and set to be paved starting the 27<sup>th</sup>.
6. **Pig-pickin**—I hope the break was helpful, after the successful Summer.

Mr. Turille indicated that the Board will need to meet with CP&E to go over the numbers and the bid specs for the Phase V project. He polled the Board and they decided that a Special Meeting will be held on Thursday, October 17<sup>th</sup> at 1:00 p.m.

VII. **OPEN FORUM:** No one came forward.

VIII. **CONSENT AGENDA:**

- A. Proclamation – Brain Aneurysm Awareness Month
- B. Approval of Minutes: August 1, 2013, September 5, 2013, September 26, 2013, and September 30, 2013
- C. Department Head Reports: Finance, Fire, Inspections, Planning, Police Departments
- D. Committee Reports: Planning Board, Board of Adjustment, TISPC, ONWASA
  - Mayor Pro Tem Gray made a motion to approve the Consent Agenda as presented. Alderman Yawn seconded the motion.
  - The motion passed unanimously.

IX. **NEW BUSINESS:**

A. **Request for Easement:**

- Mr. Edes introduced this item.
- Mr. Edes suggested that the Board authorize him to prepare a Right of Way Encroachment Agreement and to add any conditions they would like to have for the adjacent property owner, he made some suggestions and went over the Staff recommendations.
- Alderman Macartney made a motion to authorize the Town Attorney to draft a Right of Way Encroachment Agreement. Alderman Yawn seconded the motion.

- The conditions for the agreement were discussed.
- Mayor Tuman suggested that Mr. Edes explain what the Board has asked him to include in the agreement.
- Mr. Edes indicated that the Board would like him to draft a right of way encroachment agreement between the Town and Dr. Yurek with certain conditions to include but not be limited to: an indemnification provision in favor of the Town, an assumption of risk condition that reads that if the Town needs to access the right of way and in the process of accessing it causes damage, that Dr. Yurek is responsible for repairs (not the Town), if Dr. Yurek abandons the right of way or if it expires he has to restore it to its current condition, during the agreement period the right of way must be maintained in a safe manner and not be in a dilapidated condition, the agreement will expire upon the sale or title change of the property.
- Alderman Macartney accepted the modified motion to include the conditions stated by Mr. Edes.
- Mayor Pro Tem Gray seconded.
- The motion passed unanimously.

**B. Request to Adopt Resolution of the Town of North Topsail Beach, North Carolina Directing the Application to the Local Government Commission for Approval of Special Obligation Bonds; Requesting Local Government Commission Approval of the Town's Special Obligation Bond, Series 2013 and Certain Related Matters:**

- Mayor Tuman introduced this item.
- Mr. Turille recommended changing the not to exceed interest rate percentage in the document. He thought it should match the actual interest rate.
- The Board discussed making it a little higher than the actual interest rate of 3.5 and to make it 5 percent.
- Alderman Leonard made a motion to adopt the resolution as presented with an interest rate not to exceed 5 percent instead of 8 percent. Mayor Pro Tem Gray seconded the motion.
- There was discussion.
- The motion passed 4 to 1 with Alderman Yawn voting against. Alderman Macartney abstained and was counted as an affirmative vote.

**C. Request to Approve Final Grant Application Proposal for the Public Beach and Coastal Waterfront Access Funds 2013-14 Cycle:**

- Mayor Tuman introduced this item.
- Alderman Macartney made a motion to adopt the resolution authorizing 2013-2014 Public Beach and Coastal Waterfront Access Grant Application for Acquisition and Development for parking at Onslow County Beach Access #3. Alderman Leonard seconded the motion.
- There was discussion.
- The Board agreed that the resolution provides authority for the Town Manager to make an offer on the property in the grant application.
- The motion passed 4 to 1 with Alderman Yawn voting against.

- X. **OPEN FORUM:** No one came forward.
- XI. **ATTORNEY'S REPORT:** Mr. Edes thanked the Mayor, Ms. Faulkner, and Mr. Turille for addressing the concerns that came up over the weekend.
- XII. **MAYOR'S REPORT:** Mayor Tuman commented that he was very pleased by the last minute effort of the Town Manager to get the USDA commitment for the Phase V Shoreline Protection project loan.
- XIII. **ALDERMEN'S REPORT:**
- Mayor Pro Tem Gray:** Mrs. Gray thanked everyone for coming out.
- Alderman Macartney:** Mr. Macartney apologized for all of the signs on the side of the road and hopes that someone is reading them.
- Alderman Harte:** Mr. Harte said that he needs to get more signs and bigger ones.
- Alderman Leonard:** Mr. Leonard thanked Town Staff for pulling it off with the USDA; he said it wasn't looking good at the beginning. He announced the 30<sup>th</sup> anniversary of the Beirut bombing is coming up and said that there will be services at the memorial in Jacksonville and invited his fellow Board members and the Mayor to attend.
- Alderman Yawn:** Mr. Yawn said that he would base his vote on who has the least number of signs. He thanked everyone for coming out. Happy Halloween and Go Braves.
- XIV. **ADJOURNMENT:** Alderman Yawn made a motion to adjourn. Alderman Harte seconded the motion. The motion passed unanimously. The meeting adjourned at 7:32 p.m.

**APPROVED:**

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Daniel Tuman, Mayor

**ATTEST:**

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Carin Z. Faulkner, Town Clerk

Approved on: 11/7/2013



TOWN OF NORTH TOPSAIL BEACH  
BOARD OF ALDERMEN  
AGENDA ITEM

|                         |
|-------------------------|
| Agenda                  |
| Item:                   |
| Date: <b>10/03/2013</b> |

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**Issue:** Case #SD-12-01: Scotch Bonnet Soundside (Revised) Subdivision (Final)  
**Department:** Planning  
**Staff:** Deb Hill, AICP - Planning Director  
**Presentation:** Yes

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**Summary of Proposal:** The developer proposes to subdivide 7.65 acres into 19 lots and common area with an average lot size of 16,342 square feet (5,000 sq. ft. minimum required).

**Property Owner:** Wellman's Construction, Inc. and Thomas Nelson.

**Surveyor:** Charles F. Riggs & Associates, Inc.

**Engineer:** Paramount Engineering, Inc.

**Property Location:** On Island Drive, between 2111 N New River Drive, Surf City and 122 Seaside Lane, North Topsail Beach.

**Tax Parcel(s):** 804A-47; 804A-52; 804A-54

**Zoning:** Mobile Home Residential (MHR).

**Existing Land Use/Development:** Vacant ten (10) lot subdivision with existing asphalt streets, water service from ONWASA and an existing pool for the subdivision. No changes are proposed for lots 1-8.

**Existing Adjacent Land Use(s):** The project is surrounded by single-family homes (Seaside Village – north) and commercial, *Margarita's* (MU-Surf City).

**Utilities:** The parcels will be served by Pluris, Inc. and ONWASA.

**Fire District:** Municipal      ISO: 6

**Floodplain/Wetlands:** The property is located within the regulated floodplain (Flood Zone VE). The 401 and 404 wetlands are shown on the plan.

**Access/Traffic:** The applicant proposes to remove the cul-de-sac and extend the street 155.12 feet. A 10-foot public access easement exist between Island Drive to the Banks Channel).

**Comprehensive Plan (CAMA Core Land Use Plan):** High Density Residential – This district is intended to allow for development on smaller lot sizes.

**Additional Information Required:**

- \_\_\_ 1. Provide copy of the *Sewer Service Affidavit Agreement* regarding liens.
- \_\_\_ 2. Provide Copy of the *Water Service Affidavit Agreement* regarding liens.
- \_\_\_ 3. Provide Owners' Association Documents for Maintenance of Private Improvements, pursuant to Sec. 2.06.05 (C) 1. (n).
- \_\_\_ 4. Provide complete cost estimates for all required improvements.
- \_\_\_ 5. Provide security for uncompleted improvements, pursuant to Sec. 2.06.05 (C) 8.
- \_\_\_ 6. Provide permit for construction of water line extension.

**RECOMMENDATION:** upon meeting or exceeding the standards of the UDO as indicated above, the Planning Board recommends to the Board of Aldermen that the final subdivision plat be approved.

- ATTACHMENTS:**
1. Charles F. Riggs letter dated August 1, 2013.
  2. Final subdivision application dated August 1, 2012.
  3. Final plat of Scotch Bonnet Soundside (Revised) dated July 31, 2013.

CHARLES F. RIGGS & ASSOCIATES, INC.

Land Surveyors

Charles F. Riggs, P.L.S. L-2981  
James A. Lewis, P.L.S. L-4562  
Kenneth E. Johnson, P.L.S. L-4925  
Corporate License (C-730)

502 NEW BRIDGE STREET  
P.O. Box 1570  
JACKSONVILLE, NORTH CAROLINA 28541  
TELEPHONE: (910) 455-0877  
FACSIMILE: (910) 455-9033  
E-MAIL: [riggsland@bizec.rr.com](mailto:riggsland@bizec.rr.com)

Wilmington Office:  
101 Scotts Hill Loop Road  
Wilmington, N.C. 28411  
(910) 681-7444

August 1, 2013

Ms. Deborah Hill, Planning Director  
Town of North Topsail Beach

Re: Scotch Bonnet Soundside (Revised)  
N.C. Highway 210 – Island Drive  
Stump Sound Township, Onslow County, North Carolina  
Town of North Topsail Beach

Dear Ms. Hill:

I appreciate your consideration in placing this project on the agenda for the North Topsail Beach Planning Board for Thursday August 8, 2013 for Final Plat Recommendation.

The following Permits have been received:

NCDENR – Division of Water Quality – Stormwater Permit  
NCDENR – Division of Land Quality – Erosion Control Permit  
United States Army Corps of Engineers – Wetland Delineation Approval

All lots have been staked and as you recall all lots meet or exceed the standards of the Town.

Applications in Process and Permit Pending:

NCDENR-Division of Coastal Management – CAMA Permit – Anticipated August 24, 2013  
NCDENR-Water and Sewer – Anticipated August 31, 2013

There are no unforeseen issues with the applications and as stated above all permits should be granted in the month of August. There was an engineering delay on submittal of the water and sewer which resulted in the delay of the permits.

I am requesting a Recommendation of Approval of the Final Plat contingent on receipt of the Pending Permits. This would allow the project to be submitted to the Board of Alderman and possibly be on the September 5, 2013 agenda rather than having to wait an additional month.

Respectfully,

  
Charles F. Riggs, P.L.S. L-2981



*Town of North Topsail Beach*  
**SUBDIVISION APPLICATION**

Date Submitted: August 1, 2013

CASE NO. SD- 12 - 01

Name of Subdivision: Scotch Bonnet Soundside (Revised)

Location: (Road name & SR number) N.C. Highway 210/Island Drive

Exemption (\$50)

**Subdivision/PRD**

Sketch (\$300)

Preliminary (\$300)

Final (\$150)

Tax Parcel ID: 804A-47; 804A-52; 804A-54

Smallest lot: 0.134 Acres (5,843 Sq.Ft.)

Total acreage: 7.650 Acres

Average lot size: 0.380 Acres (16,342 Sq.Ft.)

Number of lots 19 + Common Area

Zoning District: MHR

**Infrastructure:**

Water Supply:  ONWASA     individual well     community system

Sewer Type:  Pluris     individual septic     community system

Streets:     public     private

**Surveyor/Engineer:** Charles F. Riggs & Associates, Inc.

Address P. O. 1570, Jacksonville, NC 28541

Phone Fax 455-0877/455-9033

Email address riggsland@bizec.rr.com

**Developer** Wellman's Construction, Inc. and Thomas W. Nelson

Address 250 Graham Lane, Holly Ridge, NC 28445

Phone Fax 455-0877/455-9033

Email address riggsland@bizec.rr.com

**Property Owner** Wellman's Construction, Inc. and Thomas W. Nelson

Address 250 Graham Lane, Holly Ridge, NC 28445

Phone Fax 455-0877/455-9033

Email address riggsland@bizec.rr.com



I, CHARLES FRANCIS RIGGS, PROFESSIONAL LAND SURVEYOR, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN DEED BOOK \_\_\_\_\_ PAGE \_\_\_\_\_): THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS BROKEN LINES AND DRAWN FROM INFORMATION FOUND IN DEED BOOK \_\_\_\_\_ PAGE \_\_\_\_\_; THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS 1:10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 2012

CHARLES FRANCIS RIGGS, P.L.S. L-2981

THIS IS TO CERTIFY THAT THE SUBJECT PROPERTY IS LOCATED IN FLOOD ZONE "VE"(EL=11.0+2) WHICH IS A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, AND THE NATIONAL FLOOD INSURANCE PROGRAM. COMMUNITY PANEL NUMBER 370466 3720424500K, FEBRUARY 16, 2007

I, CHARLES FRANCIS RIGGS, PROFESSIONAL LAND SURVEYOR NO. L-2981, CERTIFY TO ONE OR MORE OF THE FOLLOWING AS INDICATED THUS: \_\_\_\_\_

- \_\_\_\_\_ A. THAT THE SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.
- \_\_\_\_\_ B. THAT THE SURVEY IS LOCATED IN A PORTION OF A COUNTY OR MUNICIPALITY THAT IS UNREGULATED AS TO AN ORDINANCE THAT REGULATES PARCELS OF LAND.
- \_\_\_\_\_ C. ANY ONE OF THE FOLLOWING:
  - 1) THAT THE SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET;
  - 2) THAT THE SURVEY IS OF AN EXISTING BUILDING OR OTHER STRUCTURE, OR NATURAL FEATURE, SUCH AS A WATERCOURSE;
  - 3) THAT THE SURVEY IS A CONTROL SURVEY.
- \_\_\_\_\_ D. THAT THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.
- \_\_\_\_\_ E. THAT THE INFORMATION AVAILABLE TO THIS SURVEYOR IS SUCH THAT I AM UNABLE TO MAKE A DETERMINATION TO THE BEST OF MY PROFESSIONAL ABILITY AS TO THE PROVISIONS CONTAINED IN (A) THROUGH (D) ABOVE.

CHARLES FRANCIS RIGGS, PROFESSIONAL LAND SURVEYOR NO. L-2981

**CERTIFICATE OF OWNERSHIP AND DEDICATION OF STREETS AND RIGHT-OF-WAY**  
THE UNDERSIGNED HEREBY ACKNOWLEDGE(S) THIS PLAT AND ALLOTMENT TO BE (HIS, HER, THEIR) FREE ACT AND DEED, AND HEREBY DEDICATE(S) TO PUBLIC USE AS STREETS, PLAYGROUNDS, PARKS, OPEN SPACES, AND EASEMENTS FOREVER ALL AREAS SO SHOWN OR INDICATED ON SAID PLAT.

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ NAME OF OWNER  
BY: \_\_\_\_\_  
TITLE: \_\_\_\_\_

**OWNER'S CERTIFICATION AS TO SEWER SERVICE**

I CERTIFY (i) THAT I AM THE OWNER OF THE LANDS SHOWN ON THIS MAP AND ALL OF THE SEWER SERVICE INFRASTRUCTURE LOCATED ON SUCH LANDS, (ii) THAT ALL REQUIRED SEWER SERVICE IMPROVEMENTS HAVE BEEN CONSTRUCTED WITHIN THE STREETS AND/OR UTILITY EASEMENTS SHOWN ON THIS MAP IN ACCORDANCE WITH PLANS AND SPECIFICATIONS APPROVED BY THE SEWER SERVICE PROVIDER BELOW, (iii) THAT SUCH SEWER SERVICE IMPROVEMENTS ARE HEREBY DEDICATED AND CONVEYED TO THE SEWER SERVICE PROVIDER, FREE OF LIENS AND ENCUMBRANCES, (iv) THAT THE SEWER SERVICE PROVIDER IS HEREBY GRANTED A PERPETUAL EASEMENT OVER ALL STREETS AND UTILITY EASEMENTS SHOWN ON THIS MAP, AND (v) THAT THE UNDERSIGNED WARRANTS TO THE SEWER SERVICE PROVIDER FOR A PERIOD OF 18 MONTHS FROM THE DATE OF THIS CERTIFICATION THAT SUCH IMPROVEMENTS ARE FREE FROM DEFECTS IN MATERIALS AND WORKMANSHIP.

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ NAME OF OWNER  
BY: \_\_\_\_\_  
TITLE: \_\_\_\_\_

**CERTIFICATE AS TO SEWER UTILITIES AND DEDICATION**

I HEREBY CERTIFY THAT THE PLANS AND SPECIFICATIONS FOR THE SEWER SERVICE IMPROVEMENTS FOR SCOTCH BONNET SOUND SIDE (REVISED) SUBDIVISION HAVE BEEN REVIEWED BY THE SEWER SERVICE PROVIDER, THAT SUCH SEWER SERVICE IMPROVEMENTS HAVE BEEN CONSTRUCTED, AND THAT THE SEWER SERVICE PROVIDER HEREBY ACCEPTS THE DEDICATION OF THE SEWER SERVICE IMPROVEMENTS ALONG WITH ASSOCIATED EASEMENTS.

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ NAME OF SERVICE PROVIDER  
BY: \_\_\_\_\_  
PRINT NAME: \_\_\_\_\_  
TITLE: \_\_\_\_\_

**OWNER'S CERTIFICATION AS TO WATER AND/OR SEWER**

I CERTIFY (i) THAT I AM THE OWNER OF THE LANDS SHOWN ON THIS MAP AND ALL OF THE WATER AND/OR SEWER INFRASTRUCTURE LOCATED ON SUCH LANDS, (ii) THAT ALL REQUIRED WATER AND/OR SEWER IMPROVEMENTS HAVE BEEN CONSTRUCTED WITHIN THE STREETS AND/OR UTILITY EASEMENTS SHOWN ON THIS MAP IN ACCORDANCE WITH PLANS AND SPECIFICATIONS APPROVED BY ONSLOW WATER AND SEWER AUTHORITY ("ONWASA"), (iii) THAT SUCH WATER AND/OR SEWER IMPROVEMENTS ARE HEREBY DEDICATED AND CONVEYED TO ONWASA, FREE OF LIENS AND ENCUMBRANCES, (iv) THAT ONWASA IS HEREBY GRANTED A PERPETUAL EASEMENT OVER ALL STREETS AND UTILITY EASEMENTS SHOWN ON THIS MAP, AND (v) THAT THE UNDERSIGNED WARRANTS TO ONWASA FOR A PERIOD OF 18 MONTHS FROM THE DATE OF THIS CERTIFICATION THAT SUCH IMPROVEMENTS ARE FREE FROM DEFECTS IN MATERIALS AND WORKMANSHIP.

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ NAME OF OWNER  
BY: \_\_\_\_\_  
TITLE: \_\_\_\_\_

**CERTIFICATE AS TO UTILITIES AND DEDICATION**

I HEREBY CERTIFY THAT THE PLANS AND SPECIFICATIONS FOR THE WATER AND/OR SEWER IMPROVEMENTS FOR SCOTCH BONNET SOUND SIDE (REVISED) SUBDIVISION HAVE BEEN REVIEWED BY ONSLOW WATER AND SEWER AUTHORITY, THAT SUCH WATER AND/OR SEWER IMPROVEMENTS HAVE BEEN CONSTRUCTED, AND THAT ONSLOW WATER AND SEWER AUTHORITY HEREBY ACCEPTS THE DEDICATION OF THE WATER AND/OR SEWER IMPROVEMENTS ALONG WITH ASSOCIATED EASEMENTS.

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ ONSLOW WATER AND SEWER AUTHORITY  
BY: \_\_\_\_\_

THIS SUBDIVISION CONFORMS TO THE STANDARDS OF THE NORTH CAROLINA COASTAL AREA MANAGEMENT ACT OF 1974, AND PORTIONS OF THE SUBDIVISION LOCATED WITHIN AN AREA OF ENVIRONMENTAL CONCERN IS DULY NOTED.

DATE \_\_\_\_\_ PLANNING DIRECTOR \_\_\_\_\_

I HEREBY CERTIFY THAT THE DEVELOPMENT PLAN SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE ZONING ORDINANCE, TOWN OF NORTH TOPSAIL BEACH, NORTH CAROLINA WITH THE EXCEPTION OF SUCH VARIANCES, IF ANY, AS ARE NOTED IN THE MINUTES OF THE BOARD OF ADJUSTMENT AT ITS MEETING ON \_\_\_\_\_ AND MAY BE RECORDED IN THE OFFICE OF CLERK OF ONSLOW COUNTY.

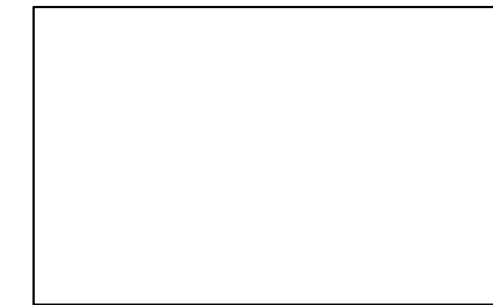
DATE \_\_\_\_\_ PLANNING DIRECTOR \_\_\_\_\_

APPROVED BY THE BOARD OF ALDERMEN OF THE TOWN OF NORTH TOPSAIL BEACH, NORTH CAROLINA, EFFECTIVE ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

DATE \_\_\_\_\_ MAYOR, NORTH TOPSAIL BEACH, NORTH CAROLINA

STATE OF NORTH CAROLINA, COUNTY OF ONSLOW  
I, \_\_\_\_\_ REVIEW OFFICER OF ONSLOW COUNTY CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

DATE \_\_\_\_\_ REVIEW OFFICER \_\_\_\_\_



**REGISTER OF DEEDS**

**NOTES**

TOTAL ACREAGE: 7.370 ACRES  
TOTAL ACREAGE TO BE SUBDIVIDED: 7.370 ACRES  
TOTAL ACREAGE TO BE RESIDENTIAL: 5.688 ACRES  
TOTAL ACREAGE TO BE NONRESIDENTIAL: 0.688 ACRES (PROPOSED R/W 0.994 ACRES (COMMON AREA))  
NUMBER OF LOTS: 17  
SIZE OF LOTS: 14556 Sq.Ft. AVERAGE (5000 Sq.Ft. MINIMUM REQUIRED)  
SIZE OF SMALLEST LOT: 5843 Sq.Ft., (0.134 ACRES) (LOTS 13-17)  
EXISTING USES OF LAND: VACANT  
EXISTING USES OF ADJOINING LAND: RESIDENTIAL & COMMERCIAL  
PROPOSED USES OF LAND: RESIDENTIAL  
PROPOSED STREET WIDTH: 20'  
PROPOSED RIGHT-OF-WAY WIDTH: 25'  
PROPOSED LENGTH OF STREET: 676'  
ZONING OF LAND: MHR  
ZONING OF ADJOINING LAND: MHR & MU  
ALL PROPOSED LOTS TO UTILIZE ONWASA WATER & PRIVATE SEPTIC TANKS  
ELECTRIC & TELEPHONE LINES TO BE UNDERGROUND

**REFERENCES**

- D.B. 414, P. 200
- D.B. 1111, P. 825
- D.B. 1112, P. 250
- D.B. 1341, P. 670
- D.B. 1386, P. 645
- D.B. 1727, P. 528
- D.B. 1840, P. 222
- D.B. 3550, P. 226
- D.B. 3852, P. 699
- D.B. 3988, P. 484
- D.B. 4014, P. 675
- M.B. 9, P. 71
- M.B. 29, P. 171
- M.B. 44, P. 30
- M.B. 44, P. 66
- M.B. 47, P. 116
- M.B. 51, P. 168

**OWNERS**

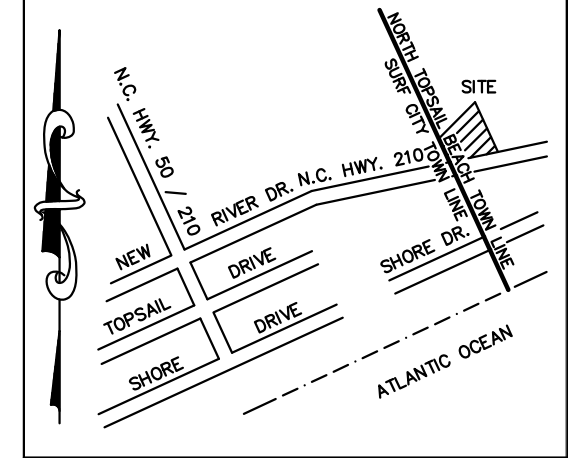
WELLMAN'S CONSTRUCTION, INC & THOMAS W. NELSON  
250 GRAHAM LANE  
HOLLY RIDGE, N.C. 28445

**TITLE SOURCE**

D.B. 3852, P. 699  
D.B. 3988, P. 484 (LOT 5)  
D.B. 4014, P. 675 (LOT 1)

**ZONED MHR  
ZONING SETBACKS**

FRONT = 20'  
REAR = 20' (HIGHWAY)  
REAR = 30' CAMA OR 404 WETLANDS  
SIDE = 8'  
CORNER = 15'  
MINIMUM WIDTH= 50'  
MINIMUM SIZE = 5,000 Sq.Ft.



VICINITY SKETCH  
NOT TO SCALE

| LOT    | LOT AREAS                 |
|--------|---------------------------|
| LOT 1  | 6811 Sq.Ft. 0.156 ACRE    |
| LOT 2  | 6077 Sq.Ft. 0.140 ACRE    |
| LOT 5  | 6077 Sq.Ft. 0.140 ACRE    |
| LOT 6  | 20912 Sq.Ft. 0.480 ACRE   |
| LOT 7  | 21748 Sq.Ft. 0.499 ACRE   |
| LOT 8  | 22583 Sq.Ft. 0.518 ACRE   |
| LOT 9  | 23419 Sq.Ft. 0.538 ACRE   |
| LOT 10 | 34270 Sq.Ft. 0.787 ACRE   |
| LOT 11 | 35982 Sq.Ft. 0.826 ACRE   |
| LOT 12 | 6439 Sq.Ft. 0.148 ACRE    |
| LOT 13 | 5843 Sq.Ft. 0.134 ACRE    |
| LOT 14 | 5843 Sq.Ft. 0.134 ACRE    |
| LOT 15 | 5843 Sq.Ft. 0.134 ACRE    |
| LOT 16 | 5843 Sq.Ft. 0.134 ACRE    |
| LOT 17 | 5843 Sq.Ft. 0.134 ACRE    |
| LOT 18 | 16684 Sq.Ft. 0.383 ACRE   |
| LOT 19 | 17544 Sq.Ft. 0.403 ACRE   |
| COMMON | 43282 Sq.Ft. 0.994 ACRE   |
| R/W    | 29952 Sq.Ft. 0.688 ACRE   |
| TOTAL  | 320995 Sq.Ft. 7.370 ACRES |

**NOTE**

404 WETLANDS DELINEATION BY DAVID E. BAILEY (USACE) DECEMBER 6, 2012  
COASTAL WETLANDS DELINEATION & 404 WETLANDS DELINEATION APPROVED BY DAVID BAILEY, USACE, 12/6/12

**NOTE**

BENCHMARK: NCGS MONUMENT "FIRTH"  
NORTHING: 256781.43'  
EASTING: 2448576.31'  
ELEVATION: 3.9'  
HORIZONTAL DATUM: NAD 83 (2011)  
VERTICAL DATUM: NAVD 88  
HORIZONTAL & VERTICAL DATUM OBTAINED WITH TOPCON GRS USING N.C. GEODETIC CONTINUOUS OPERATING REFERENCE STATIONS

PRELIMINARY PLAT  
NOT FOR RECORDATION,  
CONVEYANCES OR SALES

S:\2012\12-06-07 Wellman\Drawings\12-06-07 FINAL.dwg - Monday, September 16, 2013 4:43:49 PM

**CHARLES F. RIGGS & ASSOCIATES, INC. (C-730)**

LAND SURVEYING - CONVENTIONAL & GLOBAL POSITIONING SYSTEMS,  
LAND PLANNING & COMPUTER MAPPING

502 NEW BRIDGE STREET  
P.O. BOX 1570  
JACKSONVILLE, N.C. 28541-1570  
TELEPHONE: (910) 455-0877  
FACSIMILE: (910) 455-9033  
E-MAIL: riggsland@bizec.rr.com

101 SCOTTS HILL LOOP ROAD  
WILMINGTON, N.C. 28411  
TELEPHONE: (910) 681-7444  
E-MAIL: riggsland@bizec.rr.com

FINAL PLAT  
OF

**SCOTCH BONNET SOUND SIDE (REVISED)**

7.370 ACRE TRACT ON N.C. HIGHWAY 210  
STUMP SOUND TOWNSHIP, ONSLOW COUNTY, NORTH CAROLINA  
ISLAND DRIVE

ACTUAL FIELD SURVEY DATE: DECEMBER 17, 2012  
MAPPING DATE: SEPTEMBER 12, 2013  
DRAWN BY: J. HELMS  
CHECKED BY: C.F. RIGGS  
FIELD BOOK: \_\_\_\_\_ IND \_\_\_\_\_, PAGE: \_\_\_\_\_ 3 \_\_\_\_\_

PROJECT NUMBER: 12-06-07

SHEET 1 OF 2



| CURVE TABLE |        |        |        |             |
|-------------|--------|--------|--------|-------------|
| CURVE #     | LENGTH | RADIUS | CHORD  | BEARING     |
| C1          | 31.22' | 20.00' | 28.15' | N08°51'53"E |
| C2          | 40.30' | 25.50' | 36.24' | N81°08'05"W |
| C3          | 39.81' | 25.50' | 35.89' | S08°51'55"W |
| C4          | 31.58' | 20.00' | 28.40' | N81°10'28"W |

| LINE TABLE |        |             |
|------------|--------|-------------|
| LINE #     | LENGTH | DIRECTION   |
| L1         | 36.30' | S53°35'10"W |
| L2         | 24.12' | N35°51'20"W |
| L3         | 12.50' | S54°08'40"W |
| L4         | 12.50' | S54°08'40"W |
| L5         | 24.86' | S35°51'20"E |

|   |  |   |
|---|--|---|
| A | NOW OR FORMERLY WELLMAN'S CONSTRUCTION, INC & THOMAS W. NELSON D.B. 4014, P. 675 | NOW OR FORMERLY TILGHMAN D.B. 719, P. 562 |
| B | NOW OR FORMERLY WELLMAN'S CONSTRUCTION, INC & THOMAS W. NELSON D.B. 3852, P. 699 |   |
| C | NOW OR FORMERLY SOUTHERN COASTAL INVESTMENTS, LLC D.B. 2393, P. 601              |   |
| D | NOW OR FORMERLY GTD ASSOCIATES, LLC D.B. 2389, P. 538                            | NOW OR FORMERLY MILLER D.B. 1840, P. 222  |
| E | NOW OR FORMERLY WELLMAN'S CONSTRUCTION, INC & THOMAS W. NELSON D.B. 3988, P. 484 |   |

NOW OR FORMERLY MOYLAN D.B. 1386, P. 645

BENCHMARK NCGS MONUMENT "FIRTH" NORTHING: 256781.43' EASTING: 2448576.31' ELEVATION: 3.9'

**PRELIMINARY PLAT**  
NOT FOR RECORDATION,  
CONVEYANCES OR SALES

NOW OR FORMERLY DEACON D.B. 2349, P. 917

| LINE TABLE |        |             |
|------------|--------|-------------|
| LINE #     | LENGTH | DIRECTION   |
| L6         | 22.40' | S18°13'39"W |
| L7         | 30.49' | S76°56'54"W |
| L8         | 25.14' | S08°40'07"E |
| L9         | 36.76' | S61°17'51"W |
| L10        | 22.06' | N79°16'39"W |
| L11        | 12.93' | S13°57'12"W |
| L12        | 29.34' | S03°39'37"W |
| L13        | 30.88' | S74°37'42"W |
| L14        | 19.69' | S05°14'48"E |
| L15        | 66.46' | S44°16'01"W |
| L16        | 53.70' | S40°03'28"W |
| L17        | 30.86' | S77°05'52"W |
| L18        | 43.98' | S69°08'08"W |
| L19        | 22.29' | S34°23'56"W |
| L20        | 15.75' | S53°48'24"E |
| L21        | 18.47' | N66°26'56"E |
| L22        | 10.31' | S33°31'25"E |
| L23        | 9.57'  | S13°12'25"E |
| L24        | 23.68' | S58°11'20"W |
| L25        | 16.27' | S34°47'07"W |

| LINE TABLE |        |             |
|------------|--------|-------------|
| LINE #     | LENGTH | DIRECTION   |
| L26        | 13.34' | N80°19'03"W |
| L27        | 13.96' | N21°59'36"W |
| L28        | 14.26' | N11°28'51"E |
| L29        | 14.37' | S73°53'45"W |
| L30        | 29.35' | S45°45'38"W |
| L31        | 12.43' | S63°13'14"E |
| L32        | 18.66' | S15°55'03"E |
| L33        | 26.27' | S57°36'39"W |
| L34        | 18.43' | S68°07'33"W |
| L35        | 36.66' | S35°55'19"W |
| L36        | 29.70' | S65°36'54"W |
| L37        | 33.30' | N79°15'17"W |
| L38        | 23.83' | N36°43'06"W |
| L39        | 38.44' | N35°31'06"W |
| L40        | 23.78' | N31°00'58"W |
| L41        | 74.95' | N35°16'13"W |
| L42        | 5.35'  | N45°06'05"W |
| L43        | 5.06'  | N08°42'13"W |
| L44        | 47.88' | N32°33'07"W |
| L45        | 2.40'  | N19°58'13"W |

- LEGEND**
- CC = CONTROL CORNER
  - ECM = EXISTING CONCRETE MONUMENT (FOUND)(CONTROL CORNER)
  - EIP = EXISTING IRON PIPE (FOUND)
  - EIR = EXISTING IRON ROD (FOUND)
  - EMN = EXISTING MAGNETIC NAIL (FOUND)(CONTROL CORNER)
  - EPK = EXISTING PARKER-KALON NAIL (FOUND)(CONTROL CORNER)
  - ERRS = EXISTING RAILROAD SPIKE (FOUND)
  - MBL = MINIMUM BUILDING LINE
  - NMP = NON MONUMENTED POINT
  - R/W = RIGHT OF WAY
  - SCM = SET CONCRETE MONUMENT (CONTROL CORNER)
  - SIP = SET IRON PIPE
  - SIR = SET IRON ROD
  - SMN = SET MAGNETIC NAIL (CONTROL CORNER)
  - SPK = SET PARKER-KALON NAIL (CONTROL CORNER)
  - ⊕ = CENTERLINE
  - ⊕ = WATER METER
  - ⊕ = FIRE HYDRANT
  - ⊕ = WATER VALVE
  - ⊕ = SANITARY MANHOLE
  - ⊕ = CLEAN OUT
  - ⊕ = TELEPHONE PEDESTAL
  - ⊕ = TELEVISION PEDESTAL
  - ⊕ = FIBER OPTIC CABLE MARKER
  - ⊕ = ELECTRIC TRANSFORMER
  - ⊕ = LIGHT POLE
  - ⊕ = POWER POLE
  - ⊕ = POWER LINE
  - ① = LOT NUMBER
  - ①05 = EXISTING LOT ADDRESS
  - X = PENDING LOT ADDRESS
  - A = PROPERTY OWNER



S:\2012\12-06-07 Wellman\Drawings\12-06-07 FINAL.dwg - Monday, September 16, 2013 4:43:48 PM

**CHARLES F. RIGGS & ASSOCIATES, INC. (C-730)**  
 LAND SURVEYING - CONVENTIONAL & GLOBAL POSITIONING SYSTEMS,  
 LAND PLANNING & COMPUTER MAPPING  
 502 NEW BRIDGE STREET  
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 E-MAIL: riggsland@bizec.rr.com  
 101 SCOTTS HILL LOOP ROAD  
 WILMINGTON, N.C. 28411  
 TELEPHONE: (910) 681-7444  
 E-MAIL: riggsland@bizec.rr.com

FINAL PLAT  
OF  
**SCOTCH BONNET SOUND SIDE (REVISED)**  
 7.370 ACRE TRACT ON N.C. HIGHWAY 210  
 STUMP SOUND TOWNSHIP, ONSLOW COUNTY, NORTH CAROLINA  
 ISLAND DRIVE

ACTUAL FIELD SURVEY DATE: DECEMBER 17, 2012  
 MAPPING DATE: SEPTEMBER 12, 2013  
 DRAWN BY: J. HELMS  
 CHECKED BY: C.F. RIGGS  
 FIELD BOOK: IND, PAGE: 3  
 PROJECT NUMBER: 12-06-07  
 SHEET 2 OF 2



*Town of North Topsail Beach*  
Board of Aldermen

Agenda Item:  
Date: 10/03/2013

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**Issue:** Public Hearing: Proposed UDO Text Amendments consistent with SL 2013-126 (HB 276)  
**Department:** Planning  
**Presented** Deborah J. Hill, AICP CFM CZO - Planning Director  
**Presentation:** Yes

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**BACKGROUND:** Effective October 1, 2013, Session Law 2013-126 (House Bill 276) amends certain quasi-judicial procedures and standards. Amendments to the Unified Development Ordinance (UDO) and the Zoning Board of Adjustment (ZBA) *Rules of Procedure* are required to conform to the new state law.

| NOTICE OF QUASI-JUDICIAL HEARINGS (SPECIAL USE, VARIANCE, APPEAL, REASONABLE ACCOMMODATION, SITE AND SUBDIVISION PLANS) |   |
|---|---|
| Existing  | Proposed  |
| Published notice required for all hearings.   | To ensure consistency with state law, staff suggests eliminating the published notice requirement for all quasi-judicial hearings.  |
| Mailed notice required to all property owners within 100 feet of the subject property.                                  | To ensure consistency with state law, staff suggests requiring a mailed notice to abutting owners only. (The requirement for a mailed notice to property owners within 100 feet would continue to apply to required mailings for hearings that are not quasi-judicial). |
|   | Text clarifies that posted notice must be placed at least 10, but no more than 25, days before the hearing.   |

| VARIANCES  |   |
|--|---|
| Existing   | Proposed  |
| <p>Allows variances from:</p> <ul style="list-style-type: none"> <li>• Zoning regulations: lot width, setback, height, building coverage, or structure spacing standards</li> <li>• Floodplain regulations (elevation).</li> </ul>   | <p>Allows variances from all UDO standards, except (1) those that would constitute a use variance or (2) those for which alternative waiver or modification procedures are already in place.</p>  |
| <p>Standards for granting a variance include:</p> <ul style="list-style-type: none"> <li>• That special conditions and circumstances exist that are peculiar to the land, <i>structure</i>, or <i>building</i> involved and that are not applicable to other lands, <i>structures</i>, or <i>buildings</i> in the same <i>district</i>; and</li> <li>• That literal interpretation of the provisions would deprive the applicant of rights commonly enjoyed by other properties in the same <i>district</i> under terms of this <i>Ordinance</i>; and</li> <li>• That the special conditions and circumstances do not result from the actions of the applicant; and</li> <li>• That the hardship is of a physical nature and not economic; and</li> <li>• That granting the <i>variance</i> requested will not confer on the applicant any special privilege that is denied by this <i>Ordinance</i> to other land, <i>structures</i>, or <i>buildings</i> in the same <i>district</i>.</li> </ul> | <p>New standards for granting a variance, as mandated by the legislation:</p> <ul style="list-style-type: none"> <li>• Applicant must show unnecessary hardship would result if variance is not granted</li> <li>• Applicant is not required to show that “no reasonable use” could be made of the property without the variance</li> <li>• The hardship must result from conditions peculiar to property (similar to current UDO criteria)</li> <li>• The hardship must not result from actions of applicant</li> <li>• The variance must be consistent with spirit &amp; purpose of UDO, public safety secured, substantial justice achieved</li> </ul> |

| <b>APPEALS OF DECISIONS OF OFFICIALS CHARGED WITH ENFORCEMENT OF THE UDO</b>  |   |
|---|---|
| Existing  | Proposed  |
| Notice of appeal filed with Planning Department   | Notice of appeal filed with Town Clerk  |
| Anyone aggrieved by the decision has 30 days from the date of the decision to file an appeal with the ZBA                                     | The owner or party who sought the decision has 30 days from receipt of the written notice of decision to file an appeal with the ZBA. Anyone else with standing to appeal the decision has 30 days from receipt of actual or constructive notice to file an appeal with the ZBA<br><input type="checkbox"/> “Constructive notice” will be presumed if a sign is posted on the subject property stating “ Zoning Decision” or “Subdivision Decision” and such sign remains posted for 10 days<br><input type="checkbox"/> Posting the sign is the responsibility of the owner or party who sought the decision, though the Town may elect to post the sign |
| Filing an appeal stays all proceedings in furtherance of the contested action unless the stay would cause imminent peril to life or property. | Appealing a Notice of Violation stays enforcement of the action appealed from unless the stay would cause imminent peril to life or property. If enforcement proceedings are not stayed, the appellant may ask for an expedited hearing with the ZBA which must take place within 15 days. Appeals of a decision granting a permit or affirming a proposed use of property shall not stay further review of an application for permits or permission to use such property.  |
| Planning Department transmits all records relating to the appeal to the ZBA.  | Official who made the decision must be present at the ZBA hearing; must prepare the record of documents and exhibits upon which the action appealed from is taken; and must provide a copy to the appellant and property owner as well as the ZBA.  |
| Mediation not formally addressed but also not precluded by current practice.  | Statute specifically provides that the parties to an appeal may agree to mediation or other forms of alternative dispute resolution. The Town may set standards and procedures for facilitating this in the UDO but staff has not chosen to do that as this time.   |

| <b>MISCELLANEOUS</b>  |   |
|---|---|
| Existing  | Proposed  |
| The ZBA may issue subpoenas compelling people to testify or produce evidence.   | Process for asking for and obtaining subpoena is further described. Removes current statutory protection of testimony from being used against the witness in a separate criminal or civil proceeding.                         |
| Decisions on special use, variance, appeal, and reasonable accommodations requests may be delivered by personal delivery or certified mail. | Removes requirement for certified mail and allows delivery by electronic mail or first class mail.  |
| Allows the ZBA to hear requests for special exceptions from the ordinance to accommodate uses protected by the Federal Fair Housing Act.    | Removes reference to "special exception" as such term has been removed from the statute. ZBA has jurisdiction to hear and decide "all matters" that the UDO requires it to hear, including reasonable accommodation requests. |

**RECOMMENDATIONS:** the Planning Board recommends that the Board of Aldermen conduct a public hearing on October 3, 2013, and approve the proposed text amendments as presented, consistent with Session Law 2013-126 (House Bill 276).

**EXHIBITS:**

- 1) Proposed text amendments
- 2) SL 2013-126 (HB 276)

Replace Sec. 2.02.02 through 2.02.05, Sec. 2.06.15 with:

**Sec. 2.02.02 Provisions of Ordinance**

The Board of Adjustment shall hear and decide requests for variances and appeals of decisions of administrative officials charged with enforcement of this ordinance. As used in this section, the term "decision" includes any final and binding order, requirement, or determination. The Board of Adjustment shall follow quasi-judicial procedures when deciding appeals and requests for variances.

**Sec. 2.02.03 Notice of Hearing**

Notice of hearings conducted pursuant to this section shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other persons entitled to receive notice as provided by the Unified Development Ordinance. In the absence of evidence to the contrary, the Planning Director may rely on the Onslow County tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the Planning Director shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.

**Sec. 2.02.04 Appeals**

The Board of Adjustment shall hear and decide appeals decisions of administrative officials charged with enforcement of the zoning or unified development ordinance and may hear appeals arising out of any other ordinance that regulates land use or development, pursuant to all of the following:

- (A) Any person who has standing under G.S. 160A-393(d) or the Town may appeal a decision to the Board of Adjustment. An appeal is taken by filing a notice of appeal with the Town Clerk. The notice of appeal shall state the grounds for the appeal.
- (B) The official who made the decision shall give written notice to the owner of the property that is the subject of the decision and to the party who sought the decision, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail.
- (C) The owner or other party shall have 30 days from receipt of the written notice within which to file an appeal. Any other person with standing to appeal shall have 30 days from receipt from any source of actual or constructive notice of the decision within which to file an appeal.

- (D) It shall be conclusively presumed that all persons with standing to appeal have constructive notice of the decision from the date a sign containing the words "Zoning Decision" or "Subdivision Decision" in letters at least six inches high and identifying the means to contact an official for information about the decision is prominently posted on the property that is the subject of the decision, provided the sign remains on the property for at least 10 days. Posting of signs is not the only form of constructive notice. Any such posting shall be the responsibility of the landowner or applicant. Verification of the posting shall be provided to the official who made the decision. Absent an ordinance provision to the contrary, posting of signs shall not be required.
- (E) The official who made the decision shall transmit to the board all documents and exhibits constituting the record upon which the action appealed from is taken. The official shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner.
- (F) An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from unless the official who made the decision certifies to the *Board of Adjustment* after notice of appeal has been filed that because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or because the violation is transitory in nature, a stay would seriously interfere with enforcement of the ordinance. In that case, enforcement proceedings shall not be stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the *Board of Adjustment* shall meet to hear the appeal within 15 days after such a request is filed. Notwithstanding the foregoing, appeals of decisions granting a permit or otherwise affirming that a proposed use of property is consistent with the ordinance shall not stay the further review of an application for permits or permissions to use such property; in these situations the appellant may request and the board may grant a stay of a final decision of permit applications or building permits affected by the issue being appealed.
- (G) Subject to the provisions of subdivision (F) of this subsection, the *Board of Adjustment* shall hear and decide the appeal within a reasonable time.
- (H) The official who made the decision shall be present at the hearing as a witness. The appellant shall not be limited at the hearing to matters stated in the notice of appeal. If any party or the Town would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the board shall continue the hearing. The *Board of Adjustment* may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order,



requirement, decision, or determination that ought to be made. The board shall have all the powers of the official who made the decision.

- (I) When hearing an appeal pursuant to G.S. 160A-400.9(e) or any other appeal in the nature of certiorari, the hearing shall be based on the record below and the scope of review shall be as provided in G.S. 160A-393(k).
- (J) The parties to an appeal that has been made under this subsection may agree to mediation or other forms of alternative dispute resolution. The ordinance may set standards and procedures to facilitate and manage such voluntary alternative dispute resolution.

Sec. 2.02.05 Reserved.

Sec. 2.02.06 Variances

- (A) When unnecessary hardships would result from carrying out the strict letter of this Ordinance, the Board of Adjustment shall vary any of the provisions of the ordinance upon a showing of all of the following:
  - (1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
  - (2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
  - (3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship
  - (4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.
- (B) No change in permitted uses may be authorized by variance.
- (C) Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance.
- (D) Any other ordinance that regulates land use or development may provide for variances consistent with the provisions of this subsection.

**Sec. 2.02.07 Voting**

- (A) The concurring vote of four-fifths of the board shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.
- (B) A member of the board or any other body exercising quasi-judicial functions pursuant to this Article shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

**Sec. 2.02.08 Quasi-Judicial Decisions and Judicial Review**

- (A) The board shall determine contested facts and make its decision within a reasonable time. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing and reflect the board's determination of contested facts and their application to the applicable standards. The written decision shall be signed by the chair or other duly authorized member of the board. A quasi-judicial decision is effective upon filing the written decision with the clerk to the board. The decision of the board shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. The person required to provide notice shall certify that proper notice has been made.
- (B) Every quasi-judicial decision shall be subject to review by the superior court by proceedings in the nature of certiorari pursuant to G.S. 160A-393. A petition for review shall be filed with the clerk of superior court by the later of 30 days after the decision is effective or after a written copy thereof is given in accordance with subdivision (1) of this subsection. When first-class mail is used to deliver notice, three days shall be added to the time to file the petition.

**Sec. 2.02.09 Oaths**

The chair of the board or any member acting as chair and the clerk to the board are authorized to administer oaths to witnesses in any matter coming before the board. Any person who, while under oath during a proceeding before the *Board of Adjustment*, willfully swears falsely is guilty of a Class 1 misdemeanor.

Sec. 2.02.10 Subpoenas

Sec. 2.02.11 The *Board of Adjustment* through the chair, or in the chair's absence anyone acting as chair, may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, persons with standing under G.S. 160A-393(d) may make a written request to the chair explaining why it is necessary for certain witnesses or evidence to be compelled. The chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the chair may be appealed to the full *Board of Adjustment*. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, *Board of Adjustment* or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties.

Update Tale 2-1 to reflect changes by SL 2013-126 (HB-276)

**Table 2-1 Summary Procedures**

| R = REVIEW BODY; D = DECISION-MAKING BODY; A = APPEALS BODY; H = PUBLIC HEARING REQUIRED;<br>N = NEWSPAPER NOTICE; M = MAILED NOTICE-; P = POSTED NOTICE |   |    |     |     |                                    |
|--|---|----|-----|-----|------------------------------------|
| APPLICATION TYPE   | REVIEW, DECISION-MAKING AND APPEAL BODIES |    |     |     | PUBLIC NOTICE REQUIRED FOR HEARING |
|  | STAFF                                     | PB | ZBA | BOA |                                    |
| <i>Zoning Text Amendment (Sec. 2.06.01)</i>  | R   | R  |     | D/H | N                                  |
| <i>Zoning Map Amendment (Sec. 2.06.01)</i>   | R   | R  |     | D/H | N,M,P                              |
| <i>Conditional Use District (Sec. 2.06.02)</i>   | R   | R  |     | D/H | <del>N,M,P</del>                   |
| <i>Planned Unit Developments (Sec. 2.06.03)</i>  | R   | R  |     | D/H | <del>N,M,P</del>                   |
| <i>Special Use Permit (Sec. 2.06.04)</i>   | R   | R  |     | D/H | <del>N,M,P</del>                   |
| Subdivision of Land (Sec. 2.06.05)   |   |    |     |     |                                    |
| Sketch plan  | R   | D  |     |     |                                    |
| Preliminary  | R   | R  |     | D/H | <del>N,M,P</del>                   |
| Final  | R   | R  |     | D/H | <del>N,M,P</del>                   |
| Subdivision Exceptions (NCGS 160A-376)   |   |    |     |     |                                    |
| Special Plat Approval (Sec. 2.06.06)   |   |    |     |     |                                    |
| Preliminary  | R   | R  |     | D/H | <del>N,M,P</del>                   |
| Final  | R   | R  |     | D/H | <del>N,M,P</del>                   |
| Commercial Plan Review (Sec. 2.06.07)  |   |    |     |     |                                    |
| <i>Flood Permit (Sec. 2.06.08)</i>   | D   |    |     | A/H | <del>N,M,P</del>                   |
| CAMA Permit (Sec. 2.06.09)   |   |    |     |     |                                    |
| NCDCCM permit authority  |   |    |     |     |                                    |
| <i>Sign Permit (Sec. 2.06.10)</i>  | D   |    | A/H |     | <del>N,M,P</del>                   |
| Wireless Telecommunications Permit (Sec. 2.06.11)  | R   | R  |     | D/H | <del>N,M,P</del>                   |
| Wireless Telecommunications Collocation  | D   |    | A/H |     | <del>N,M,P</del>                   |
| Statutory Vested Rights (Sec. 2.06.12)   |   |    |     |     |                                    |
| Same as for application  |   |    |     |     |                                    |
| <i>Zoning Permit (Sec. 2.06.13)</i>  | D   |    | A/H |     | <del>N,M,P</del>                   |
| <i>Building permit (Sec. 2.06.14)</i>  | D   |    |     |     | <del>N,M,P</del>                   |
| <i>Variance (Sec. <del>2.06.15</del> 2.02.06) or Appeal (Sec. 2.02.04)</i>   | R   |    | D/H |     | <del>N,M,P</del>                   |

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013**

**SESSION LAW 2013-126  
HOUSE BILL 276**

**AN ACT TO CLARIFY AND MODERNIZE STATUTES REGARDING ZONING BOARDS  
OF ADJUSTMENT.**

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 160A-388 reads as rewritten:

**"§ 160A-388. Board of adjustment.**

(a) Composition and Duties. – The city council zoning or unified development ordinance may provide for the appointment and compensation of a board of adjustment consisting of five or more members, each to be appointed for three years. In appointing the original members of such board, members or in the filling of vacancies caused by the expiration of the terms of existing members, the city council may appoint certain members for less than three years to the end so that thereafter the terms of all members shall not expire at the same time. The council may, in its discretion, may appoint and provide compensation for alternate members to serve on the board in the absence or temporary disqualification of any regular member or to fill a vacancy pending appointment of a member. Alternate members shall be appointed for the same term, at the same time, and in the same manner as regular members. Each alternate member, while attending any regular or special meeting of the board and member serving on behalf of any regular member, shall have and may exercise member has all the powers and duties of a regular member. A city The ordinance may designate a planning board or governing board to perform any or all of the duties of a board of adjustment in addition to its other duties. duties and may create and designate specialized boards to hear technical appeals.

(a1) Provisions of Ordinance. – The zoning or unified development ordinance may provide that the board of adjustment hear and decide special and conditional use permits, requests for variances, and appeals of decisions of administrative officials charged with enforcement of the ordinance. As used in this section, the term "decision" includes any final and binding order, requirement, or determination. The board of adjustment shall follow quasi-judicial procedures when deciding appeals and requests for variances and special and conditional use permits. The board shall hear and decide all matters upon which it is required to pass under any statute or ordinance that regulates land use or development.

(a2) Notice of Hearing. – Notice of hearings conducted pursuant to this section shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other persons entitled to receive notice as provided by the zoning or unified development ordinance. In the absence of evidence to the contrary, the city may rely on the county tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the city shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.

(b) A zoning ordinance or those provisions of a unified development ordinance adopted pursuant to the authority granted in this Part shall provide that the board of adjustment shall hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative official charged with the enforcement of that ordinance. An appeal may be taken by any person aggrieved or by an officer, department, board, or bureau of the city. Appeals shall be taken within times prescribed by the board of adjustment by general rule,



~~by filing with the officer from whom the appeal is taken and with the board of adjustment a notice of appeal, specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of adjustment, after notice of appeal has been filed with him, that because of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property or that because the violation charged is transitory in nature a stay would seriously interfere with enforcement of the ordinance. In that case proceedings shall not be stayed except by a restraining order, which may be granted by the board of adjustment or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown. The board of adjustment shall fix a reasonable time for the hearing of the appeal, give due notice thereof to the parties, and decide it within a reasonable time. The board of adjustment may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and shall make any order, requirement, decision, or determination that in its opinion ought to be made in the premises. To this end the board shall have all the powers of the officer from whom the appeal is taken.~~

(b1) Appeals. – The board of adjustment shall hear and decide appeals decisions of administrative officials charged with enforcement of the zoning or unified development ordinance and may hear appeals arising out of any other ordinance that regulates land use or development, pursuant to all of the following:

- (1) Any person who has standing under G.S. 160A-393(d) or the city may appeal a decision to the board of adjustment. An appeal is taken by filing a notice of appeal with the city clerk. The notice of appeal shall state the grounds for the appeal.
- (2) The official who made the decision shall give written notice to the owner of the property that is the subject of the decision and to the party who sought the decision, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail.
- (3) The owner or other party shall have 30 days from receipt of the written notice within which to file an appeal. Any other person with standing to appeal shall have 30 days from receipt from any source of actual or constructive notice of the decision within which to file an appeal.
- (4) It shall be conclusively presumed that all persons with standing to appeal have constructive notice of the decision from the date a sign containing the words "Zoning Decision" or "Subdivision Decision" in letters at least six inches high and identifying the means to contact an official for information about the decision is prominently posted on the property that is the subject of the decision, provided the sign remains on the property for at least 10 days. Posting of signs is not the only form of constructive notice. Any such posting shall be the responsibility of the landowner or applicant. Verification of the posting shall be provided to the official who made the decision. Absent an ordinance provision to the contrary, posting of signs shall not be required.
- (5) The official who made the decision shall transmit to the board all documents and exhibits constituting the record upon which the action appealed from is taken. The official shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner.
- (6) An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from unless the official who made the decision certifies to the board of adjustment after notice of appeal has been filed that because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or because the violation is transitory in nature, a stay would seriously interfere with enforcement of the ordinance. In that case, enforcement proceedings shall not be stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the board of adjustment shall

meet to hear the appeal within 15 days after such a request is filed. Notwithstanding the foregoing, appeals of decisions granting a permit or otherwise affirming that a proposed use of property is consistent with the ordinance shall not stay the further review of an application for permits or permissions to use such property; in these situations the appellant may request and the board may grant a stay of a final decision of permit applications or building permits affected by the issue being appealed.

- (7) Subject to the provisions of subdivision (6) of this subsection, the board of adjustment shall hear and decide the appeal within a reasonable time.
- (8) The official who made the decision shall be present at the hearing as a witness. The appellant shall not be limited at the hearing to matters stated in the notice of appeal. If any party or the city would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the board shall continue the hearing. The board of adjustment may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The board shall have all the powers of the official who made the decision.
- (9) When hearing an appeal pursuant to G.S. 160A-400.9(e) or any other appeal in the nature of certiorari, the hearing shall be based on the record below and the scope of review shall be as provided in G.S. 160A-393(k).
- (10) The parties to an appeal that has been made under this subsection may agree to mediation or other forms of alternative dispute resolution. The ordinance may set standards and procedures to facilitate and manage such voluntary alternative dispute resolution.

(c) Special and Conditional Use Permits. – The zoning ordinance may provide that the board of adjustment may permit special exceptions to the zoning regulations in specified classes of cases or situations as provided in subsection (d) of this section, not including variances in permitted uses, and that the board may use hear and decide special and conditional use permits, all to be permits in accordance with the principles, conditions, safeguards, standards and procedures specified in the ordinance. Reasonable and appropriate conditions may be imposed upon these permits. The ordinance may also authorize the board to interpret zoning maps and pass upon disputed questions of lot lines or district boundary lines and similar questions as they arise in the administration of the ordinance. The board shall hear and decide all matters referred to it or upon which it is required to pass under any zoning ordinance.

(d) Variances. – When practical difficulties or unnecessary hardships would result from carrying out the strict letter of a zoning ordinance, the board of adjustment shall have the power to vary or modify any of the regulations or provisions of the ordinance so that provisions of the ordinance upon a showing of all of the following:

- (1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- (2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
- (3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
- (4) The requested variance is consistent with the spirit spirit, purpose, and intent of the ordinance shall be observed, ordinance, such that public safety and welfare secured, safety is secured, and substantial justice done. is achieved.

No change in permitted uses may be authorized by variance. Appropriate conditions, which must be reasonably related to the condition or circumstance that gives rise to the need for a variance, may be imposed on any approval issued by the board. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance. Any other ordinance that regulates land use or development may provide for variances consistent with the provisions of this subsection.

(e) Voting. –

(1) The concurring vote of four-fifths of the members of the board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official charged with the enforcement of an ordinance adopted pursuant to this Part, or to decide in favor of the applicant any matter upon which it is required to pass under any ordinance, or to grant a variance from the provisions of the ordinance. grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered "members of the board" members of the board for calculation of the requisite supermajority majority if there are no qualified alternates available to take the place of such members.

(e1) A member of the board or any other body exercising quasi-judicial functions pursuant to this Article shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

(e2) Quasi-Judicial Decisions and Judicial Review. –

(1) The board shall determine contested facts and make its decision within a reasonable time. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing and reflect the board's determination of contested facts and their application to the applicable standards. The written decision shall be signed by the chair or other duly authorized member of the board. A quasi-judicial decision is effective upon filing the written decision with the clerk to the board or such other office or official as the ordinance specifies. The decision of the board shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. The person required to provide notice shall certify that proper notice has been made.

(2) Every quasi-judicial decision of the board shall be subject to review by the superior court by proceedings in the nature of certiorari. Any certiorari pursuant to G.S. 160A-393. A petition for review by the superior court shall be filed with the clerk of superior court within by the later of 30 days after the decision of the board is filed in such office as the ordinance specifies, is effective or after a written copy thereof is given in accordance with subdivision (1) of this subsection. When first-class mail is used to deliver notice, three days shall be added to the time to file the petition. delivered to every aggrieved party who has filed a written request for such copy with the secretary or chairman of the board at the time of its hearing of the case, whichever is later. The decision of the board may be delivered to the aggrieved party either by personal service or by registered mail or certified mail return receipt requested.

(f) Oaths. – The chairman chair of the board of adjustment or any member temporarily acting as chairman, chair and the clerk to the board are is authorized in his official capacity to administer oaths to witnesses in any matter coming before the board. Any person who, while under oath during a proceeding before the board of adjustment, willfully swears falsely is guilty of a Class 1 misdemeanor.

(g) Subpoenas. – The board of adjustment adjustment through the chair, or in the chair's absence anyone acting as chair, may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, persons with standing under G.S. 160A-393(d)



may make a written request to the chair explaining why it is necessary for certain witnesses or evidence to be compelled. The chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the chair may be appealed to the full board of adjustment. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the board of adjustment or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its order-subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties. No testimony of any witness before the board of adjustment pursuant to a subpoena issued in exercise of the power conferred by this subsection may be used against the witness in the trial of any civil or criminal action other than a prosecution for false swearing committed on the examination. Any person who, while under oath during a proceeding before the board of adjustment, willfully swears falsely, is guilty of a Class 1 misdemeanor."

**SECTION 2.(a)** G.S. 160A-388(e1) is recodified as G.S. 160A-388(e)(2).

**SECTION 2.(b)** G.S. 160A-388(e)(2), as recodified by Section 2(a) of this act, reads as rewritten:

"(2) A member of ~~the any board or any other body~~ exercising quasi-judicial functions pursuant to this Article shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible ~~conflicts~~ violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection."

**SECTION 3.(a)** G.S. 153A-345 is repealed except that any local modification to that section in effect on September 30, 2013, shall be treated as a local modification to G.S. 160A-388 from October 1, 2013, through June 30, 2015.

**SECTION 3.(b)** Article 18 of Chapter 153A of the General Statutes is amended by adding a new section to read:

**"§ 153A-345.1. Board of adjustment.**

(a) The provisions of G.S. 160A-388 are applicable to counties.

(b) For the purposes of this section, as used in G.S. 160A-388, the term "city council" is deemed to refer to the board of county commissioners, and the terms "city" or "municipality" are deemed to refer to the county.

(c) If a board of county commissioners does not zone the entire territorial jurisdiction of the county, each designated zoning area shall, if practicable, have at least one resident as a member of the board of adjustment; otherwise, the provisions of G.S. 153A-25 regarding qualifications for appointive office shall apply to board of adjustment appointments."

**SECTION 4.** G.S. 160A-381(c) reads as rewritten:

"(c) The regulations may also provide that the board of adjustment, the planning board, or the city council may issue special use permits or conditional use permits in the classes of cases or situations and in accordance with the principles, conditions, safeguards, and procedures specified therein and may impose reasonable and appropriate conditions and safeguards upon these permits. When deciding special use permits or conditional use permits, the city council or planning board shall follow quasi-judicial procedures. Notice of hearings on special or conditional use permit applications shall be as provided in G.S. 160A-388(a2). No vote greater than a majority vote shall be required for the city council or planning board to issue such permits. For the purposes of this section, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered "members of the board" for calculation of the requisite majority. Every such decision of the city council or planning board shall be subject to review of the superior court in the nature of certiorari in accordance with G.S. 160A-388.

Where appropriate, such conditions may include requirements that street and utility rights-of-way be dedicated to the public and that provision be made of recreational space and facilities."

**SECTION 5.** G.S. 153A-340(c1) reads as rewritten:

"(c1) The regulations may also provide that the board of adjustment, the planning board, or the board of commissioners may issue special use permits or conditional use permits in the classes of cases or situations and in accordance with the principles, conditions, safeguards, and procedures specified therein and may impose reasonable and appropriate conditions and safeguards upon these permits. Where appropriate, the conditions may include requirements that street and utility rights-of-way be dedicated to the public and that recreational space be provided. When deciding special use permits or conditional use permits, the board of county commissioners or planning board shall follow quasi-judicial procedures. Notice of hearings on special or conditional use permit applications shall be as provided in G.S. 160A-388(a2). No vote greater than a majority vote shall be required for the board of county commissioners or planning board to issue such permits. For the purposes of this section, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered "members of the board" for calculation of the requisite majority. Every such decision of the board of county commissioners or planning board shall be subject to review of the superior court in the nature of certiorari consistent with G.S. 153A-345."

**SECTION 6.** G.S. 153A-44 reads as rewritten:

**"§ 153A-44. Members excused from voting.**

The board may excuse a member from voting, but only upon questions involving the member's own financial interest or official conduct or on matters on which the member is prohibited from voting under G.S. 14-234, 153A-340(g), or ~~153A-345(e1)-160A-388(e)(2).~~ For purposes of this section, the question of the compensation and allowances of members of the board does not involve a member's own financial interest or official conduct."

**SECTION 7.** G.S. 153A-336(a) reads as rewritten:

"(a) When a subdivision ordinance adopted under this Part provides that the decision whether to approve or deny a preliminary or final subdivision plat is to be made by a board of commissioners or a planning board, other than a planning board comprised solely of members of a county planning staff, and the ordinance authorizes the board of commissioners or planning board to make a quasi-judicial decision in deciding whether to approve the subdivision plat, then that quasi-judicial decision of the board of commissioners or planning board shall be subject to review by the superior court by proceedings in the nature of certiorari. The provisions of G.S. 153A-340(f), ~~153A-345(e2)-160A-388(e2)(2),~~ and 153A-349 shall apply to those appeals."

**SECTION 8.** G.S. 153A-340(c1) reads as rewritten:

"(c1) The regulations may also provide that the board of adjustment, the planning board, or the board of commissioners may issue special use permits or conditional use permits in the classes of cases or situations and in accordance with the principles, conditions, safeguards, and procedures specified therein and may impose reasonable and appropriate conditions and safeguards upon these permits. Where appropriate, the conditions may include requirements that street and utility rights-of-way be dedicated to the public and that recreational space be provided. When deciding special use permits or conditional use permits, the board of county commissioners or planning board shall follow quasi-judicial procedures. No vote greater than a majority vote shall be required for the board of county commissioners or planning board to issue such permits. For the purposes of this section, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered "members of the board" for calculation of the requisite majority. Every such decision of the board of county commissioners or planning board shall be subject to review of the superior court in the nature of certiorari consistent with ~~G.S. 153A-345.~~ G.S. 160A-388."

**SECTION 9.** G.S. 153A-349(c) is repealed.

**SECTION 10.** G.S. 153A-349.8(c) reads as rewritten:

"(c) If the developer fails to cure the material breach within the time given, then the local government unilaterally may terminate or modify the development agreement; provided, the notice of termination or modification may be appealed to the board of adjustment in the manner provided by ~~G.S. 153A-345(b).~~ G.S. 160A-388(b1)."

**SECTION 11.** G.S. 160A-75 reads as rewritten:

**"§ 160A-75. Voting.**

No member shall be excused from voting except upon matters involving the consideration of the member's own financial interest or official conduct or on matters on which the member is prohibited from voting under G.S. 14-234, 160A-381(d), or ~~160A-388(e1)-160A-388(e)(2).~~ In all other cases, a failure to vote by a member who is physically present in the council chamber,

or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote. The question of the compensation and allowances of members of the council is not a matter involving a member's own financial interest or official conduct.

An affirmative vote equal to a majority of all the members of the council not excused from voting on the question in issue, including the mayor's vote in case of an equal division, shall be required to adopt an ordinance, take any action having the effect of an ordinance, authorize or commit the expenditure of public funds, or make, ratify, or authorize any contract on behalf of the city. In addition, no ordinance nor any action having the effect of any ordinance may be finally adopted on the date on which it is introduced except by an affirmative vote equal to or greater than two thirds of all the actual membership of the council, excluding vacant seats and not including the mayor unless the mayor has the right to vote on all questions before the council. For purposes of this section, an ordinance shall be deemed to have been introduced on the date the subject matter is first voted on by the council."

**SECTION 12.** G.S. 160A-377(a) reads as rewritten:

"(a) When a subdivision ordinance adopted under this Part provides that the decision whether to approve or deny a preliminary or final subdivision plat is to be made by a city council or a planning board, other than a planning board comprised solely of members of a city planning staff, and the ordinance authorizes the council or planning board to make a quasi-judicial decision in deciding whether to approve the subdivision plat, then that quasi-judicial decision of the council or planning board shall be subject to review by the superior court by proceedings in the nature of certiorari. The provisions of G.S. 160A-381(c), ~~160A-388(e2)~~, ~~160A-388(e2)(2)~~, and 160A-393 shall apply to those appeals."

**SECTION 13.** G.S. 160A-393(c)(3) reads as rewritten:

"(3) Set forth with particularity the allegations and facts, if any, in support of allegations that, as the result of impermissible conflict as described in ~~G.S. 160A-388(e1)~~, ~~G.S. 160A-388(e)(2)~~, or locally adopted conflict rules, the decision-making body was not sufficiently impartial to comply with due process principles."

**SECTION 14.** G.S. 160A-393(j)(2) reads as rewritten:

"(2) Whether, as a result of impermissible conflict as described in ~~G.S. 160A-388(e1)~~, ~~G.S. 160A-388(e)(2)~~, or locally adopted conflict rules, the decision-making body was not sufficiently impartial to comply with due process principles."

**SECTION 15.** This act becomes effective October 1, 2013, and applies to actions taken on or after that date by any board of adjustment.

In the General Assembly read three times and ratified this the 10<sup>th</sup> day of June, 2013.

s/ Daniel J. Forest  
President of the Senate

s/ Thom Tillis  
Speaker of the House of Representatives

s/ Pat McCrory  
Governor

Approved 4:20 p.m. this 19<sup>th</sup> day of June, 2013

# *Town of North Topsail Beach*

Daniel Tuman, Mayor  
Suzanne Gray, Mayor Pro Tem  
Aldermen:  
Don Harte  
Tom Leonard  
Richard Macartney  
Michael Yawn



Stuart Turille  
Town Manager  
Carin Z. Faulkner, MPA  
Town Clerk

## **Board of Aldermen Special Meeting Minutes Thursday, October 17, 2013 1:00 P.M.\***

**PRESENT:** Mayor Daniel Tuman, Mayor Pro Tem Suzanne Gray, Aldermen Don Harte, Tom Leonard, and Mike Yawn, Town Manager Stuart Turille, and Town Clerk Carin Faulkner.

**NOT PRESENT:** Alderman Dick Macartney

- I. **CALL TO ORDER:** Mayor Tuman called the meeting to order at 1:00 p.m.
- II. **APPROVAL OF AGENDA:**
  - Mayor Pro Tem Gray made a motion to approve the agenda as presented. Alderman Leonard seconded.
  - The agenda was approved unanimously.
- III. **DISCUSSION ON PROPOSED PHASE V SHORELINE PROTECTION PROJECT – ROBERT NEAL, COASTAL PLANNING & ENGINEERING:**
  - Mr. Neal gave the attached presentation (Attachment A).
  - He updated the Board on the current status of the Phase V project and gave the anticipated schedule. He discussed the possible issues with meeting the Town's budget within the time frame.
  - Mr. Neal took questions from the Board.
  - There was discussion.
  - There was consensus from the Board to keep the bid documents as-is with completion of the project this year only and to issue addendums as needed based on the feedback from the potential contractors.
- IV. **REQUEST TO ADOPT RESOLUTION 2013-25 – PLAN APPROVAL & AUTHORIZATION TO RECEIVE BIDS FOR PHASE V SHORELINE PROTECTION PROJECT:**
  - Mr. Turille introduced the item.
  - Mayor Pro Tem Gray made a motion to pass Resolution 2013-25 as presented. Alderman Leonard seconded the motion.
  - No discussion.
  - The motion passed 3 to 1 with Alderman Yawn voting against.

\*There is an attachment to these minutes.

V. **REQUEST TO APPROVE CONTRACT FOR THE PURCHASE OF REAL PROPERTY (TAX PARCEL # 778D-13.2 & #778D-13.3):**

- Mr. Turille introduced this item.
- Ms. Hill went over the site plan and took questions from the Board.
- Mayor Pro Tem Gray made a motion for the Town to approve the contract for the purchase of Tax Parcel #778D-13.2 and Tax Parcel #778d-13.3. Alderman Leonard seconded the motion.
- The motion passed 3 to 1 with Alderman Yawn voting against.

VI. **ADJOURNMENT:** Mayor Pro Tem Gray made a motion to adjourn. Alderman Yawn seconded the motion. The motion passed unanimously. The meeting adjourned at 1:48 p.m.

**APPROVED:**

\_\_\_\_\_  
Daniel Tuman, Mayor

**ATTEST:**

\_\_\_\_\_  
Carin Z. Faulkner, Town Clerk

Approved on: 11/7/2013

# North Topsail Beach Shoreline Protection Project Phase 5 Beach Restoration Planning Meeting



Coastal Planning & Engineering of North Carolina  
October 17, 2013  
Ken Willson, Robert Neal



## Purpose of Meeting

1. Inform the Town of the Engineer's concerns with completing the work this year at the estimated price.
2. Make the Town aware that changes to the plan may and most likely will be needed during the bidding phase.



## Topics:

- Current Project Status
- Remaining Milestones
  - USDA approval of project scope and documents.
    - Construction phase contract between Owner and Engineer.
    - Contract documents for agreement between Owner and Contractor.
  - Advertise project and award construction contract.
  - Final LGC approval of 30 year loan.
  - Contractor Mobilization and Construction.
- Anticipated Schedule
- Scheduling Contingencies
  - Allow for construction this year and next year.
  - Reduce scope for March 31, 2014 completion.



## Current Status

- USDA has provided 30 year funding commitment.
- Permit modification has been issued from State and USACE.
- Project ready for Advertisement upon Town approval of specifications.
  - Includes approx 1.5 M CY to be placed along approx. 3.85 miles of shoreline (Fill density of approx. 75 cy/lf).
  - Design is a 25 ft wide dune at elevation +14 NAVD, fronted by a 45 ft wide berm at elev. +6 NAVD.
  - Contract allows for fill density variance of approx. 15% (~1.3 M to ~1.7 M CY).



(Other items are being provided by the Town to the USDA but are n

## Remaining Milestones

- USDA approval of project documents
  - Approval of Agreement Between Owner and Engineer.
  - Approval of Contract Documents for Construction.

Both required prior to USDA authorizing the solicitation of construction bids.
- LGC final approval of 30 year financing plan
  - Staff recommendation expected by Friday, October 18<sup>th</sup>.
  - Final approval expected after bids received (Dec. 4<sup>th</sup>).
- Contractor availability
  - Minimum of 100 day construction period anticipated.
  - Dredge season ends March 31 by permit.



## Anticipated Schedule

| Task | Description                                      |       |        |       |        |       |        |       |        |       |        |       |  | Estimated # of Days Required   |
|------|--|-------|--------|-------|--------|-------|--------|-------|--------|-------|--------|-------|--|--------------------------------|
|      |  | 1-Nov | 15-Nov | 1-Dec | 15-Dec | 1-Jan | 15-Jan | 1-Feb | 15-Feb | 1-Mar | 15-Mar | 1-Apr |  |                                |
| 1    | USDA Review and Approval of Project              |       |        |       |        |       |        |       |        |       |        |       |  | Estimated Complete by Nov 15th |
| 2    | Solicitation for Construction Contract           |       |        |       |        |       |        |       |        |       |        |       |  | 30 Days Typical                |
| 3    | Bid Review / Final LGC Approval / Contract Award |       |        |       |        |       |        |       |        |       |        |       |  | 15 Days                        |
| 4    | Construction                                     |       |        |       |        |       |        |       |        |       |        |       |  | 100 Days                       |

Notes

- 1 Schedule assumes USDA review can be conducted concurrently with Bid Advertisement.
- 2 Estimated number of days assumed from time frames experienced with the current and previous projects.





## Scheduling Contingencies

- Allow for construction this season and next (FY2014/15).
  - Allows opportunity for contractor's to plan and schedule work for best opportunity of most competitive price.
  - Does not impede contractor from completing full project this year.
  - May allow for inclusion of remaining phase's if summer time dredging authorized in time (March 2014).
  - Allows smaller companies to consider full project scope.
- Reduce project scope for March 31, 2013 completion.
  - Provides for some protection in place this year.
  - Requires additional mobilization fee for project completion.



## Recommendations:

1. Upon Town approval of construction documents, advertise the project for a Thursday, November 14<sup>th</sup> bid opening date.
2. Continue to coordinate with USDA for review and approval of the construction related contracts.
3. Maintain awareness that changes may "and most likely will" be needed during the bidding phase and upon bid review.

If USDA or LGC dis-approves of the project or funding the bids can be rejected or canceled at any time prior to opening.

If bids are above budgeted amount they can be rejected. The project can be reformulated and rebid for construction next year.



# *Town of North Topsail Beach*

Daniel Tuman, Mayor  
Suzanne Gray, Mayor Pro Tem  
Aldermen:  
Don Harte  
Tom Leonard  
Richard Macartney  
Michael Yawn



Stuart Turille  
Town Manager  
Carin Z. Faulkner, MPA  
Town Clerk

## **Board of Aldermen Regular Meeting Minutes Thursday, November 7, 2013 6:30 P.M.**

**PRESENT:** Mayor Daniel Tuman, Mayor Pro Tem Suzanne Gray, Aldermen Don Harte, Tom Leonard, and Mike Yawn, Town Attorney Brian Edes, Town Manager Stuart Turille and Town Clerk Carin Faulkner.

**NOT PRESENT:** Alderman Dick Macartney

- I. **CALL TO ORDER:** Mayor Tuman called the meeting to order at 6:30 p.m.
- II. **INVOCATION:** Alderman Harte gave the invocation.
- III. **PLEDGE OF ALLEGIANCE:** Mayor Tuman led those present in the Pledge of Allegiance.
- IV. **APPROVAL OF AGENDA:**
  - Alderman Leonard made a motion to amend the agenda as presented and to add the Phase One Shoreline Protection Project video to Presentations. Alderman Harte seconded.
  - There was discussion.
  - Ms. Faulkner suggested that the Board switch New Business Items A and B and add a resolution supporting Topsail Beach's PARTF grant to New Business D. Alderman Yawn suggested putting the resolution in the Consent Agenda. Ms. Faulkner agreed.
  - The motion to approve the amended agenda passed 3 to 1 with Alderman Yawn voting against.
- V. **PUBLIC HEARINGS/PRESENTATIONS**
  - A. **Presentation – Video - “Preserving Our Town – A Shoreline Protection Project at North Topsail Beach”:**
    - A five minute video on the Phase One shoreline protection project was shown.

## VI. MANAGER'S REPORT:

### 1. Shoreline Protection Project, Phase Five-update

The following occurred since our last meeting:

- a) The **construction bids** were noticed on the website and in the newspaper
- b) **The pre-bid meeting was held** and went well, with no issues as to the budget or timetable.
- c) **An RFP for interim construction financing was noticed, with PNC selected** by the Financial Advisor to be the provider of interim construction financing;
- d) **The formal LGC application was sent to the LGC October 31.** I want to credit Carin for her excellent work on this. Breck Smith, Finance Officer, also helped by working to get the audit to the LGC on time. (Recall that the application will have the recommendation of the LGC staff, which is approval of the Phase Five 30 year USDA loan, secured by a 30 year special obligation bond, while requiring that the Town pay down the debt early, with any available surplus revenues).

- Next up is the **construction contractor bid opening, November 14 at 2PM**; after that we may need
- **A Special meeting** to approve **contracts for the bond purchase and contractor's contract and approve the Bond Attorney's Preliminary official statement.**
- This will be followed by the **formal LGC meeting on December 3**;
- if approved, the **Notice to Proceed** could be issued at the December 5 meeting.

**2. CBRA**—the word from Marlowe: the House Natural Resources committee is still set to meet this Fall but the government shutdown has pushed a hearing back yet another month. Hagan, Jones and McIntyre are continuing to pursuing this aggressively.

**3. Parking** – the land swap is moving closer to finalization; the purchase of the Jackson properties concluded. Regardless of the outcome of the grant (used to finance the conditional purchase of the Jackson properties) we will continue to develop the blueprint for 2 scenarios: 1. the swapped lot and 2. the purchased lot + swapped lot. The goal is to have plans drawn up so we can implement either option. Deb's conceptual plan seemed to indicate the swapped lot is the most important. Perhaps we can have the swapped lot work done and get some parking in there soon.

**4. Audit** - the preliminary FY12-13 audit is in and it looks good. General Fund fund balance increased \$949,931 to \$3,137,960 which is excellent at 93% of expenses; the beach fund is at \$1,341,113, even though a large portion of it was used for the Phase 1 down payment. As we discussed at an earlier workshop, Phase Five will require an obligation of \$1.5 million of the General Fund balance.

**5. Biggert-Waters Flood Insurance Reform Act**—I received an angry call from an NTB homeowner that his federal flood insurance was going up from \$400 annually to \$37,000. This will have a significant impact on ownership here. I contacted Marlowe and they indicated that strong support exists in the House and Senate to delay implementation for 4 years, until a FEMA study is complete. A vote will be taken on this in the next 2 weeks.

**6. Beach Ordinance Review:** Per our end of Summer Review and the enforcement of beach ordinances: we should have a workshop about what ordinances we want to enforce, add, modify or eliminate, so we are clear about the type and level of enforcement appropriate for our beach. We could combine it with the bid opening date, which is November 14. Or if you prefer this can be later around the beginning of the New Year. Be thinking about your vision of the Town's role in beach activities.

### 7. Holidays—

- Christmas Party is Friday, December 13
- Do we want to look at any additional Christmas or Holiday decorations? How about a tree at Town Hall? (See handout).

## VII. OPEN FORUM: No one came forward.

VIII. **CONSENT AGENDA:**

- A. Request to Approve Tax Refunds
- B. Resolution 2013-28 – Resolution in Support of the Town of Topsail Beach Submitting an Application for a North Carolina Parks & Recreation Trust Fund Grant to Develop a Town Center and Park at 624 South Anderson Drive, Topsail Beach, North Carolina
- C. Approval of Minutes: October 3, 2013 and October 17, 2013
- D. Department Head Reports: Finance, Fire, Inspections, Planning, Police Departments
- E. Committee Reports: Planning Board, Board of Adjustment, TISPC, ONWASA (no report)
  - Alderman Yawn made a motion to approve the Consent Agenda including the Topsail Beach resolution. Mayor Pro Tem Gray seconded the motion.
  - The motion passed unanimously.

IX. **NEW BUSINESS:**

- A. **Request to Adopt a Bond Order & Resolution Providing for the Issuance of a Not to Exceed \$16,815,000 Special Obligation Bond Anticipation Note, Series 2013:**
  - Mr. Turille introduced this item.
  - Alderman Harte made a motion to adopt the Bond Order & Resolution Providing for the Issuance of a Not to Exceed \$16,815,000 Special Obligation Bond Anticipation Note, Series 2013. Alderman Leonard seconded.
  - There was discussion.
  - Minor changes to the document were made to reflect “alderman” instead of “commissioner.”
  - The motion passed 3 to 1 with Alderman Yawn voting against.
- B. **Request to Approve Interim Financing Institution:**
  - Mr. Turille introduced this item.
  - Alderman Leonard made a motion to accept PNC has the interim finance institution for the Phase Five Shoreline Protection Project. Mayor Pro Tem Gray seconded the motion.
  - The motion passed 3 to 1 with Alderman Yawn voting against.
- C. **Request to Adopt Resolution Authorizing the Town Attorney to Proceed with Condemnation Process for Phase 5 Easements:**
  - Mr. Edes introduced this item.
  - Mayor Pro Tem Gray made a motion to adopt Resolution 2013-27, Resolution Authorizing Town Attorney to Proceed with Condemnation Process for Easements Not Received from Property Owners in Phase V of North Topsail Beach Shoreline Protection Project. Alderman Harte seconded the motion.
  - There was discussion.
  - The motion passed 3 to 1 with Alderman Yawn voting against.

- X. **OPEN FORUM:** No one came forward.

- XI. **ATTORNEY'S REPORT:** Mr. Edes made comments about the required documents that he needs to provide to the USDA for the loan. He said that he will provide them with what he has so far and will also make sure they receive a copy of the resolution the Board just adopted.
- XII. **MAYOR'S REPORT:** Mayor Tuman thanked everyone who came out on Election Day and voted. He thanked all of the candidates who volunteered to work for the Town and congratulated those who won.
- XIII. **ALDERMEN'S REPORT:**
- Mayor Pro Tem Gray:** Mrs. Gray thanked the audience for coming out and thanked Alderman Yawn for his service to the Town and told him not to be a stranger. She thanked those who came out and voted.
- Alderman Yawn:** Mr. Yawn said Happy Sebastian's Day, a thoughtful and respectful Veteran's Day, and Happy Thanksgiving. He thanked the Town Staff for their hard work over the years.
- Alderman Leonard:** Mr. Leonard thanked the voters and congratulated those who were elected and re-elected to office. He said that the Town continues to go in the right direction. He wished everyone a Happy Thanksgiving, Happy 238<sup>th</sup> birthday to the U.S. Marine Corps, and Happy Thanksgiving. He also took the opportunity to remember Gunnery Sergeant Darrell W. Boatman, a Marine who lived in NTB and died serving during Operation Iraqi Freedom on November 5, 2005.
- Alderman Harte:** Mr. Harte thanked everyone who voted and wished everyone a Happy Thanksgiving.
- XIV. **ADJOURNMENT:** Alderman Yawn made a motion to adjourn. Mayor Pro Tem Gray seconded the motion. The motion passed unanimously. The meeting adjourned at 7:11 p.m.

**APPROVED:**

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Daniel Tuman, Mayor

**ATTEST:**

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Carin Z. Faulkner, Town Clerk

# *Town of North Topsail Beach*

Daniel Tuman, Mayor  
Suzanne Gray, Mayor Pro Tem  
Aldermen:  
Don Harte  
Tom Leonard  
Richard Macartney  
Michael Yawn



Stuart Turille  
Town Manager

Carin Z. Faulkner, MPA  
Town Clerk

## **Board of Aldermen Special Meeting Minutes Thursday, November 14, 2013 3:00 P.M.\***

**PRESENT:** Mayor Daniel Tuman, Mayor Pro Tem Suzanne Gray, Aldermen Don Harte, Tom Leonard, Dick Macartney and Mike Yawn, Town Manager Stuart Turille, and Town Clerk Carin Faulkner.

- I. **CALL TO ORDER:** Mayor Tuman called the meeting to order at 3:00 p.m.
- II. **APPROVAL OF AGENDA:**
  - Mayor Pro Tem Gray made a motion to approve the agenda as presented. Alderman Yawn seconded.
  - The agenda was approved unanimously.
- III. **DISCUSSION ON PROPOSED PHASE V SHORELINE PROTECTION PROJECT AND INVITATION FOR BIDS – ROBERT NEAL, COASTAL PLANNING & ENGINEERING:**
  - Mr. Neal gave the attached presentation (Attachment A).
  - Mr. Neal explained the purpose of the meeting was for CP&E to inform the Town of the contractor's comments concerning dredge availability to complete Phase 5 by March 31, 2013 and to recommend a path forward to allow the best opportunity for construction pricing within the estimated budget.
  - Mr. Neal went over the comments made by the dredging companies.
  - Mr. Neal went over the conclusions that can be made in response to the comments and CP&E's recommendations.
  - Alderman Macartney moved that due to unfortunate circumstances the Board of Alderman cancel the current request for bid for the Phase V Shoreline Protection Project. Mayor Pro Tem Gray seconded the motion.
  - There was discussion and Mr. Neal took questions from the Board.
  - The motion passed unanimously.
  - Mr. Neal indicated that he will issue a final addendum announcing the Town's decision to cancel the requests for bids and contact the contractors directly.

\*There is an attachment to these minutes.

- Mr. Neal went over the status of current project efforts. He said that they will postpone the remaining environmental monitoring until next year and will still get credit for the work they have already completed. He said that the bid documents are complete and will be ready for re-advertisement with only minor modifications needed. He also indicated that the USDA commitment of funds would be honored under next year construction.
- There was further discussion about the permitting possibilities for Phases 2-4.
- CP&E said that they would be able to check in with the Board and provide a review of what options there are for the next dredging season at the Board retreat (tentatively scheduled for February).

IV. **ADJOURNMENT:** Alderman Leonard made a motion to adjourn. Alderman Yawn seconded the motion. The motion passed unanimously. The meeting adjourned at 3:40 p.m.

**APPROVED:**

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Daniel Tuman, Mayor

**ATTEST:**

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Carin Z. Faulkner, Town Clerk

Approved on: 12/5/2013

# North Topsail Beach Shoreline Protection Project Phase 5 Beach Restoration Planning Meeting



Coastal Planning & Engineering of North Carolina  
November , 2013  
Ken Willson, Robert Neal



## Purpose of Meeting

1. Inform the Town of the Contractor's comments concerning dredge availability to complete Phase 5 by March 31, 2013.
2. Recommend a path forward to allow best opportunity for construction pricing within estimated budget.





## Contractor Comments

Great Lakes Dredge and Dock – Not available to complete the project prior to March 31, 2014. (Folly Beach, SC awarded on or about November 5<sup>th</sup>.)

Weeks Marine – Not comfortable could finish the project prior to March 31, 2014. (Price would reflect risk of 2<sup>nd</sup> mobilization)

Marinex Construction – Not available to review this project due to other commitments.

Norfolk Dredging – Not available to review this project due to other commitments.



## Conclusion from Contractor Comments

Bid results will not be within budget for this year construction due to dredge availability.

- Results would reflect risk of not completing work and having to re-mobilize next year.
- Results would reflect risk of incurring liquidated damages of \$1,200 / day for next year construction.
- Results would reflect risk of negative publicity for the Contractor for not completing project this year.

Could reduce scope to cover half of Phase 5 Shoreline this year.

Cost estimated at \$9M - \$10M



## Recommendations

1. Cancel the current bid advertisement for construction this year.
  - Shows good faith to the Contractor that we are listening to their concerns.
  - Allows time to complete current permitting options and consider additional project items
    - Combining Phase 2-5
    - DA-143 (upland borrow source)
    - Federal relief of CBRA legislation
    - Federal Project status
  - May re-advertise the project in late Spring (May/June) for FY2014/2015 construction



## Status of Current Project Efforts

1. Environmental Monitoring – (~2/5<sup>th</sup> complete) Remaining efforts can be postponed until next year and still receive full credit (NMFS).
2. Bid package is complete and can be used for next year construction with only minor modification.
3. USDA commitment would be honored under next year construction.



## Discussion

Ken Willson & Robert Neal  
Coastal Planning & Engineering of North Carolina,  
Inc.

[Ken.Willson@cbi.com](mailto:Ken.Willson@cbi.com)

[Robert.Neal@cbi.com](mailto:Robert.Neal@cbi.com)



# *Town of North Topsail Beach*

Daniel Tuman, Mayor  
Tom Leonard, Mayor Pro Tem  
Aldermen:  
Suzanne Gray  
Don Harte  
Richard Macartney  
Richard Peters



Stuart Turille  
Town Manager  
Carin Z. Faulkner, MPA  
Town Clerk

## **Board of Aldermen Regular Meeting Minutes Thursday, December 5, 2013 6:30 P.M.\***

**PRESENT:** Mayor Daniel Tuman, Mayor Pro Tem Suzanne Gray, Aldermen Don Harte, Tom Leonard, Dick Macartney and Mike Yawn, Town Attorney Brian Edes, Town Manager Stuart Turille and Town Clerk Carin Faulkner. Later sworn in: Alderman Richard Peters

- I. **CALL TO ORDER:** Mayor Tuman called the meeting to order at 6:30 p.m.
- II. **INVOCATION:** Alderman Leonard gave the invocation.
- III. **PLEDGE OF ALLEGIANCE:** Mayor Tuman led those present in the Pledge of Allegiance.
- IV. **APPROVAL OF AGENDA :**
  - Alderman Yawn made a motion to approve the agenda for Items V through VII as presented. Mayor Pro Tem Gray seconded.
  - There was discussion.
  - Alderman Macartney requested an amendment. He said he would like to discuss Consent Agenda Item B and remove it from the Consent Agenda. He said he thinks it needs to be discussed in Closed Session as it applies to a personnel matter. Attorney Edes agreed and said that it is also potential litigation. Alderman Leonard asked to amend the agenda to add Don Harte to the list of elected officials to be sworn in.
  - There was further discussion.
  - Alderman Macartney said he would pass the Item B with the Consent Agenda; he just had questions and wants to do it at the end of the meeting. This was okay with Alderman Yawn, the outgoing Board member.
  - Alderman Yawn amended his motion to include Alderman Leonard's inclusion of Alderman Harte's swearing-in and add the addition of a Closed Session before the Adjournment. Alderman Leonard seconded the amendments.
  - The motion passed unanimously.

\*There are attachments to these minutes.

V. **CONSENT AGENDA:**

- A. Approval of Minutes: November 7, 2013 and November 14, 2013
- B. Request to Approve Budget Amendment #4
- C. Department Head Reports: Finance, Fire, Inspections, Planning, Police Departments
- D. Committee Reports: Planning Board, Board of Adjustment, TISPC (no report), ONWASA (no report)
  - Alderman Yawn made a motion to approve the Consent Agenda as presented. Mayor Pro Tem Gray seconded the motion.
  - The motion passed unanimously.

VI. **PUBLIC HEARINGS/PRESENTATIONS:**

**A. Public Hearing – Case #SUP-13-05 – Special Use Permit Application by Greg Ludlum to Operate a Motel at 123 Fishing Pier Lane:**

- Alderman Leonard made a motion to open the hearing. Mayor Pro Tem Gray seconded. The motion passed unanimously.
- Attorney Edes served as moderator. He asked for all who would like to speak at the hearing to come up and sign in and to be sworn in, including the applicant.
- Ms. Faulkner swore in Ms. Deborah Hill, Planning Director and Mr. Greg Ludlum (applicant).
- Attorney Edes asked the Board a series of questions to make sure they will be fair and impartial. He explained the order of business for the hearing.
- Ms. Hill presented the staff report. She asked that the report and exhibits be entered into the record as evidence (Attachment A).
- There were no questions for Ms. Hill.
- Mr. Ludlum made comments to the Board about what his plans are for the motel including several updates to improve the appearance.
- Mr. Ludlum took questions from the Board.
- Mayor Pro Tem Gray made a motion to close the public hearing. Alderman Yawn seconded the motion. The motion passed unanimously.
- Mayor Pro Tem Gray made a motion to approve Special Use Permit-13-05. Alderman Harte seconded.
- The motion passed unanimously.

**B. Presentation on New River Inlet Channel Realignment Project Follow Up Monitoring – Ken Willson, Coastal Planning & Engineering:**

- Mr. Willson gave a presentation on the post-construction monitoring that has taken place on the New River Inlet Channel Realignment Project so far (Attachment B).
- Mr. Willson said that the next scheduled survey will take place in April 2014 and that more information will be known about how the fill is performing from that survey.

- Mr. Willson took questions from the Board.
- Mayor Tuman asked Mr. Willson about some erosion at the north end in front of a few houses.
- Mr. Willson said that the beach fill is cutting back almost to the toe of the dune. He said that they are seeing quite a bit of sand moving off of the northern tip and that the goal was to change the erosion rates, which have always been high. The natural reconfiguration of the ebb shoal was predicted to take five years to completely reconfigure. He said that channel realignment is not scheduled or permitted for another 3 plus years and some of that material could be placed on this area then. He said so far the beach fill is performing well overall just that northern tip has an issue, and it is localized. Mr. Willson suggested looking into getting the Army Corps dredging material pumped in that area in the meantime. He said that the shoaling seems to be occurring at the rate they predicted and that the rate should slow down. He said next year's survey will help them see what's happened over the first year.
- Alderman Macartney asked about the Town's permit and when the Town can dredge from the inlet again.
- Mr. Willson said that the Town's current permit allows for the channel to be dredged no earlier than 4 years if 85% of the material that has been taken out has been replaced. So if 85% is not back in the channel in 4 years the Town would have to wait to dredge. If the Town wanted to dredge earlier, it would have to ask for a permit modification.
- Mayor Tuman said that the Town is looking forward to the surveys in the spring and that the Town will continue to monitor the erosion in the area of concern and look for opportunities to mitigate it as needed.

**C. Presentation of Financial Audit Report – Tom Monte, Carr, Riggs & Ingram, LLC:**

- Mr. Monte presented the financial audit report for FY13 to the Board of Aldermen. He said that his firm issued an unmodified opinion (unqualified or clean opinion).
- Mr. Monte took questions from the Board.
- Mr. Monte said there were no recommendations for changes in Town procedures.
- Alderman Leonard made a motion to accept the financial audit report for FY13. Alderman Yawn seconded.
- The motion passed unanimously.

**D. Recognition of Outgoing Official:**

- Mayor Tuman presented Alderman Yawn with a plaque and a gift from the Town.

**E. Results of Municipal Election of November 5, 2013:**

- Ms. Faulkner read aloud the results of the November 5, 2013 municipal election for the Town of North Topsail Beach.

**F. Oath of Office**

- Ms. Faulkner swore in Mayor Tuman, Aldermen Don Harte, Richard Macartney, and Richard Peters.

VII. **OPEN FORUM:** No one from the audience came forward. Attorney Edes took the opportunity to thank Alderman Yawn for his service and said that Alderman Yawn was a pleasure to work with.

VIII. **APPROVAL OF AGENDA:**

- Alderman Leonard made a motion to approve Items IX through XV of the agenda. Mayor Pro Tem Gray seconded the motion.
- The motion passed unanimously.

IX. **ORGANIZATIONAL ITEMS:**

**A. Election of Mayor Pro Tempore (G.S. 160A-70):**

- Mayor Pro Tem Suzanne Gray asked to take the floor. She said that she has been Mayor Pro Tem for two years and has thoroughly enjoyed the position, but she feels that it needs to be shared with other Board members. She nominated Tom Leonard for Mayor Pro Tem. Alderman Harte seconded the motion.
- Alderman Macartney moved to nominate Don Harte. There was no second. Alderman Harte also declined.
- The motion passed unanimously, Leonard abstained, and his vote was counted as affirmative.

**B. Resolution to Adopt Regular Meeting Schedule:**

- Ms. Faulkner introduced the item.
- There was discussion.
- Alderman Macartney made a motion to adopt the Resolution to Adopt the Regular Meeting Schedule for the North Topsail Beach Board of Aldermen for 2014 (Resolution 2013-29), with one change, he asked to change the January meeting to Tuesday, January 7<sup>th</sup>. Mayor Pro Tem Leonard seconded the motion.
- There was discussion.
- The motion passed unanimously.

**C. Resolution to Adopt “Suggested Rules of Procedure for a City Council”:**

- Mayor Tuman introduced this item.
- Alderman Macartney made a motion to adopt A Resolution Adopting the Suggested Rules of Procedure for a City Council – 3<sup>rd</sup> edition (Resolution 2013-30). Alderman Peters seconded the motion.
- The motion passed unanimously.

**D. Resolution Honoring Alderman Yawn**

- Mayor Tuman read the resolution aloud.

- Mayor Pro Tem Leonard made a motion to adopt A Resolution Honoring the Public Service of Alderman C. Michael Yawn (Resolution 2013-31). Alderman Gray seconded the motion.
- The motion passed unanimously.

**E. Reappointment of Town Officials to Represent NTB on the Topsail Island Shoreline Protection Commission (TISPC):**

- Ms. Faulkner introduced the item.
- Alderman Macartney made a motion to appoint Alderman Peters to the TISPC (in his place, representing as the Town's Chairman of the Shoreline Projection Committee). Alderman Leonard seconded the motion.
- There was discussion.
- The motion passed unanimously. Peters abstained; his vote was counted as affirmative.

**X. MANAGER'S REPORT:**

**1. Shoreline Protection Project, Phase Five-update since last meeting:**

- All **notification went out** to LGC, bond counsel, financial advisor, interim financier about postponement.
- A **conference call** was held Friday the 22<sup>nd</sup> with CP&E to discuss permitting requirements for our possible Shoreline Projects, in order to give us maximum flexibility to complete the beach. More options become available as we gather additional information on the President's budget (federal project) and CBRA, as well as additional conversations with USDA.
- The **one year extension letter**, from September 30, 2014 to 2015 was sent to USDA; Kim Miller assured me that this is sufficient.
- A **discussion was held with Town Attorney about suspending use of condemnation letters** for Phase 5 and allowing more voluntary collection of signed easements.
- I think we need an **official statement released** about our current status with Shoreline Protection and communication quarterly thereafter. I propose that I or the Mayor write the letter and post it on the website and/or publish it in the JD News.

**2. CBRA**—from Marlowe: Hagan and Jones are continuing to pursuing this aggressively. I spoke with the aid to Mike McIntyre at our recent Waterways Conference and asked him if Mike could help get the hearings scheduled soon. He requested a letter from the Mayor.

**3. Use of vacant 100 SF Space at the North End Town Park (Onslow County Beach Access#4)**— a company approached me about leasing the vacant concession stand at our Park during the Summer to sell cold drinks, hand dipped ice cream, frozen custard, gelato etc. They currently operate a mobile stand in the summer but want to have a permanent site at this location. We have an ordinance which prohibits commercial sales at the Park, but allows an exemption for "public purpose" uses. The town attorney and I agree that it could meet this definition: a concession space is built into the building structure as an intended use; it would offer a service to Park users not available currently unless they cross the busy highway. However, the Park is land sub-let to the Town, so is subject to sub-lease conditions. A memo exists that mentions a non-competition clause with the concession stand at the Access; I am seeking the sublease to verify.

Additionally, an artist guild (501c3) also inquired to use the space to display and sell local art. I showed them the space and am waiting to hear their response. They want it 7 days a week from April to Labor Day.

**4. Parking** – the land swap is final with the signed deed from Mr. Silveraj granting town the property now in our possession. The Planning Director received word that things look good for us to receive our CAMA Access grant. My goal is to have additional parking in place by May.



5. **Biggert-Waters Flood Insurance Reform Act**—Mike McIntyre, Representative Jones and others are behind this strongly, as we heard from Congressman McIntyre's presentation at the NAIAW conference. However, it involves only primary homes and the majority here are secondary homes.
6. **NCBIWA conference:** some insights:
  - The new **critical habitat designation** is initiating from environmental pressure and not any proposed increase in regulation from USFWS
  - **Dredge window**—this year round period is allowed on the Outer Banks; USACE internal documents indicate no problem with year round dredging in relation to threatened species, indicating some flexibility
  - A dedicated **funding source** for beach nourishment is the key to perpetual beach nourishment (e.g. Dare County) and requires the participation of both municipalities and the County to succeed; in most Counties, the County initiates beach projects; here, we need to initiate and propose new ideas
  - **Beach nourishment** is beneficial to turtles and threatened species by providing nesting habitat
  - **USACE signed a memorandum of agreement** to continue Shallow draft dredging.
7. **Retreat**—How about February 19<sup>th</sup>, a Tuesday, at 10AM? This did not work with the Board so the clerk will poll the Board to determine the best date and time.
8. **Holidays**—
  - Christmas Party is **Friday, December 13; 6PM** North Shore Country Club
  - Staff Holiday schedule—**December 24-26 (Wed.-Thursday)**; discussion about Friday the 27<sup>th</sup>

Ms. Faulkner announced that the newsletter is finished and will be mailed to property owners. She highlighted a few of the items in the newsletter, including the donation of a beach walker to the Town from the Bostic family.

- XI. **OPEN FORUM:** No one came forward.
- XII. **ATTORNEY'S REPORT:** Mr. Edes updated the Board on the status of the easements for Phase 5 and indicated that the Town did not move forward with filing the action to condemn the easements. He said that the Town has been receiving many of them voluntarily and that it will be more cost effective to keep accepting them voluntarily for now.
- XIII. **MAYOR'S REPORT:** Mayor Tuman thanked everyone who went to the polls and voted for him. He said there is a lot that can be done to improve the Town, but not everything that the Town has control of, the Town has to go out and solicit and lobby to make things happen. He promised to continue to work hard for the Town. He said he is very pleased and thinks that the Town has a solid Board of Aldermen that shares the same mind and sentiments as him and the Town. He wished everyone a happy holiday and encouraged volunteers, Board and staff to attend the Town's Christmas party.
- XIV. **ALDERMEN'S REPORT:**

**Alderman Harte:** Mr. Harte thanked everyone who voted. He wished everyone a Merry Christmas and Happy New Year, good health to all.

**Alderman Gray:** Mrs. Gray said it was a pleasure being Mayor Pro Tem for two years and she knows that Tom will follow through with good representation for the Town and hopes that everybody had a Happy Thanksgiving and will have a very Merry Christmas and Happy New Year.

**Alderman Peters:** Mr. Peters commended Mayor Tuman for his work and assistance with the election. He said he would like the Town to promote better citizen involvement. He thanked everyone who voted. He wished everyone a Merry Christmas.

**Mayor Pro Tem Leonard:** Mr. Leonard congratulated the newly elected officials; he wished everyone a Merry Christmas and Happy New Year. He said he regrets that he will be missing the Christmas party; he is will be in Philadelphia for the Army vs. Navy game.

**Alderman Macartney:** Mr. Macartney thanked the voters and welcomed Alderman Peters. He said that Alderman Yawn was an outstanding alderman, has a great mind and did a wonderful job and he was glad the Town recognized him. In regards to stepping down from TIPSC, he said that he has spent more time representing the Town at the Eastern Coast Council and recently served as chairman of the bylaws committee. He suggested that the Board look into taking the ethics training offered by the ECC in New Bern. He wished everyone a Merry Christmas, see you next year.

- XV. **CLOSED SESSION:** Alderman Harte made a motion to go into Closed Session (per N.C.G.S. 143-318.11 Closed Sessions (3): To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged AND (6):To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee). Alderman Gray seconded the motion. The motion passed unanimously.

Alderman Macartney made a motion to come out of Closed Session. The motion passed unanimously.

No action was taken.

- XVI. **ADJOURNMENT:** Alderman Leonard made a motion to adjourn. Alderman Harte seconded the motion. The motion passed unanimously. The meeting adjourned at 8:44 p.m.

**APPROVED:**

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Daniel Tuman, Mayor

**ATTEST:**

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Carin Z. Faulkner, Town Clerk



*Town of North Topsail Beach*  
Board of Aldermen

Agenda Item: VI. A.

Date: 12/05/2013

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**Issue:** Case #SUP-13-05: Special Use Permit Application by Greg Ludlum of Seaview Fishing Pier LLC for the Operation of a Commercial Motel at 123 Fishing Pier Ln (Tax Map # 769-4.2).

**Department:** Planning

**Presented by:** Deborah J. Hill, AICP CFM CZO - Planning Director

**Presentation:** Yes

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**BACKGROUND:** On October 7, 2013, Greg Ludlum of Seaview Fishing Pier LLC submitted a special use permit application to operate a motel located at 123 Fishing Pier Lane (**Exhibit 1**). The existing motel received a Certificate of Occupancy in 1999 (**Exhibit 2**); however, the Town amended the use as permitted by right to special use with the adoption of the Uniform Development Ordinance on November 2, 2011. As the discontinued use has exceeded 365 days, a special use permit is required prior to resuming operations (reference: UDO Sec. 9.01.01).

**ANALYSIS:** In granting the permit, the Board of Aldermen shall make a written decision that identifies the key facts of the case and applies these facts to the following standards. The Board must find that all of these conditions exist or the application will be denied (Reference: UDO Sec. 2.06.04):

**A.** The use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;

**Applicant's comments:** *Existing hotel is in B-2 zoning district.*

**Staff's comments:** The 1.17-acre lot – south of the Seaview Fishing Pier, also owned by Mr. Ludlum - is zoned Business (B-2) (**Exhibit 3**) and meets the minimum dimensional requirements. A site plan to include lighting and parking and an engineered design and certification was required with the original development application, prior to the issuance of a Certificate of Occupancy in 1999. Gravel parking currently serves the motel, pier and retail establishment. A total of 98 (corrected to 128 at the hearing) parking spaces are required, 20 for the hotel. Mr. Ludlum states that there are approximately 115 (corrected to 150 at the hearing) parking spaces available (**Exhibits 4, 5, 6**).

**B.** The use or development complies with all required regulations and standards of this Ordinance and with all other applicable regulations;

**Applicant's comments:** *Certificate of Occupancy was issued in 1999. Motel must be inspected by the Fire Marshall, Building inspector and Zoning Administrator prior to operation.*

**Staff's comments:** A Certificate of Compliance by the Building Inspector, Fire Marshal and Zoning Administrator is required prior to any use or occupancy of the motel. Renovations and repair work are in progress and inspections are ongoing. Onslow County Environmental Health will issue a permit when the facility meets their requirements and will conduct routine annual inspections.

**C.** The use or development conforms to the plans for the land use and development of Town of North Topsail Beach as embodied in this Ordinance and in the Town of North Topsail Beach CAMA Land Use Plan.

**Applicant's comments:** *Motels are allowed by special use permit approved by the Board of Aldermen.*

**Staff's comments:** The proposed hotel is in compliance with the CAMA Land Use Plan. MAP 13-A of the CAMA Land Use Plan indicates the Future Land Use District is Mixed Use Business.

**RECOMMENDATION:** on November 21, 2013, the Planning Board reviewed the application by Mr. Ludlum and unanimously recommends approval to the Board of Aldermen for the public hearing to be held on December 5, 2013.

**EXHIBITS:**

1. Greg Ludlum application, October 7, 2013.
2. Certificate of Occupancy, 1999.
3. Onslow County GIS 2012 Aerial with Zoning annotated.
4. Map Book 67 Page 078, ALTA/ACSM Land Title Survey by Weston Lyall.
5. Map Book 41 Page 30, Plat of Survey by Charles Riggs.
6. Stormwater Management Plan, parking annotated by Charles Riggs, March 15, 2002.



**Town of North Topsail Beach**  
**SPECIAL USE PERMIT (SUP) APPLICATION**  
(A Pre-submittal conference **must be held** prior to submission)

| Tracking Information (Staff Only)   |  |                                     |
|---|--|-------------------------------------|
| Case Number: <i>sup 13-05</i>   | Date/Time received: <i>10/17/2013</i>                | Application verified by: <i>DVO</i> |
| \$350 non-refundable filing fee & \$150 deposit subject to Cancellation Policy* | Check #: <i>199</i>                                  | Receipt #: <i>37458</i>             |
| Deadline for Legal Ad:  | Scheduled for Planning Board on: <i>11/14/2013</i>   | at 6:30 p.m.                        |
| Deadline for Legal Ad:  | Scheduled for Board of Aldermen on: <i>12/5/2013</i> | at 6:30 p.m.                        |

**ONLY COMPLETE APPLICATIONS CAN BE ACCEPTED**

Only the Special Uses, as specified in the various districts (reference: UDO **Table 4-1 Use Table**), may be permitted after review by the Planning Board and approval by the Board of Aldermen.

**Submittal:** Applications are due by noon on the submittal deadline date. Deadlines are discussed at the pre-submittal meeting. Applications should be submitted in-person, and fees are due at time of submittal.

The application is a form of written testimony, and used both to show how Ordinance considerations are addressed and to provide evidence that the required findings for approval can be made. In addition to the application materials, the applicant may provide any other written, drawn or photographed material to support his/her request and as permitted by the Planning Board and/or Board of Aldermen, as applicable. Any such additional material submitted will become part of the application, and as such cannot be returned.

~~Attendance at the hearing is required.~~ Applicants may represent themselves or may be represented by someone appropriate for quasi-judicial public hearings. The applicant has the **burden of proof** and must provide sufficient evidence in order for the required findings to be made. The public hearing will allow the applicant, proponents, opponents and anyone else the opportunity to testify in regards to the request. An application may be approved, approved with conditions, continued for more information, or denied.

**Contact Information:** If you have any questions, please contact the Planning Director at (910) 328-1349 ext. 27 between 8:00 a.m. and 5:00 p.m. on weekdays or email at [dhill@north-topsail-beach.org](mailto:dhill@north-topsail-beach.org).

**\*Cancellation Policy:** All cancellations must be received at least 48 hours before the start of the Public Hearing and refunds are subject to a \$150 cancellation fee. Cancellations must be received in writing by e-mail ([terriew@north-topsail-beach.org](mailto:terriew@north-topsail-beach.org)), fax (910-328-4508 ATTN: Terrie Woodle), or by U.S. mail (2008 LOGGERHEAD CT, N TOPSAIL BEACH NC 28460-9286 - ATTN: Terrie Woodle.) No refunds will be made for requests received after that time. Please allow two weeks for processing.

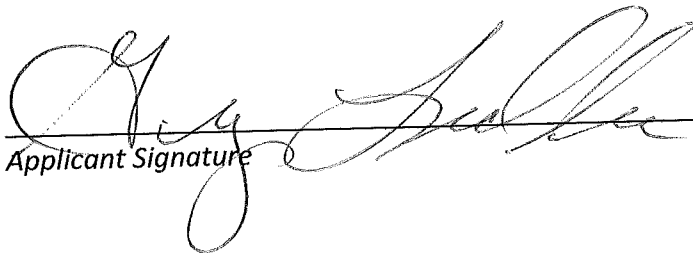
6/16/13 Lya II MBG7-78

| Application Requirements  | Applicant Initials | Staff Initials     |
|---|--------------------|--------------------|
| Pre-submittal meeting   | <i>[Signature]</i> | <i>[Signature]</i> |
| Filing fee  | <i>[Signature]</i> | <i>[Signature]</i> |
| → SITE PLAN or PLOT PLAN, as determined at the pre-submittal meeting. | <i>[Signature]</i> | <i>[Signature]</i> |
| Completed application and responses: ORIGINAL signatures required.    | <i>[Signature]</i> | <i>[Signature]</i> |
| Any additional supporting documents                                   | <i>[Signature]</i> | <i>[Signature]</i> |

Read and sign below:

**General provisions** (reference UDO Sec. 2.06.04 Special Use Permits).

- A. **Additional Conditions:** In granting the Special Use Permit, the Board may designate additional conditions that will, in its opinion, assure that the use in its proposed location will be harmonious with the area in which it is proposed to be located, is within the spirit of this Ordinance and clearly in keeping with the public welfare. All such additional conditions shall be entered into the minutes of the meeting, at which the Special Use Permit is granted, on the Special Use Permit itself and on the approved plans. The Special Use Permit and any other specific conditions shall run with the land and shall be binding on the original applicants, their heirs, successors and assigns.
- B. **Denial:** If the specified board denies a request for a Special Use permit, it shall enter the reasons for its action in the minutes of the meeting at which the action was taken. A letter signed by the Zoning Administrator is mailed to the applicant identifying the reasons for denial.
- C. **Approvals and copies:** Upon approval of the request for a Special Use Permit, a copy of the plan shall be dated and signed by the Zoning Administrator, denoting Town approval. One (1) copy shall be returned to the applicant.
- D. **Appeal of Decision:** Appeal may be taken from the action of the Board of Aldermen in granting or denying a Special Use Permit through Superior Court of Onslow County. Any petition for review shall be filed with the Clerk of Superior Court within 30 days after a decision of the board is filed in the office of the Town Clerk, or after a written copy of the decision is delivered to every aggrieved party who has filed a written request for such copy with the clerk at the time of the hearing of the case, whichever is later. The decision of the authorized board shall be delivered to the aggrieved party either by personal service or by registered mail or certified mail return receipt requested.
- E. **Failure to Comply with Plans or Conditions:** In the event of failure to comply with the plans approved by the Board of Aldermen or with any other conditions imposed upon the Special Use Permit, the permit shall thereupon immediately become void and of no effect. No building permits for further construction or certificates of occupancy under this Special Use Permit shall be issued, and all completed structures shall be regarded as nonconforming uses subject to the provisions of this Ordinance; provided, however, that the Board of Aldermen shall not be prevented from thereafter rezoning said property for its most appropriate use.

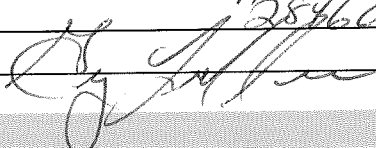
  
Applicant Signature

10-17-2013  
Date

Case # Sup 13-05

| Property Information                       |                                     |
|--|-------------------------------------|
| Site Address: <u>123 Fishing Pier Lane</u> | Parcel #: <u>774F-31</u>            |
| Zoning District(s): <u>B-2</u>             | Plat Book/Page #: <u>67/78</u>      |
| Overlay District(s): <u>OCEAN HAZARD</u>   | Date Plat Filed: <u>9/26/13</u>     |
| Current Use: <u>VACANT MOTEL, INOP</u>     | Deed Book/Page #: <u>4064/46-50</u> |
| Flood Zone: <u>VE</u>                      | Date Deed Recorded: <u>9/26/13</u>  |

Property Owner: The application must either be signed by the property owner or a written, signed statement must be provided by the property owner giving consent to the request.

|   |                                       |
|---|---------------------------------------|
| Name(s): <u>Seaview Fishing Pier LLC</u>  |                                       |
| Contact Person: <u>Greg Ludlum</u>  | Telephone: <u>252-559-0733</u>        |
| Address: <u>P.O. Box 413</u>  | Fax: <u>910-328-3171</u>              |
| City/State/ZIP: <u>Snards Ferry, NC 28460</u>   | Email: <u>FishingPiermar@yaho.com</u> |
| Owner Signature:  | Date: <u>10-17-13</u>                 |

| Applicant  |            |
|--|------------|
| Name(s): <u>Same As Above</u>  |            |
| Contact Person:  | Telephone: |
| Address:   | Fax:       |
| City/State/ZIP:  | Email:     |
| <b>I certify that all of the information presented by me in this application is accurate to the best of my knowledge, information, and belief.</b> |            |
| Applicant Signature  | Date       |

| Agent (if different than applicant) |            |
|-------------------------------------|------------|
| Name:                               |            |
| Contact Person:                     | Telephone: |
| Address:                            | Fax:       |
| City/State/ZIP:                     | Email:     |

Complete and respond to the following with an attachment (suggested) or in the space provided:

Applicant's Name: I, Greg Ludlum, do hereby petition the Town of North Topsail Beach for a SPECIAL USE permit to allow the following:

Reopen Seaview Motel

I. **Findings:** In granting the permit, the Board of Aldermen shall make a written decision that identifies the key facts of the case and applies these facts to the following standards. The Board must find that all of these conditions exist, or the application will be denied.

HL A. The use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare; **Statement by Applicant:**

EXISTING HOTEL IS IN B-2 ZONING DISTRICT. CERTIFICATE OF OCCUPANCY ISSUED 1999.

HL B. The use or development complies with all required regulations and standards of this Ordinance and with all other applicable regulations; **Statement by Applicant:** CERTIFICATE OF

OCCUPANCY ISSUED 1999. MOTEL MUST BE INSPECTED BY FIRE MARSHALL, BUILDING INSPECTOR AND ZONING ADMINISTRATOR. PRIOR TO OPERATION.

HL C. The use or development conforms to the plans for the land use and development of Town of North Topsail Beach as embodied in this Zoning Ordinance and in the Town of North Topsail Beach CAMA Land Use Plan. **Statement by Applicant:** MOTELS ARE ALLOWED BY

SPECIAL USE PERMIT APPROVED BY THE BOARD OF ALDERMEN.



NO 37458



TOWN OF NORTH TOPSAIL BEACH  
2008 Loggerhead Court  
North Topsail Beach, NC 28460  
(910) 328-1349

Date 10/17, 2013

Received of: Sea View Fishing Pier LLC \$ 500.00

For:  SOLID WASTE FEE  ACCOMMODATION TAX  OTHER: SUP

CASH  CHECK #: 199

By: Jennie Wood  
Thank You!

PLEASE KEEP YOUR RECEIPT

SEA VIEW FISHING PIER LLC  
PO BOX 413  
SNEADS FERRY, NC 28460

66-7489/2531 199

DATE 10/17/13 Shield<sup>SM</sup>

PAY TO THE ORDER OF NTB \$ 500.00  
Five hundred dollars +00/100 DOLLARS



MEMO SUP

[Signature] NVP



SPECIALTY BLUE

# TOWN OF NORTH TOPSAIL BEACH, N.C.

Grants

*"Certificate of Occupancy"*

Given to:

SEAVIEW MOTEL

WILLIAM & KAY SMITH

NAME

124 FISHING PIER LANE

ADDRESS

NORTH TOPSAIL BEACH, NC 28460

CITY/STATE

ZIP

*John Staszynski / S.A.*

BUILDING INSPECTOR

*7-22-99*

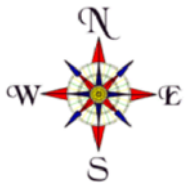
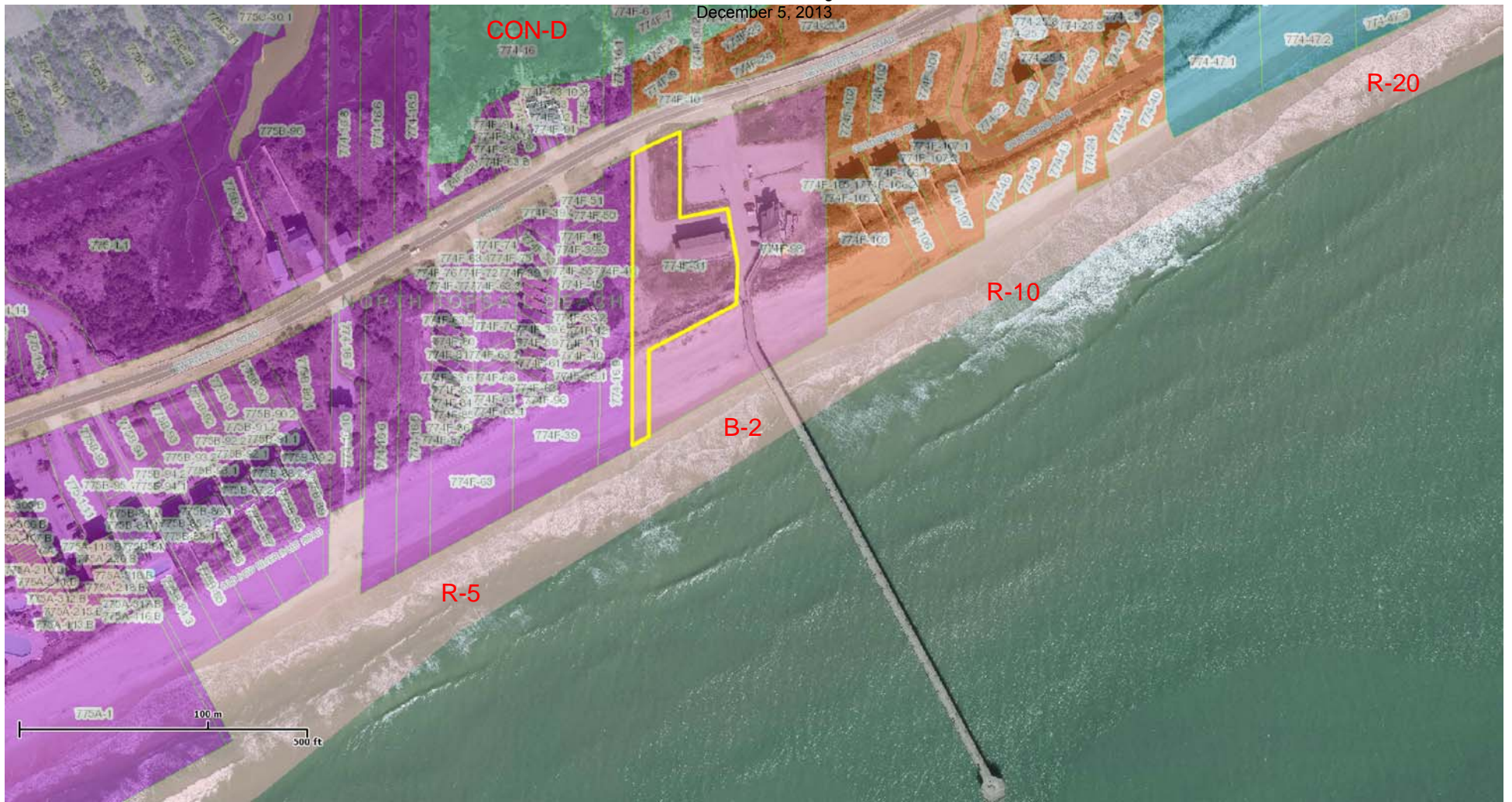
DATE

*Ferri Potts*

*7-14-99*

ZONING OFFICER

*Thomas D. Beach*  
FIRE CHIEF



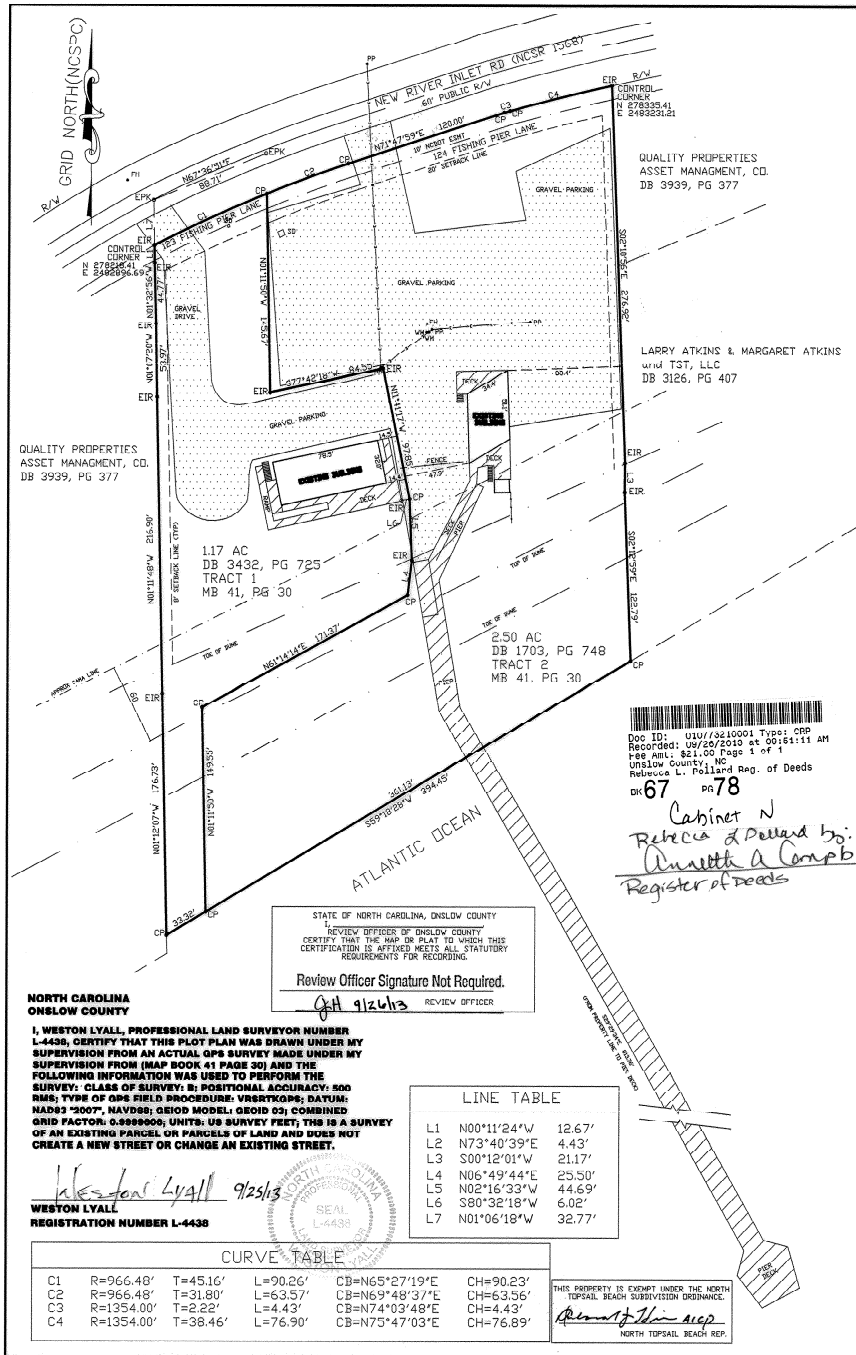
## Seaview Fishing Pier

Disclaimer— Onslow County provides this GIS data as a public service. NO WARRANTY for the availability or accuracy is provided.



Printed: Nov 18, 2013

Attachment A  
Board of Aldermen Meeting Minutes  
December 5, 2013

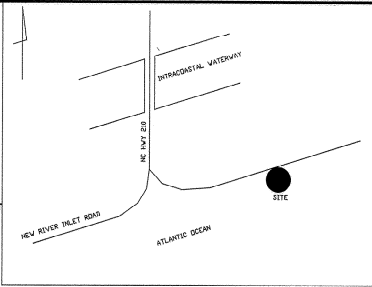


NOTES:

1. THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.
2. THIS PROPERTY IS SUBJECT TO RESTRICTIVE COVENANTS, EASEMENTS OF RECORD, ZONING ORDINANCE, AND UNDERGROUND UTILITIES, IF ANY.
3. NO TITLE SEARCH BY SURVEYOR.
4. AREA BY COORDINATE METHOD.
5. REFERENCE: MB 41, PG 30  
DB 3432, PG 725  
DB 1703, PG 748  
DB 550, PG 247  
DB 732, PG 367
6. THIS SUBJECT PROPERTY IS IN FLOOD HAZARD AREA VE AND CERS LOG 6701163 COMMUNITY PANEL #370466 #E87 J
7. ZONE - B-2 - NORTH TOPSAIL BEACH SETBACKS:  
FRONT - 20'  
SIDE - 8'  
REAR - 10'
8. CAMA LINE SCALED FROM TOP OF DUNE. CAMA LINE TO BE VERIFIED  
*Weston Lyall*

LEGEND:

- 1/2" SET IRON ROD, SIR
- EXISTING IRON ROD, EIR
- EXISTING IRON PIPE, EIP
- P - PINCHED PIPE
- D - PIPE OR ROD DISTURBED
- NO POINT SET
- EP - EDGE OF PAVEMENT
- EPK - EXISTING PK NAIL
- CC - CONTROL CORNER
- SD - STORM DRAIN
- WM - WATER METER
- FH - FIRE HYDRANT
- R/W - RIGHT OF WAY
- R/W - RIGHT OF WAY MONUMENT
- PP - POWER/UTILITY POLE
- CH - CHORD
- OVERHEAD UTILITY LINE
- FENCE



EXCEPTIONS:

- NULS CORRESPONDING TO SCHEDULE B, SECTION 2, EXCEPTIONS FOR CHICAGO TITLE (LUPPANI, LLC, COMMUNITMENT NUMBER 12-19862.V.)
- TRACT 1: ITEMS 1-5 & 8-11 NO RESPONSE REQUIRED BY SURVEYOR  
ITEMS 6 & 7, NOT PLOTTABLE
- TRACT 2: ITEMS 12-17 NO RESPONSE REQUIRED BY SURVEYOR  
ITEM 18: SUBJECT TO 60' CANAL SETBACK  
ITEMS 19-21 NO RESPONSE REQUIRED BY SURVEYOR  
ITEMS 22 & 23 NOT PLOTTABLE  
ITEM 24 & 25 NO RESPONSE REQUIRED BY SURVEYOR

ENCROACHMENTS:

NONE OBSERVED BY SURVEYOR.

SURVEYOR'S CERTIFICATE

1. THE SURVEYOR IS A REGISTERED LICENSED PROFESSIONAL LAND SURVEYOR IN GOOD STANDING IN THE STATE OF NORTH CAROLINA.
2. THIS PLAT OF SURVEY AND THE PROPERTY DESCRIPTION SET FORTH HEREIN ARE TRUE AND CORRECT AND WERE PREPARED FROM AN ACTUAL ON-THE-GROUND SURVEY OF THE REAL PROPERTY(IES) SHOWN HEREON.
3. SUCH SURVEY WAS CONDUCTED BY THE SURVEYOR OR UNDER HIS SUPERVISION.
4. ALL MONUMENTS SHOWN HEREON ACTUALLY EXIST AND THE LOCATION, SIZE AND TYPE OF MATERIAL THEREOF ARE CORRECTLY SHOWN.
5. THE SURVEY SHOWS THE BOUNDARY LINES AND DIMENSIONS AND SQUARE FOOTAGE OF THE LAND INDICATED HEREON AND EACH INDIVIDUAL PARCEL THEREOF INDICATED HEREON.
6. THE SURVEY MEETS OR EXCEEDS THE MINIMUM STANDARD DETAIL REQUIREMENTS FOR LAND TITLE SURVEYS, AS ADOPTED BY THE AMERICAN LAND TITLE ASSOCIATION AND THE NATIONAL SOCIETY OF PROFESSIONAL SURVEYORS.
7. THE LOCATION, SIZE, AND TYPE OF ALL BUILDINGS, STRUCTURES AND OTHER IMPROVEMENTS AND VISIBLE ITEMS ON THE PROPERTY ARE SHOWN ON THE SURVEY, AND ALL ARE LOCATED WITHIN THE BOUNDARIES OF THE PROPERTY AND SET BACK FROM THE PROPERTY LINES THE DISTANCE INDICATED.
8. THE SURVEY CORRECTLY SHOWS ANY LOCATION AND DIMENSION OF ALL ALLEYS, STREETS, ROADS, RIGHTS-OF-WAY, AND EASEMENTS AND OTHER MATTERS OF RECORD AFFECTING THE PROPERTY ACCORDING TO THE LEGAL DESCRIPTION OF SUCH EASEMENTS AND OTHER MATTERS (WITH INSTRUMENT, BOOK AND PAGE NUMBER INDICATED) (B) THE DISTANCE FROM THE NEAREST INTERSECTING STREET OR ROAD; (C) THE RELATIONSHIP OF THE PROPERTY TO ALL CONTIGUOUS REAL ESTATE; AND (D) THE LOCATION AND SIZE OF ALL GAS, ELECTRICAL, WATER, CABLE, SEWER AND STORM RUN-OFF LINES, WIRES AND CABLE CROSSINGS, AND ANCHORS, GUY WIRES AND THE LINES SERVING THE PROPERTY.
9. EXCEPT AS SHOWN ON THIS SURVEY OR THERE ARE NO VISIBLE ENCROACHMENTS, RIGHTS OF WAY, PARTY WALLS OR COMPLETS, OR THERE ARE NO VISIBLE ENCROACHMENTS ON ADJOINING PREMISES, STREETS OR ALLEYS BY ANY OF SAID BUILDINGS, STRUCTURES OR OTHER IMPROVEMENTS, AND THE DISTANCE FROM THE NEAREST INTERSECTING STREET OR ROAD IS SHOWN HEREON; AND (D) THERE ARE NO BUILDING SET BACK LINES OR OTHER FLOOD HAZARD AREA, ACCORDING TO ANY OF THE APPLICABLE CITY/COUNTY MAPS, OR ACCORDING TO THE FLOOD INSURANCE DATE MAPS OR THE FLOOD HAZARD BOUNDARY MAPS ISSUED BY THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, THE FEDERAL INSURANCE ADMINISTRATION OR THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
10. THE PROPERTY IS LOCATED IN A FLOODPLAIN OR OTHER FLOOD HAZARD AREA, ACCORDING TO ANY OF THE APPLICABLE CITY/COUNTY MAPS, OR ACCORDING TO THE FLOOD INSURANCE DATE MAPS OR THE FLOOD HAZARD BOUNDARY MAPS ISSUED BY THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, THE FEDERAL INSURANCE ADMINISTRATION OR THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
11. THE PROPERTY WAS APPLICABLE TO AND FROM THE PUBLIC ROADWAY.
12. THERE ARE APPROXIMATELY 30 GRAVEL PARKING SPACES WITHIN THE PROPERTY.

Doc ID: 0101/0210001 Type: CPP  
Recorded: 09/25/2013 at 09:01:11 AM  
Page No.: 824-00 Page 1 of 1  
Unslow County, NC  
Reference to: Public Land Reg. of Deeds  
67 pg 78

*Cabinet N  
Rebecca & David by:  
Annette A Campbell (att)  
Register of Deeds*

STATE OF NORTH CAROLINA, ONSLOW COUNTY  
I, WESTON LYALL, PROFESSIONAL LAND SURVEYOR NUMBER L-4438, CERTIFY THAT THIS MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.  
Review Officer Signature Not Required.  
*QA 9/26/13* REVIEW OFFICER

**NORTH CAROLINA ONSLOW COUNTY**  
I, WESTON LYALL, PROFESSIONAL LAND SURVEYOR NUMBER L-4438, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL GPS SURVEY MADE UNDER MY SUPERVISION FROM (MAP BOOK #1 PAGE 30) AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY: CLASS OF SURVEY: B; POSITIONAL ACCURACY: 500 RMS; TYPE OF GPS FIELD PROCEDURE: VRS/RTK; DATUM: NAD83; MODEL: LEICA; GRID MODEL: GRS80; COMBINED GRID FACTOR: 0.9999906; UNITS: US SURVEY FEET; THIS IS A SURVEY OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.

LINE TABLE

|    |             |        |
|----|-------------|--------|
| L1 | N00°11'24"W | 12.67' |
| L2 | N73°40'39"E | 4.43'  |
| L3 | S00°12'01"W | 21.17' |
| L4 | N06°49'44"E | 25.50' |
| L5 | N02°16'32"W | 44.69' |
| L6 | S80°32'18"W | 6.02'  |
| L7 | N01°06'18"W | 32.77' |

CURVE TABLE

|    |            |          |          |                |           |
|----|------------|----------|----------|----------------|-----------|
| C1 | R=966.48'  | T=45.16' | L=90.26' | CB=N65°27'19"E | CH=90.23' |
| C2 | R=966.48'  | T=31.80' | L=63.57' | CB=N69°48'37"E | CH=63.56' |
| C3 | R=1354.00' | T=2.22'  | L=4.43'  | CB=N74°03'48"E | CH=4.43'  |
| C4 | R=1354.00' | T=38.46' | L=76.90' | CB=N75°47'03"E | CH=76.89' |

THIS PROPERTY IS COVERED UNDER THE NORTH TOPSAIL BEACH SUBDIVISION ORDINANCE.  
*Remitt The Map*  
NORTH TOPSAIL BEACH REP.

DATE: WESTON L. LYALL, PLS - L-4438  
PROPERTY DESCRIPTION:  
TRACT 1: OWNER'S ASSET RECOVERY IV, LLC  
PAR ID: 035045  
DEED BOOK: 3436, PG 725  
ZONE: B-2 - NORTH TOPSAIL BEACH  
TRACT 2: OWNER SEAVIEW FISHING PIER, LLC  
PAR ID: 036699  
DEED BOOK: 1703, PG 748  
ZONE: B-2 - NORTH TOPSAIL BEACH

ALTA/ACSM LAND TITLE SURVEY:  
**SEAVIEW FISHING PIER, LLC**  
TRACT 1 AND 2 BEING RECORDED IN MAP BOOK #1 PAGE 30  
STUMP SOUND TOWNSHIP  
ONSLOW COUNTY  
NORTH TOPSAIL BEACH, NC  
SCALE: 1" = 60'  
SEPT. 25, 2013

**WESTON LYALL, PE, PLS, PLLC**  
214 HIGHWAY 17 N. SUITE 1  
HOLLY RIDGE, NC 28445  
910-329-9961 FIRM #P-0937

0066778

Attachment A  
Board of Aldermen Meeting Minutes  
December 5, 2013

I, CHARLES FRANCIS RIGGS, PROFESSIONAL LAND SURVEYOR, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN DEED BOOK AS, PAGE SHOWN); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS BROKEN LINES AND DRAWN FROM INFORMATION FOUND IN DEED BOOK AS, PAGE SHOWN; THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS 1:10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 24th DAY OF April, 2001.

*Charles Francis Riggs*  
CHARLES FRANCIS RIGGS, P.L.S. L-2981

I, CHARLES FRANCIS RIGGS, PROFESSIONAL LAND SURVEYOR L-2981, CERTIFY TO ONE OR MORE OF THE FOLLOWING AS INDICATED THUS:

- A. THAT THE SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.
- B. THAT THE SURVEY IS LOCATED IN A PORTION OF A COUNTY OR MUNICIPALITY THAT IS UNREGULATED AS TO AN ORDINANCE THAT REGULATES PARCELS OF LAND.
- C. ANY ONE OF THE FOLLOWING:
  - 1) THAT THE SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET;
  - 2) THAT THE SURVEY IS OF AN EXISTING BUILDING OR OTHER STRUCTURE, OR NATURAL FEATURE, SUCH AS A WATERCOURSE;
  - 3) THAT THE SURVEY IS A CONTROL SURVEY.
- D. THAT THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.
- E. THAT THE INFORMATION AVAILABLE TO THIS SURVEYOR IS INSUFFICIENT TO MAKE A DETERMINATION TO THE BEST OF HIS PROFESSIONAL ABILITY AS TO THE PROVISIONS CONTAINED THROUGH (D) ABOVE.

*Charles Francis Riggs*  
CHARLES FRANCIS RIGGS, PROFESSIONAL LAND SURVEYOR

THIS PROPERTY IS NOT SUBJECT TO THE TOWN OF NORTH TOPSAIL BEACH SUBDIVISION REGULATIONS, AND IS AN EXEMPTION PER ARTICLE V (501 d), TOWN OF NORTH TOPSAIL BEACH SUBDIVISION REGULATIONS, WHICH STATES THE COMBINATION OR RECOMBINATION OF PORTIONS OF PREVIOUSLY SUBDIVIDED AND RECORDED LOTS WHERE THE TOTAL NUMBER OF LOTS IS NOT INCREASED AND THE RESULTANT LOTS ARE EQUAL TO OR EXCEED THE STANDARDS OF THE MUNICIPALITY AS SHOWN IN THIS ORDINANCE.

*Sue McLaughlin*  
NORTH TOPSAIL BEACH SUBDIVISION ADMINISTRATOR DATE

STATE OF NORTH CAROLINA, COUNTY OF ONSLOW

I, *Sandra Guzman* REVIEW OFFICER OF ONSLOW COUNTY CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

*Sandra Guzman* REVIEW OFFICER DATE 4-24-01

STATE OF NORTH CAROLINA, COUNTY OF ONSLOW

FILED FOR REGISTRATION AT 9:05 AM O'CLOCK ON THE 25th DAY OF April, 2001. RECORDED IN MAP

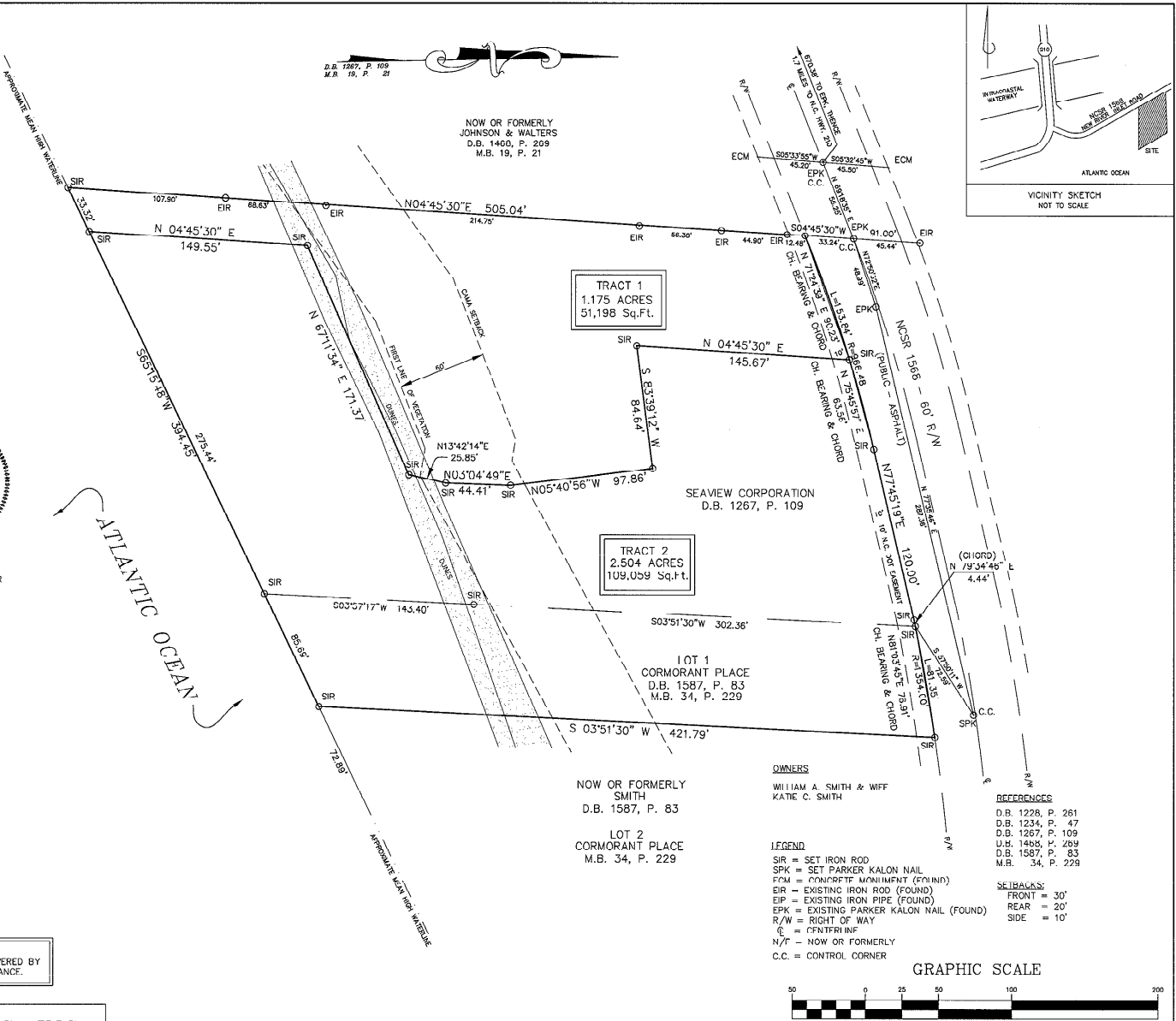
BOOK 41 PAGE 30 SLIDE K-977

*Michael M. Thomas*  
REGISTER OF DEEDS

THIS IS TO CERTIFY THAT THE SUBJECT PROPERTY IS LOCATED IN FLOOD ZONE "VE" (EL=15) WHICH IS A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, COMMUNITY PANEL NUMBER 370495 0003 C MARCH 6, 1995

NOTE  
THIS AREA IS NOT COVERED BY FEDERAL FLOOD INSURANCE.

**CHARLES F. RIGGS & ASSOCIATES, INC.**  
LAND SURVEYING - CONVENTIONAL & GLOBAL POSITIONING SYSTEMS,  
LAND PLANNING & COMPUTER MAPPING  
202 WARLICK STREET  
P.O. BOX 1570  
JACKSONVILLE, N.C. 28541-1570  
TELEPHONE: (910) 455-0877  
FACSIMILE: (910) 455-9033  
E-MAIL: cfr@ncnets.net



- OWNERS**  
WILLIAM A. SMITH & WIFE  
KATIE C. SMITH
- REFERENCES**  
D.B. 1228, P. 281  
D.B. 1234, P. 47  
D.B. 1267, P. 109  
D.B. 1485, P. 289  
D.B. 1587, P. 83  
M.B. 34, P. 229
- LEGEND**  
SIR = SET IRON ROD  
SPK = SET PARKER KALON NAIL  
FOU = CONCRETE MONUMENT (FOUND)  
EIR = EXISTING IRON ROD (FOUND)  
EIP = EXISTING IRON PIPE (FOUND)  
EPK = EXISTING PARKER KALON NAIL (FOUND)  
R/W = RIGHT OF WAY  
C = CENTRIFINE  
N/F = NOW OR FORMERLY  
C.C. = CONTROL CORNER
- SEALINGS**  
FRONT = 30'  
REAR = 20'  
SIDE = 10'



LOT RECOMBINATION FOR  
**WILLIAM A. SMITH & WIFE**  
**KATIE C. SMITH**  
3.679 ACRE TRACT ON N.C.S.R. 1568  
STUMP SOUND TOWNSHIP, ONSLOW COUNTY, NORTH CAROLINA

DATE: APRIL 3, 2001  
DRAWN BY: EDWARD J. REZEL  
FIELD BOOK: 621/IND., PAGE: 16  
CHECKED BY:  
COMPUTER: JAZ #1, WORKSTATION: DRAWINGS/880316E.DWG  
PROJECT NUMBER: 98-03-16

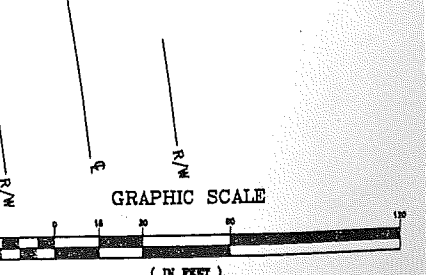
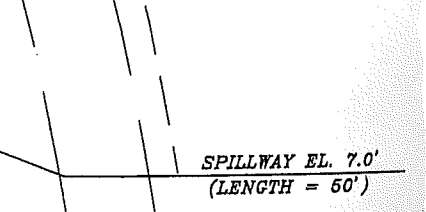
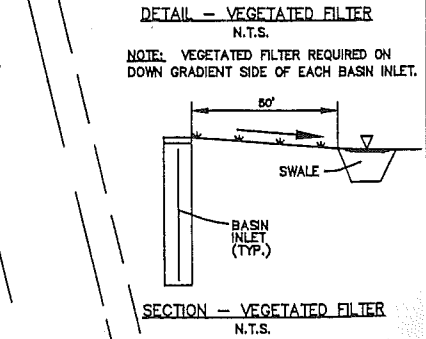
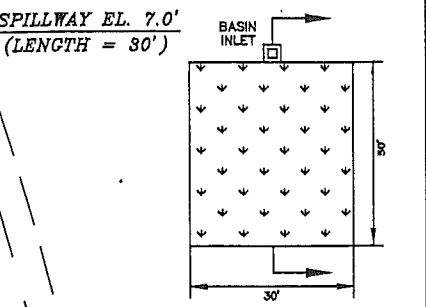
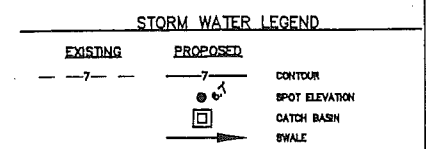
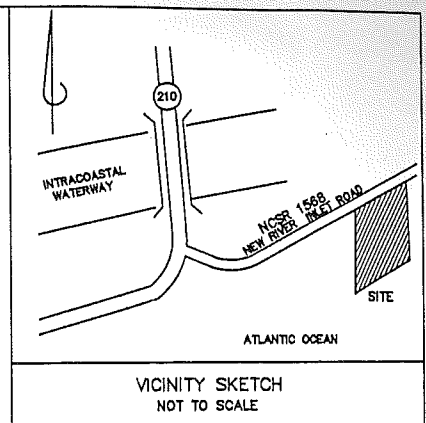


| DRAINAGE AREA NO. | IMPERVIOUS SURFACE (FT <sup>2</sup> ) | LANDSCAPE AREA (FT <sup>2</sup> ) | TOTAL AREA (FT <sup>2</sup> ) |
|-------------------|---------------------------------------|-----------------------------------|-------------------------------|
| 1                 | 28,992                                | 29,886                            | 58,878                        |
| 2                 | 18,185                                | 30,246                            | 48,431                        |

TABLE: DRAINAGE AREA BREAKDOWN

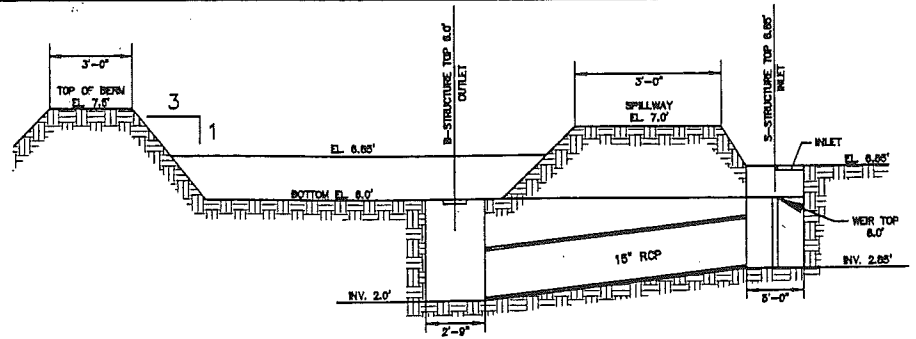
D.B. 1287, P. 10B  
M.B. 18, P. 21

FINAL DRAWING - NOT RELEASED FOR CONSTRUCTION

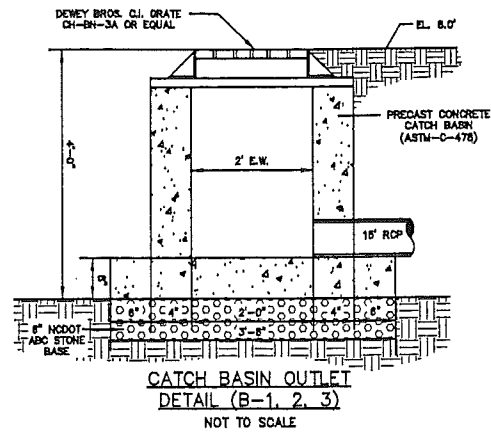


REVISIONS  
WILLIAM A. SMITH & WIFE  
KATIE C. SMITH  
NEW RIVER INLET ROAD  
NORTH TOPSAIL, N.C. 28445  
(910) 328-4188

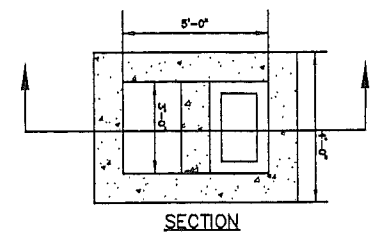
REVISED: MARCH 15, 2002 - BASINS & DRAINAGE AREAS  
JUNE 17, 2002 - BASIN NO. 2  
DRAINAGE AREAS & CONTOURS  
DATE: APRIL 3, 2001  
DRAWN BY: EDWARD J. KECEL  
FIELD BOOK: IND. PAGE: 18  
CHECKED BY:  
COMPUTER: CORNERS-3/PROJ  
PROJECT NUMBER: 98-03-16  
SHEET 3 OF 3



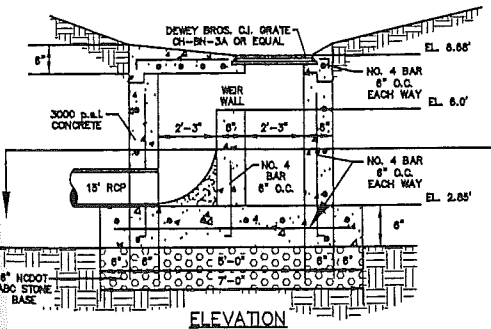
TYPICAL SECTION - INFILTRATION BASIN  
NOT TO SCALE



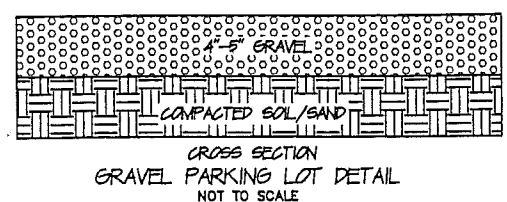
CATCH BASIN OUTLET  
DETAIL (B-1, 2, 3)  
NOT TO SCALE



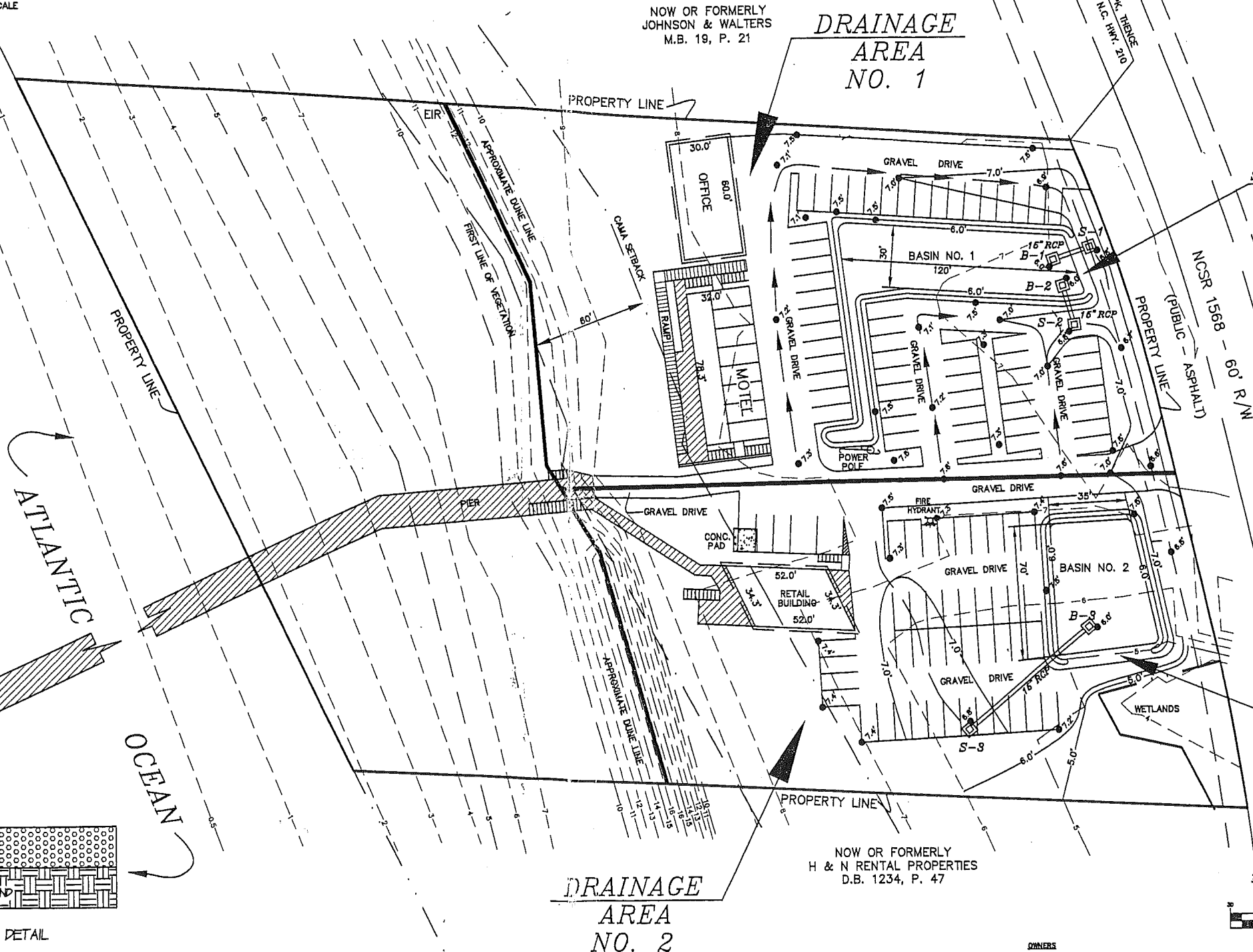
SECTION



ELEVATION  
CATCH BASIN DETAILS (S-1, 2, 3)  
NOT TO SCALE



CROSS SECTION  
GRAVEL PARKING LOT DETAIL  
NOT TO SCALE



DRAINAGE AREA NO. 2

STORM WATER MANAGEMENT PLAN FOR  
SEA VIEW FISHING PIER  
(WILLIAM A. SMITH & WIFE  
KATIE C. SMITH)  
3.998 ACRE TRACT ON N.C.S.R. 156B  
STUMP SOUND TOWNSHIP, ONSLOW COUNTY, NORTH CAROLINA

CHARLES F. RIGGS & ASSOCIATES, INC.  
LAND SURVEYING - CONVENTIONAL & GLOBAL POSITIONING SYSTEMS,  
LAND PLANNING & COMPUTER MAPPING  
202 WARLUCK STREET  
JACKSONVILLE, N.C. 28541-1570  
TELEPHONE: (910) 455-0877  
FACSIMILE: (910) 455-9033  
E-MAIL: rfrogan@cfri.com

STORM WATER MANAGEMENT PLAN BY:  
KEITH P. BULLA, P.E.  
3202 BINFORD COURT  
WILMINGTON, N.C. 28405  
(910) 791-4724

D:\WORK\STATIONING\DRAWINGS\980316SV2.dwg 9-4-02 11:55:55 pm EST

**North Topsail Beach Post-Construction  
Monitoring Report**



**Coastal Planning & Engineering of North Carolina  
December 5, 2013**

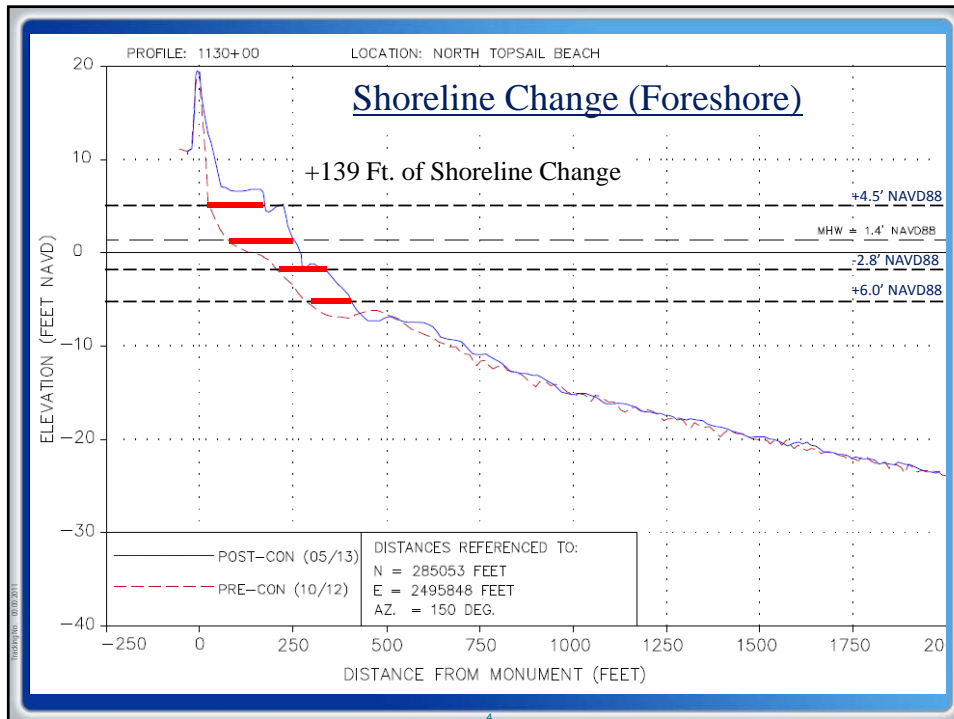
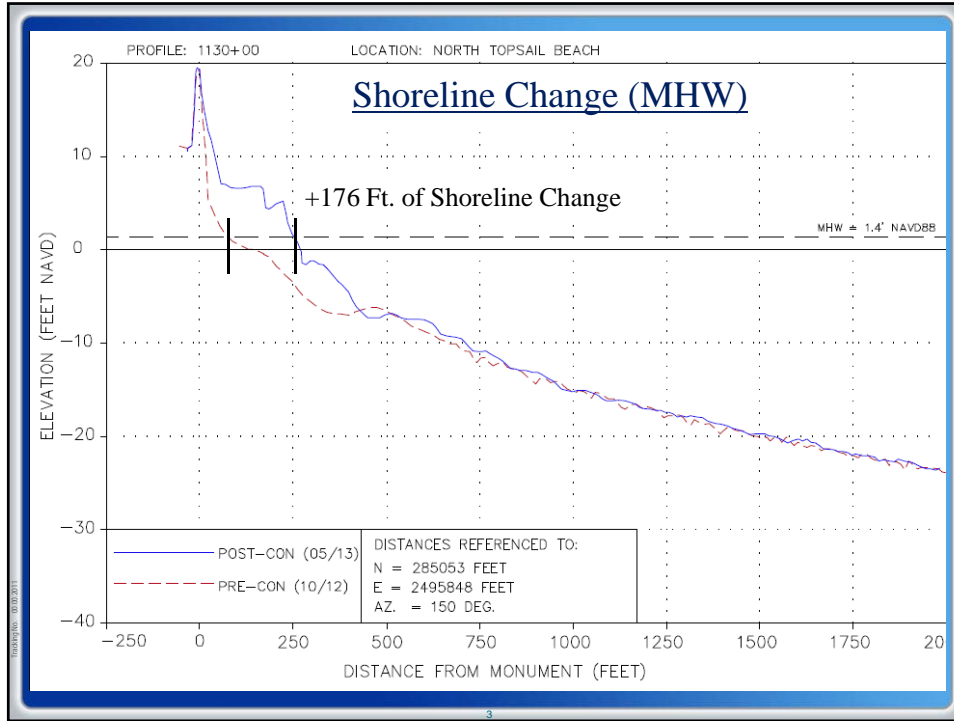
Ken Willson - (kenneth.willson@cbi.com)  
Adam Priest - (adam.priest@cbi.com)

1

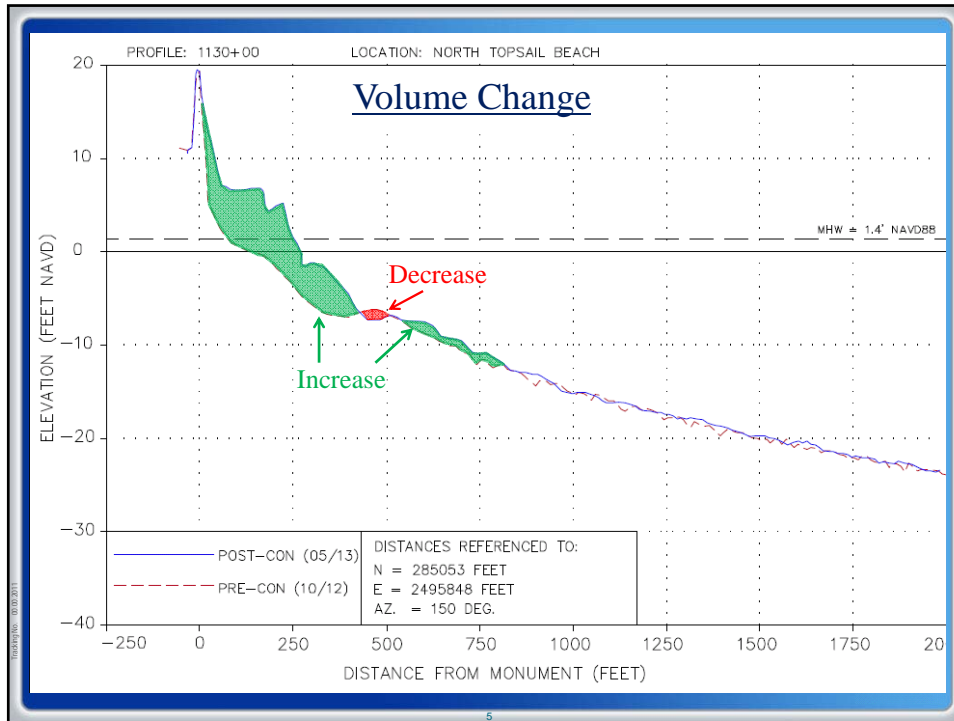
**What is Being Monitored?**

- Beach Fill Performance (Project Area) – Volume Change and Shoreline Change
- Beach Fill Performance (Southern Adjacent Shoreline) – Volume Change and Shoreline Change

2

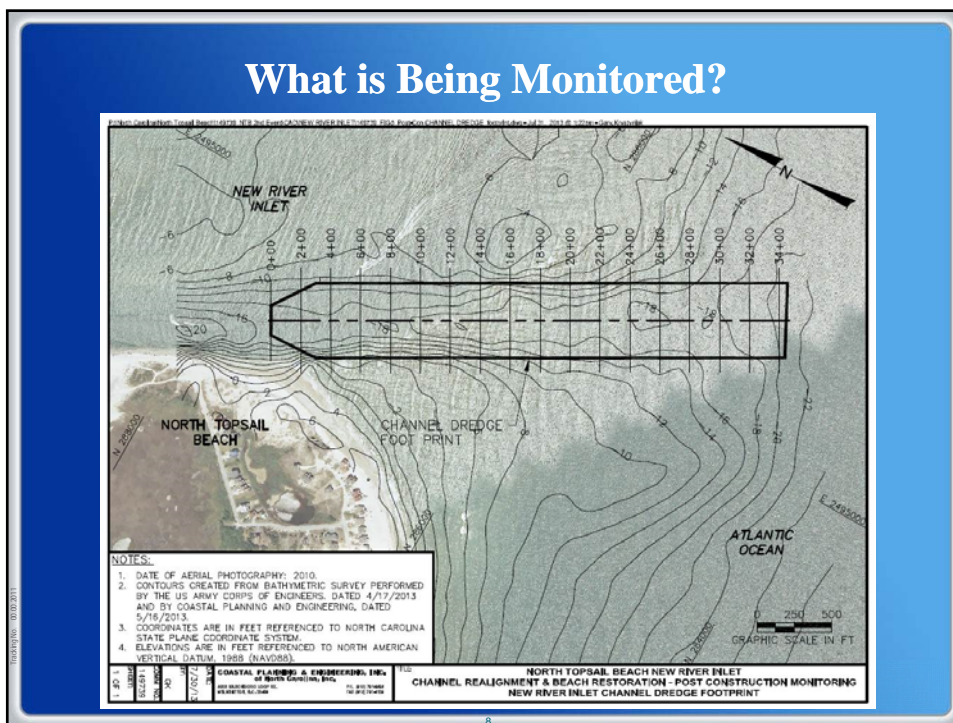
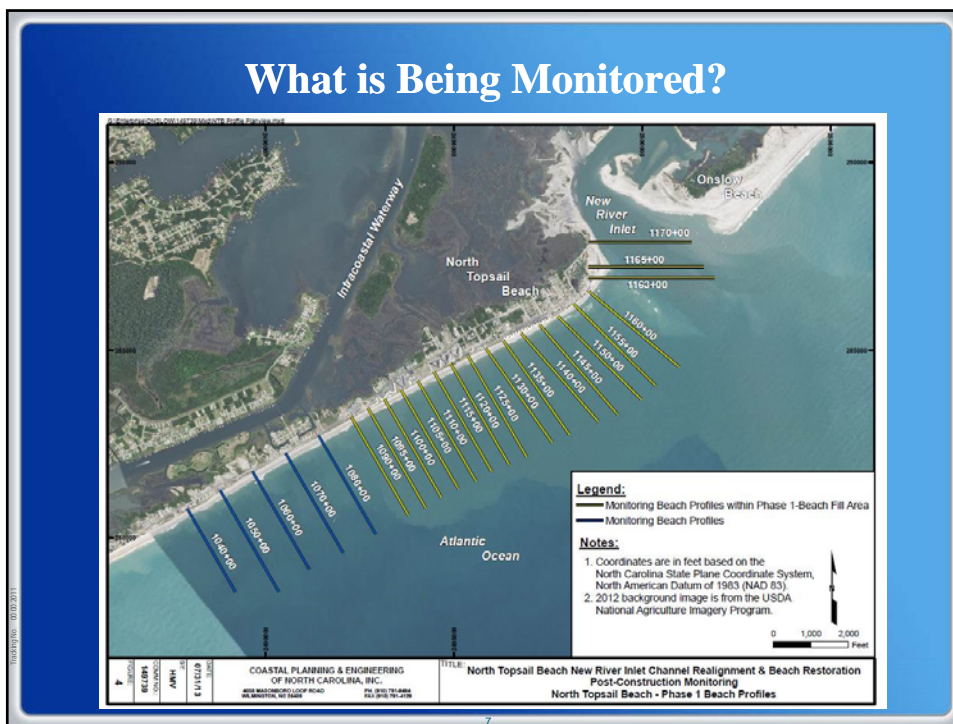






## What is Being Monitored?

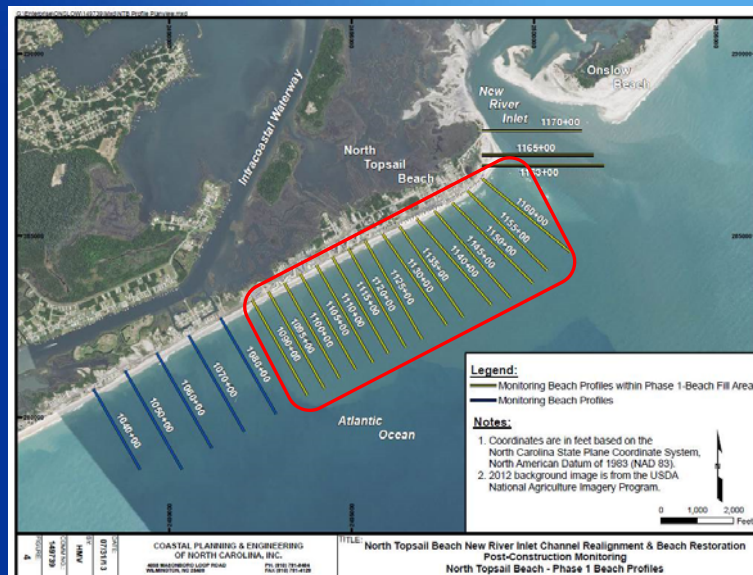
- Beach Fill Performance (Project Area) – Volume Change and Shoreline Change
- Beach Fill Performance (Southern Adjacent Shoreline) – Volume Change and Shoreline Change
- Channel Shoaling – Volume Change
- Onslow Beach Shoreline – Volume Change and Shoreline Change
- Ebb Shoal Reconfiguration – Qualitative Beach Profile and Satellite Imagery Comparisons



## What is Being Monitored?



## Beach Fill Performance (Project Area) – Volume Change and Shoreline Change

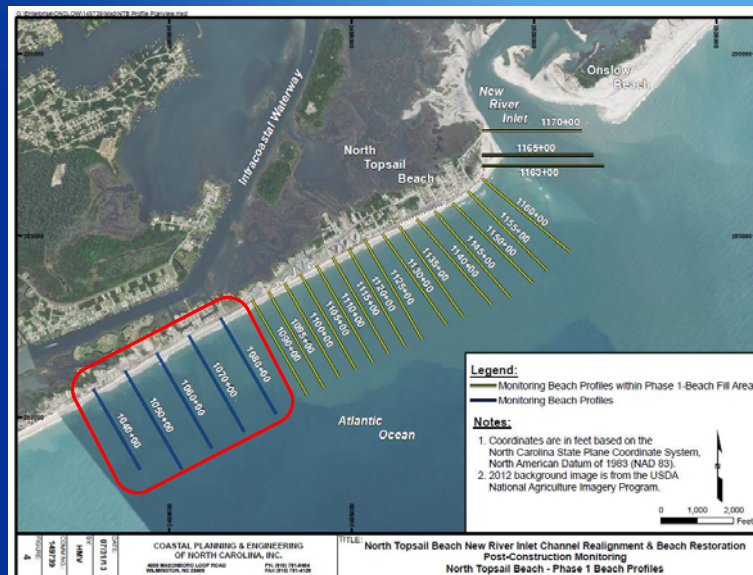


## Beach Fill Performance (Project Area) – Volume Change and Shoreline Change

- Shoreline Change Analysis (MHW Contour) = +154 ft. since June 2012.
- Shoreline Change Analysis (Foreshore Contour) = +121 ft. since June 2012
- Volume Change Analysis = +534,000 cy (Fill Density of +69 cy/lf)

11

## Beach Fill Performance (Southern Adjacent Shoreline) – Volume Change and Shoreline Change



12



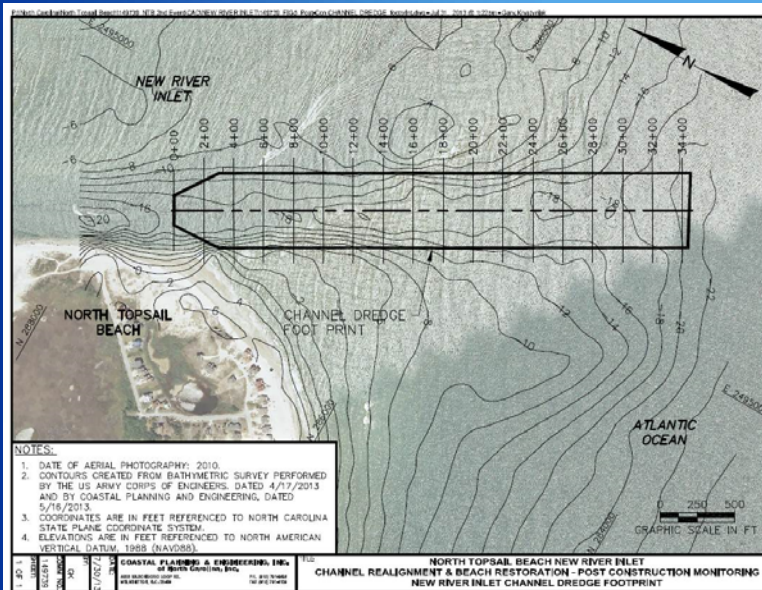
## Beach Fill Performance (Southern Adjacent Shoreline) – Volume Change and Shoreline Change

- Shoreline Change Analysis (MHW Contour) = +5 ft. since June 2012. (Variable ranging from +77 ft. at 1080+00 to -24ft. at 1050+00)
- Shoreline Change Analysis (Foreshore Contour) = -19 ft. since June 2012. (Variable ranging from -2ft. at 1070+00 to -40ft. at 1050+00)
- Volume Change Analysis = +5,000 cy (Stable)

10/10/13 10:00:2011

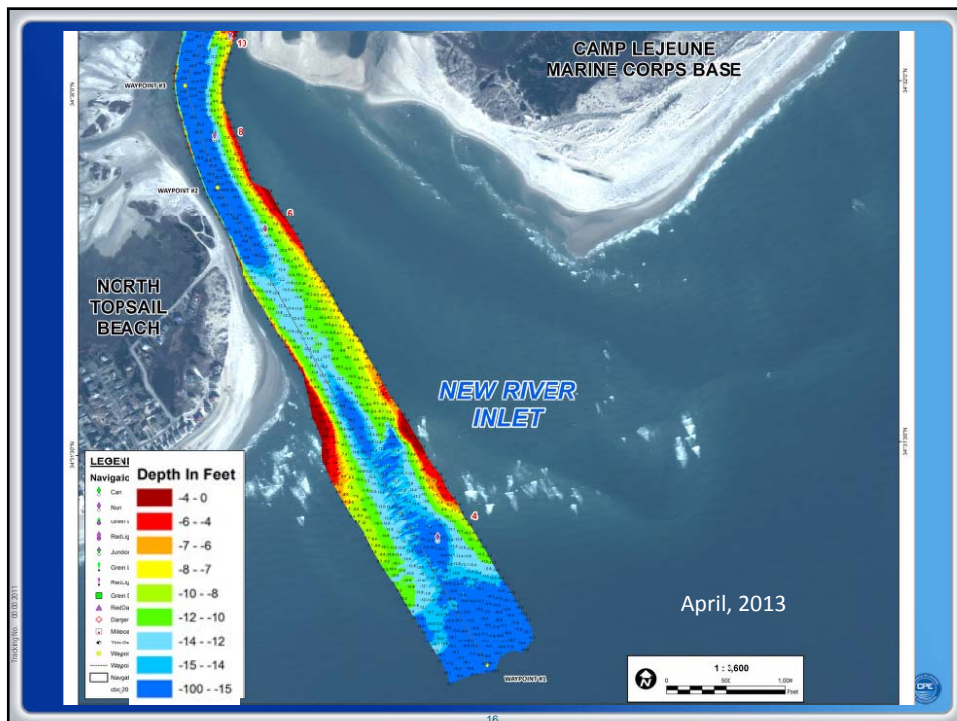
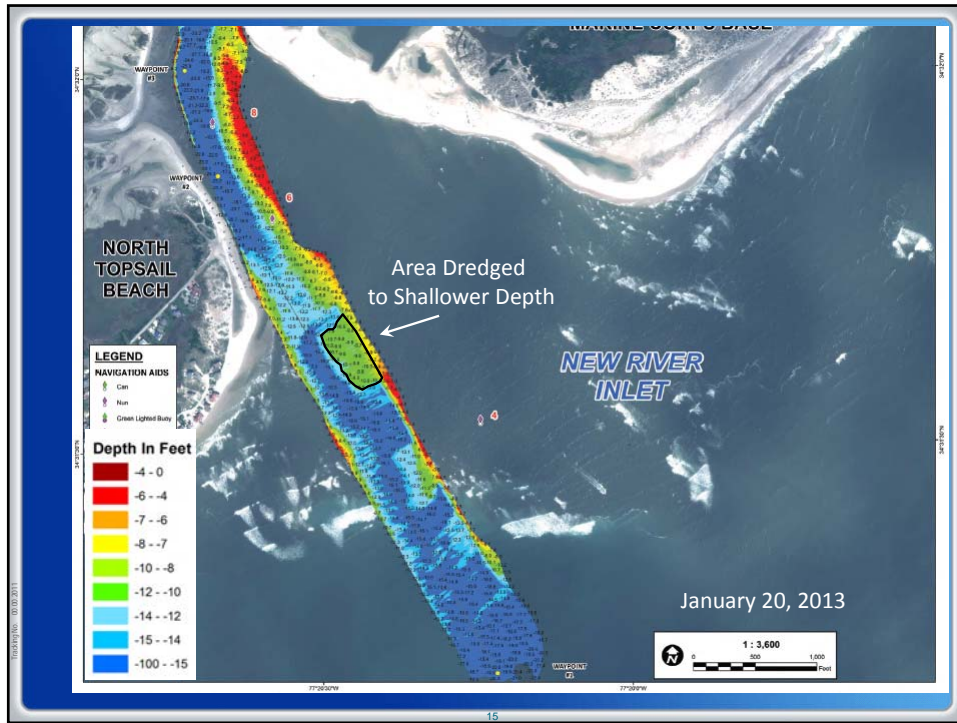
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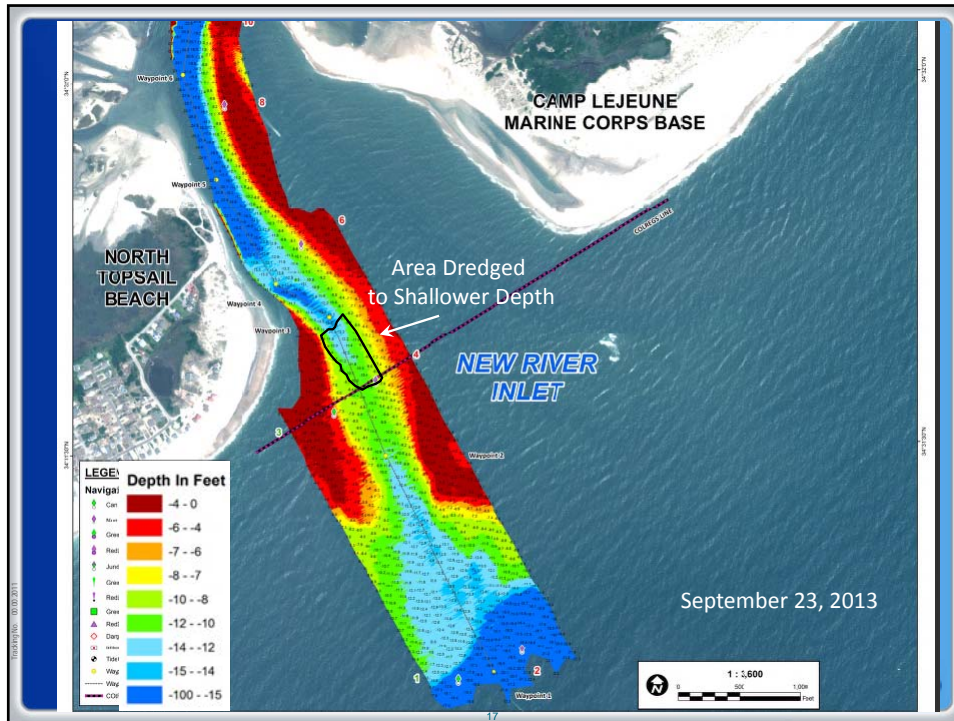
## Channel Shoaling – Volume Change



10/10/13 10:00:2011

14





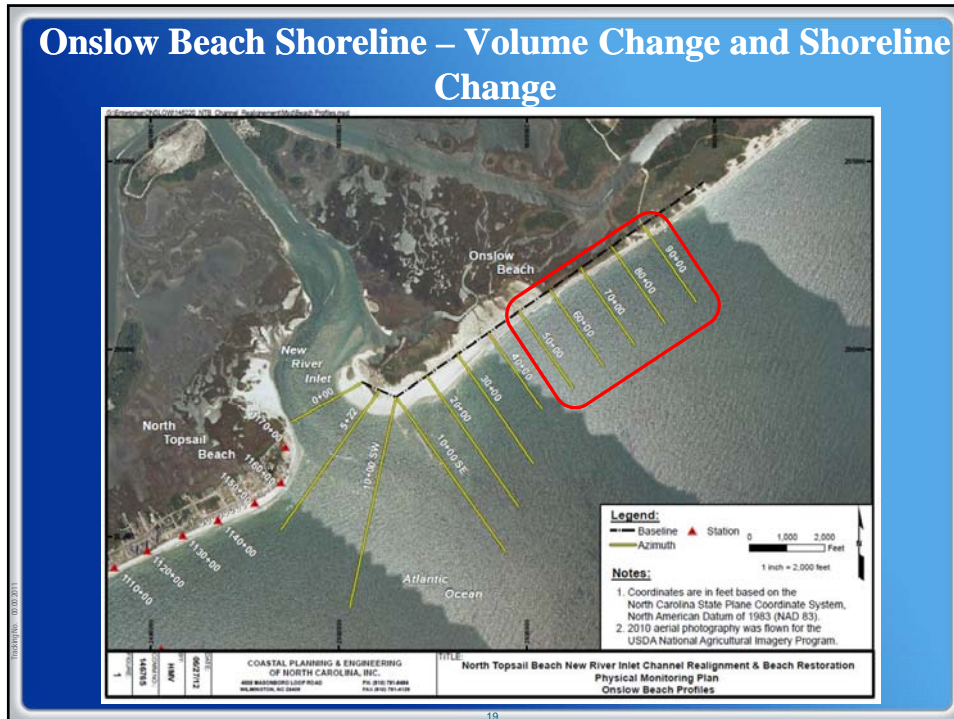
## Channel Shoaling – Volume Change

- January 2013 through April 2013: 129,000 cy of sand shoaled in or 22% of material removed
- January 2013 through September 2013: 288,700 cy of sand shoaled in or 49% of material removed

Shoaling Prediction from 2009 Engineering Report

| Year Following Construction | Shoal Volume (cubic yards) |
|-----------------------------|----------------------------|
| 1                           | 286,000                    |
| 2                           | 171,000                    |
| 3                           | 105,000                    |
| 4                           | 65,000                     |
| 4-year total                | 627,000                    |

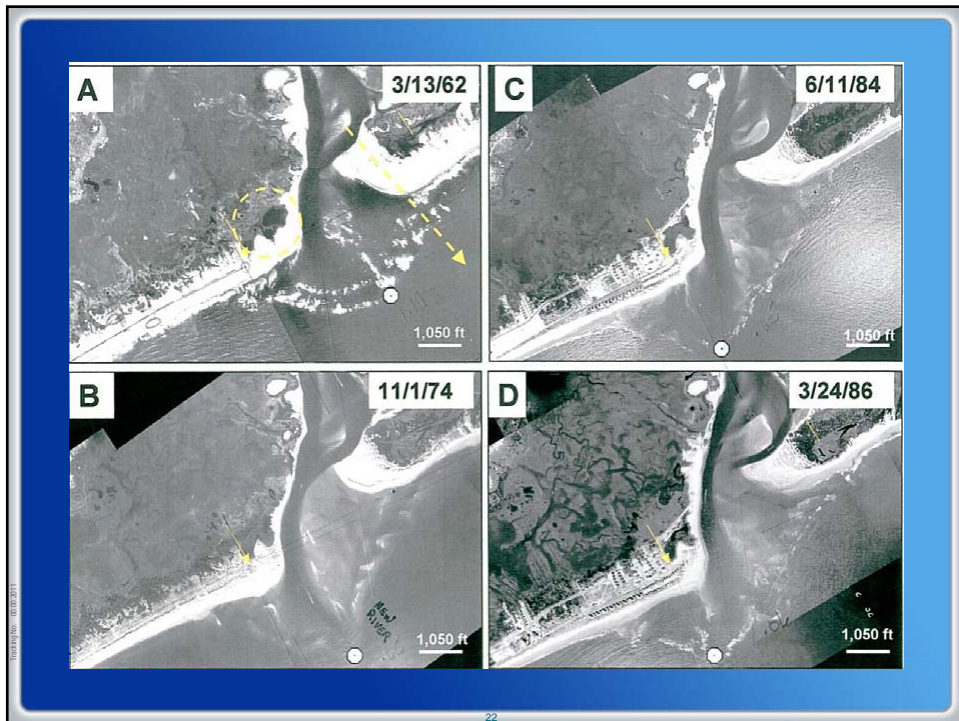
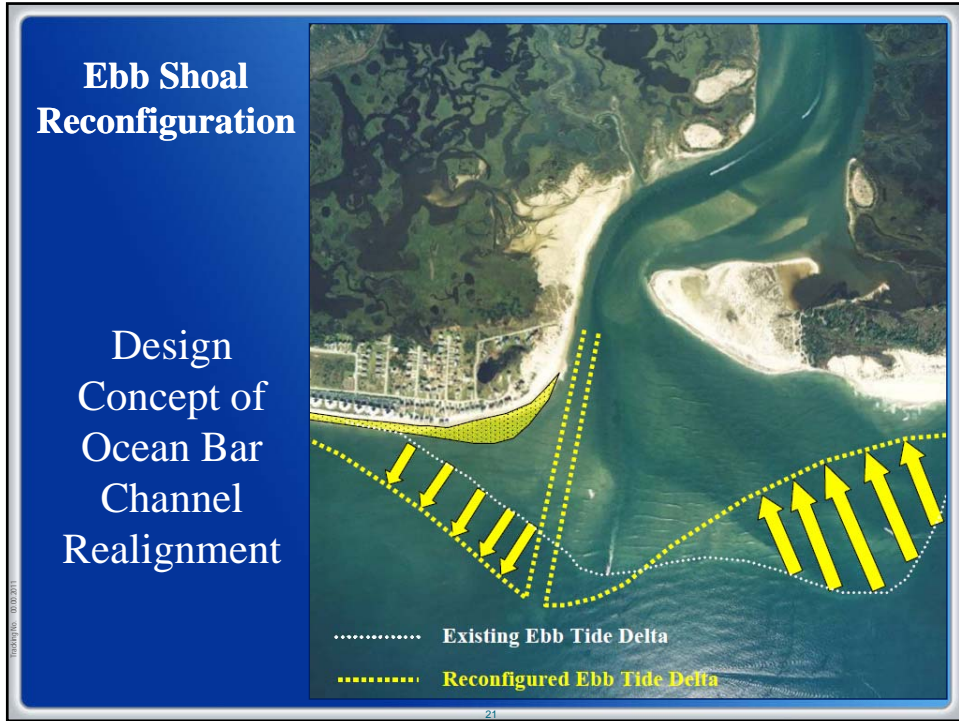


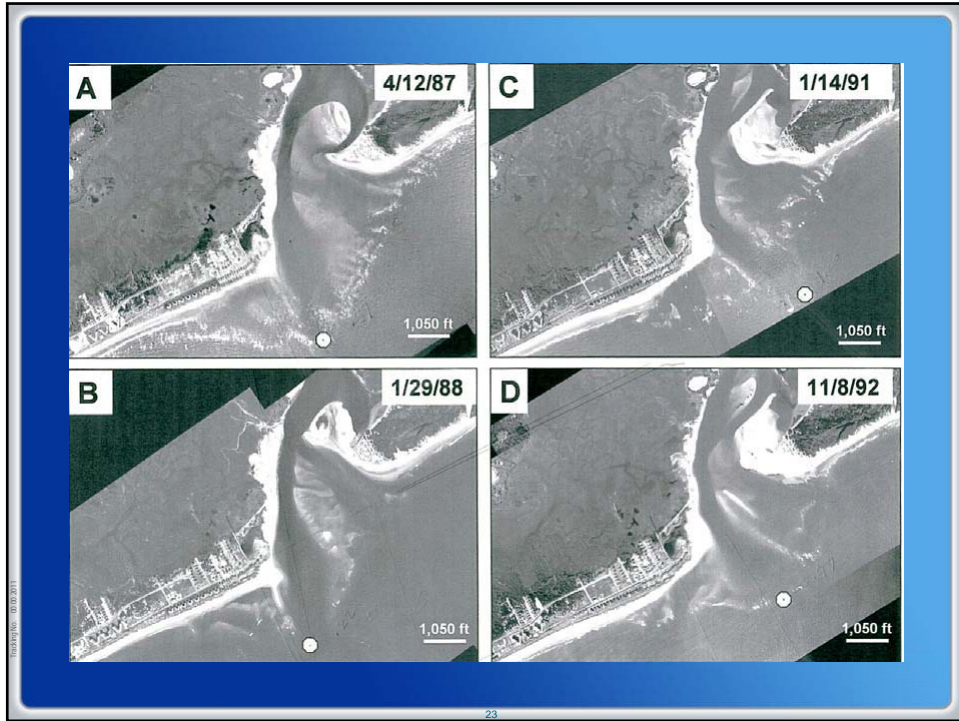


### Onslow Beach Shoreline – Volume Change and Shoreline Change

- Shoreline Change Analysis (MHW Contour):
  - +13 ft. since June 2012
  - Annualized Average: +20 ft./yr
  - Historic Annualized Average (2005- 2012): -12 ft./yr
- Shoreline Change Analysis (Foreshore Contour):
  - +10 ft. since June 2012
  - Annualized Average: +15 ft./yr
  - Historic Annualized Average (2005- 2012): -10 ft./yr
- Volume Change Analysis = +88,000 cy
  - Annualized Average: +22 cy/ft./yr
  - Historic Annualized Average (2005- 2012): -4 cy/ft./yr









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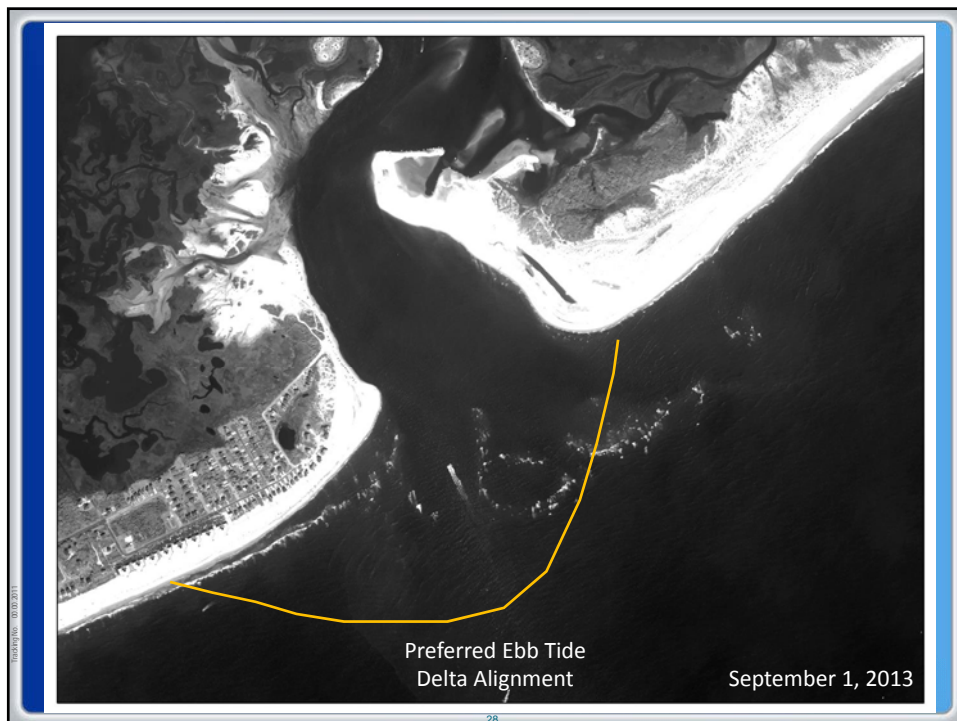


26

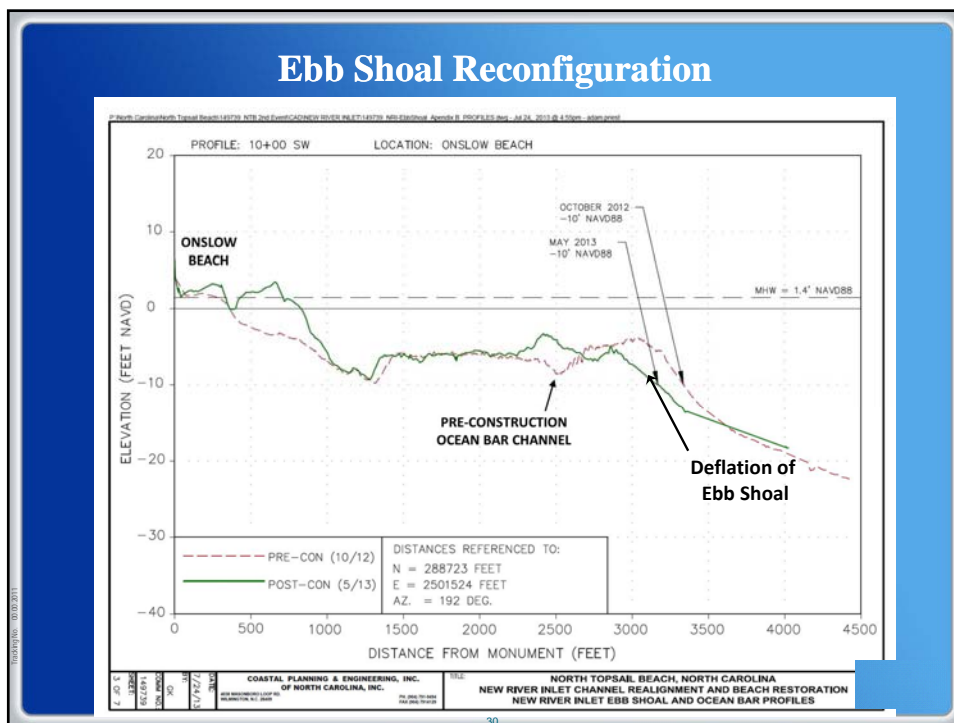
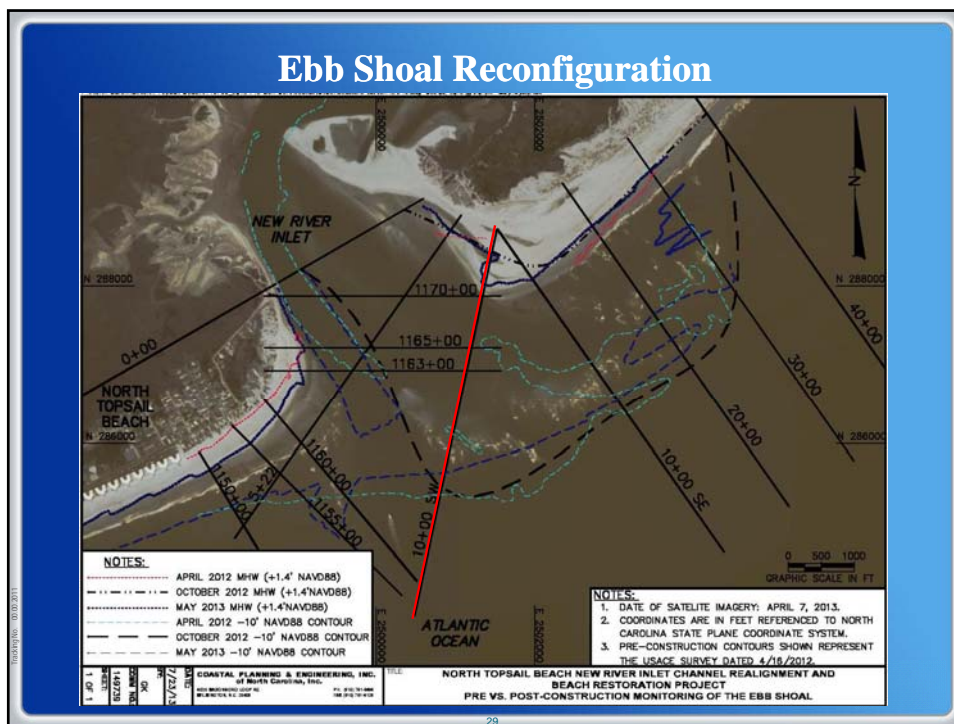


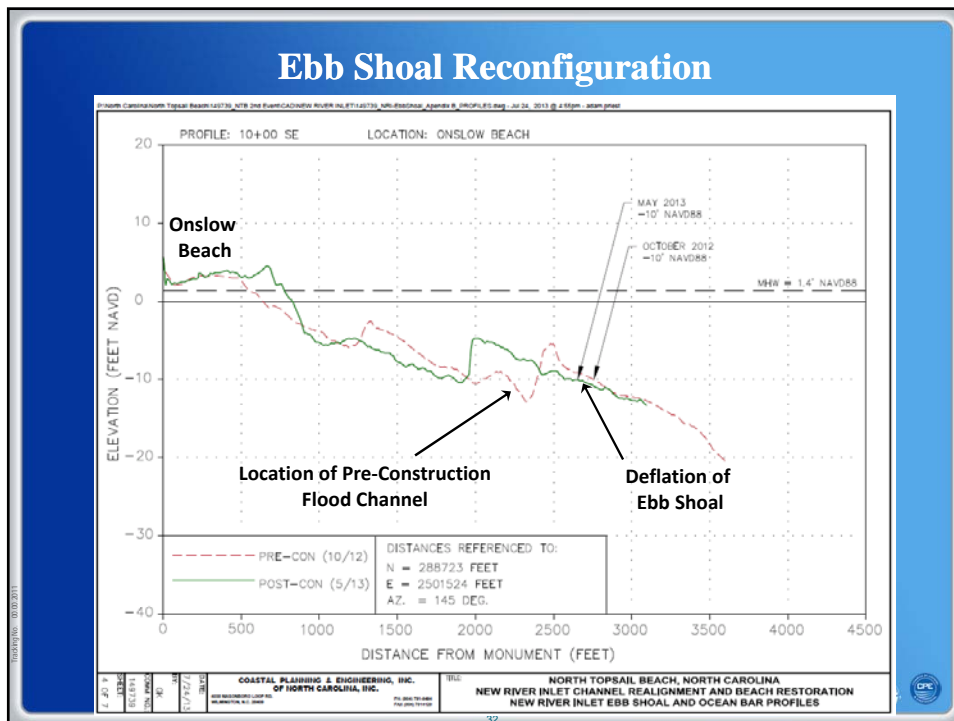
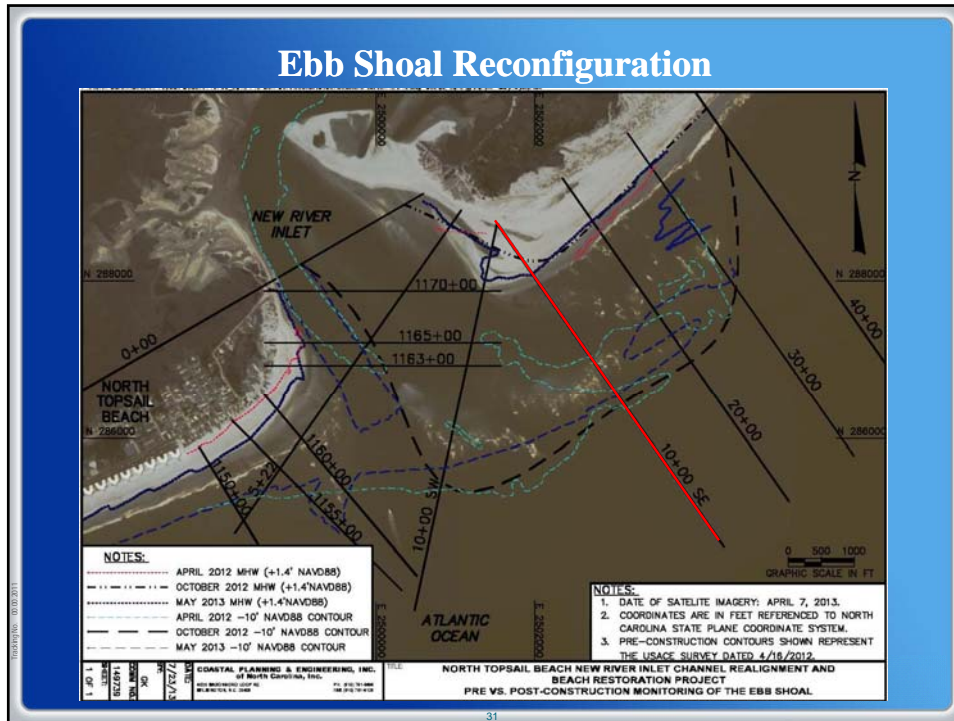


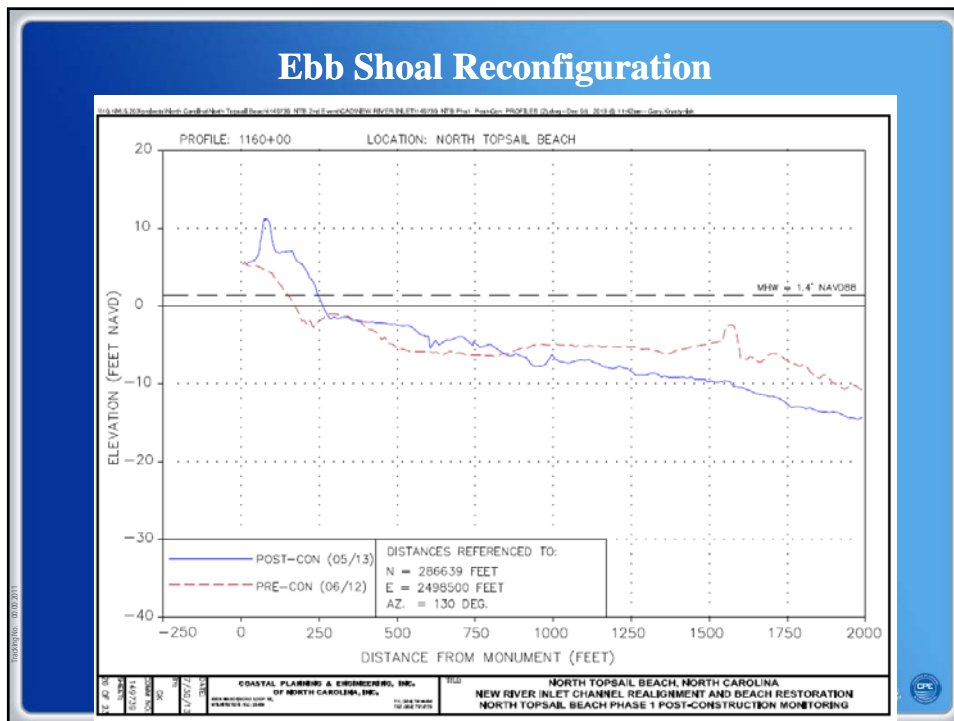
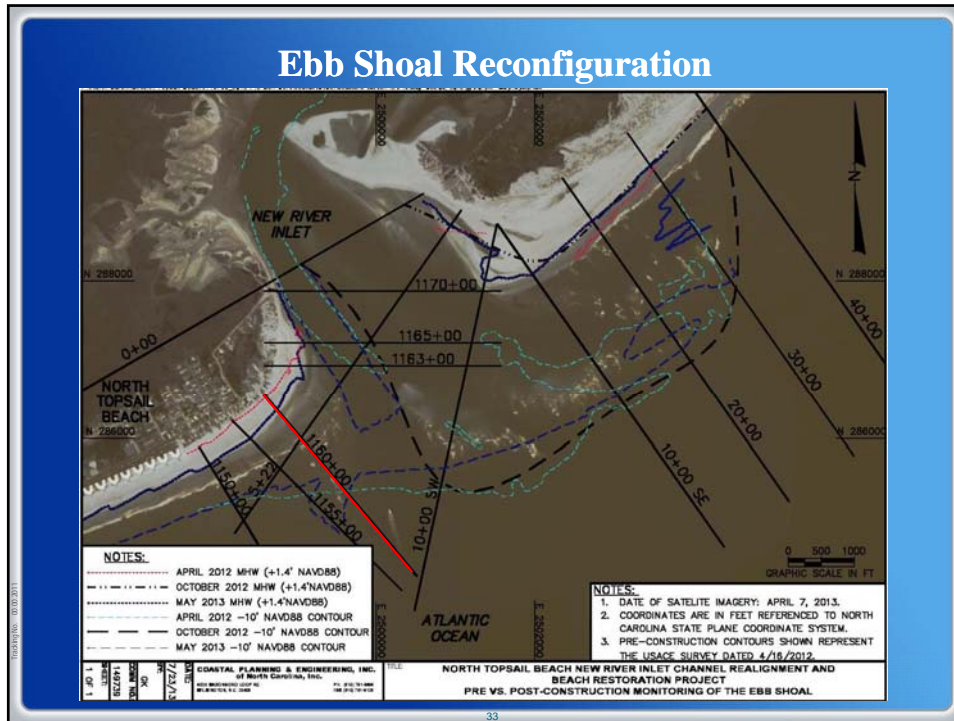
27



28









## Conclusions

- Beach Fill Performance (Project Area): +535,000 cy of material; +154 ft. Shoreline Change (MHW); +121 ft. Shoreline Change (Foreshore) (May, 2013)
- Beach Fill Performance (Southern Adjacent Shoreline) – Generally Stable. Increases in volume within northern 1,000 ft. (May, 2013)
- Channel Shoaling – Approximately 289,000 cy of Shoaling (49%) (September, 2013)
- Onslow Beach Shoreline – +88,000 cy of material, +20 ft. Shoreline Change (MHW); +15 ft. Shoreline Change (Foreshore) (May, 2013)
- Ebb Shoal Reconfiguration – Shoaling in of pre-construction ocean bar channel and flood channels, deflation of the northern lobe of the ocean bar channel; Shoaling of realigned channel (May, 2013)

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## Next Steps

- Next Scheduled Survey – Spring 2014
- Beach Fill Performance: Project Area, Southern Adjacent Shoreline, Onslow Beach
- Channel Shoaling updates (USACE Navigation Surveys)
- Ebb Shoal Reconfiguration: Continued monitoring using profiles and satellite imagery

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