

Town of North Topsail Beach

Daniel Tuman, Mayor
Michael Yawn, Mayor Pro Tem
Aldermen:
Richard Farley
Deborah Lanci
Richard Macartney
Robert Swantek



Steven H. Foster
Town Manager

Carin Z. Faulkner, MPA
Town Clerk

Board of Aldermen Regular Meeting Minutes Thursday, January 6, 2011 6:30 P.M.

PRESENT: Mayor Daniel Tuman, Mayor Pro Tem Michael Yawn, Aldermen Richard Farley, Robert Swantek, Dick Macartney, Deborah Lanci, Town Attorney Brian Edes, Town Manager Steve Foster and Town Clerk Carin Faulkner.

- I. **CALL TO ORDER:** Mayor Tuman called the meeting to order at 6:30 p.m.
- II. **PLEDGE OF ALLEGIANCE:** Mayor Tuman led those present in the Pledge of Allegiance.
- III. **APPROVAL OF AGENDA:**
 - Alderman Swantek made a motion to approve the agenda. He indicated that he would like to remove New Business Item D, Request for Feline Memorial from the agenda. He said that he would like the Town Manager to grant or deny this request. Mayor Pro Tem Yawn seconded the motion.
 - The amended agenda was approved unanimously.
- IV. **PUBLIC HEARINGS/PRESENTATIONS:**
 - B. **Presentation - Certificate of Appreciation – Rogers Bay POA, Inc.:** Mayor Tuman presented a certificate of appreciation to Mr. Ed Cramer, President of Rogers Bay POA in appreciation for the property owners' generous donations to the Toys for Tots program.
 - C. **Presentation - Holiday Decoration Contest Awards:** Alderman Swantek presented a \$50 check to Mr. William Horstmann for winning the Beautification and Recreation Committee's holiday decoration contest. Mr. Barry Huffman also won \$50 for his decorations.
 - D. **Presentation – Underground Power Line Placement:** Mr. Ricky Maready and Thomas Pritchard from Jones Onslow Electric Membership Corporation were present to discuss the placement of underground power lines in the Town. Mr. Pritchard, Chief Utility Engineer and Officer, gave a presentation explaining the policies of JOEMC for installing underground power lines and the costs, repair, replacement and other issues that have to do with installing underground lines. He said that other than money, dune stability and soil stability are main decision

points when considering whether or not to install underground service at North Topsail Beach.

- E. **Presentation** – MoDaC Data Collection: Mr. Tim Cawood of McKim & Creed gave a presentation on their mobile data collection system. He discussed the many uses of this technology and the benefits to the Town should it decide to use their services. The following are some of the uses: before and after comparison of beach profiles, simulated flood images, vegetation and fence lines, elevation surveys, and mapping of existing infrastructure.

V. **MANAGER'S REPORT:**

- A. **Pelican Death Update:** Mr. Foster updated the Board on the pelican deaths. He reported that there is an ongoing investigation with North Carolina Wildlife Resources Commission and U.S. Fish and Wildlife. He indicated that if you have any information on the pelican deaths the investigating officer in charge of this case at this time is N.C. Wildlife Officer Scott Strickland and he can be reached at (910) 650-0838.
- B. **Beach Erosion Permit:** Mr. Foster reported that the planning staff has checked on the status of the Town's major CAMA permit to address beach erosion should the Town suffer from severe beach erosion this winter. The permit is in a current status so if action such as beach sand pushing is necessary the Town will be prepared to commence work as soon as qualifying areas are approved by DCM. He said that areas of the beach with an 18 inch escarpment or greater would qualify.
- C. **Fire Grant Update:** Mr. Foster reported that the Town has made the "first cut" to qualify for funding of a Firefighters Assistance Grant that the Town applied for earlier this year. The total grant is for \$100,000, which the Town hopes to use toward the purchase of 800 MGZ radios for the department.
- D. **CBRA Update:** Mr. Foster reported that the Town is sending a letter to the House Appropriation's Committee members with copies to other agencies requesting that the Congress appropriate enough funding for the USFWS to complete comment evaluations. Also the Town is requesting that the House Committee look at streamlining the process to expedite completion.
- E. **Hazard Mitigation Presentation:** Mr. Foster reported that Landin Holland will provide a Hazard Mitigation Grant presentation to the BOA at the February Board Meeting. This is an opportunity for citizens to apply for Pre-Disaster Mitigation assistance grants to elevate or to relocate structures identified by FEMA as repetitive loss. He reported that eligible activities under the program include retrofitting such as storm shutters, hurricane clips, bracing systems.

F. **Department of Transportation Work:** Mr. Foster reported that he and staff reviewed the work that the DOT (contracted with Barnhill Construction) completed on New River Inlet Road. As to the Boards questions at the last meeting regarding several issues, they are as follows:

1. Finish painting traffic lines- Robert Vause stated that this is part of the contract, and will be done soon.
2. Shoulder Grading- Mr. Vause indicated that DOT would grade the areas Town staff pointed out to him.
3. Why weren't the bridges paved? Mr. Vause stated that due to the weight of the pavement, it would not be possible because it would change the gross weight, and exceed maximum weight allowed.

G. **Bicycle Path Funding:** Mr. Foster reported that staff is currently researching the possibility of grant funding from a variety of sources for the continuation of the bike path. There may be funding from DOT or DCM. Staff will be speaking with DOT and DCM staff in the next two months for possibilities.

H. **FY 2011-12 Proposed Budget Calendar Meeting Schedule:** Mr. Foster attached a proposed budget calendar/meeting schedule to his report for the Board. He asked that they review it.

I. **Toys for Tots & Giving Tree Donations:** Mr. Foster thanked everyone for their donations to Toys for Tots and the Giving Tree. He said that the Town collected approximately \$4,000 this year. He thanked Town Staff for their hard work and in particular Kim Weaver and Terrie Woodle for doing the shopping.

VI. **OPEN FORUM:**

Thomas Leonard of 218 Coastal Drive – Mr. Leonard made comments about the Town's holiday decorations. He suggested that the Town have something besides the snowflakes. He said that the Town needs to find a way to fund the purchase of new decorations.

VII. **CONSENT AGENDA:**

- A. Budget Amendment #5
- B. Appointment of Board Member to Sign Checks (Alderman Robert Swantek)
- C. Approval of Minutes: December 2, 2010
- D. Department Head Reports: Finance, Fire, Inspections, Planning, Police Department
- E. Committee Reports: Planning Board, Board of Adjustment, TISPC, ONWASA (revised for the record), Beautification and Recreation Committee, Government Advocacy Committee

- Alderman Macartney made a motion to approve the Consent Agenda as presented. Mayor Pro Tem Yawn seconded the motion. Alderman Farley indicated that he would like to make a correction to the ONWASA report, that he dated it incorrectly as 1/5 and it should be 1/6.
- The motion passed unanimously.

VIII. **OLD BUSINESS:**

A. **Request for Renewal of Marlowe & Company Contract with TISPC:**

- Alderman Macartney reported that the TISPC discussed the changes provided by Mayor Pro Tem Yawn and they determined that they did not want to change the contract. Therefore the original contract is again before the Board for approval.
- Alderman Macartney made a motion for the North Topsail Beach Board of Aldermen to approve the contract with Marlowe & Company. Alderman Lanci seconded the motion.
- There was discussion of the terms of the contract.
- The motion passed 3 to 2 with Alderman Farley and Mayor Pro Tem Yawn voting against.

IX. **NEW BUSINESS:**

A. **Request to Approve Interlocal Agreement for Federal Project:**

- Alderman Macartney updated the Board on the status of the Federal project and indicated that the Army Corps of Engineers is requesting that the towns of North Topsail Beach and Surf City enter into an interlocal agreement for the design phase of this project.
- There was discussion on the Town's financial obligation.
- Alderman Macartney moved that the Board of Aldermen approve the Interlocal Agreement between Surf City and North Topsail Beach regarding our Federal project so that the Town can contract with the Wilmington District Army Corps of Engineers. Alderman Lanci seconded the motion.
- Attorney Edes advised the Board on some items in the contract that could be more specific. The Board did not make any changes.
- There was further discussion on the Town's obligation.
- The motion passed 4 to 1 with Alderman Farley voting against.

B. **Request to Approve Agreement for Interlocal Undertaking (Resolution 2011-1):**

- Alderman Macartney introduced the resolution.
- Alderman Macartney moved that the Board of Aldermen adopt Resolution 2011-1 – Agreement for Interlocal Undertaking. Alderman Lanci seconded the motion.

- There was discussion.
- Mayor Pro Tem Yawn pointed out that the funds left over from last year should have been distributed to the towns (including NTB) that contributed to the fund as specified in the previous resolution adopted by the NTB Board.
- The motion passed 4 to 1 with Alderman Farley voting against.

C. Request to Approve Financial Support for Save our Sand:

- Mayor Tuman indicated that Save Our Sand has requested additional funds to continue to lobby for terminal groins in the state legislature. He entertained a motion for the Town to contribute \$5,000 if NCBIWA specifically asks NTB for more funds.
- Alderman Swantek made a motion to deny the request for funding of Save Our Sand. Mayor Pro Tem Yawn seconded the motion.
- There was discussion.
- The motion passed unanimously.

X. OPEN FORUM:

Donald Martin of 207 Oyster Lane: Mr. Martin said that he met with the speaker of the NC House of Representatives and he promised that he will pass terminal groins in the House. He added that Phil Shepherd and Carolyn Justice will also support terminal groins.

Thomas Leonard of 218 Coastal Drive: Mr. Leonard commented on the Board's decision to take the invocation off of the regular board meeting agenda. He was not in support of this decision and requested that the Board consider looking at it again.

XI. ATTORNEY'S REPORT: Mr. Edes wished everyone a happy new year. He commended Mr. Foster, the Town Clerk, and Ms. Hill for their participation in the monthly legal review meetings. He said he feels that they are working well and are keeping the Town and Town Staff apprised of potential problems.

XII. MAYOR'S REPORT: Mayor Tuman wished everyone a happy new year. He reminded everyone that the new meeting time is 6:30 p.m. He said that looking ahead he wants to make the Town meetings worthwhile and to the benefit of the Town and the citizens and not just the people who sit at this table. He is looking forward to a more efficient and more productive and prosperous new year.

XIII. ALDERMEN'S REPORT:

Alderman Lanci: Ms. Lanci wished everyone a happy new year. She said that she feels that the meetings are more efficient and that the Town did a good job bringing Steve aboard and hopes that the Town keeps the same momentum as 2010.

Alderman Macartney: Mr. Macartney echoed Ms. Lanci’s comments and indicated that the Town is half way through the fiscal year and that the funds look good. He said that the Town Manager, Staff and Town Attorney did a wonderful job last year.

Mayor Pro Tem Yawn: Mr. Yawn wished everyone a happy new year. He said that he thinks things are going well. He said that he supports the request for the feline memorial and he hopes that the Town Manager will support it. He said he is glad to see hazard mitigation on the agenda for next month.

Alderman Swantek: Mr. Swantek answered the comments Mr. Leonard had on the snowflakes and agreed that improvements need to be made. He said that the problem is finding funding for them. He said that beautification and recreation committee is also working on getting flags for the Town.

Alderman Farley: Mr. Farley commented on the letters to the editor concerning ONWASA’s mandatory connection policy and indicated that that this policy has already been in place and that there was a three year grace period. He said that ONWASA is not in financial trouble.

Mayor Tuman concluded this part of the meeting by indicating that there are a number of vacancies on the town boards and committees.

- XIV. **CLOSED SESSION:** Per N.C.G.S. 143-318.11 Closed Sessions (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 Lanci made a motion to go into closed session to discuss personnel. Mayor Pro Tem Yawn seconded the motion. The motion passed unanimously.

- XV. **ADJOURNMENT:** Alderman Macartney made a motion to adjourn. Alderman Lanci seconded the motion. The motion passed unanimously. The meeting adjourned at 8:53 p.m.

APPROVED:

Daniel Tuman, Mayor

ATTEST:

Carin Z. Faulkner, Town Clerk

Town of North Topsail Beach

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Aldermen:
Richard Farley
Deborah Lanci
Richard Macartney
Robert Swantek



Steven H. Foster
Town Manager

Carin Z. Faulkner, MPA
Town Clerk

Board of Aldermen Regular Meeting Minutes Thursday, February 3, 2011 6:30 P.M.

PRESENT: Mayor Daniel Tuman, Mayor Pro Tem Michael Yawn, Aldermen Richard Farley, Robert Swantek, Dick Macartney, Deborah Lanci, Town Attorney Brian Edes, Town Manager Steve Foster and Town Clerk Carin Faulkner.

- I. **CALL TO ORDER:** Mayor Tuman called the meeting to order at 6:30 p.m.
- II. **PLEDGE OF ALLEGIANCE:** Mayor Tuman led those present in the Pledge of Allegiance.
- III. **APPROVAL OF AGENDA:**
 - Alderman Macartney made a motion to approve agenda as presented. Mayor Pro Tem Yawn seconded. The agenda was approved unanimously.
- IV. **PUBLIC HEARINGS/PRESENTATIONS:**
 - A. **Presentation - Hazard Mitigation Grant, Landin Holland of Holland and Associates:** Mr. Holland gave a presentation on grant funding that is available from North Carolina Emergency Management and FEMA for private homeowners to elevate their homes. Mr. Holland's firm will do the outreach needed to identify properties that would be eligible for the grant and then help the homeowners apply. There would be no cost to the Town. Mr. Holland requested the Board's permission to begin an outreach program. No action was taken.
- V. **MANAGER'S REPORT:**
 - A. **Local Project Beach Permit:** Mr. Foster reported that he checked with Mickey Suggs, USACE permitting officer, he said that his supervisor was currently reviewing the conditions that will be placed on the permit, and that the final conditions after the review will be sent to the Town for their comment and review, and to see if the Town agrees with the project's conditions.
 - B. **Onslow County Elected Official's Meeting:** Mr. Foster reported that he and Alderman Robert Swantek attended the Onslow County Elected Officials Meeting in Jacksonville on Wednesday January 26th. Representatives of the NCDOT made

a presentation on the status of a variety of capital road projects in the area. They estimated that no major improvements may be possible for the next 6 or 7 years. The estimated costs for the improvements to a section of Highway 210 would be \$34 million. As to resurfacing of Highway 210, it was undetermined, but District Engineer Robert Vause was going to research the date and the costs and relay that on to the Town.

- C. **Four Town Meeting:** Mr. Foster reported that the Four Town Meeting was held on January 20th at the Surf City Welcome Center. Senator Bill Rabon the 13th District State Senator spoke at the event. He spoke mostly on the State budget shortfall of \$3.7 Billion, and what the State General Assembly was planning to do to mediate the shortfall.
- D. **Rental Agent Meeting:** Mr. Foster reported that Town Staff met with rental agency representatives from several of the leading real estate seasonal rental companies on January 26th at the Town Hall to discuss the upcoming summer rental season and to discuss topics of mutual interest in several areas to include options to improve solid waste services. He reported that the police department made a presentation at the meeting and they have created a flyer that includes many of the Town ordinances having to do with the beach such as the use of fireworks, fires on the beach, and digging holes.
- E. **2011 Coastal Local Governments Annual Meeting:** Mr. Foster reported that Monday & Tuesday, March 28th & 29th will be the dates for the 2011 Coastal Local Governments Annual Meeting, presented by NCBIWA on behalf of its many coastal local government members and associates. The meeting will take place at the NC Aquarium at Pine Knoll Shores beginning at 10:00 a.m. on Monday.
- F. **FY 2010/11 Health Insurance Update:** Mr. Foster reported that Town Staff has been in contact with our health insurance broker in regard to a projection on employee health insurance costs for the coming year, since this is one to largest operating costs that the Town faces each budget cycle. They report that they will not be able to analyze costs until April since that is when information on the Town's experience history would be available. The Town asked that they contact us as soon as possible for our budget deliberation.
- G. **Landscaping Contract:** Mr. Foster reported that the Board will be awarding the contract in March.
- H. **Fire Grant:** Mr. Foster reported that the Town should be hearing about the grant tomorrow and that it looks good.

VI. **OPEN FORUM:**

No one came forward.

VII. **CONSENT AGENDA:**

- A. Request to Approve Tax Refund
- ~~B. Budget Amendment #6~~
- C. Request to Adopt Resolution Designating Official to Sign Papers and to Otherwise Represent the Board in Connections with Mosquito Control
- D. Request to Open Asset Accounts for Police Department
- E. Request to Approve Annual Agreement with Southern Software
- F. Approval of Minutes: January 6, 2011
- G. Department Head Reports: Finance, Fire, Inspections, ~~Planning~~, Police Department
- H. Committee Reports: Planning Board, Board of Adjustment, TISPC, ONWASA, Beautification and Recreation Committee, Government Advocacy Committee
 - Alderman Macartney made a motion to remove item B and the Planning Board report from the consent agenda and move into new business and to approve the remainder of the agenda.
 - The motion passed unanimously.

VIII. **OLD BUSINESS:**

- A. **Appointment/Reappointment of NTB Board Member to ECC Board:**
 - Ms. Faulkner introduced the item. Ms. Faulkner stated that the ECC director, Mr. Moolenaar indicated in the appointment letter that ECC would like the Town to appoint someone who is in the private sector.
 - Mayor Pro Tem Yawn made a motion to appoint Alderman Dick Macartney to the ECC Board. Alderman Lanci seconded the motion.
 - The motion passed unanimously.

IX. **NEW BUSINESS:**

- A. **Request to Adopt Resolution 2011-3 – Resolution Opposing Property Insurance Rate Increase:**
 - Mayor Tuman introduced this item and read the last statement of the resolution. It reads as follows:
“**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Town of North Topsail Beach Board of Aldermen request that N.C. Insurance Commissioner Wayne Goodwin deny any request made by the North Carolina Rate Bureau to increase insurance rates for coastal properties.”
 - Alderman Swantek made a motion to adopt Resolution 2011-3, Resolution Opposing Property Insurance Rate Increase, as written. Alderman Lanci seconded the motion.
 - There was discussion.

- Alderman Lanci suggested that the Town have Kathleen Riely come and discuss this issue possibly at our Four Town meeting.
- The motion passed unanimously.

B. Budget Amendment # 6:

- Alderman Macartney said that he pulled this item off of the agenda because this is a payment of \$32,000 the Town has to make for past employees that the Town had to pay unemployment for. He asked the Town Manager how the Town got into this situation.
- Mr. Foster explained that the Town is a reimbursable employer. The Town must pay back the claims directly. The Town does not get notification until the last of the claims are used up. He said this seems to limit the employer's ability to appeal the claims. He said that non-reimbursable employers deposit 1.21% of payroll every quarter.
- There was discussion.
- Mr. Foster said that the Town has the option of being a quarterly payer (non-reimbursable employer).
- Mr. Edes said that it is illegal to contract away your right to receive unemployment benefits.
- Mayor Pro Tem Yawn said that it sounds like the Town may end up paying more out if it is a non-reimbursable employer and that the Town should appeal all that they can.
- Alderman Macartney moved that the Board of Aldermen approve Budget Amendment #6. Mayor Pro Tem Yawn seconded.
- The motion passed unanimously.

C. Planning Board Report:

- Alderman Macartney indicated that he would like the Board to adopt the electronic mapping system and said there is no risk in adopting the electronic mapping system because the county gives us safeguards that are acceptable. The Board of Aldermen had remanded this issue to the Planning Board and the Planning Board has told the Board of Aldermen that this is acceptable.
- There was discussion.
- Mr. Edes advised the Town to have a physical map only.
- No action was taken. There was consensus to keep the physical map as the official zoning map.

X. OPEN FORUM:

Gary Rowland, Chairman of the Planning Board – Mr. Rowland made comments on the Planning Board's recommendation to the Board of Aldermen to accept and use the electronic zoning map. He agrees that the paper copy of the map is good, but he thinks the geodatabase that Onslow County has is more accurate. He said that the county's website has a disclaimer and that citizens cannot take the map off the website and take it

as gospel, they have a responsibility to come to Town Hall and look at the official zoning map. He said he would like the Town to be able to constantly update the GIS.

Thomas Leonard of 218 Coastal Drive – Mr. Leonard requested that the Board announce the upcoming retreat. He said that the retreat is open to the public and urged citizens to attend.

XI. **ATTORNEY'S REPORT:** Mr. Edes thanked Mr. Foster, Ms. Hill, Ms. Faulkner and Mr. Stoudt for the monthly meetings that he has with Town Staff. He said he feels that they are working and that the Town is getting proactive and getting on the front end of problems.

XII. **MAYOR'S REPORT:** Mayor Tuman announced that the annual BOA retreat will be next Wednesday from 9:00 a.m. to 4:00 p.m. He said the purpose of the meeting is to have a discussion on the projects and activities the Town should be pursuing over the coming year. He said he expects that it will be a very productive meeting. He asked citizens to please come if they are interested. He said that he was saddened by the death of Mayor Trott in Richlands. He said Mayor Trott was helpful to this Town as the chairman of ONWASA. He asked everyone to keep Mayor Trott's family in their thoughts and prayers.

XIII. **ALDERMEN'S REPORT:**

Alderman Lanci: Ms. Lanci said that she is looking forward to the retreat.

Alderman Macartney: Mr. Macartney said that TISPC is very active and doing more than it ever has to foster beach nourishment efforts. He reported that Alderman Lanci was elected vice chairman. He said that he supports prayer at public meetings. He read from an article written by School of Government attorney Frayda Bluestein that indicated that a non sectarian prayer before public meetings does not violate the establishment clause and that government can lawfully use prayer directed at the legislative body itself to solemnize governmental meetings to appeal to broad religious principles as long as it does not proselytize or promote a particular religion.

Mayor Pro Tem Yawn: Mr. Yawn announced that the UDO Committee is working diligently on the unified development ordinance and the next meeting is on the 16th of February at 9:00. He congratulated Steve Foster for being here for over one year. He said he is looking forward to NCBIWA meeting in March. He said Happy Valentine's Day.

Alderman Swantek: Mr. Swantek reported on the January 14th meeting of the County Commissioners where they discussed funding beach nourishment. He said that a majority of the Board did not want give NTB funds.

Alderman Farley: Mr. Farley said Happy St. Valentine's Day to everyone.

XIV. **CLOSED SESSION:**

- Alderman Swantek 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 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 Pro Tem Yawn seconded the motion. The motion passed unanimously.
- Mayor Pro Tem Yawn made a motion to come out of closed session. Alderman Macartney seconded the motion. The motion passed unanimously.
- No action was taken.

XV. **ADJOURNMENT:** Mayor Pro Tem Yawn made a motion to adjourn. Alderman Lanci seconded the motion. The motion passed unanimously. The meeting adjourned at 8:23 p.m.

APPROVED:

Daniel Tuman, Mayor

ATTEST:

Carin Z. Faulkner, Town Clerk

Approved on: 3/3/2011

Town of North Topsail Beach

Daniel Tuman, Mayor
Michael Yawn, Mayor Pro Tem
Aldermen:
Richard Farley
Deborah Lanci
Richard Macartney
Robert Swantek



Steven H. Foster
Town Manager

Carin Z. Faulkner, MPA
Town Clerk

Board of Aldermen Special Meeting/Retreat Minutes Wednesday, February 9, 2011 9:00 A.M.

PRESENT: Mayor Daniel Tuman, Mayor Pro Tem Michael Yawn, Aldermen Richard Farley, Robert Swantek, Dick Macartney, Deborah Lanci, Town Manager Steve Foster and Town Clerk Carin Faulkner.

- I. **CALL TO ORDER:** Mayor Tuman called the meeting to order at 9:04 a.m.
- II. **APPROVAL OF AGENDA:**
 - Mayor Pro Tem Yawn made a motion to move the “Reinstate Invocation” item to immediately after the introduction. Alderman Macartney seconded the motion.
 - The amended agenda was approved unanimously.
- III. **INTRODUCTION:** There was discussion on whether the Board was going to take formal action during the meeting. Mayor Pro Tem Yawn made a motion for the Board to take actions in the form of motions and votes during the meeting. Alderman Swantek seconded the motion. The motion passed unanimously.
- IV. **REINSTATE INVOCATION:**
 - Alderman Lanci made a motion to reinstate the invocation. Alderman Macartney seconded the motion.
 - There was discussion.
 - Mayor Pro Tem Yawn read the following suggested invocation that can be said at the beginning of each BOA meeting: *“Bless this town, and may it remain a beautiful and friendly place to live. We pray that this board makes fair and informed decisions tonight. We also pray that our police officers, firefighters, and members of our armed services here and around the world remain safe as they risk so much for our security. We also pray that our town be spared the ravages of hurricanes and other natural disasters, and that everyone associated with the town remain safe and secure. Amen.”*
 - Alderman Lanci amended her motion to include using Mayor Pro Tem Yawn’s invocation which is to be said before each BOA meeting. Alderman Macartney seconded the amended motion.
 - There was further discussion.

- The motion passed unanimously to reinstate the invocation using Mayor Pro Tem Yawn's invocation at the beginning of each Board of Aldermen meeting.

V. **BUDGET & FINANCE**

Proposed Budget Calendar and Kick-Off Meeting:

- The Board agreed to change the presentation of departmental budgets and capital projects meeting from April 14th to April 27th from 9:00 to 12:00. A correction was made to the May 7th date on the budget calendar. The Town Manager will submit the budget message and ordinance to the Board on May 9th.
- Alderman Macartney had requested financial information about the Town prior to the retreat. The Board asked that Staff distribute the information to the entire Board.
- Mayor Tuman suggested a kick off meeting to lead the budget meetings. The Board did not think that this was necessary. The Board will call a special meeting if needed.

VI. **CBRA:**

- There was discussion on the strategy for getting the CBRA designation removed.
- Alderman Macartney made a motion for the Board to authorize Alderman Lanci to set up a meeting with U.S. Fish and Wildlife while she is in Washington D.C. in March to advocate the lifting of the CBRA zone and to bring back information as to what the next step should be. Mayor Pro Tem Yawn seconded the motion
- The motion passed unanimously.

VII. **BEACH & INLET**

Beach Projects: What's Next?

CP& E Project:

- The Board did not want to proceed further on this project.
- The Board agreed that a "game changer" needs to happen such as the CBRA designation being lifted, approval of terminal groins, or a new funding source.
- The Board went into a 5 minute recess at 9:56 a.m.
- The Board was willing to hear suggestions from the former BEST Committee members but was not in support of reforming the committee or meeting as the NTB Shoreline Protection Committee again.

Federal Project:

- The Board agreed to stay the course with this project and agreed that they may survey residents in the future.

Discussion on Alternatives:

- Mayor Pro Tem Yawn made a motion to authorize Staff to move forward with Holland & Associates on the grant funding opportunities available to property owners to assist with hazard mitigation. Alderman Lanci seconded the motion. The motion passed 4 to 1 with Alderman Farley voting against.
- Mayor Pro Tem Yawn made a motion for the Board to remand the following list to Staff and the Planning Board to research and make recommendations: increase freeboard to four feet, petition the State to update building code with fortified for wind standard for all new construction, incentives to move structures (tax rebates, grants), incentives to raise structures currently below flood level (tax rebates, grants), incentives to rehab structures to bronze/silver/gold standards (tax rebates, grants) and increase ocean setbacks for new subdivisions.
- Alderman Macartney seconded the motion. The motion passed unanimously.
- The Board discussed a sand pushing project as part of the budget.
- The Town Manager will have Chris Gibson from Gahagan & Bryant make a presentation to the Board of Aldermen on alternatives for getting sand for the beach.
- The Board is interested in having a plant and sand fencing program and asked the Town Manager for price quotes on this project.

Beach Funding:

- The Board discussed pursuing the portion of occupancy tax that Onslow County is currently not collecting. Onslow County collects occupancy tax only for those who own/manage over five units.
- The Board discussed trying to collect sales tax revenue based on the Town's seasonal population. Alderman Macartney made a motion to direct the Town Manager to research the Town's seasonal population and report to the Board. Mayor Pro Tem Yawn seconded the motion. The motion passed unanimously.
- Mayor Pro Tem Yawn made a motion for the Board to direct the TISPC representatives to propose collecting 6% occupancy tax island-wide to the TISPC. The motion passed 4 to 1 with Alderman Farley voting against.
- Alderman Lanci mentioned that she was looking into transfer tax funds that may be available to the Town.
- There was discussion about paid parking in the Town. Mayor Pro Tem Yawn made a motion for the Board not to discuss paid parking for the Town at the moment. The motion passed unanimously.

Terminal Groin Legislation: Alderman Lanci and Mayor Tuman gave an update on the terminal groin legislation that has been proposed in the General Assembly. The Board received the latest draft copy of the bill.

Contract with McKim & Creed?: Mayor Pro Tem Yawn made a motion for the Board to direct the TISPC representatives to ask the other towns if they would be willing to do an island-wide contract with McKim & Creed. Alderman Macartney seconded the motion. The motion passed unanimously.

Beach Patrol:

- The Board discussed the possibility of hiring personnel for patrolling the beach during the tourist season.
- The Board asked Police Chief Casey Fillinger about the need for the beach patrol. Chief Fillinger said that it would be beneficial. He said he cannot staff it right now with the lack of reserve staff. He said that if law enforcement personnel are not used that the personnel will have to be cross trained. He indicated that the areas with the most need of patrolling are the Onslow County public accesses.
- The Board agreed to ask Onslow County to help fund these positions.
- This item will be discussed further during the budget workshops.

What are the Town Manager/Staff Responsibilities for this Item?: See action items above.

The meeting Board recessed the meeting for 10 minutes at 12:14 p.m.

VIII. **PUBLIC WORKS**

Resurfacing of 210 & Topsail Road:

- The Board requested that the Town Manager meet with Mr. Gregson of CAMA and the NCDOT regarding the road conditions on Topsail Road.

Response Plan for Road Flooding

- The Town Staff will continue to work with DOT on the flooding issues on Hwy 210 near the south end fire station. To include the following options: speaking with the Yow family about their property, installing a newer drain, and looking into the purchase of a pump (ask Topsail Beach about theirs).

Finish Bike Path

- The Board directed the Town Manager to get an estimated cost for finishing the Bike Path. They also directed Town Staff to look for Federal grants for the project.

IX. **ONslow COUNTY SUPPORT**

Shoreline Protection (County Representative on NTB Committee): The Board was not in favor of having a county representative on the NTB Shoreline Protection Committee.

Improve Handicap Access: There was discussion about the inability for handicapped persons to access the beach at the county access. The Board would like the Town to make a request to the county to make improvements. They also discussed that the rise for the steps should be lower when steps are replaced at the beach accesses.

Change Landfill Hours During Tourist Season: The Board discussed making a request to the county to change the hours of operation for the landfill so that the Town can improve solid waste services during the tourist season.

Financial Support for Hosting Visitors to Our Beach: Mayor Pro Tem Yawn made a motion for the Board to authorize the Town Manager to submit an application to the county for approximately \$200,000 for beach services. Alderman Lanci seconded the motion. The motion passed unanimously.

Other Requests?: The Board discussed asking the county if the Town could assist with educational programs, asking the county if they could do more recreational events with the Town to include assisting with the Town road race, helping with purchase of land for beach accesses and kayak/canoe launches.

X. PUBLIC RELATIONS & COMMUNICATIONS

Recruitment of Volunteers: Ideas: find out why citizens are not serving and why members are resigning, incentivize with food, have current board and committee members help with recruitment, have a “meet and greet” for potential volunteers, have the Mayor send personal invitations to prospective volunteers.

Website, Newsletter & CTY – Requests for Suggestions: Newsletter ideas: Do the newsletter twice a year (get help from department heads). Ask the HOAs to submit annual reports for the newsletter.

Suggestions on Meeting Room Audio/Visual Capabilities: The Board discussed the various options for the meeting room. Town Staff will report to the Board after they meet with Jacksonville IT staff.

XI. TOWN GOVERNMENT

Set Goal for Completing UDO: The Board discussed that they would continue to have workshops through mid-May and would like to have the public hearing for the UDO in September.

Merit Pay: The Board discussed merit pay and said that they would revisit this issue during the budget workshops and assess the available funds.

Grants & Grant Application Process: The Board discussed grants. Mr. Foster indicated that the Board should first complete its Capital Improvement Plan so that they can identify areas in which Town Staff can pursue grants.

Diversity in the Workplace: The Board discussed the need for a diverse workforce. Mr. Foster explained the procedure that has been put into effect in the Police Department in an effort to recruit women and minorities. The Board advised the Town Manager to notify them when there is a job opening.

Approval of Contracts Policy: Ms. Faulkner explained the need for a policy to allow Town Staff to more efficiently complete Town business. She indicated that she would like the Board to consider a policy of allowing Town Staff to sign contracts in the amount of \$5,000 or less without Board approval. This item will be on the next regular meeting agenda.

Code Enforcement Policies & Procedures: Ms. Hill and Mr. Stoudt briefed the Board on the enforcement issues throughout the Town. The Board advised Town Staff to brief the Town Attorney on these issues.

Role of the Mayor: The Board discussed the role of the mayor and advised Mayor Tuman on his leadership.

XII. **PRIORITIZE ACTION ITEMS & PERFORMANCE PLAN FOR TOWN MANAGER:** The action items were written down by the Town Clerk on a flip chart. The Board reviewed the items and added what was not included.

XIII. **EVALUATE THE RETREAT:** The Board gave positive feedback on this retreat. Alderman Lanci suggested using a facilitator in the future. Mayor Tuman said that he felt confident that the action items will be followed-up on.

XIV. **CLOSED SESSION:**

- Alderman Farley 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 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 Lanci seconded the motion. The motion passed unanimously.
- Alderman Swantek made a motion to come out of closed session. Mayor Pro Tem Yawn seconded the motion. The motion passed unanimously.
- No action was taken in closed session.

XV. **ADJOURNMENT:** Mayor Pro Tem Yawn made a motion to adjourn. Alderman Lanci seconded the motion. The motion passed unanimously. The meeting adjourned at 3:42 p.m.

APPROVED:

Daniel Tuman, Mayor

ATTEST:

Carin Z. Faulkner, Town Clerk

Approved on: 3/3/2011

Town of North Topsail Beach

Daniel Tuman, Mayor
Michael Yawn, Mayor Pro Tem
Aldermen:
Richard Farley
Deborah Lanci
Richard Macartney
Robert Swantek



Steven H. Foster
Town Manager

Carin Z. Faulkner, MPA
Town Clerk

Board of Aldermen Regular Meeting Minutes Thursday, March 3, 2011 6:30 P.M.

PRESENT: Mayor Daniel Tuman, Mayor Pro Tem Michael Yawn, Aldermen Richard Farley, Robert Swantek, Dick Macartney, Deborah Lanci, Town Attorney Brian Edes, Town Manager Steve Foster 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 Yawn gave the invocation.
- III. **PLEDGE OF ALLEGIANCE:** Mayor Tuman led those present in the Pledge of Allegiance.
- IV. **APPROVAL OF AGENDA:**
 - Alderman Macartney made a motion to approve agenda as presented. Mayor Pro Tem Yawn seconded. The agenda was approved unanimously.
- V. **PUBLIC HEARINGS/PRESENTATIONS:**
 - A. **Presentation on Sea Level Rise - Tancred Miller, Coastal Policy Analyst, N.C. Division of Coastal Management, Department of Environment and Natural Resources:** Mr. Miller gave a presentation on the N.C. Coastal Resources Commission's draft policy on sea level rise. He asked the Board and those interested to submit comments and questions about this policy to his agency. There were comments and discussion between the Board and Mr. Miller. Mr. Miller said that his agency plans to continue to speak with stakeholders about this policy through the spring of 2011.
- VI. **MANAGER'S REPORT:**
 - A. **Onslow County Elected Official's Meeting:** Mr. Foster reported that the Town of North Topsail Beach will be hosting the Onslow County Elected Officials Meeting on March 28th at 7:00 p.m. at the North Shore Country Club. He said that the guest speaker will be Daniel Sheehan of Marlowe & Company. He will be speaking about what is happening legislatively in Congress.

- B. **2011 Coastal Local Governments Meeting:** Mr. Foster reported that Monday & Tuesday, March 28th & 29th will be the dates for the 2011 Coastal Local Governments Annual Meeting, presented by NCBIWA on behalf of its many coastal local government members and associates. The meeting will take place at the NC Aquarium at Pine Knoll Shores beginning at 10:00 a.m. on Monday and ending at 4:30 p.m. on Tuesday.
- C. **CBRA Update:** Mr. Foster reported that Daniel Sheehan from Marlowe & Company with joint efforts from Congressman Jones' office is currently researching a new approach to have the CBRA zone removed from NTB. They believe that the best way to approach the problem would be legislatively through Congress as a separate bill or possibly attached to the next WRDA bill, rather than waiting for US Fish & Wildlife to take up the matter. He has asked the Town to redo the presentation that was presented in Washington in 2009 and make a presentation to the subcommittee that could then be passed on to the House and Senate for approval. Staff is currently working on resurrecting the report and preparing a new recommended map for the presentation. Mr. Sheehan has indicated that Congressman Jones' office can then schedule a meeting with the Committee for a presentation.
- D. **Federal Firefighters Grant for 800 MGZ Radios Approved:** Mr. Foster announced that the Town has received official notification that they have been awarded a grant of almost \$100,000 for the purchase of 800 MGZ radios for the NTB Fire Department. The radios are mandated by the Federal government to be in place by 2013 and the Town would have been responsible for the purchase. Our application was selected over several thousand applications that had been submitted.
- E. **2010 Census:** Mr. Foster reported that he received the results of the 2010 Census and that the Town's population has decreased by 100 people since 2000, from 843 to 743.
- F. **FY 2011 Budget:** Mr. Foster reported that the budget cycle will begin tomorrow morning. There will be department head meeting.

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

VIII. **CONSENT AGENDA:**

- A. Request to Approve Tax Refund
- B. Request to Adopt Resolution 2011-6: A Resolution to Pay 2010 Flexible Spending Accounts After 12/31/2010 (resolution re-numbered by Town Clerk)
- C. Call for Public Hearing – Case # CU-11-01
- D. Call for Public Hearing – Case # R-11-01
- E. Approval of Minutes: February 3, 2011 and February 9, 2011
- F. Department Head Reports: Finance, Fire, Inspections, Planning, Police Department

G. Committee Reports: Planning Board, Board of Adjustment, ~~TISPC~~, ONWASA, Beautification and Recreation Committee, Government Advocacy Committee

- Alderman Swantek made a motion to remove Item 3 of the Committee Reports (TISPC report) from the Consent Agenda and move it to New Business C. Mayor Pro Tem Yawn made a motion to approve the Consent Agenda with Alderman Swantek's change.
- The motion passed unanimously.

IX. **OLD BUSINESS:**

A. **Request to Adopt Resolution 2011-4 – A Resolution Authorizing Town Officials to Sign Certain Contracts (resolution re-numbered by Town Clerk):**

- Alderman Swantek made the following motion: *“that the Town of North Topsail Beach Board of Aldermen adopts Resolution 2011-4 – A Resolution Authorizing Town Officials to Sign Certain Contracts.”*
- Alderman Farley offered a friendly amendment to the motion asking that Town Staff provide the Board with a list of contracts and if bidding was used the bids received by the Town. Alderman Swantek accepted the amendment.
- There was discussion. Mayor Tuman suggested that the Finance Officer note to the Board that the copy of the checks and the associated billing in support of the check request is available for the Board's review.
- The motion passed unanimously.

B. **Request to Award Landscaping Services Contract:**

- Mr. Foster reported that the Town received 6 bids for the landscaping services contract and described the bids received and his recommendations for the Town.
- Mayor Pro Tem Yawn made a motion to extend the contract for landscape maintenance services with Encore Landscape Management for another two years at a cost of \$1,216 a month to be paid out of budget line item 10-500-17 Landscape Maintenance. Alderman Lanci seconded the motion.
- There was discussion.
- The motion passed 4 to 1 with Alderman Farley voting against.

X. **NEW BUSINESS:**

A. **Request to Adopt Resolution 2011-5 – A Resolution in Support of NC House Bill 8 and NC Senate Bill 37 on Eminent Domain (resolution re-numbered by Town Clerk):**

- Mayor Pro Tem Yawn introduced the item to the Board.
- Mayor Pro Tem Yawn made the following motion, *“I, Mayor Pro Tem Yawn, move that the Town of North Topsail Beach Board of Aldermen adopt Resolution 2011-5 – A Resolution in Support of NC House Bill 8*

and NC Senate Bill 37, and that the Board instructs the Town Manager to write a cover letter and send a copy of this resolution to Governor Perdue and to all sponsors and co-sponsors of this bill and to all members of the House and Senate Judiciary Committees in Raleigh.”

- Mayor Pro Tem Yawn read the draft of Resolution 2011-5: A Resolution in Support of NC House Bill 8 and NC Senate Bill 37 on Eminent Domain.
- Alderman Lanci seconded the motion.
- The motion passed unanimously.

B. Budget Amendment # 7 - \$111,746.67 for 800 MGZ Radio Purchase:

- Alderman Swantek made the following motion: *“I move that the FY 2010/11 budget be amended in the amount of \$111,746.67 for the purchase of 36 radio units and associated equipment, with funding coming from the Federal Fire Grant line item.”*
- Alderman Lanci seconded the motion.
- There was discussion.
- The motion passed unanimously.

C. TISPC Report:

- Alderman Swantek made comments on the request that NTB Board members made at the last TISPC meeting to change the accommodation tax from 6 to 7 cents.
- There was discussion.
- No changes were made to the TISPC report.
- Mayor Pro Tem Yawn made a motion to approve the TISPC report. Alderman Swantek seconded the motion.
- The motion passed unanimously.

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

XII. **ATTORNEY'S REPORT:** Mr. Edes indicated that he was prepared to make a report in closed session on an enforcement issue that was before the Town, but that an appeal was filed so he will not report on this item right now.

XIII. **MAYOR'S REPORT:** Mayor Tuman reported that he and the Town Manager were in Raleigh on Tuesday in support of State Bill 110 which is a bill that will allow the use of terminal groins on the North Carolina coast. He said he was prepared to make a public comment, but there was not time to do so. He reported that officials from Topsail Beach went to Raleigh in force and were in support of the bill as well. Mayor Tuman said that a groin would be worthwhile for our Town. Mr. Foster indicated that Surf City passed a resolution in support of terminal groins the other night. Mayor Tuman reported that the committee seemed to be unanimously in favor of the bill going before the entire N.C. House. Mayor Tuman indicated that he will be out of Town for April's Board of Aldermen regular meeting.

XIV. **ALDERMEN’S REPORT:**

Alderman Farley: Mr. Farley said that he did not have a report. He wished everyone a “Happy St. Patrick’s Day.”

Alderman Swantek: Mr. Swantek announced that the Town will be having a litter sweep on April 16th at the Town Park. He said that the Town should be receiving the town banners he ordered by the first of the season. He also announced that the “Summer Kick-Off Race” will be held on May 7th. He invited everyone to come for music, food and fun.

Mayor Pro Tem Yawn: Mr. Yawn thanked the UDO Committee for their hard work and progress. He announced that the NC Coastal Federation is having an oyster bagging event on Monday, March 7th. He also announced the Dolphin Dash 5K at Dixon Elementary on Saturday, March 12th at 8:00 a.m.

Alderman Macartney: Mr. Macartney made comments about his concerns with the decrease in population of the Town. He indicated that there must be a message in this information and that the Town should look into whether it is an attractive place for people to live.

Alderman Lanci: Ms. Lanci reported that she had just returned from Washington, D.C. where she was talking to officials about getting NTB out of the CBRA zone and getting support for the Federal project. She said the overall sentiment there is that there is no money for anything and that if something whispers of an earmark it is getting denied. She said the Town needs to back those who have approved projects and let the legislators know that taking care of the CBRA issues would be saving money without spending anything. She said several of the people she spoke with were receptive. She announced that Cecil Carter is in the hospital and told everyone to keep him in their prayers.

XV. **ADJOURNMENT:** Mayor Pro Tem Yawn made a motion to adjourn. Alderman Lanci seconded the motion. The motion passed unanimously. The meeting adjourned at 7:32 p.m.

APPROVED:

Daniel Tuman, Mayor

ATTEST:

Carin Z. Faulkner, Town Clerk

Town of North Topsail Beach

Daniel Tuman, Mayor
Michael Yawn, Mayor Pro Tem
Aldermen:
Richard Farley
Deborah Lanci
Richard Macartney
Robert Swantek



Steven H. Foster
Town Manager

Carin Z. Faulkner, MPA
Town Clerk

Board of Aldermen Special Meeting Wednesday, March 23, 2011 11:00 A.M.

PRESENT: Mayor Daniel Tuman, Mayor Pro Tem Michael Yawn, Aldermen Dick Macartney and Richard Farley (arrived at 11:22 a.m.), Town Manager Steve Foster and Deputy Town Clerk Terrie Woodle

- I. **NO QUORUM:** Mayor Tuman announced that there was not a quorum. Those present wished to hear the presenters for informational purposes with the understanding that no Board action will be taken.

- II. **REQUEST TO APPROVE DESIGN AGREEMENT FOR THE COASTAL STORM DAMAGE REDUCTION PROJECT:**
 - Jan Brodmerkel (Project Manager from the Army Corps of Engineers) & Justin McCorkle (Attorney from the Army Corps of Engineers) came to go over the design agreement for the Coastal Storm Damage Reduction Project (Surf City/NTB Project). Ms. Brodmerkel provided handouts and explained the phases of the project.
 - Ms. Brodmerkel said each phase is governed by an agreement between the Federal government and the two towns. The cost share on this phase will be 75% Federal and 25% non-Federal. The total estimated cost is \$1.5 million.
 - Ms. Brodmerkel said the design phase will take about two years. It could take longer due to funding. She provided the Board with a chart indicating the project schedule which she indicated is based on funding. She provided the Board with a spreadsheet on the funding.
 - Ms. Brodmerkel took questions from the Board.
 - Mr. Edes discussed with Mr. McCorkle the buffer amount. Mr. Edes confirmed that this Board can commit the spending of funds for future Boards.

- III. **CALL TO ORDER:** Alderman Farley arrived at 11:22 a.m. Mayor Tuman called the meeting to order at 11:22 a.m.

- IV. **APPROVAL OF AGENDA:** Alderman Macartney made a motion to approve the agenda. Mayor Pro Tem Yawn seconded the motion. The agenda was approved unanimously.

V. REQUEST TO APPROVE DESIGN AGREEMENT FOR THE COASTAL STORM DAMAGE REDUCTION PROJECT (continued):

- Mr. McCorkle continued to answer questions from the Board. He explained Item 6 on page 4 of the agreement. He said that the Board can decide if it wants the agreement to have a “hard freeze” amount which will stop the phase if the cost reaches a certain amount and the project will not move forward until both sponsors and the Federal government agrees to move forward. He said they will need something from the Board in writing to include this paragraph and that the Board needs to reach an agreement on a dollar amount (it cannot be less than \$1,500,000).
- Mr. McCorkle and Ms. Brodmerkel took more questions from the Board.
- The Board asked for more details on the project so that they can understand the progress and what the Town is paying for, a “scope of work”. Ms. Brodmerkel and Mr. McCorkle said they would get them the information and that it is referenced in the agreement.
- Alderman Macartney made a motion to have one of the NTB representatives from the Topsail Island Shoreline Protection Commission, Town Manager Steve Foster and Town Manager Mike Moore with Surf City meet and negotiate the optional Item 6 on page 4 of the agreement and that the Board of Aldermen approve a reasonable amount not to exceed 20 percent of the cost of the project. Mayor Pro Tem Yawn seconded the motion.
- The motion passed 2 to 1 with Alderman Farley voting against.
- Alderman Macartney made a motion to table Board approval of this agreement to the next Board of Aldermen meeting with the understanding that prior to that meeting that the Board has a scope of work which will be submitted with the contract. Mayor Pro Tem Yawn seconded the motion.
- Ms. Brodmerkel indicated that the ACOE would need a letter from the Town indicating “intent to proceed.” She said a completed agreement would be sent to the Town in May for signature.
- The motion passed unanimously.

VI. PRESENTATION - SAND SOURCES FOR BEACH NOURISHMENT, CHRIS GIBSON FROM GAHAGAN & BRYANT ASSOCIATES:

- Mr. Gibson described many of the projects his company has completed in this area, including the recent project in Topsail Beach.
- He described the potential sites for sand near North Topsail Beach.
- He discussed the cost savings with alternative ways of getting sand pumped to phases one and two of the NTB Shoreline Protection Project.
- He discussed the potential issues that the Town would encounter such as the sampling protocol required by DCM, time frame, and budget issues.
- He discussed what a terminal groin would do for New River Inlet. He said that he feels that a terminal groin there would be very useful and viable.
- He told those present that it would cost approximately \$45,000 to sample the sand on the spoil island. To do vibracores he said it would be another \$150,000 to

\$175,000 including analysis. He said the reconnaissance level is the least expensive, if it doesn't work the Town stops there. If it works, the Town will do the geotech, and if that doesn't work the Town stops, if it works the Town will do the design and permitting and he said that is done hand-in-hand with his company.

- He said it would be hard to quote the cost of a terminal groin because there are many designs. He said \$2,500 a linear foot will be on the low end for a steel wall.
- He suggested that the Town put in a sheet structure to control the project as the project is dug and so that it can be modified or taken out completely.
- Alderman Farley asked Mr. Gibson if the Town would be able to contract with his company to provide services that would look at particular spots of the beach and just truck or pump sand to trouble spots on a limited basis over a period of time. Mr. Gibson said that they do that in Florida, he called it "hot spot management." He said the Town should evaluate the economies of scale. He said that the Town may find out that pumping or placing 500,000 yards of sand may be cheaper than pumping or placing 300,000, depending on how the Town wants to do it.
- Alderman Macartney recognized Ken Willson from Coastal Planning & Engineering and allowed Mr. Willson to make comments on Mr. Gibson's presentation. Mr. Willson mentioned that the hard bottoms near NTB are an issue that was not present in Topsail Beach and that the quality of sand may be more of an issue because of what has already been permitted.
- Mayor Pro Tem Yawn indicated that he would prefer for the Town to observe the terminal groin issue (currently before the NC General Assembly) and how that goes before the Town spends money.

VII. ADJOURNMENT:

- Alderman Macartney made a motion to adjourn the meeting. Mayor Pro Tem Yawn seconded the motion. The motion passed unanimously. The meeting adjourned at 12:44 p.m.

APPROVED:

Daniel Tuman, Mayor

ATTEST:

Carin Z. Faulkner, Town Clerk

Approved on: 4/7/2011

Town of North Topsail Beach

Daniel Tuman, Mayor
Michael Yawn, Mayor Pro Tem
Aldermen:
Richard Farley
Deborah Lanci
Richard Macartney
Robert Swantek



Steven H. Foster
Town Manager

Carin Z. Faulkner, MPA
Town Clerk

Board of Aldermen Regular Meeting Minutes Thursday, April 7, 2011 6:30 P.M.

PRESENT: Mayor Pro Tem Michael Yawn, Aldermen Richard Farley, Robert Swantek, Dick Macartney, Deborah Lanci, Town Attorney Brian Edes, Town Manager Steve Foster and Town Clerk Carin Faulkner.

NOT PRESENT: Mayor Daniel Tuman

- I. **CALL TO ORDER:** Mayor Pro Tem Yawn called the meeting to order at 6:30 p.m.
- II. **INVOCATION:** Alderman Swantek gave the invocation.
- III. **PLEDGE OF ALLEGIANCE:** Mayor Pro Tem Yawn led those present in the Pledge of Allegiance.
- IV. **APPROVAL OF AGENDA:**
 - Alderman Macartney made a motion to amend the agenda as follows:
Remove New Business Item A (request to approve agreement for the Coastal Storm Damage Reduction Project) and add a new item to approve a painting proposal.
 - Alderman Swantek seconded the motion to approve the amended agenda.
 - The amended agenda was approved unanimously.
- V. **PUBLIC HEARINGS/PRESENTATIONS:**
 - A. **Presentation - 10 Year Service Pin for Assistant Police Chief Douglas L. Freeman, Jr. and 5 Year Service Pin for Permits Specialist/Deputy Town Clerk Terry Woodle:** Mayor Pro Tem Yawn presented Ms. Woodle with her 5 year service pin and certificate. Assistant Police Chief Freeman was not able to attend the meeting. Mayor Pro Tem Yawn announced that Mr. Freeman would be receiving his 10 year service pin.

The floor was yielded to Alderman Swantek who read a letter of commendation recognizing Captain Bill Poe's outstanding service. Mayor Tuman had received a letter from Mrs. Maureen Woods thanking Captain Poe for his lifesaving efforts

and professionalism while assisting her husband when he suffered a major heart attack.

B. Public Hearing – Case #CU-11-01:

- Ms. Faulkner swore in Deborah Hill, Win Batten, Kathryn Church, Gilbert Reece, Pam Kosar, Jay Greenspan, and Pamela Acs.
- Mayor Pro Tem Yawn asked those sworn in if they had any documents to present prior to speaking that the Town has not already received. There were no further documents presented.
- Ms. Hill indicated that she wished to summarize her report rather than read it aloud, explained that the full report is available online, and asked if there were any objections. There were no objections. Ms. Hill gave her summary of the Staff Report.
- Alderman Lanci made a motion to open the public hearing. Alderman Swantek seconded the motion. The motion passed unanimously.
- Each person that was sworn in came forward with comments. Board members asked questions.
- After the question and answer period, Mayor Pro Tem Yawn asked if there were any audience members who would like to make comment.
- Thomas Leonard was sworn in and made comments in favor of the pool.
- Mr. Batten made comments in opposition to the pool.
- The applicant representative asked Mr. Batten questions.
- Mr. Greenspan made comments. He took questions from the Board.
- Ms. Hill and Mr. Reece made comments.
- Alderman Macartney made a motion to close the public hearing. Alderman Lanci seconded the motion. It was determined that further comments needed to be heard.
- Mr. Greenspan made further comments.
- Ms. Hill took questions from the Board.
- Per Mr. Edes, Ms. Church stated that the HOA does not have a problem with the Board tabling this item to May.
- Ms. Acs made comments in favor of the pool. She took questions from the Board.
- Alderman Swantek made a motion to close the public hearing. Alderman Macartney seconded the motion. The motion passed unanimously.
- Alderman Swantek made a motion to table the Board decision on this case until the May 5th meeting. Alderman Lanci seconded the motion. Mr. Edes reminded the Board that this is a quasi-judicial proceeding and that the Board needs to make a decision based on what was testified to and not the opinions of others who did not testify. He said that Ms. Church's comment about using one of the tennis courts for parking is not part of the application, but can be considered as a condition of approval.

- There was discussion.
- Alderman Swantek withdrew his motion.
- Alderman Macartney made a motion not to have a condition for parking as part of the conditional use permit. Alderman Lanci seconded the motion. The motion failed 3 to 2 with Macartney and Lanci voting in favor.
- Alderman Swantek made a motion to table this item to the next BOA meeting on May 5th. Alderman Lanci seconded the motion. The motion passed unanimously.

C. Public Hearing – Case #R-11-01:

- Ms. Hill indicated that she would like to submit the Staff Report in its entirety for the record and summarize her report for those present. There were no objections. She summarized her staff report for those present.
- The Board asked Ms. Hill questions.
- Alderman Swantek made a motion to open the public hearing. Alderman Lanci seconded the motion. The motion passed unanimously.
- Mr. Barnes, the applicant, addressed the Board. Mr. Wagner, Mr. Barnes' surveyor, addressed the Board. They took questions from the Board. No one else from the public came forward to speak.
- Alderman Swantek made a motion to close the public hearing. Alderman Lanci seconded the motion. The motion passed unanimously.
- Alderman Swantek made a motion to rezone Mr. Barnes' property from R-20 to R-15. Alderman Lanci seconded the motion.
- There was discussion.
- The motion passed 3 to 2 with Alderman Farley and Mayor Pro Tem Yawn voting against.

VI. MANAGER'S REPORT:

- A. **Change of Date for Budget Workshop:** Mr. Foster reported that the budget workshop had to be rescheduled from Wednesday April 27th because of the CBRA trip to Washington, that trip has since been cancelled. He asked the Board when they would like to meet for the first budget workshop. The Board decided to schedule it for April 20th at 1:00 p.m.
- B. **CBRA Update:** Mr. Foster reported that the Town had planned to send a delegation up to Washington to meet with representatives and staff from the House Natural Resources Committee regarding the elimination of portions of the Town from the restrictions imposed under the Coastal Barrier Resources Act (CBRA). He said this meeting was cancelled and will be pushed back to a later date.

- C. **Report on Sand Escarpment on the South End:** Mr. Foster reported that Town Staff recognizes that there is currently an escarpment approximately 3 miles in length mostly on the south end of Town. The escarpment ranges from one foot to approximately 3 feet in height. After a survey on March 24th, it would appear that there are no structures in “imminent danger” that would qualify for an exempted emergency permit.

After much discussion with staff, it was decided to recommend to the Board that a “sand push” may not be justified at this time due to the amount of time that would be required to start the project, in addition, the time of year and limitations that would have to be met by CAMA and the Corps. He said that if at any point there is erosion up to twenty feet to the foundation of a home that a property owner can apply for a permit to have a push in front of their house.

- D. **Work on the Budget is Progressing:** Mr. Foster announced that Staff has almost completed the projected expenditures for the FY 2011/12 Budget Year and is still looking for final projected revenue estimates from the State. Of particular concern is the amount expected from the “utility franchise tax” which the Town received this past year in the amount of \$123,000. The State may possibly withhold a portion of those funds.

Mr. Foster said in addition, Staff is waiting on estimates for employee health insurance, contracted solid waste services CPI increase, and the new public official’s liability insurance costs. He said that Town Staff should have all of this information well in advance of the April 20th budget workshop.

- E. **Mosquito Spray Funding Eliminated:** Mr. Foster reported that the State has notified the Town that funding for mosquito spraying has been eliminated from their budget. Also, new EPA regulations have been placed on hold for smaller units of governments on their ability to spray. This should be the case for the balance of the season. Had the new regulations gone into effect, it would have been very difficult for the Town to comply.
- F. **Update on Census Recount:** Mr. Foster reported that Staff has made inquiries into the possibility of a special census being conducted for the Town. Should the Town proceed, it would require that an application be completed with a check for \$200, and sent into the Bureau. They will start accepting applications after June 11, 2011. The actual recount may not take place until the later part of 2012. He reported that Ms. Hill is participating with a local census committee that is working on the census and she will keep abreast of what they are working on.
- G. **Possible Change in Residential Solid Waste Billing:** Mr. Foster reported that after meeting with the Onslow County Tax Office last week, Town Staff is reviewing the possibility of either collecting the fees in-house using current staff, or working out an agreement with ONWASA to do the billing for the Town.

- H. **Faulkner to Complete MCA Course:** Mr. Foster reported that our Town Clerk, Ms. Carin Faulkner will be graduating from the UNC School of Government's Municipal and County Administration Course on April 15th. She has been taking the course since last September. Congratulations Carin.
- I. **Application to Onslow County:** Mr. Foster reported that the Town applied for funds from the county to assist with the costs of maintaining the beach (such as solid waste, police, access ways, parking, etc.).
- J. **Written Contracts:** Mr. Foster reported that there has been a lot of discussion after the Board approved a resolution last month allowing certain Town Staff to sign written contracts under \$5,000. He indicated that the Board had asked him at that time to report all contracts that had been signed by Town Staff since the passage of the resolution. He reported that Town Staff executed a contract for an accounting firm to do the Town's bank reconciliations; the cost of the contract is around \$1,000.

Alderman Farley made comments about the ordinance violations in regards to signs that are up throughout the Town.

VII. **OPEN FORUM:**

Thomas Leonard of 218 Coastal Drive – Mr. Leonard indicated that he would have liked to have seen a Board decision on the Topsail Reef pool; he did not see any reason for the delay.

VIII. **CONSENT AGENDA:**

- A. Approval of Minutes: March 3, 2011 and March 23, 2011
- B. Department Head Reports: Finance, Fire, Inspections, Planning, Police Department
- C. Committee Reports: Planning Board, Board of Adjustment, TISPC, ONWASA, Beautification and Recreation Committee, Government Advocacy Committee, UDO Committee
- Alderman Macartney made a motion to approve the Consent Agenda as presented. Alderman Lanci seconded the motion.
 - The motion passed unanimously.

IX. **NEW BUSINESS:**

A. **Discussion of Beach Patrol Services:**

- Alderman Swantek introduced this item.
- There was discussion.
- Alderman Swantek made a motion to begin the beach patrol services for an interim period of time with funds coming out of the beach fund. Alderman Lanci seconded the motion. Alderman Swantek amended the motion to add direction to the Town Attorney to draft an interlocal agreement for these services. Alderman Lanci seconded the amended motion.

- There was discussion.
- The motion passed 3 to 2 with Aldermen Farley and Macartney voting against.

B. Request to Accept Painting Proposal:

- Mr. Foster indicated that Staff recommends accepting the proposal the Town received from CertaPro. The Town received informal bids which were distributed to the Board. He indicated that CertaPro had good references.
- Alderman Swantek made a motion to accept the painting proposal to paint Town Hall from CertaPro in the amount of \$12,225.31 Alderman Lanci seconded the motion. The motion passed unanimously.

X. OPEN FORUM:

Thomas Leonard of 218 Coastal Drive – Mr. Leonard spoke against the addition of beach patrol services. He feels like it is a waste of money and unnecessary.

XI. ATTORNEY'S REPORT: Mr. Edes did not have anything to report. Mr. Foster indicated that he had Mr. Edes look into the Town's ability to fund and install sand fencing along the entire dune line of the Town. He confirmed that the Town would not be able to do this as it would be using public funds on private property. Mr. Edes said "Happy Easter."

XII. MAYOR'S REPORT: Mayor Pro Tem Yawn said "Happy Masters" and thanked those in attendance.

XIII. ALDERMEN'S REPORT:

Alderman Farley: Mr. Farley said that he is in support of private property rights. He said that citizens have a right not to pay for things to be put on someone else's property. He said, "Happy Easter."

Alderman Swantek: Mr. Swantek announced that Saturday, April 16th is the litter sweep for the Town and that volunteers will be meeting at the Town Park. He announced that the Summer Kick-Off Race will be on May 7th. The funds will go to pay for the Town banners. He announced that plans are underway for the second Mayor's Cup Golf Tournament.

Alderman Macartney: Mr. Macartney thanked everyone for coming.

Alderman Lanci: Ms. Lanci thanked everyone for their patience and wished everyone a blessed Easter.

XIV. CLOSED SESSION:

- Alderman Swantek 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 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 Lanci seconded the motion. The motion passed unanimously.
- Alderman Lanci made a motion to go out of closed session. The motion passed unanimously.
- No action was taken during closed session.

XV. **ADJOURNMENT:** Alderman Swantek made a motion to adjourn. Alderman Lanci seconded the motion. The motion passed unanimously. The meeting adjourned at 9:27 p.m.

APPROVED:

Daniel Tuman, Mayor

ATTEST:

Carin Z. Faulkner, Town Clerk

Approved on: 5/5/2011

Town of North Topsail Beach

Daniel Tuman, Mayor
Michael Yawn, Mayor Pro Tem
Aldermen:
Richard Farley
Deborah Lanci
Richard Macartney
Robert Swantek



Steven H. Foster
Town Manager

Carin Z. Faulkner, MPA
Town Clerk

Board of Aldermen Special Meeting Tuesday, April 26, 2011 1:00 P.M.

PRESENT: Mayor Daniel Tuman, Mayor Pro Tem Michael Yawn, Aldermen Dick Macartney, Robert Swantek and Richard Farley (arrived at 1:06 p.m.), Town Manager Steve Foster, Town Clerk Carin Faulkner, and Finance Officer Breck Smith.

NOT PRESENT: Alderman Deborah Lanci

- I. **CALL TO ORDER:** Mayor Tuman called the meeting to order at 1:00 p.m.
- II. **APPROVAL OF AGENDA:**
 - Alderman Swantek made a motion to approve the agenda as presented. Mayor Pro Tem Yawn seconded the motion. The motion passed unanimously.
- III. **REQUEST TO AWARD CONTRACT TO PAVE SANDPIPER DRIVE:**
 - Alderman Macartney made a motion to award the contract to pave Sandpiper Drive to Norris Construction for \$24,000 to be paid out of the Street Department Budget for Street Repair Construction, budget line item 10-560-73.
 - Mayor Pro Tem Yawn seconded the motion.
 - The motion passed unanimously (3-0, Alderman Farley arrived after this item).
- IV. **BUDGET WORKSHOP:**
 - Mayor Tuman introduced this item and gave the floor to Mr. Foster. Mr. Foster went through a PowerPoint presentation. See below:

Town of North Topsail Beach

Proposed Fiscal Year 2011-12
Budget
For April 27, 2011
First Board of Aldermen Workshop

North Carolina Budget and Fiscal Control Act General Statute- 159-8

159-8. Annual balanced budget ordinance.

- Each local government and public authority shall operate under an annual balanced budget ordinance adopted and administered in accordance with this Article. A budget ordinance is balanced when the sum of estimated net revenues and appropriated fund balances is equal to appropriations.
- The budget ordinance of a unit of local government shall cover a fiscal year beginning July 1 and ending June 30. The budget ordinance of a public authority shall cover a fiscal year beginning July 1 and ending June 30.

FY 2011-12 Budget Summary

- Lower Revenues
- Increased Costs
- Budget Balanced with Reduced Expenditures
- FY 2010-11 GF Budget- \$3,385,084
- Proposed 2011-12 Budget - \$3,227,186

Discussion Items for the FY 2011-12 Budget

General

Projected Ad Valorem Tax Rate Would Remain Static @ \$.2355

Revenues

- Adjusted Tax Base of \$843,449,825
- Real Property - \$824,449,825
- Personal Prop. - \$5,711,046
- Public Service- \$2,627,209
- Tax Levy - \$1,841,143

Lack Luster Revenues Due a Poor National Economy

Sales Tax Revenues Forecast

- Only Split Allocation Method in NC – 60% Val 40% Pop into 2011
- Well Lower than Expected this year and Will Continue Into FY 2011-12
 - Economy has not recovered as well as expected
 - Last year- Loss of 45+ % of Valuation- NTB
 - This Year – Loss of 7.8 % of Pop - NTB
 - (Some Could Be Offset by Jax Pop. Loss of 10,000
 - Each Small Onslow Co. Municipality Exp. Significant Loss in Sales Tax Revenue

Discussion Items for the FY 2011-12 Budget- (Continued)

• State Shared Revenues Lower

- \$3.8 Billion Deficit
- Powell Bill Funds Reduced 10% a year over the last 5 years- \$5000 this Year (Lower Town Population as Well)
- Beer and Wine Tax Proceeds Lower
- Possible Reduction in Utility Franchise Tax Distribution

Mosquito Control Funding Eliminated

Other Revenues

- Building Inspections- Expected \$50,000 this year
- Privilege Licenses - Possibly Lower

Beach Fund Revenues

- Occupancy Tax Revenues – Exceeded Expectations
- Budgeted \$625,000 Current Year
- \$ 670,000 as of 03/31/2011
- GF Distribution- \$83,423

Proposed Expenditure Summary FY 2011-12

- **General Fund**
- No New Positions
- One Position RIF- Assistant Town Planner
- No Increase in COLA or Merits (Later Slide)
- Employee's Pay Classification Plan Implemented in FY 2011-12
- Planned replacement of two police vehicles
- Planned Replacement of the Assistant Fire Chief Vehicle
- Health Insurance Increase 11% Current Plan
- Wind and Hail Coverage Increase - \$7,500
- Employee Retirement (State Mandated) Increase to 7% for General Employees and 7.040% for LEO
- Water Well for the Town Park included as a Cost Savings
- **Beach Fund**
- Beach Shared Vegetation Project to Continue
- Beach Maintenance Costs Possible Shared With County - \$153,693 Application submitted (To continue County Funding in Future – Maint. Cost Transferred to GF)
- Federal Project Cost to Continue
- No Construction Plans for the Local Project (Permit Should be Complete)
- Beach Patrol as a Contracted Service with the Rescue Squad
- **Garbage Fees**
- 5.3% Increase (Discussion on Counter Offer with Waste Industries)
- Discussion of Vegetation and Large Item Dumpsters

Town Staff Efforts on Revenue Enhancement and Costs Containment

- Revenue Enhancements
- Active Program to Collect Occupancy Fees from Non-Paying Property Owners
- New Efforts in Physically Impounding 2nd, 3rd and more Solid Waste Pails from Non Paying Prop. Owners and Foreclosures
- In 2011-12 the Town will Start Collecting Solid Waste Fees in House for Accountability (Expected 1.5% Savings)
- Concentrated Effort in the Collection of Privilege Licenses (Police. and Building Inspections)
- Building Inspections- County Contract Cost Sharing
- {In discussion with TB}

Town Staff Efforts on
Revenue Enhancement and Costs Containment
(Continued)

- Costs Containment Items- Examples
- Fire Department – Elimination Of Full Time Position to Two Part Time Positions ???
- New Town Copier Contract Through US Communities Collective Purchasing- \$10,000 Savings Annually
- Purchase of Previously Leased Vehicles for the Police Dept. – Two Vehicles- \$ 15,000 Annually
- Identified and Eliminated Multiple Unused Phone Lines- \$3,000 Annually

Eliminated "Delivered " Bottled Water (Fire, Police & Public Works) - \$3,000

Negotiated a New Cell Phone Contract with AT&T - \$8,000 Savings (Current Contract Total \$12,000)

Board Workshop Action Items

- Discussion on:
- Garbage Contract
- Town Liability Insurance
- Employee Health Insurance
- Town Hall Flood Insurance
- Beach Patrol
- Future of Beach Nourishment Projects

Waste Industries Proposal
FY 2011-12

- Current Contract Expires 2014
- Contract Contains an Escalation Factor
- Either:
- Minimum 3% Annually, Or
- CPI (Sewer, Water, Trash Collection)

Current Year Original Offer from WI

1st Offer 5.3% Increase (Current CPI Factor)

2nd Offer- 3 Year Contract Extension- No Increase 2011-12

3rd Offer 3 Year Contract Extension – One Half Increase-2011-12 with Capped Increase until 2014

Last and Final 3 Year Extension (2017) Capped Increase Through the Total Contract Period at 4%

Current Consideration- FY 2009-10 – 6.1%

FY 2010-11- 5.3%

Salary Adjustment Comparisons

COLAS or Merit Increases

- Onslow County- (1%???) COLA
- Surf City - None
- Holly Ridge- ?
- Swansboro - ?
- Topsail Beach (3% COLA) (2.5% Merit)

- Finance Officer's "List Serve"- Very ,Very Few Increases

Update on Town Liability Insurance

- Current Plan
- No final quote but there could be a small increase (Wells Insurance Agency)
- NCLM- Same Conditions as Last Year
- (will most likely not change until 2013 or 2014)

Flood Insurance Discussion

- Town Hall Flood Insurance Annual Premium for CBRA Coverage
- \$33,000 Annually
- Place Premium in a Reserve Account?

Discussion on Beach Patrol

- Funding for FY 2011-12 ?

- There was discussion and questions for the Town Manager.
- The following action items were generated as part of the discussion to be addressed by Town Staff:
 1. Look into the administrative assistant position in the Police Department.
 2. Look at the beach maintenance items to ensure the accounting is in order; look at solid waste collection and beach patrol specifically.
 3. Look at board and mayor salaries and provide the Board with a comparison of local boards' salaries.
 4. Correct the columns on the spreadsheets (actual figures are rounded budget figures, etc) and other typos in budget document.
- No action was taken.

V. **RECESS:**

- Mayor Pro Tem Yawn made a motion to recess this meeting to May 10th at 9:00 a.m. Alderman Swantek seconded the motion. The motion passed unanimously. The meeting recessed at 2:29 p.m.

APPROVED:

Daniel Tuman, Mayor

ATTEST:

Carin Z. Faulkner, Town Clerk

Approved on: 5/5/2011

Town of North Topsail Beach

Daniel Tuman, Mayor
Michael Yawn, Mayor Pro Tem
Aldermen:
Richard Farley
Deborah Lanci
Richard Macartney
Robert Swantek



Steven H. Foster
Town Manager

Carin Z. Faulkner, MPA
Town Clerk

Board of Aldermen Regular Meeting Minutes Thursday, May 5, 2011 6:30 P.M.

PRESENT: Mayor Daniel Tuman, Mayor Pro Tem Michael Yawn, Aldermen Richard Farley, Robert Swantek, Dick Macartney, Town Attorney Brian Edes, Town Manager Steve Foster and Town Clerk Carin Faulkner.

NOT PRESENT: Alderman Deborah Lanci

- 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:**
 - Mayor Pro Tem Yawn made a motion to amend the agenda as follows:
Remove New Business Item B - Request to Adopt Resolution Opposing Senate Bill 183 and House Bill 309 – the “Billboard Bill”.
 - Mr. Foster advised that the Board should take action to remove Old Business Item A - Request to Approve/Deny Case CU-11-01. He indicated for the record that Topsail Reef HOA has withdrawn the Conditional Use Permit application.
 - Mayor Pro Tem Yawn amended the motion and added the removal of Old Business Item A - Request to Approve/Deny Case CU-11-01.
 - Alderman Swantek moved that the Board remove Old Business Item B - Request to Approve Contract for Beach Patrol Services.
 - Alderman Swantek made a motion to approve the agenda as amended. Mayor Pro Tem Yawn seconded the motion to approve the amended agenda.
 - The amended agenda was approved unanimously.
- V. **PUBLIC HEARINGS/PRESENTATIONS:**
 - A. **Presentation: Office of Naval Research’s River Mouth & Inlet Departmental Research Initiative – Greg Schmidt, Battelle**

- Mr. Schmidt provided a series of slides to the Board for their review.
- Mr. Schmidt explained that his research firm is a contractor for the Office of Naval Research and that he is before the Board to describe the proposed project and is asking for the Town's permission to do the study as designed.
- Mr. Schmidt went into the details of the project as indicated in the slides. He indicated the items that the Town will need to consider such as:
 - The 30' and 100' tower temporarily in place at 2376 New River Inlet Road
 - 30' tower near Onslow County beach access point, River Road
 - Radar on roof of Topsail Reef Condominium #1 (has been approved by Topsail Reef HOA)
 - Tripods in the surf zone
 - Driving on beach SW of the "No Driving Beyond this Point" sign
 - Use of 3/8" armored cable on ground between rental property and surf zone
 - Dye releases in surf (dye dissipates in 1 hour)
- Mr. Schmidt took questions from the Board.
- Mr. Foster suggested that Mr. Schmidt and Ms. Hill get together and determine what areas of land use permitting need to be done and if the request needs to go through the Planning Board.
- Mayor Tuman thanked Mr. Schmidt for his presentation.

VI. **MANAGER'S REPORT:**

- A. **Change of Date for Budget Workshop:** Mr. Foster reported that the next budget workshop will be held on Tuesday, May 10th at 9:00 a.m. He asked the Board if they would be willing to change the time to later in the afternoon because it is a payroll day. The Board said that they would get back to Staff on it.
- B. **Report on CBRA Meetings in D.C.:** Mr. Foster reported that he, Mayor Dan Tuman, and Town Volunteer Gene Graziosi traveled to Washington D.C. to meet with various officials on behalf of the Town's effort to have the boundary lines of the Federal CBRA zone corrected to exclude those areas that town zoning has classified as residential.

He said the next step is for Daniel Sheehan from Marlowe & Company to work with Congressman Jones' Office to construct a bill to send to legislative counsel for drafting. He is also going to work with U.S. Fish and Wildlife (USFW) staff to keep them apprised of our efforts. He will also advise USFW that the Town will be more than pleased to provide them with a revised digital map of our requested changes to their specifications.

- C. **Excuse the Mess in Town Hall:** Mr. Foster reported that the contractor is still painting the interior of Town Hall, so excuse our mess. The patching and filling of sheetrock has taken longer than anticipated, but work is continuing. The exterior painting will follow as soon as the interior is finished
- D. **Sandpiper Drive:** Mr. Foster reported that the patching and paving project for Sandpiper Drive has been awarded to Norris Construction Company. The patching portion should be completed by the end of this week and the paving will be completed by the end of next week.
- E. **Meeting with ONWASA Staff:** Mr. Foster reported that he met with ONWASA staff this week regarding potentially changing the billing for solid waste fees and working with ONWASA on that. It is an ongoing discussion.

Alderman Farley reminded Mr. Foster about grading the areas at the north end of Town. Mr. Foster said that Town Staff met with DOT in those areas and that they were marked for grading. He said he would follow-up.

Mayor Tuman reminded Mr. Foster about the flooding issue on Highway 210. Mr. Foster will get the status on that as well.

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

VIII. **CONSENT AGENDA:**

- A. Request to Approve Tax Refunds
- B. Resolution Authorizing the Disposition of Certain Personal Property by Private Sale
- C. Request to Approve Change in Cell Phone Carriers
- D. Approval of Minutes: April 7, 2011 and April 26, 2011
- E. Department Head Reports: Finance, Fire, Inspections, Planning, Police Department
- F. Committee Reports: Planning Board, Board of Adjustment, TISPC, ONWASA, Beautification and Recreation Committee, Government Advocacy Committee, UDO Committee

- Mayor Pro Tem Yawn made a motion to approve the Consent Agenda as presented. Alderman Swantek seconded the motion.
- Alderman Farley pointed out that Staff has been able to get a 30% cost savings by changing cell phone carriers.
- The motion passed unanimously.

IX. **OLD BUSINESS:**

- A. ~~Request to Approve/Deny Case CU-11-01:~~
 - This item was removed from the agenda, the applicant withdrew their application.
- B. ~~Request to Approve Contract for Beach Patrol Services:~~
 - This item was removed from the agenda.

C. Request to Approve Design Agreement for the Coastal Storm Damage Reduction Project:

- Alderman Macartney updated the Board on the status of the Coastal Storm Damage Reduction Project and explained that this agreement would commit the Town to the design phase of the project.
- Alderman Macartney made a motion for the Board to commit the Town to a four year project with Surf City and to begin the development work for the Federal project on the South end of town. Mayor Pro Tem Yawn seconded the motion.
- Ms. Faulkner requested an amendment to the motion to include directing the Staff to send a letter of intent to the Army Corps of Engineers.
- Alderman Macartney agreed to Ms. Faulkner's amendment.
- Mayor Pro Tem Yawn seconded the amended motion.
- There was discussion.
- The motion passed 3 to 1 with Alderman Farley voting against.

X. NEW BUSINESS:**A. Request to Approve Army Corps of Engineers Conditions for the North Topsail Beach Shoreline Protection Project:**

- Mayor Pro Tem Yawn made a motion that the Town of North Topsail Beach Board of Aldermen approve the conditions, accept the Army Corps of Engineers permit, and instruct the Town Manager to sign and return it.
- Alderman Swantek seconded the motion. No discussion.
- The motion passed unanimously.

B. ~~Request to Adopt Resolution Opposing Senate Bill 183 and House Bill 309—the "Billboard Bill":~~ This item was removed from the agenda.**C. Request to Reduce Permit Fees for Water System Renovations at Rogers Bay Campground:**

- Mr. Foster introduced the item. He explained that Rogers Bay is renovating their water system, they are putting new lines in, and everything is in place except the connections from the lines to the units. He said that the Town will be charging a fee of \$75 for each connection and there are 442 units that will need to be connected. He said Mr. Cramer (president of Rogers Bay POA) sent him a letter requesting that the Town reduce the fee. He said that Mr. Edes advised him that the Town has adopted a fee schedule and that there is not much the Board can legally do to reduce it for a selected group of people.
- Mr. Edes explained that the classes that you can divide out would have to be indexed to the cost, purpose, quantity or time frame associated with the provision of the services. The Town cannot have a different rate based on income level, age, religious organization or specific business.

- Mr. Cramer addressed the Board. He asked the Board to decrease the fee by half and discussed the time the building inspector would need to make the inspections.
- Mr. Stoudt (Building Codes Administrator) addressed the Board and explained that the property owners can do their own work and that it cannot be a blanket permit because the work will be done by individuals and not one contractor. He said he is concerned about the request because he feels this would cause other individuals to expect the same treatment by the Town.
- There was discussion.
- Alderman Macartney made a motion for the Board to create an amended fee for permitting the Rogers Bay Campground which will be reduced for the two month time period that the work will be done, he indicated the plumbing inspection fee would be \$37.50 for them, if the work is not completed in the two month period the \$75 fee would apply. Mayor Pro Tem Yawn seconded the motion for the purpose of discussion.
- There was discussion. Alderman Macartney withdrew his motion.
- Mayor Pro Tem Yawn made a motion to change the plumbing inspection fee for RV and Campgrounds to \$50. Alderman Macartney seconded the motion.
- There was discussion.
- The Board voted 2 to 2, a tie. Mayor Tuman broke the tie and voted against the motion. The motion failed 3 to 2 with Mayor Tuman, Alderman Farley and Alderman Swantek voting against.

D. Discussion on the Status of a Board of Aldermen Member:

- Alderman Swantek made a motion that the Board of Aldermen write a letter to Alderman Lanci to ask her what her status is and where she lives.
- Alderman Farley seconded the motion.
- There was discussion. The Board agreed to have the Mayor write the letter on behalf of the Board.
- The motion passed 3 to 1 with Alderman Macartney voting against.

XI. OPEN FORUM:

Thomas Leonard of 218 Coastal Drive – Mr. Leonard spoke against Board's decision to contact Alderman Lanci.

XII. ATTORNEY'S REPORT: Mr. Edes indicated that the item he will be reporting on will be addressed in Closed Session.

XIII. MAYOR'S REPORT: Mayor Tuman thanked the Town and its Staff on behalf of his wife for the kind words and sympathy they expressed to Mrs. Tuman in the passing of her mother. He announced that the Town's Summer Kick-Off Race will be this Saturday. He also announced that the Paw Jam event to benefit local animal organizations will be taking place in Wilmington on Saturday.

XIV. **ALDERMEN’S REPORT:**

Alderman Macartney: Mr. Macartney reported on his tour of Camp Lejeune. He said he was impressed by the decorum of the military and the economic engine they are providing. He said the reopening of 172 is not open for discussion.

Mayor Pro Tem Yawn: Mr. Yawn said “Happy Cinco de Mayo” and “Happy Mother’s Day.” He thanked Ms. Faulkner for her work as Town Clerk as it is Municipal Clerk Appreciation Week. He said that he respects Alderman Lanci. He commented on the upcoming items that the Board will be deciding on such as a purchasing contract, investments, and the debris monitoring contract. He thanked everyone for coming.

Alderman Swantek: Mr. Swantek asked the public for comments about Beach Patrol Services. He announced that Saturday is the first annual Summer Kick-Off Race, it is certified and there is a walk for the kids, music, and food. It will start at 9:00 a.m. on Saturday at the Town Park. He said the road will be closed for one hour.

Alderman Farley: Mr. Farley said “Happy Memorial Day and Happy Mother’s Day” and thanked everyone for coming out.

XV. **CLOSED SESSION:**

- Alderman Swantek 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.
- Mayor Pro Tem Yawn seconded the motion. The motion passed unanimously.
- Alderman Farley made a motion to go out of closed session. Mayor Pro Tem Yawn seconded the motion. The motion passed unanimously.
- No action was taken during closed session.

XVI. **ADJOURNMENT:** Alderman Farley made a motion to adjourn. Mayor Pro Tem Yawn seconded the motion. The motion passed unanimously. The meeting adjourned at 8:43 p.m.

APPROVED:

Daniel Tuman, Mayor

ATTEST:

Carin Z. Faulkner, Town Clerk

Town of North Topsail Beach

Daniel Tuman, Mayor
Michael Yawn, Mayor Pro Tem
Aldermen:
Richard Farley
Deborah Lanci
Richard Macartney
Robert Swantek



Steven H. Foster
Town Manager

Carin Z. Faulkner, MPA
Town Clerk

Board of Aldermen Special Meeting (Recessed Meeting of April 26, 2011) Tuesday, May 10, 2011 9:00 A.M.

PRESENT: Mayor Daniel Tuman, Mayor Pro Tem Michael Yawn, Aldermen Dick Macartney, Robert Swantek and Richard Farley (arrived at 9:03 a.m.), Town Manager Steve Foster, Town Clerk Carin Faulkner, and Finance Officer Breck Smith.

NOT PRESENT: Alderman Deborah Lanci

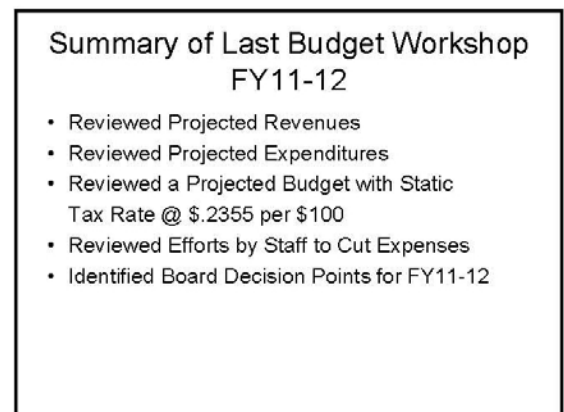
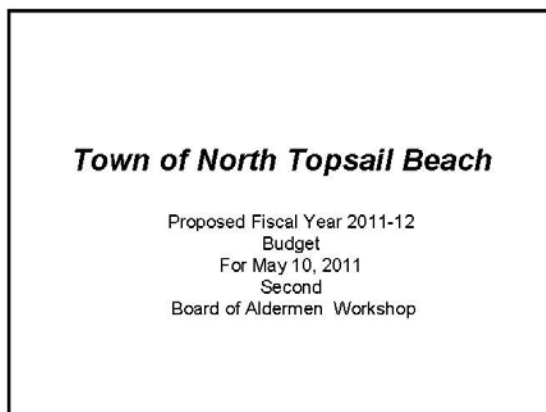
I. **CALL TO ORDER:** Mayor Tuman called the meeting to order at 9:00 a.m.

II. **APPROVAL OF AGENDA:**

- Mayor Pro Tem Yawn moved to add two discussion points, a Town well and transferring funds from the Beach Fund to the General Fund for solid waste pick up on the beach. Alderman Macartney said he would like to discuss the CAMA LPO. Mayor Tuman suggested adding a general line item "Other" to the agenda.
- Alderman Macartney moved to approve the amended agenda. Mayor Pro Tem Yawn seconded. The motion passed unanimously.

III. **BUDGET WORKSHOP:**

- Mr. Foster reviewed what was accomplished at the last meeting. He had a PowerPoint presentation (below). Following the presentation is the list of topics that were addressed and the action/decision items.



Board Decision Points

- Garbage Contract Options
- Employee Health Insurance
- Employee COLA Adjustments
- Board Compensation
- Beach Patrol
- Town Hall Flood Insurance
- Town Liability Insurance

**Waste Industries Solid Waste Options
FY 2011-12**

- **Current Year**
Current Contract Expires 2014 – Current Annual Fee - \$139,000
Contract Contains an Escalation Factor of the Higher:
Minimum 3% Annually, Or a CPI (Sewer, Water, Trash Collection)
- **FY 2011-12 Proposal**
Either a 5.3% Increase (CPI Factor), or 3 Year Contract Extension- 4%
Cap with a reduced 2.6% Increase
With No extension with 5.3% Increase - Fee = \$145,000
- **Collective Service Option**
Topsail Beach Contract Ends- June 30, 2015
Surf City Contract Ends - June 30, 2015
NTB Contract Ends - June 30, 2014

Current Employee Benefits

- NC Local Govt. Retirement System
6.5% Current- New 7.0% FY 2011-12
- 401 (k)
Match – 3%
- Health Insurance
100% Paid (\$1,800) HRA
- Sick Leave
(One day per month)
- Vacation (12 to 20 days a year depending on service)
- Social Security Match

**Salary Adjustment Comparisons
COLAS or Merit Increases**

- Onslow County- ????
- Surf City - None
- Holly Ridge- 3% (Paid for by salary lapse)
- Swansboro – 2% Given in December
- Topsail Beach (3% COLA) (2.5% Merit)
- Finance Officer's "List Serve"- Very ,Very Few Increases
- Recommendation One Time Costs of Living Adjustment
\$800.00 Per Employee (Given in November)

Total Cost- \$21,600

Board Compensation

- **Local Governing Board Salaries**
- **Topsail Beach:** \$900 per quarter - \$3,600 annual (Mayor, MPT, (Council)
(proposed increase to \$1,500 a quarter/\$6,000 annual).
- **Surf City:** Mayor: \$4,476 annual with \$300 travel
MPT: \$2,844 annual with \$150 travel
Council: \$2,796 annual with \$150 travel
All receive \$50 for each Special Meeting.
- **Richlands:** Mayor: \$504 per quarter – \$2,016 annual
MPT: \$425.25 per quarter – \$1,701 annual
Alderman: \$330.75 per quarter - \$1323 annual
- **N.C. Average
Towns Below
2,500
population:** Mayor: \$1,955 annual
MPT: \$1,125 annual
Board: \$1,182 annual

Employee Health Insurance

- **Current Plan Included in the Proposed Budget
United Health Care**
- **Health Reserve Account - \$1,800 /Employee**
- **Annual Individual Premium – Current \$312 Proposed \$349
(11% Increase)**
- **\$2,500 Deductable**
- **Maximum Financial Exposure per Employee \$700**
- **Unlimited Coverage Renewal - Current \$5M**
- **Unlimited Free Diagnostic Care**

**Major Health Insurance Companies
in NC**

- Blue Cross & Blue Shield
- United Health Care
- First Carolina Care

- Quotes From Four Brokerage Companies

Beach Patrol

- **Patrol Objectives**
- Provide Information to the Public
- Advising the Public on Town Ordinances
(No authority for Enforcement)
- Intervene on Public Safety Issues
(Is Not a Lifeguard Service)
- Assist in Locating Lost Juveniles
- Engaging the Assistance of Law Enforcement and
Emergency Medical Services Where Needed

Beach Patrol Proposed FY 2011-12

- Based on 10 weeks for a total of 70 days of patrol
- Two members on duty a day, one member patrolling the south end of town beach for 8 hours, and one member patrolling the north end of town beach for 8 hours. May be broken down to no less than 4 hour shifts.
- Will provide information on town beach ordinances, will provide water rescue duties if such arise, and medical duties if such arise.
- Wage rate will be \$10.00 per hour
- Town will provide funding for (2) 4wd, 4 seat Utility Terrain Vehicles (UTV)

Beach Patrol Costs FY 2011-12

• Personnel	\$13,180
• Equipment and Uniform Cost	\$20,360
• Total Costs	\$33,540

Fee Schedule for FY 2011-12

- Board Discussion on the Schedule

• Questions??

- Garbage Contract Options – The Board agreed to keep the solid waste services contract the same, no contract extension and a 5.3% CPI increase, the current contract runs out in 2014. The Board remains open to discussing doing a contract with Surf City and Topsail Beach in the future.

- Employee COLA Adjustments – The Board agreed to pay a one-time COLA to employees in November or December of this year. \$400 will go to employees who take home cars and \$800 will go to employees who do not take home cars.
- Board Compensation – The Board agreed to increase the monthly pay for the Board members, the new salaries will be: \$150 a month for the Mayor, \$125 for the Mayor Pro Tem, and \$100 a month for Aldermen. This will go into effect on December 1st.
- Employee Health Insurance – Mr. Foster indicated that he is still working out the employee health insurance but is confident that Staff has enough budgeted to cover any decisions made on this item. The Board discussed the possibility of obtaining health insurance coverage with the Town.
- Beach Patrol – The Board was split on this item and indicated that they would consider the County’s funding and will possibly make a final decision at the June meeting.
- Town Hall Flood Insurance – The Board agreed to continue to purchase flood insurance through Wells Insurance Agency.
- Town Liability Insurance – The Board agreed to continue to use the same provider for Liability Insurance (Wells) which indicated an increase of 5% for this year.
- Town Well at Town Park – The Board agreed to fund a well for the Town Park. There was discussion about the risk of finding chloride in the aquifer and the cost. The estimated cost is \$10,000 to construct the well. A cost-savings of approximately \$5,000 a year is projected if the water quality is sufficient for use.
- FY2012 Fee Schedule – A few minor changes were made to the recommended fee schedule.

Other Items Discussed:

- Transfer of Funds – The Board agreed to a transfer of \$14,080 from the Beach Fund to the General Fund. These funds go toward the cost of collecting solid waste at the beach.
- The Board agreed to remove the revenue item for the CAMA LPO as they have decided to use Wilmington as the CAMA LPO.
- Mosquito Control – Mr. Foster reported that the State has announced that they will be taking back mosquito spraying equipment from municipalities. This

would result in the loss of the Town's mosquito spraying machine; a new one to replace it will cost \$13,000. There was discussion about the options.

- Cafeteria Plan for Benefits – Alderman Farley asked Staff to look into a “cafeteria plan” for employee benefits.
- Solid Waste Fees – There was discussion on changing the method of collection of solid waste funds from an additional fee on the tax bill to covering the cost through property tax revenues. This is something the Board agreed to consider for the next fiscal year.

IV. **RECESS:**

- Mayor Pro Tem Yawn made a motion to recess this meeting until further notice. Alderman Farley seconded the motion. The motion passed unanimously. The meeting recessed at 11:19 a.m.

APPROVED:

Daniel Tuman, Mayor

ATTEST:

Carin Z. Faulkner, Town Clerk

Approved on: 6/2/2011

Town of North Topsail Beach

Daniel Tuman, Mayor
Michael Yawn, Mayor Pro Tem
Aldermen:
Richard Farley
Deborah Lanci
Richard Macartney
Robert Swantek



Steven H. Foster
Town Manager

Carin Z. Faulkner, MPA
Town Clerk

Board of Aldermen Regular Meeting Minutes Thursday, June 2, 2011 6:30 P.M.

PRESENT: Mayor Daniel Tuman, Mayor Pro Tem Michael Yawn, Aldermen Richard Farley, Robert Swantek, Dick Macartney, Deborah Lanci, Town Attorney Brian Edes, Town Manager Steve Foster and Town Clerk Carin Faulkner.

- I. **CALL TO ORDER:** Mayor Tuman called the meeting to order at 6:32 p.m.
- II. **INVOCATION:** Alderman Lanci gave the invocation.
- III. **PLEDGE OF ALLEGIANCE:** Mayor Tuman led those present in the Pledge of Allegiance.
- IV. **APPROVAL OF AGENDA:**
 - Mayor Pro Tem Yawn made a motion to approve the agenda. Alderman Lanci seconded the motion.
 - The agenda was approved unanimously.
 - Mayor Tuman asked for a short recess to allow the Town Manager to make final adjustments to the budget message.
- V. **PUBLIC HEARINGS/PRESENTATIONS:**
 - A. **Public Hearing: Proposed 2011-2012 Budget**
 - Mr. Foster read the budget message.
 - Mayor Tuman opened the public hearing.
 - No one came forward.
 - Mayor Tuman closed the public hearing.
 - Mayor Pro Tem Yawn made a motion for the Board of Aldermen to adopt the FY 2011-2012 budget and the attached budget ordinance and fee schedule as presented.
 - Alderman Lanci seconded the motion.
 - There was discussion.
 - The motion passed unanimously.

VI. **MANAGER'S REPORT:**

- A. **Hurricane Preparedness Meetings:** Mr. Foster reported that Town Staff will be holding meetings in the next few weeks to review procedures for this year's hurricane and storm preparedness program. The Town will be making certain that our EOC has phone communication capabilities, as well as working with Onslow County Emergency Management to coordinate preparedness efforts.

The Town has posted hurricane preparedness procedures for property owners on the Town's website for use by the Town residents and property owners.

- B. **Town Post Hurricane Re-Entry Stickers:** Mr. Foster reported that Staff would like to remind the public that if they currently do not have hurricane re-entry stickers on their vehicles that they need to contact Town Hall and speak with Ms. Kim Weaver in order to obtain one. They are limited to two stickers per family. In order to receive a new sticker the property owner must bring a utility bill and picture identification in order to receive one. These stickers are valid through 2014. The Town changed over to a windshield sticker system in 2010.
- C. **Mosquito Spraying has Begun:** Mr. Foster reported that the Town has begun spraying for mosquitoes this week. Staff will begin spraying in the late evening or early morning when wind is less of a factor. Property owners need to contact Town Hall should their areas need special attention.
- D. **Sandpiper Drive Paving Project:** Mr. Foster reported that the Sandpiper paving project has been completed.
- E. **Surplus Vehicles:** Mr. Foster reported that the Town sold two vehicles on Gov Deals. A pick up truck for \$4,010 and a police car for \$1,811.
- F. **CBRA Update:** Mr. Foster reported that the Town has been in conversation with Mr. Dan Sheehan of Marlowe and Associates about the latest news on the Town's efforts to be removed from CBRA designation. Mr. Sheehan has arranged a meeting with staff from the House committee that has jurisdiction in this area, and Congressman's Walter Jones staff to write legislation that would remove the designation. The meeting is on June 16th. It would then be introduced to the Committee, and should that be successful, it would then go to the full House for consideration.
- G. **Federal Project Design Phase Documents Transmitted:** Mr. Foster reported that Staff has transmitted to the USACE the documents needed to proceed with the design phase of the Federal Project. The Town received notice that available funds to the Corps for the project have been increased from \$300,000 to \$600,000, which will expedite the projects design phase.

H. **Flood Mitigation Grant Report:** Mr. Foster gave the floor to Ms. Hill who reported that she is working with Holland and Associates in conducting an outreach and pre-application process to identify interested property owners of repetitive loss properties who could qualify for grant funds to assist with elevating, relocation of structures, or acquisition of properties in imminent danger. She estimates that they could help approximately 12 properties in FY12. The application is due on October 1, 2011. Interested property owners should contact Ms. Hill and applications will also be available on the Town website.

VII. **OPEN FORUM:**

Thomas Leonard of 218 Coastal Drive – Mr. Leonard made comments against the Town having a beach patrol.

Jeanne Eaton of 7110 11th Avenue – Ms. Eaton made comments in favor of the Town having a beach patrol.

VIII. **CONSENT AGENDA:**

- A. Request to Approve Tax Refunds
- B. Request to Approve Budget Amendment #8
- ~~C. Request to Approve Letter of Intent for Coastal Land Trust~~
- D. Approval of Minutes: May 5, 2011 and May 10, 2011
- E. Department Head Reports: Finance, Fire, Inspections, Planning, Police Department
- F. Committee Reports: Planning Board, Board of Adjustment, TISPC, ONWASA, Beautification and Recreation Committee, Government Advocacy Committee, UDO Committee

- Alderman Macartney made a motion to approve the Consent Agenda as presented. Alderman Lanci seconded the motion.
- Alderman Farley asked if an item was added to it. Ms. Faulkner indicated that the letter of intent for the Coastal Land Trust was moved to the Consent Agenda. Alderman Macartney amended his motion to remove the “Request to Approve Letter of Intent for the Coastal Land Trust” and place it on the agenda as New Business Item C. Alderman Lanci seconded the amended motion.
- The motion passed unanimously.

IX. **OLD BUSINESS:**

A. **Request to Approve Contract for Mobile Lidar Mapping:**

- Mayor Pro Tem Yawn gave some background on the service and the benefits to the Town.
- Mayor Pro Tem Yawn made the following motion:
“I move that the Town of North Topsail Beach Board of Aldermen contract with McKim and Creed via a Notice to Proceed on Task One (Data Collection) for a total of \$12,000 to be funded from the Beach Fund.”

- Alderman Lanci seconded the motion.
- There was discussion.
- Attorney Edes made a comment in regards to ensuring that the contract has language stating that \$12,000 is turn-key so that the Town can avoid getting charged more money, he referred to item six where it states “as needed additional services.”
- Mayor Pro Tem Yawn indicated that he would like to keep his motion the same.
- The motion failed 3 to 2 with Mayor Pro Tem Yawn and Alderman Lanci voting in favor.

B. Request to Approve Contract for Debris Removal Monitoring:

- Mayor Pro Tem Yawn introduced this item.
- Mayor Pro Tem Yawn made the following motion:
“I move that the North Topsail Beach Board of Aldermen agree to enter the Town into contract with Beck Disaster Recovery to provide debris removal monitoring services not to be activated until services are required by a storm event, and further to piggyback off of Onslow County’s contract, with shared personnel where appropriate in order to reduce costs.”
- Alderman Lanci seconded the motion.
- There was discussion.
- The motion passed 3 to 2 with Aldermen Farley and Macartney voting against.

C. Request to Approve Contract for Beach Patrol Services:

- Alderman Swantek introduced this item.
- Alderman Swantek moved for the Town of North Topsail Beach Board of Aldermen to execute the contract between the Town of North Topsail Beach and the Volunteer Rescue Squad, with an operation manual to be approved by the Board.
- Alderman Lanci seconded the motion.
- There was discussion.
- The motion failed 3 to 2 with Mayor Pro Tem Yawn and Alderman Swantek voting in favor.

X. NEW BUSINESS:

A. Request to Re-Appoint Members to the Planning Board and Board of Adjustment:

- Mayor Tuman introduced the item and indicated that several Planning Board and Board of Adjustment members’ terms expired in May. The Board of Aldermen needs to re-appoint the members who are willing to serve another term and as requested move others from alternate positions to regular member status.

- Mayor Tuman indicated that applications for the Planning Board were received from: Paul Dorazio, Gunnar Matthews, and Sue Tuman.
- Mayor Tuman indicated that applications for the Board of Adjustments were received from: Gary Miller and Suzanne Gray.
- Mayor Tuman indicated that there was also a recommendation to appoint Richard Peters and Marianna Harness as regular members on the Board of Adjustment.
- Alderman Swantek made a motion for the Board of Alderman to re-appoint all of the individuals as requested.
- Alderman Lanci seconded the motion.
- There was discussion.
- The motion passed 4 to 1 with Alderman Farley voting against.

B. Discussion of Town Attorney's Contract:

- Mayor Pro Tem Yawn introduced the item.
- Alderman Macartney made a motion to change the Town Attorney's contract based on tonight's discussion and to have it as an item on next month's agenda.
- Alderman Lanci seconded the motion.
- There was discussion.
- Mr. Edes suggested that he could write a proposal based on tonight's comments and suggestions. He said he would write two proposals, one with a retainer and one straight hourly. He will e-mail it to the Board members individually.
- Mr. Foster said that he will also analyze the Town's previous bills to aid Mr. Edes with his proposal.

C. Request to Approve Letter of Intent for Coastal Land Trust:

- Mr. Edes gave the Board background on this item.
- Mr. Foster explained more about the grant process.
- Alderman Macartney moved that the Town of North Topsail Beach approve the letter of intent for the Coastal Land Trust.
- Mayor Pro Tem Yawn seconded the motion.
- There was discussion.
- The motion passed 4 to 1 with Alderman Farley voting against.

- XI. **OPEN FORUM:** No one came forward.
- XII. **ATTORNEY'S REPORT:** Mr. Edes said that he did not have a report for this month. He said he is looking forward to next month's meeting.
- XIII. **MAYOR'S REPORT:** Mayor Tuman made comments in follow-up to the discussion from last month's meeting on the status of a Board of Aldermen member.

XIV. **ALDERMEN'S REPORT:**

Alderman Lanci: Ms. Lanci said she hopes that everyone had a good Memorial Day weekend. She heard that the Town had a wonderful turnout as far as the crowds were concerned. She said she hopes that it is a signal of how the rest of the summer is going to be. She declined to dignify inquiries about her status with a response.

Alderman Macartney: Mr. Macartney made comments about how busy the beach was over Memorial Day weekend. He said the Town needs to have discussions with other government entities to take the burden of paying for this great but dwindling natural resource, used by all, off of the taxpayers of this Town.

Mayor Pro Tem Yawn: Mr. Yawn made comments in response to the Mayor's Report.

Alderman Swantek: Mr. Swantek made comments in response to the Mayor's Report. He announced that the Summer Kick-off race was very successful and that the Town had 35 participants. He congratulated Mayor Pro Tem Yawn for finishing second place.

Alderman Farley: Mr. Farley made comments in response to the Mayor's Report. He said "Happy Flag Day." He announced that the Dixon baseball team made it to the first playoff game.

XV. **ADJOURNMENT:** Mayor Pro Tem Yawn made a motion to adjourn. Alderman Lanci seconded the motion. The motion passed unanimously. The meeting adjourned at 8:20 p.m.

APPROVED:

Daniel Tuman, Mayor

ATTEST:

Carin Z. Faulkner, Town Clerk

Approved on: 7/7/2011

Town of North Topsail Beach

Daniel Tuman, Mayor
Michael Yawn, Mayor Pro Tem
Aldermen:
Richard Farley
Deborah Lanci
Richard Macartney
Robert Swantek



Steven H. Foster
Town Manager

Carin Z. Faulkner, MPA
Town Clerk

Board of Aldermen Regular Meeting Minutes Thursday, July 7, 2011 6:30 P.M.

PRESENT: Mayor Daniel Tuman, Mayor Pro Tem Michael Yawn, Aldermen Richard Farley, Robert Swantek, Dick Macartney, Deborah Lanci, Town Attorney Brian Edes (arrived at 6:40 p.m.), Town Manager Steve Foster and Town Clerk Carin Faulkner.

- I. **CALL TO ORDER:** Mayor Tuman called the meeting to order at 6:30 p.m.
- II. **INVOCATION:** Alderman Farley gave the invocation.
- III. **PLEDGE OF ALLEGIANCE:** Mayor Tuman led those present in the Pledge of Allegiance.
- IV. **APPROVAL OF AGENDA:**
 - Alderman Macartney indicated that he would like to move two items from the Consent Agenda to New Business, the Finance Report and the Police Report. He also said he wanted to add new business items to discuss terminal groins and to pass a resolution in appreciation of Colonel Ryscavage.
 - Alderman Swantek indicated that he would like to remove the Old Business item regarding the Town Attorney's contract and table it for another time.
 - Alderman Macartney made a motion to approve the agenda with the amendments he and Alderman Swantek made.
 - Alderman Lanci seconded the motion.
 - The amended agenda was approved unanimously.
- V. **PUBLIC HEARINGS/PRESENTATIONS:**
 - A. **Presentation – Presentation on Marine Debris and Litter Issues and Solutions for Beach Communities by Lisa Grant, Assistant Director of Onslow Solid Waste:** Ms. Grant was not able to attend the Board of Aldermen meeting.

VI. **MANAGER'S REPORT:**

- A. **Hurricane Preparedness:** Mr. Foster reported that Staff met this past month to review hurricane evacuation and re-entry procedures and visited Emergency Operations Center at Dixon Elementary School in order to make certain that our communication lines are in order.

He also reminded the public that the stickers that the Town is currently using are good for this year and through 2014. In order to obtain a sticker, a property owner must show proof that they are a resident or property owner by way of a utility bill and photo ID.

- B. **Report on CBRA Elimination Progress:** Mr. Foster reported that on June 16th, our Washington representative met with staff from Congressman Jones' Office, Mr. Harry Burroughs, House Natural Resources Committee, and representatives from the U.S. Fish and Wildlife Service to discuss the future of the Town's efforts in the elimination of the CBRA. He said Congressman Jones' plan is to introduce a bill to have the Town eliminated from CBRA. The purpose of the June 16th meeting was to inform USFWS of the Congressman's plans.

The Service stated at the meeting that they would prefer to finish their work on redrawing the CBRA maps, and they would not be in favor of a legislative approach. The Service was reminded at the meeting that this project had been going on for over 10 years and was still a number of years off until it could be completed.

Congressman Jones, according to our lobbyist, is planning on introducing the bill in August to the House Committee.

Town staff is planning on having a round table discussion with local residents, real estate, building, and insurance interests on July 19th in order to list all of issues that each sector has had to face with the misplaced CBRA designation. The Town invites anyone that would like to attend to come and make comments.

- C. **Inclusion in the Onslow County Budget:** Mr. Foster reported that Onslow County has appropriated a sum of \$50,000 out of their "Tourism Budget" for North Topsail Beach. The money is to be used for "beach maintenance activities" which include parking lot maintenance, access way replacement, and solid waste collection and disposal.
- D. **Solid Waste Billing Agreement with ONWASA:** Mr. Foster reported that the Town will be utilizing the services of ONWASA's Billing Department to bill monthly for solid waste fees. ONWASA has agreed not to charge the Town for this service.

The Town currently, and in the past, included the fee on the Onslow County Tax bill, in which the Town paid 1% of revenues to the County for this service.

Additionally, the County had to apply any monies it received in accordance with the General Statues which prescribed how the monies could be applied. The solid waste fees were on the bottom of the priority list, which meant that a customer could make partial payments to the County and have very little applied to their solid waste bill.

Advantages of the new system include:

- Elimination of the charge paid to the County
- More efficient and timely collection
- Better cash flow (Monthly Vs. Annual)
- Payments spread over a 12 month period for the customer.

The new system will start in September. Thanks goes to ONWASA and to Alderman Farley for his assistance in this change in his capacity as an ONWASA representative.

- E. **CAMA Permitting Responsibility is Handed Off to the State DCM:** Mr. Foster reported that Staff met with NC DCM Staff on June 29, 2011 to go over procedures to transfer the CAMA permitting function to that Department. Staff had discussions on various ways that the Town could help to expedite the process, and various ways that would shorten the amount of time it takes to obtain a permit. Permitting contact information can be found on our website.

The contact person at CAMA is:

Ms. Holley Snider
CAMA LPO
Phone # 910-796-7266
Fax# 395-3964
127 Cardinal Dr. Ext.
Wilmington, NC 28405
Holley.Snider@ncdenr.gov

- F. **Request to USACE to Add Relocation of Topsail Road Sand Dune to the Federal PED:** Mr. Foster reported that Staff has prepared a request to have USACE relocate the encroaching sand dune on Topsail Road while in the process of preparing the PED for the Federal Project. Staff has prepared maps for the Corps to use in that effort. The reason for this effort is to eliminate the necessity of having the Town continually remove sand from the road, and to prevent the eventual abandonment of the road by the State if the road becomes impassable.

Alderman Farley asked Mr. Foster to look into having sand on Ocean Drive moved as well. There was also discussion about putting down gravel in places where visitors get their car stuck, instead of placing “no parking” signs in those areas. Mayor Pro Tem Yawn suggested that the Board do a resolution thanking the County for the \$50,000 appropriation.

VII. **OPEN FORUM:**

Suzanne Gray of 4110 Island Drive – Ms. Gray made comments about the extreme loss of water pressure over the holiday weekend. She said she hopes ONWASA investigates and solves this problem.

Jay Greenspan of 2174 New River Inlet Road #283 – Mr. Greenspan had questions for the Town Manager about the solid waste fee being added to the water bill. He said that his condo complex association gets one water bill for all owners. He wanted to know how the Town will bill him for solid waste.

Thomas Leonard of 218 Coastal Drive – Mr. Leonard made comments about Topsail Beach's beach nourishment project and the lifting of the ban on terminal groins. He expressed his support for the Town pursuing a terminal groin. He also made comments on the activity of the Town's Shoreline Protection Committee.

VIII. **CONSENT AGENDA:**

- A. Approval of Minutes: June 2, 2011
- B. Department Head Reports: ~~Finance~~, Fire, Inspections, Planning, ~~Police~~ Departments
- C. Committee Reports: Planning Board, Board of Adjustment, TISPC, ONWASA, Beautification and Recreation Committee, Government Advocacy Committee, UDO Committee

- Alderman Macartney had made an earlier request to strike the Finance and Police Reports from the Consent Agenda.
- Mayor Pro Tem Yawn made a motion to approve the Consent Agenda as amended. Alderman Lanci seconded the motion.
- The motion passed unanimously.

IX. **OLD BUSINESS:**

A. **Request to Award Contract for Debris Removal Monitoring Services:**

- Mr. Foster gave some background information on this agenda item and gave Staff's recommendation.
- Mayor Pro Tem Yawn made a motion for the Town to enter into contract with True North Emergency Management LLC to provide debris removal monitoring services not to be activated until services are required by a storm event to be funded by the general fund with reimbursement from FEMA.
- Alderman Lanci seconded the motion.
- There was discussion.
- The motion passed 4 to 1 with Alderman Farley voting against.

~~B. Request to Approve Town Attorney's Contract:~~

- This item was removed from the agenda, to be tabled to another time.

X. **NEW BUSINESS:**

A. **Request to Approve ONWASA Solid Waste Billing Agreement:**

- Mr. Foster explained the situation that led to the Town's decision to bill solid waste service through ONWASA.
- Alderman Swantek made a motion that the Board of Aldermen approve the Onslow Water and Sewer Authority Solid Waste Billing Agreement and that the new billing system becomes effective September 1, 2011.
- Alderman Lanci seconded the motion.
- There was discussion.
- The motion passed unanimously.

B. **Finance Report:**

- Alderman Macartney explained that the fiscal year ended June 30th and that the report indicates how the Town did against the budget. He wanted to point out some items for the record.
- He said that the Town collected 94 percent of the projected revenues; there are a few items that were behind budget, namely the utility franchise and cable franchise taxes. The Finance Officer indicated that he is expecting to have more come in.
- He also indicated that every department was under budget. He pointed out that Police Department was at 95 percent of budget. They were \$40,000 under what was budgeted. He said the Fire Department did an equally good job.
- He said it looks like the Town has about \$73,000 going into the fund balance. He said the Finance Officer thinks that the Town will come out even better than that. He congratulated the department heads and the Town Manager.
- Alderman Macartney made a motion to approve the Finance Report. Mayor Pro Tem Yawn seconded the motion. The motion passed unanimously.

C. **Police Report:**

- Alderman Macartney said that the total citations issued caught his attention. He said that there were 160 this year versus 96 last. He said that the difference was the parking citations that were given out since the Town put new "no parking" signs in place.
- He said that the Town is being inhospitable when it comes to parking.
- There was discussion about parking.
- The Board directed the Town Manager to explore finding additional parking areas that are safe.
- Mayor Pro Tem Yawn made a motion to approve the Police Report. Alderman Lanci seconded the motion. The motion passed unanimously.

D. Discussion on Terminal Groins

- Alderman Macartney explained that a new State law has lifted the ban on terminal groins. He recognized those responsible getting the legislation passed.
- There was discussion on how the Town should move forward.
- The Board directed the Town Manager to notify the Board when Chris Gibson from Gahagan and Bryant comes back to the Town with the information he was gathering for the Town. The Board will then call a Special Meeting and have Mr. Gibson present his findings to the Board.

E. Request to Adopt a Resolution in Appreciation of Colonel Jefferson

Ryscavage:

- Alderman Macartney read the resolution of appreciation. It reads as follows:

**RESOLUTION OF APPRECIATION
COLONEL JEFFERSON RYSCAVAGE**

WHEREAS, it is the desire of the North Topsail Beach Board of Aldermen to give appropriate acknowledgement and recognition to individuals who have rendered invaluable service to the citizens of North Topsail Beach; and

WHEREAS, Colonel Jefferson Ryscavage has served with distinction as District Commander of the United States Army Corps of Engineers Wilmington District since 2009; and

WHEREAS, Colonel Ryscavage briefed the Civil Works Review Board on the Surf City and North Topsail Beach Coastal Storm Damage Reduction Project resulting in unanimous approval by the Civil Works Review Board; and

WHEREAS, Colonel Ryscavage also made a successful presentation on the Coastal Storm Damage Reduction Project to the Onslow County Board of Commissioners at the request of the Town of North Topsail Beach; and

WHEREAS, Colonel Ryscavage and his staff have worked diligently on behalf of the Town to move the Coastal Storm Damage Reduction Project forward with great success.

NOW THEREFORE BE IT RESOLVED that the Town of North Topsail Beach Board of Aldermen hereby conveys its deepest and most sincere expressions of gratitude and appreciation to **COLONEL JEFFERSON RYSCAVAGE** for his service to the Wilmington District and the Town of North Topsail Beach.

BE IT FURTHER RESOLVED that Colonel Ryscavage be furnished a copy of this Resolution, which is recorded within the minutes of the July 7, 2011 Board of Aldermen meeting.

This the 7th day of July 2011.

- Alderman Macartney made a motion to adopt the resolution.
- Mayor Pro Tem Yawn seconded the motion.
- The motion passed unanimously.

XI. OPEN FORUM:

John Schoffner of 2174 New River Inlet #285 – Mr. Schoffner made comments about terminal groins. He recommended that the Town seek advice from Mr. Suggs at the Army Corps of Engineers. He made comments against sand bags.

Thomas Leonard of 218 Coastal Drive – Mr. Leonard made comments about the Town's parking issues. He thinks the Town is going in the right direction

with terminal groins. He urged the Shoreline Protection Committee to meet again.

Lenny Denittis of 126 N. Permuda Wynd – Mr. Denittis made comments about the terminal groin issue. He thinks the Town needs to have an outline to work from. He wanted to know more about the Shoreline Protection Committee.

XII. **ATTORNEY'S REPORT:** Mr. Edes apologized for being tardy to the meeting. He asked the Board to e-mail him with any comments or questions about the draft contracts he prepared for his employment contract with the Town. He said he is proud to announce that the Town has reached the one year mark of having no suits filed against it. He said that it is something to be proud of and that the monthly meeting with the Town Manager and Staff has helped keep the Town on the front end of problems.

XIII. **MAYOR'S REPORT:** Mayor Tuman made statements in support of the Town pursuing the construction of a terminal groin. He personally thanked Senator Harry Brown for introducing the bill. He thanked Representative Phil Shepard who helped with the final draft of the law. He thanked the membership of the North Carolina Beach Inlet and Waterway Association for their efforts in promoting the legislation. He thanked the individuals from Surf City and Topsail Beach who represent the Topsail Island Shoreline Protection Committee; they took the time to go to Raleigh on the Town's behalf in support of this legislation. He thanked the many individuals in our Town and elsewhere who wrote to Governor Perdue encouraging her to sign the legislation. He said the Town should be encouraged that, if we make the effort and enlist available support and expertise, it is possible to solve problems and can get legislation passed that helps our Town. He said the Town needs to be available to those who helped us when they require our assistance.

Mayor Tuman announced that he will be hosting a meeting on July 19th on CBRA. The Town invited several local builders, real estate agents, a representative of BASE (Business Alliance for a Sound Economy) and the public. The purpose of the meeting is to solicit their input regarding the problems and hardships that the CBRA has had on them. Along with the Town's input, this information will be compiled for U.S. Representative Walter Jones who will be introducing legislation on our behalf (to have the residential portion of our Town removed from the CBRA zone).

Mayor Tuman commended the town of Topsail Beach. As they reported at the TIPSC meeting and in the Topsail Voice, they have successfully completed and adopted a plan for that provides the on-going maintenance of their beach, compatible with FEMA requirements, and paid for from their beach fund. Unlike our Town, they used an outside consultant who worked with the public in developing a plan that was submitted to and approved by their Board.

XIV. **ALDERMEN'S REPORT:**

Alderman Swantek: Mr. Swantek said that it was a nice 4th of July and it was busy.

Mayor Pro Tem Yawn: Mr. Yawn made comments about the water pressure issue and that he may attend the meeting with ONWASA. He made comments about the terminal groin issue and said that he was glad that the bill passed and would like the Town to do its due diligence on it. He said the Shoreline Protection Committee was formed so that the Town can have three representatives for the TISPC. He thinks that they should meet as the Board of Aldermen.

Alderman Macartney: Mr. Macartney thanked Onslow County for appropriating \$50,000 for the Town's beach maintenance activities. He recognized Gene Graziosi for his tireless work on CBRA. He was sorry that Ms. Grant was not able to make it to tonight's meeting but announced that Keep Onslow Beautiful will be having their annual Earth & Surf Fest this Saturday and thanked Ms. Grant for her efforts at keeping the beach clean.

Alderman Lanci: Ms. Lanci thanked everyone for attending the meeting, she said it was the biggest turnout we had in a while. She recognized the need for the Town to make contact with the leadership in Raleigh to ensure that the parameters for the terminal groin are set. She encouraged having the HOAs and individuals send letters and e-mails and making phone calls to urge them to get the rules in place so that the Town knows what it is dealing with.

Alderman Farley: Mr. Farley reported that the Town will be meeting with ONWASA on July 14th at Town Hall to discuss the water pressure issue. It will be at 10:00 a.m. He said that he is not convinced that terminal groins are a solution to erosion but said he is willing to listen to Mr. Gibson. He thanked everyone for coming out and added that he does not feel that day trippers are nuisances to the Town. He encourages everyone to come to the beach.

- XV. **ADJOURNMENT:** Mayor Pro Tem Yawn made a motion to adjourn. Alderman Lanci seconded the motion. The motion passed unanimously. The meeting adjourned at 8:14 p.m.

APPROVED:

Daniel Tuman, Mayor

ATTEST:

Carin Z. Faulkner, Town Clerk

Approved on: 8/4/2011

Town of North Topsail Beach

Daniel Tuman, Mayor
Michael Yawn, Mayor Pro Tem
Aldermen:
Richard Farley
Deborah Lanci
Richard Macartney
Robert Swantek



Steven H. Foster
Town Manager

Carin Z. Faulkner, MPA
Town Clerk

Board of Aldermen Regular Meeting Minutes Thursday, August 4, 2011 6:30 P.M.

PRESENT: Mayor Daniel Tuman, Mayor Pro Tem Michael Yawn, Aldermen Richard Farley, Robert Swantek, Dick Macartney, and Deborah Lanci, Town Attorney Brian Edes, Town Manager Steve Foster and Town Clerk Carin Faulkner.

- I. **CALL TO ORDER:** Mayor Tuman called the meeting to order at 6:30 p.m.
- II. **INVOCATION:** Alderman Swantek gave the invocation.
- III. **PLEDGE OF ALLEGIANCE:** Alderman Swantek led those present in the Pledge of Allegiance.
- IV. **APPROVAL OF AGENDA:**
 - Mayor Pro Tem Yawn indicated that he would like to add Item F under New Business which is a resolution concerning the Surf City post office.
 - Alderman Swantek indicated he would like to remove New Business Item E regarding ONWASA.
 - Mayor Tuman indicated he would recommend leaving it on the agenda as he would like to discuss this matter before the August 11th meeting.
 - There was discussion.
 - Alderman Swantek's motion failed.
 - Mayor Pro Tem Yawn made a motion to approve the amended agenda.
 - Alderman Lanci seconded the motion.
 - The amended agenda was approved unanimously.
- V. **MANAGER'S REPORT:**
 - A. **Report on CBRA Modification Progress:** Mr. Foster reported that the Town held a public forum on CBRA issues on July 19th with very good attendance. He said the Town appreciates all who participated in the forum. The comments have been forwarded to Congressman Jones' Office for inclusion in his presentation of legislation to the House Natural Resources Committee in September.

- B. Progress on Solid Waste Billing:** Mr. Foster reported that Staff is in the process of sending out notices to our solid waste customers notifying them of the change in billing to ONWASA. Staff had a meeting with the condominium managers and the Town will be billing their owners directly. The first billing for individual solid waste will be around September 10th at a monthly rate of \$14.50 a month for the current fiscal year.
- C. Topsail Area Chamber of Commerce Offers to Conduct Candidate's Night:** Mr. Foster reported that the Chamber of Commerce has offered to conduct a candidate's night at our Town Hall. He asked if there are any objections. There were no objections.
- D. Report on the Water Well Proposal for the Town Park:** Mr. Foster reported that Public Works is currently soliciting quotes for the installation of an irrigation well. It is anticipated that the well will be installed at a depth of from 200' to 250'. The well was included in this year's budget, and will be used to offset the cost of water purchased from ONWASA. All quotes should be submitted with the next week.
- E. Hazard Mitigation Grants Program Postponed:** Mr. Foster reported that the Town of North Topsail Beach is formally withdrawing our Letter of Interest for the FY12 Hazard Mitigation Assistance program. The Town is actively soliciting homeowners to participate in either elevation or acquisition activities, but to date we have only received three applications, out of the 30 property owners that the Town contacted, and we do not feel that it is cost-effective for the Town, our consultant, or NCDDEM will proceed with a full application for three properties. We will continue to outreach this summer and send you a BCA spreadsheet and homeowner attachments when we feel that we have a cost-effective and competitive project.
- Hopefully, HMGP funds will be available before the FY13 HMA cycle and we will be able to have a project submitted to FEMA in the winter or next spring.
- F. Federal Parking Lot Acquisition Closing:** Mr. Foster reported that the closing on the lot at 3523 Island Drive should be sometime next week. The Town will be working on a grant application to be submitted to DCM to hopefully receive funding for the parking lot and access of 85%. Part of the purchase price when procured back from the North Carolina Land Trust will from the funding received from Onslow County.
- G. Special Meeting on Terminal Groins:** Mr. Foster reported that there will be a Special Meeting on Tuesday, August 9th at 10:00 a.m. with Chris Gibson from Gahagan & Bryant to discuss the ins and outs of terminal groins.
- H. Tropical Storm Emily:** Mr. Foster indicated that he was going to make a report on Emily, but it is now a low pressure system.

- I. **Proposed Trash Pump:** Mr. Foster reported that that Board will be discussing the purchase a trash pump later tonight to address the flooding issues on 210. He said the Town will continue to discuss other options with DOT. Mayor Tuman said he would not discourage the DOT from keeping a French drain in that location.
- J. **Post Office Petition:** Mr. Foster announced that there is a petition in the back of the room for those to sign in an effort to save the post office in Surf City.

Alderman Farley asked Mr. Foster about the grading of certain areas for parking. Mr. Foster indicated that he will be addressing that later during the discussion about the grant funds from the County.

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

VII. **CONSENT AGENDA:**

- A. Request to Approve Tax Refund
- B. Call for Public Hearing on the Town's Unified Development Ordinance
- C. ~~Call for Public Hearing for Amendment to the CAMA Land Use Plan~~
- D. Approval of Minutes: July 7, 2011
- E. Department Head Reports: Finance, Fire, Inspections, Planning, Police Departments
- F. Committee Reports: Planning Board, Board of Adjustment, TISPC, ONWASA, Beautification and Recreation Committee, Government Advocacy Committee, UDO Committee
 - Alderman Macartney made a motion to approve the Consent Agenda as presented. Mayor Pro Tem seconded the motion.
 - Alderman Farley said he would like to remove Item C.
 - Alderman Macartney made a motion to approve amended Consent Agenda. Alderman Lanci seconded the motion.
 - The motion passed unanimously.

VIII. **OLD BUSINESS:**

- A. **Request to Approve Town Attorney's Contract:**
 - Mayor Pro Tem Yawn introduced the item and summarized the terms of the contract.
 - Mr. Edes indicated that he would like to make sure the contract has a pre-audit statement. Mr. Foster indicated that the Town has a pre-audit stamp and that the Finance Officer will sign the pre-audit statement on the final contract.
 - There was discussion on keeping track of hours worked to make sure the attorney does not exceed the hours. Mr. Foster said that such monitoring can be done.
 - There was further discussion.

- Mayor Pro Tem Yawn made a motion for the NTB Board of Aldermen to approve the contract with Attorney Brian Edes as presented with the addition of the pre-audit statement.
- Alderman Swantek seconded the motion.
- The motion passed unanimously.

B. Request to Approve Design Agreement (Amended) for Surf City NTB Storm Damage Reduction Project:

- Alderman Macartney introduced the item. He explained why the agreement needs to be re-signed. There were no substantial changes.
- Alderman Macartney moved that the North Topsail Beach Board of Aldermen approve the amended design agreement to move forward with the design phase of the Surf City North Topsail Beach Coastal Storm Damage Reduction Project.
- Alderman Lanci seconded the motion.
- There was discussion.
- The motion passed 4 to 1 with Alderman Farley voting against.

IX. NEW BUSINESS:

A. Request to Accept Proposal for the Resurfacing of Tennis Courts:

- Mr. Foster introduced the item. He recommended that the Board accept the proposal from North State Resurfacing for \$7,890.00.
- Alderman Macartney moved that the Board of Aldermen accept the proposal from North State Resurfacing for \$7,890.00.
- Alderman Lanci seconded the motion.
- The motion passed unanimously.

B. Request to Acquire Trash Pump:

- Mr. Foster introduced the item. He said that the Town initially was going to use it for a drainage pump to address the flooding on 210. The Town determined that a pump would also address the need for more water supply for the fire department. He said that the pump could be useful after a hurricane if there is no water supply.
- Mr. Best came forward to explain his recommendation.
- There was discussion.
- Mayor Tuman suggested that the Board approve Mr. Best's recommended pump and allow him to pursue the second choice if it meets the Town's needs.
- Alderman Macartney made a motion to authorize Town Staff to pursue the purchase of the German pump at \$29,785 and approve the budget amendment to allocate the funds, and if Staff finds that this pump does not meet the Town's needs to put this decision before the Board at the next meeting. Alderman Lanci seconded the motion.
- There was discussion.

- Motion passed 3 to 2 with Aldermen Swantek and Farley voting against.

C. Request to Authorize the Signing of Contract between Onslow County & NTB Agreeing to the Terms & Conditions for Receiving County Funds:

- Mr. Foster introduced the item and explained the limitations on the spending of the funds.
- Mr. Edes explained the changes he would like the County to make in paragraph three; he is worried about the County terminating the agreement without cause and the Town being on the hook for the funds it has committed. He wants to make sure that the Town gets reimbursed for the funds.
- There was discussion on the acceptable uses of the funds.
- Alderman Macartney made a motion to authorize the Mayor to sign the contract as presented or subject to the Town Attorneys changes if Onslow County is willing to amend the contract.
- Mayor Pro Tem Yawn seconded the motion.
- The motion passed unanimously.

D. Request to Adopt a Resolution in Appreciation of the Onslow County Board of Commissioners for their Appropriation of \$50,000 for the Maintenance of Beach Access Areas:

- Mayor Pro Tem Yawn made a motion to adopt the resolution as written.
- Alderman Swantek seconded the motion.
- The motion passed unanimously.

E. Discussion of ONWASA Water Service Issues:

- Mayor Tuman introduced this item. He indicated the problems that continue to exist with water pressure and flow within the Town. He asked the Board to adopt a resolution reminding ONWASA of its responsibility and asking ONWASA to report back with its plans.
- There was discussion.
- Alderman Macartney asked for Alderman Farley's input (as a member of the Board of Directors of ONWASA) on the problem with the water pressure.
- Alderman Farley said that he cannot speculate on the cause of the problems but that ONWASA is collecting data and is working toward finding a solution.
- There was further discussion.
- Mayor Tuman directed the Town Manager to have personnel from the engineering department at the 11th meeting.
- No action was taken.

F. Request to Adopt a Resolution Supporting the U.S. Post Office in Surf City:

- Mayor Pro Tem Yawn made a motion for the Board to adopt Resolution 2011-10: A Resolution Supporting the U.S. Post Office in Surf City.

- Alderman Macartney seconded the motion.
- There was discussion.
- The motion passed 4 to 1 with Alderman Farley voting against.

G. Call for Public Hearing for Amendment to CAMA Land Use Plan:

- Alderman Farley said he wanted to emphasize the need for this change.
- Alderman Farley made a motion for the Town to conduct a public hearing to amend the CAMA Land Use Plan. Mayor Pro Tem Yawn seconded the motion.
- The motion passed unanimously.

X. OPEN FORUM:

Thomas Leonard of 218 Coastal Drive – Mr. Leonard made comments about the Board’s decision on the trash pump. He also made comments about the issues the Town is having with water service. He said it sounds like something didn’t get done.

Suzanne Gray of 4110 Island Drive – Ms. Gray thanked the Board for passing the request for fire equipment (the trash pump). She commented about her continuing experience with water pressure problems and about the lack of information the ONWASA director had about the problem. She said she wants an immediate solution.

Hannah McCloud – 1835 New River Inlet Road – Ms. McCloud had questions about Ms. Lanci’s statements in her Alderman’s Report from last month. Ms. Lanci clarified her statement and said that she was asking for people to send letters to the rule makers at the State (Division of Coastal Management) urging them to come up with the rules for terminal groins.

XI. ATTORNEY'S REPORT: Mr. Edes said that the Town is still litigation free and thanked the Board for the privilege of representing the Town.

XII. MAYOR’S REPORT: Mayor Tuman said he thinks the ONWASA situation is very serious. He reported that there is an opening on the CRAC (Coastal Resources Advisory Committee) and has made the recommendation that Mr. Foster represent the Town.

XIII. ALDERMEN’S REPORT:

Mayor Pro Tem Yawn: Mr. Yawn said he attended the HOA meeting for the Topsail Reef and that they were very complimentary about how the Town is running. He said they are very focused on the Corps of Engineers dredging project, which does not look likely for this fall. He thanked his fellow aldermen on their work with the UDO. He thanked the Town Clerk for her work this week with writing resolutions. He said he is dedicated to getting the ONWASA problem fixed.

Alderman Swantek: Mr. Swantek announced the date for the Mayor's Cup Golf Tournament which is September 15th. He said he is thinking of purchasing more Christmas decorations.

Alderman Farley: Mr. Farley recognized Mayor Pro Tem Yawn for his work on the UDO as a leader in getting the Board members to get there and to work on it. He said that Mayor Pro Tem Yawn has stuck to the deadline. He said that the Town will stay on top of ONWASA.

Alderman Lanci: Ms. Lanci said with regard to ONWASA that the Town needs to put together an approach to move forward. She said the Town should give ONWASA a chance to present its research and maybe get an independent consultant to get different readings. She said that the Town should not to focus on something that was supposed to happen in the past, but to focus on what is happening now.

Alderman Macartney: Mr. Macartney thanked the Board for their support of approving the Corps design agreement. He thanked the Town Attorney for his work with the Town. He thanked the Town Manager for being on top of any potential emergency. He announced that a curling club has been established in Wilmington.

XIV. **ADJOURNMENT:** Mayor Pro Tem Yawn made a motion to adjourn. Alderman Lanci seconded the motion. The motion passed unanimously. The meeting adjourned at 8:13 p.m.

APPROVED:

Daniel Tuman, Mayor

ATTEST:

Carin Z. Faulkner, Town Clerk

Approved on: 9/1/2011

Town of North Topsail Beach

Daniel Tuman, Mayor
Michael Yawn, Mayor Pro Tem
Aldermen:
Richard Farley
Deborah Lanci
Richard Macartney
Robert Swantek



Steven H. Foster
Town Manager
Carin Z. Faulkner, MPA
Town Clerk

Board of Aldermen Special Meeting Tuesday, August 9, 2011 10:00 A.M.

PRESENT: Mayor Daniel Tuman, Mayor Pro Tem Michael Yawn, Aldermen Dick Macartney, Robert Swantek, Richard Farley, and Deborah Lanci, Town Manager Steve Foster, Town Clerk Carin Faulkner.

- I. **CALL TO ORDER:** Mayor Tuman called the meeting to order at 10:00 a.m.
- II. **PRESENTATION – Chris Gibson, PE of Gahagan & Bryant:**
 - Mayor Tuman introduced Mr. Gibson who is vice president of Gahagan & Bryant, a coastal engineering firm.
 - Mr. Gibson was asked to make a presentation to the Board of Aldermen about a terminal groin at New River Inlet.
 - Below are the slides from Mr. Gibson’s presentation:

Terminal Groins What Are the Options?







Rock
Steel
Geotextile

Conceptual Structure


Approximately 800 feet in length
Extends seaward +/- 500 feet
Ties back into existing land 200 feet landward of the 6' contour



Nourishment with Terminal Groins

Confined Disposal Facilities, "Dredge Spoil Islands" may provide a low cost Nourishment Source

Potential Quantity at New River Crossing exceeds 3,000,000 cy

Terminal Groins What are the Costs?

- ▶ Four cost scenarios were developed:
 - Short, smaller cross-section groin (450 feet) on a flat-sloped beach
 - Short, smaller cross-section groin (450 feet) on a steep-sloped beach
 - Long, larger cross-section groin (1500 feet) on a flat-sloped beach
 - Long, larger cross-section groin (1500 feet) on a steep-sloped beach
- ▶ Rubble mound terminal groins could range from about \$1,230 per linear foot to \$3,190 per linear foot.
- ▶ Geotextile Tube terminal groins could range from about \$350 per linear foot to \$660 per linear foot (short groin only; not recommended for longer groin)
- ▶ Steel or Concrete Sheet Pile or Timber terminal groins could range from about \$4,000 per linear foot to \$4,800 per linear foot. (Timber only recommended for short groin scenarios)
- ▶ Initial project costs including construction of the terminal groin, initial beach nourishment and permitting and design fees may range from about \$3.5 million for a shorter groin to over \$10 million for a larger one.
- ▶ Annual project costs including structure maintenance / repair, annual beach nourishment, and monitoring could be in the range of \$0.7 million to over \$2 million.

Costs shown in the CRC Study

Terminal Groins What are the Costs?

Geotechnical & Field Investigations	\$150,000
Engineering Services (Concept through Build)	\$700,000
Construction of 800' Groin	\$2,200,000
Construction of 300,000 cy Beachfill	\$2,800,000
TOTAL	\$5,850,000

North Topsail Beach Terminal Groin Discussion

August 9, 2011



Gahagan & Bryant Associates, Inc.




Innovative & Practical Solutions
From Concept to Completion

- The Board asked Mr. Gibson questions and discussed where the Town should go from this point forward.
- The Board directed the Town Manager and Staff to have other engineering firms present information about a terminal groin to the Board of Aldermen and to begin compiling a list of threatened structures within the Town.

III. **ADJOURNMENT:**

- Alderman Macartney made a motion to adjourn. Mayor Pro Tem Yawn seconded the motion. The motion passed unanimously. The meeting adjourned at 11:24 a.m.

APPROVED:

Daniel Tuman, Mayor

ATTEST:

Carin Z. Faulkner, Town Clerk

Approved on: 9/1/2011

Town of North Topsail Beach

Daniel Tuman, Mayor
Michael Yawn, Mayor Pro Tem
Aldermen:
Richard Farley
Deborah Lanci
Richard Macartney
Robert Swantek



Steven H. Foster
Town Manager

Carin Z. Faulkner, MPA
Town Clerk

Board of Aldermen Emergency Meeting Thursday, August 25, 2011 10:00 A.M.

PRESENT: Mayor Daniel Tuman, Mayor Pro Tem Michael Yawn, Aldermen Dick Macartney, Robert Swantek, Richard Farley, and Deborah Lanci, Town Manager Steve Foster, Town Clerk Carin Faulkner.

- I. **CALL TO ORDER:** Mayor Tuman called the meeting to order at 10:00 a.m.
- II. **TOWN MANAGER'S CURRENT STATUS REPORT:** Steve Foster, Town Manager gave a brief presentation which included the latest information on Hurricane Irene. He updated the Board on what Town Staff had done in preparation of the storm.
- III. **MAYOR'S REPORT FROM MEETING WITH ISLAND TOWN OFFICIALS:** Mayor Tuman reported on the joint meeting with Surf City, Topsail Beach and North Topsail Beach officials. He said that the decision made among the three towns was that effective at 2:00 p.m. this afternoon the towns will announce a voluntary evacuation of Topsail Island. There was discussion.
- IV. **MAYOR'S RECOMMENDATION ON EVACUATION:** Mayor Tuman indicated that the town will be putting out an announcement (on the website and through the CTY) of a voluntary evacuation at 2:00 p.m. today and that the Town will advise people to stay out of the water and to secure their property. There was discussion.
 - Alderman Lanci made a motion for the Board of Aldermen to adopt the 2011 Hurricane and Storm Preparedness Plan. Mayor Pro Tem Yawn seconded the motion.
 - The motion passed unanimously.
- V. **RECESS**
 - Alderman Macartney made a motion to recess. Mayor Pro Tem Yawn seconded the motion. The motion passed unanimously. The meeting recessed at 10:34 a.m. (Clerks Note: The Board did not reconvene after this emergency event)

APPROVED:

Daniel Tuman, Mayor

ATTEST:

Carin Z. Faulkner, Town Clerk

Approved on: 10/6/2011

Town of North Topsail Beach

Daniel Tuman, Mayor
Michael Yawn, Mayor Pro Tem
Aldermen:
Richard Farley
Deborah Lanci
Richard Macartney
Robert Swantek



Steven H. Foster
Town Manager

Carin Z. Faulkner, MPA
Town Clerk

Board of Aldermen Regular Meeting Minutes Thursday, September 1, 2011 6:30 P.M.

PRESENT: Mayor Daniel Tuman, Mayor Pro Tem Michael Yawn, Aldermen Richard Farley, Robert Swantek, Dick Macartney, and Deborah Lanci, Town Attorney Brian Edes, Town Manager Steve Foster 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 Yawn gave the invocation.
- III. **PLEDGE OF ALLEGIANCE:** Mayor Tuman led those present in the Pledge of Allegiance.
- IV. **APPROVAL OF AGENDA:**
 - Mayor Pro Tem Yawn made a motion to approve the agenda as presented.
 - Alderman Lanci seconded the motion.
 - The agenda was approved unanimously.
- V. **PUBLIC HEARING – DRAFT OF UNIFIED DEVELOPMENT ORDINANCE:**
 - Mayor Tuman indicated that the Town’s Planning Board, Planning Director and Board of Aldermen have been working on this ordinance for a while. The latest draft is available on the Town website (ntbnc.org). He said the Board scheduled this hearing in order to hear comments from the public. He opened the floor for comments from the public.

Cameron Moore, Governmental Affairs Director, representing the Topsail Island Association of Realtors and the Jacksonville Board of Realtors – Mr. Moore said that most of the comments he has received from the realtors have been about signs. He said that they also made comments on garage apartments and accessory structures and he sent Ms. Hill some language on those. He said will be providing full written comments to Ms. Hill and the committee and he understands that the Board is not taking action at this time. He said he will continue to work with the committee as they finalize the document.

- Deborah Hill, Planning Director indicated that she would like to continue to receive comments on the UDO via phone, letter, or e-mail. She suggested meeting with the UDO Committee on September 13th.
- Alderman Macartney made a motion to continue the Public Hearing on the UDO to the next regular Board of Aldermen meeting. Alderman Swantek seconded the motion.
- The motion passed unanimously.

VI. **MAYOR'S REPORT:** Mayor Tuman said he had two items to report on. The first is Hurricane Irene. He thanked all the Town employees who went about their business of communicating with our citizens and securing our town. He thanked Alderman Swantek for helping Town Staff prior to the storm. He recognized the excellent job he witnessed that was performed by Town Manager Foster, Chief Fillinger, Chief Moore, Bill Poe, Tom Best, Town Clerk Carin Faulkner, Planning Director Deb Hill, Assistant Chief Doug Freeman and Aldermen Deb Snyder (Lanci) all of whom were on duty, for long hours, at many different locations, day and night; before, during, and after the storm. He said their service to this Town is very much appreciated.

Mayor Tuman also expressed his appreciation to all of the town's citizens and visitors who cooperated without incident during our declaration of a mandatory evacuation. He said he especially wanted to recognize the support of the realtors during this storm. At the Town's request they went about the town and immediately removed the many signs that were in place that were potential dangerous flying debris.

Mayor Tuman said overall, our preparations before the storm and our activity in reopening the town went fairly well. He asked that anyone who has any suggestions for improving the Town's procedures and efforts submit those to our Town Clerk Carin Faulkner. The Town Manager will hold a post-mortem with the town staff to determine if further improvements can be made in the future.

The second item Mayor Tuman reported on was the ONR (Office of Naval Research) scientific study of the New River Inlet. He reported that the study will be conducted during April and May 2012. He said this study will characterize the currents, wave heights, and the transport of sand, into and out of the inlet and alongshore during two tidal cycles during an entire lunar month. The results of this study will be made public. ONR plans to use the results for purposes of refining their models on inlet behavior. The Town's interest is to understand the shoaling characteristics of the inlet and the impacts from the adjacent beaches. This should provide the Town with useful forecasting information on the timing and performance of the different approaches the Town is considering for inlet management.

VII. **MANAGER'S REPORT:**

- A. **Report on Hurricane Irene:** Mr. Foster reported that fortunately the Town did very well as far as actual damage as a result of Hurricane Irene. The Town had only one structure suffering major damage at Roger's Bay, and 137 structures suffering from moderate to minor damage. The Town has also added a 25% loss

figure for interior damage that can not be seen for a total estimated damage figure of \$392,250.

- B. Debris Removal:** Mr. Foster reported that the Town is still discussing financial arrangements with DRC, our debris removal contractor. He said in order to get reimbursement from FEMA for debris removal the County will have to exceed a dollar amount to be "declared". He said he believes that dollar amount is \$12.5M. The Governor has currently designated six counties in northeastern NC as disaster areas; however Onslow has not received a designation.

He said the Town is asking property owners to:

1. Place any "**STORM RELATED DEBRIS**" in the right of way in front of their house. **NON-STORM RELATED DEBRIS WILL NOT BE PICKED UP.**
2. Place the debris in two piles. One pile for vegetation and one for storm related construction debris.
3. Any debris taken out after the designated pick-up date will be the responsibility of the property owner.

He said the Town would like to ask for everyone's cooperation in this effort, especially in placing only storm related materials out for collection.

- C. Condition of the Beach:** Mr. Foster reported that it appears that the beach faired extremely well. There were some washovers, but overall the dune line held. Washovers were at Jenkins's Way, Ocean Winds, Topsail Road, Bay Court, Seashore, and the Beach Club.

He said while there was erosion in some areas, there appears that the town had areas that actually accreted. He asked the Board to reconsider the possibility of the use of the "lidar" system to accurately gauge to loss of sand as to the protective dune system, in order to accurately gauge damage for reimbursement for FEMA funding.

- D. Thanks to All:** Mr. Foster thanked all the citizens and property owners for their cooperation before, during, and after the storm. He said that this was the most successful evacuation that he has seen, where everyone heeded the warnings to evacuate. He said immediately before the storm when he toured the town, there was almost no evidence that anyone decided stay. He said he would like property owners and residents to use the Town's web site for obtaining the latest information about storm events. This is where they can get the most accurate information. The website's address is "ntbnc.org". He said not only is it the most accurate information, but it alleviates taking staff time away from other important storm related duties.

He also thanked the real estate and property management community for their assistance in the notification of their renters, and for removal all of their signs, that could have become flying debris during the storm.

Lastly, he thanked the Board as a whole for their cooperation, as well as for the Mayor who actively participated during the entire event. He said Alderman Swantek did a great job in assisting in the issuance of re-entry passes, Alderman Snyder (Lanci), who is our County EOC representative, assisted in many ways including the recording of messages and also participated during the entire event.

He said the Town should feel extremely fortunate to have a staff of such dedicated and experienced employees. They all exhibited a very high degree of professionalism that any Town would be blessed to have. They knew their jobs well, and their work was seamless, with every item in our storm plan addressed exactly as it was envisioned.

- E. Report on Federal Lot Acquisition – 3523 Island Drive:** Mr. Foster reported that the Town expects to close on the lot at 3523 Island Dr. on September 8th. The lot will be assigned to the NC Coastal Land Trust, until the Town has had an opportunity to apply for a grant for the purchase.
- F. Report on CBRA – Introduction of Bill – Natural Resources Committee:** Mr. Foster reported that he checked with Marlowe Company, our Washington representatives, and that they indicated that the plan to introduce legislation in regard to our CBRA Zone designation is still scheduled for introduction in September. He said Gene Graziosi traveled to D.C. to research the files at the U.S. Fish and Wildlife Service and found some very interesting information.
- G. Solid Waste Billing Update:** Mr. Foster reported that the first solid waste billing on the ONWASA water bill will be coming out around September 10th. All condominium owners who do not receive a direct water bill have received a separate solid waste bill from the Town for the full amount.
- H. Meeting with DOT about Topsail Road:** Mr. Foster reported that he and Mayor Tuman met with Robert Vause of NCDOT and some hydrology experts from the State. NCDOT said that if the Town stops scraping Topsail Road that the State may abandon the road. Mayor Tuman expressed his concern and suggested that NCDOT resurface the road and move it over 2 to 3 feet. The DOT officials were reasonably interested in doing that. They also indicated that there is interest in paving 210 next year. The Town pumped water out of the trouble spot on Highway 210 after the storm.
- I. Sand Removal after the Storm:** Mr. Foster reported that the Town has a general permit for pushing sand. Property owners need to contact Jason Dail with the Division of Coastal Management to get permits for moving sand. His phone number is 910-796-7221.

- J. Condemnation of 3102 Green Street:** Mr. Foster reported that the Town has begun the condemnation process for 3102 Green Street and that Town Staff will be making a future request to the Board for authorization to get an asbestos permit and pay for demolition, there will be a lien against the property.
- K. Terminal Groin Meetings:** Mr. Foster announced that the Board will be having two Special Meetings to receive information from engineering firms about a terminal groin at New River Inlet. The first meeting will be on September 13th at 10:30 a.m. and Coastal Science and Engineering will be presenting. The second meeting will be on September 10th at 10:30 a.m. and Coastal Planning and Engineering will be presenting.
- L. Town Hall Closed for Labor Day:** Mr. Foster reported that Town Hall will be closed on Monday, September 5th in observance of Labor Day.

VIII. **OPEN FORUM:**

Gene Graziosi of 2392 New River Inlet Road – Mr. Graziosi gave an update on the efforts the Town is making to correct the CBRA designation. He said that the Town is still taking a two tiered approach, legislation with the help of Congressman Jones and through U.S. Fish and Wildlife. He explained that the Town is still waiting on a response from USFAW in regards to the imminent development requirement and that the Town is prepared for a response in return. He indicated that his trip to D.C. doubled the amount of information the Town now has on CBRA.

Randy Hoffer of Pluris LLC – Mr. Hoffer introduced himself as a project manager from Pluris. He said that 6 out of 42 pumps were without power during the storm and that they were able to hook them up to generators and continue to pump. He thanked Jones Onslow for their quick response. He thanked Mr. Foster for having pre-storm and post-storm meetings and said that if there is anything Pluris can do to let them know. Board members asked Mr. Hoffer questions about the expansion of the plant and he said that the expansion is going well and they are hoping to be finished by November.

IX. **CONSENT AGENDA:**

- A. Approval of Proclamation 2011-12: A Proclamation in Support of Lyme Disease Awareness
- B. Approval of Minutes: August 4, 2011 and August 9, 2011
- C. Department Head Reports: Finance (updated 8/31), Fire, Inspections, Planning, Police Departments
- D. Committee Reports: Planning Board, Board of Adjustment, TISPC, ONWASA, Beautification and Recreation Committee, Government Advocacy Committee, UDO Committee
 - Mayor Pro Tem Yawn made a motion to approve the Consent Agenda as presented (including the updated version of the Finance Report). Alderman Macartney seconded the motion.

- The motion passed unanimously.

X. **OLD BUSINESS:**

A. **Request to Award Contract for Irrigation Well Drilling Project at Town Park:**

- Mr. Foster indicated that the Town has decided to pursue the installation of a well at the park to help mitigate the high cost of watering the grass at the Town Park in the summer months. He said that the cost of the well may end up being above the budgeted \$10,000 amount and that if it goes over there will be a budget amendment.
- There was discussion.
- Mayor Pro Tem Yawn made a motion for the Town of North Topsail Beach to accept the proposal from Craig's Well Drilling, LLC to install an irrigation well and perform all duties listed in the proposal for \$12,035 to be funded out of FY12 line item 10-620-14.
- Alderman Lanci seconded the motion.
- The motion passed unanimously.

B. **Request to Authorize the Purchase of Police Vehicles:**

- Mr. Foster indicated that the Board of Aldermen approved the purchase of two police cars as a capital expense in the FY12 budget. He went over the price comparison information that was prepared by Police Department staff.
- There was discussion.
- Mayor Pro-Tem Yawn made a motion for the Town of North Topsail Beach Board of Aldermen to authorize Town Staff to purchase two 2010 Dodge Chargers from Butler Dodge at \$18,000 each to be funded out of FY12 line item 10-510-74.
- Alderman Lanci seconded the motion.
- The motion passed unanimously.

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

XII. **ATTORNEY'S REPORT:** Mr. Edes said that he does not have a report and wished everyone a "Happy Labor Day."

XIII. **ALDERMEN'S REPORT:**

Alderman Macartney: Mr. Macartney made comments about Hurricane Irene. He said that we sustained the least amount of damage from this storm out of all the ones he has previously experienced. He suggested that the Town consider a beach nourishment program or dune replacement program to take care of re-building the dunes near his home and elsewhere needed.

Alderman Lanci: Ms. Lanci followed the comments made by the Mayor and Town Manager and thanked the community and said that she is proud of how reactionary

everyone was with evacuating and securing trash cans. She said she is glad that everyone worked together and that everyone deserves a pat on the back.

Alderman Farley: Mr. Farley announced the passing of Pat Crist, a NTB citizen, he said she will be missed. He said that he did not see the need for a mandatory evacuation. He felt that the Town functioned and cooperated as they always have. He said he hopes that Katia stays out there and wished everyone a “Happy Labor Day.”

Alderman Swantek: Mr. Swantek thanked everyone for coming out. He announced that the Mayor’s Cup Golf Tournament is coming up on September 25th and that there will be a pig, chicken, and prizes.

Mayor Pro Tem Yawn: Mr. Yawn thanked Pluris for coming out and supporting the Town. He thanked Mr. Graziosi for his work; he does a great job as a citizen volunteer. He thanked the UDO Committee, Mr. Moore, Ms. Hill and the Planning Board for their work on the UDO. He thanked Town Staff for their fabulous work during the hurricane. He announced the Ocean City Jazz Festival which will be this Sunday at 3:00 p.m. in Ocean City. He said he hopes Katia stays away. He said “Happy Labor Day.”

XIV. **ADJOURNMENT:** Alderman Swantek made a motion to adjourn. Alderman Lanci seconded the motion. The motion passed unanimously. The meeting adjourned at 7:26 p.m.

APPROVED:

Daniel Tuman, Mayor

ATTEST:

Carin Z. Faulkner, Town Clerk

Approved on: 10/6/2011

Town of North Topsail Beach

Daniel Tuman, Mayor
Michael Yawn, Mayor Pro Tem
Aldermen:
Richard Farley
Deborah Lanci
Richard Macartney
Robert Swantek



Steven H. Foster
Town Manager

Carin Z. Faulkner, MPA
Town Clerk

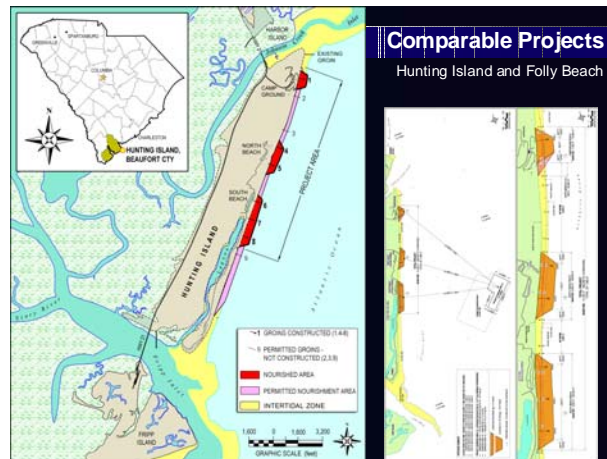
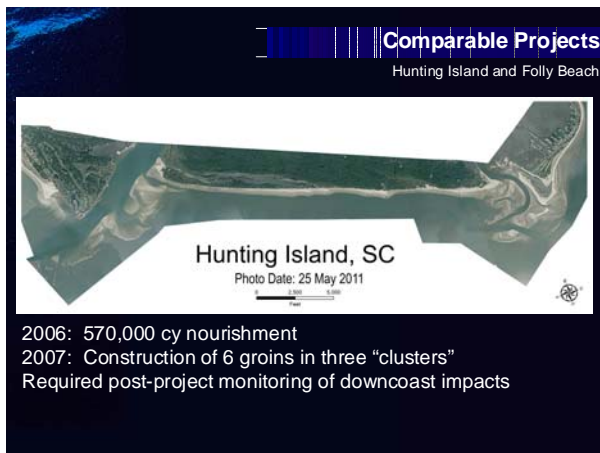
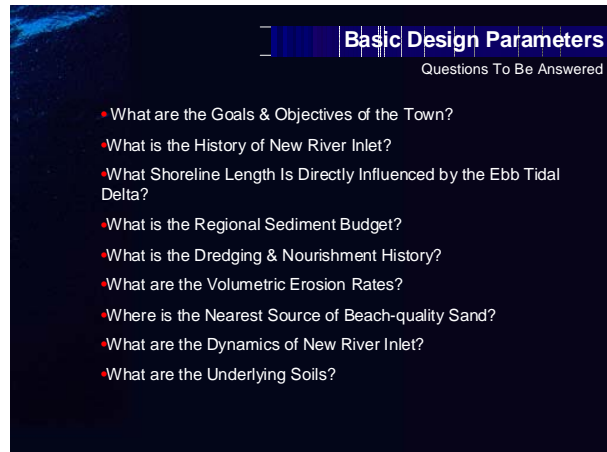
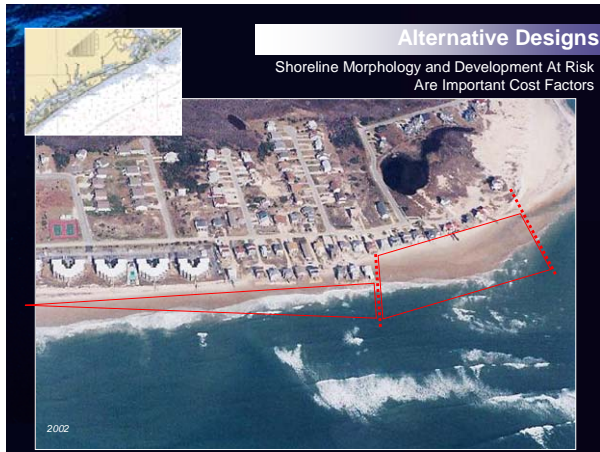
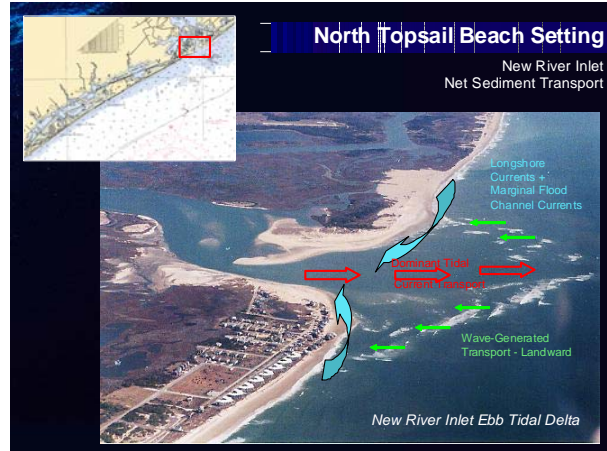
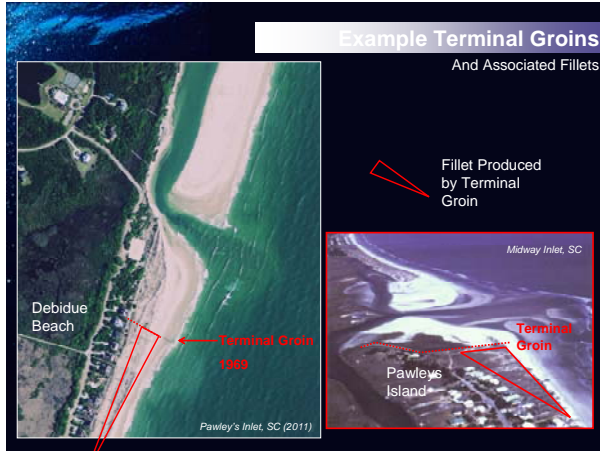
Board of Aldermen Special Meeting Minutes Tuesday, September 13, 2011 10:30 A.M.

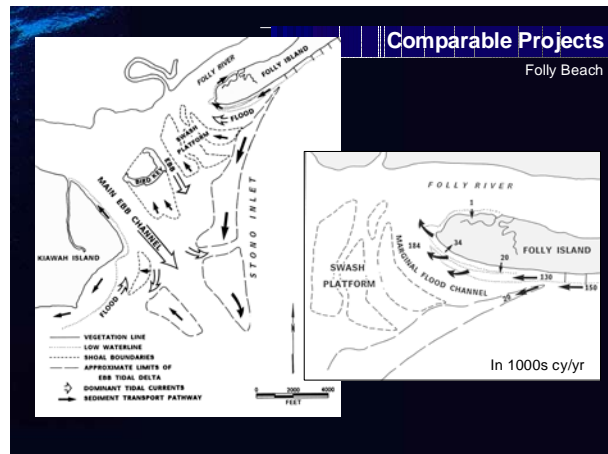
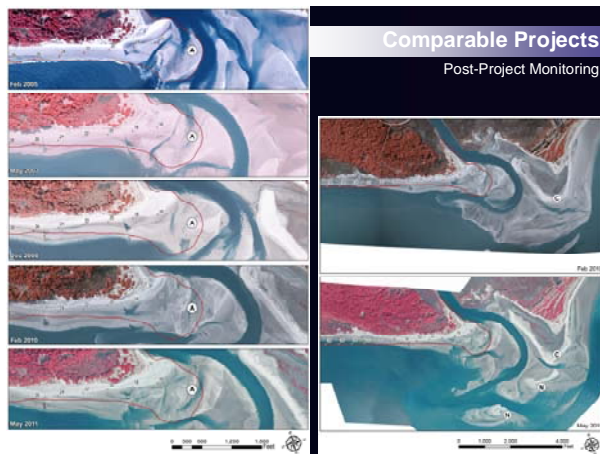
PRESENT: Mayor Daniel Tuman, Mayor Pro Tem Michael Yawn, Aldermen Richard Farley, Robert Swantek, and Dick Macartney, Town Manager Steve Foster and Town Clerk Carin Faulkner.

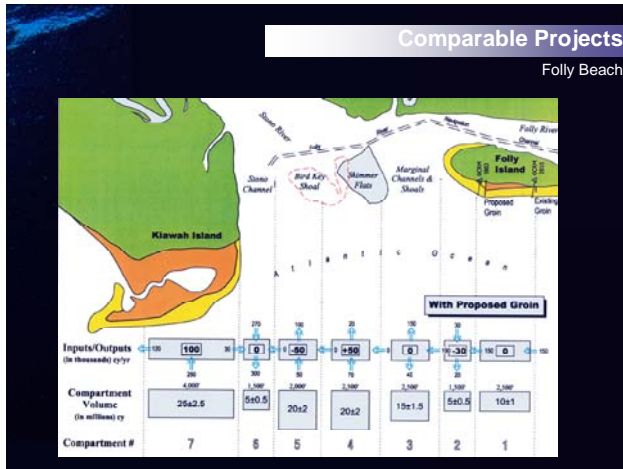
NOT PRESENT: Alderman Deborah Lanci

- I. **CALL TO ORDER:** Mayor Tuman called the meeting to order at 10:30 a.m.
- II. **APPROVAL OF AGENDA:**
 - Mayor Pro Tem Yawn made a motion to approve the agenda. Alderman Macartney seconded the motion.
 - The motion was approved unanimously.
- III. **PRESENTATION - Dr. Timothy Kana of Coastal Science and Engineering:**
 - Mayor Tuman introduced Dr. Kana who is the founder and president of Coastal Science and Engineering and a registered professional geologist in North and South Carolina. He has a degree from Johns Hopkins University and a PhD from the University of South Carolina. His specialties are beach erosion, coastal geomorphology, and coastal and estuarine process, beach restoration planning and design and tidal inlet sediment dynamics.
 - Below are slides from Dr. Kana's presentation:









Comparable Projects

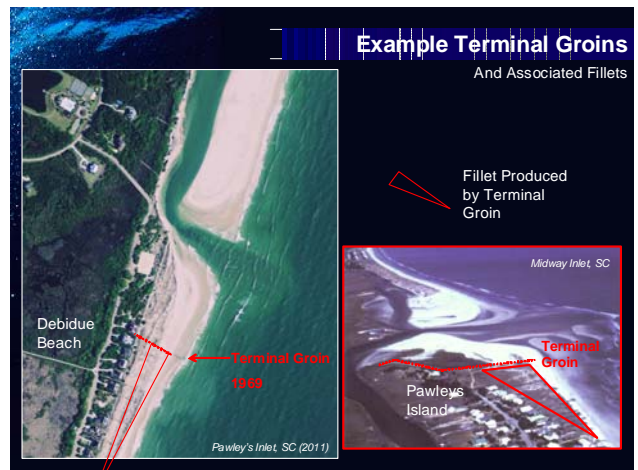
Hunting Island and Folly Beach
Construction Cost

	Quantity	Unit Cost	Total Cost
Nourishment	570,000 cy	\$1,535,000 mob 4.99 cy	\$4,379,300
Groins	Six @ 450 ft	\$1,060/lf	\$2,860,047
Total			\$7,239,347

	Quantity	Unit Cost	Total Cost
Groin*	650 lf	\$1,125/lf	\$731,210

* Folly Beach was not constructed. An alternate design using concrete sheetpile was bid at ~\$1.2 million. (Source CSE, unpublished project documents)

- ### Basic Design Parameters
- Questions To Be Answered
- What are the Goals & Objectives of the Town?
 - What is the History of New River Inlet?
 - What Shoreline Length Is Directly Influenced by the Ebb Tidal Delta?
 - What is the Regional Sediment Budget?
 - What is the Dredging & Nourishment History?
 - What are the Volumetric Erosion Rates?
 - Where is the Nearest Source of Beach-quality Sand?
 - What are the Dynamics of New River Inlet?
 - What are the Underlying Soils?





IV. **QUESTIONS FROM THE BOARD:**

- Dr. Kana took questions from the Board.

V. **ADJOURNMENT:** Mayor Pro Tem Yawn made a motion to adjourn. Alderman Swantek seconded the motion. The motion passed unanimously. The meeting adjourned at 12:16 p.m.

APPROVED:

Daniel Tuman, Mayor

ATTEST:

Carin Z. Faulkner, Town Clerk

Approved on: 10/6/2011

Town of North Topsail Beach

Daniel Tuman, Mayor
Michael Yawn, Mayor Pro Tem
Aldermen:
Richard Farley
Deborah Lanci
Richard Macartney
Robert Swantek



Steven H. Foster
Town Manager

Carin Z. Faulkner, MPA
Town Clerk

Board of Aldermen Special Meeting Minutes Tuesday, September 20, 2011 10:30 A.M.

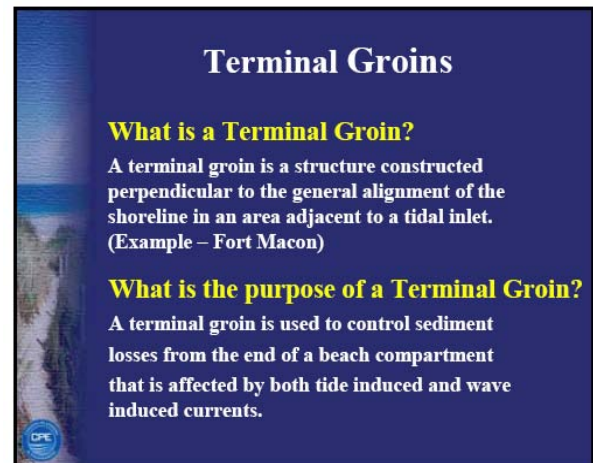
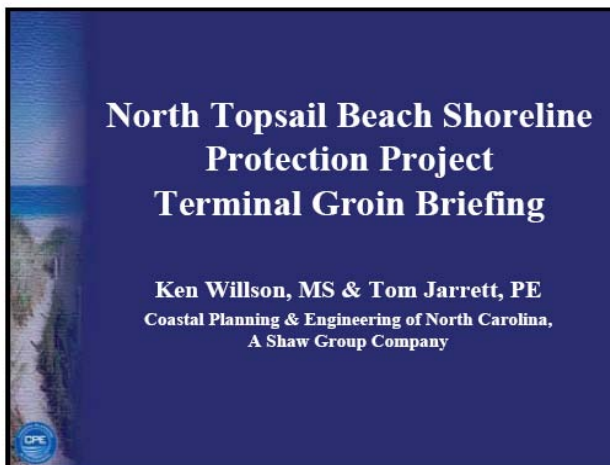
PRESENT: Mayor Daniel Tuman, Mayor Pro Tem Michael Yawn, Aldermen Richard Farley (10:58 a.m.), Robert Swantek (~11:30 a.m.), and Dick Macartney, Town Manager Steve Foster and Town Clerk Carin Faulkner.

NOT PRESENT: Alderman Deborah Lanci

There was not a quorum present for this meeting at 10:30 a.m. Therefore the meeting was not officially called to order. Other members of the Board of Aldermen arrived after the presentations began. This was an informational meeting and no action was taken.

I. PRESENTATION - Ken Willson of Coastal Planning and Engineering:

- Mayor Tuman introduced Mr. Willson.
- Below are slides from Mr. Willson's presentation:



Terminal Groins

- Difference Between Jetty and Groin
- Designed to allow sand to bypass once structure has been "filled"
- Used in conjunction with beach nourishment

1999

2008

Fort Macon Terminal Groin at Beaufort Inlet
Constructed in mid 1960's

North Topsail Beach Concept

Approximate Length = 1250 ft.

May, 2009

Terminal Groins

- Cost for Construction (General Agreement)
 - Geotech Investigations
 - Engineering and Design
 - Permitting
 - Structure (Per Linear Ft)
 - Beachfill (Cost Per Cubic Yard)

North Topsail Beach Shoreline Protection Project

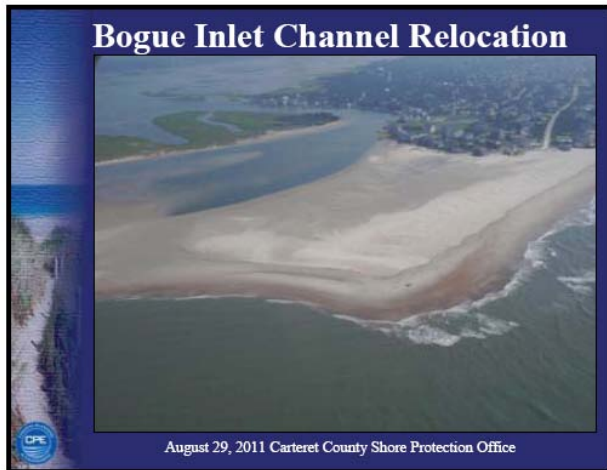
Proposed Realignment of Ebb Channel at New River Inlet

Legend

- 2008 ADDITIONAL VIBRACORES
- CPE 2003 VIBRACORES
- CPE 2003 WASHBORES
- CPE 2008 VIBRACORES

NEW RIVER INLET PROPOSED CHANNEL

0 500 1,000 2,000 Feet

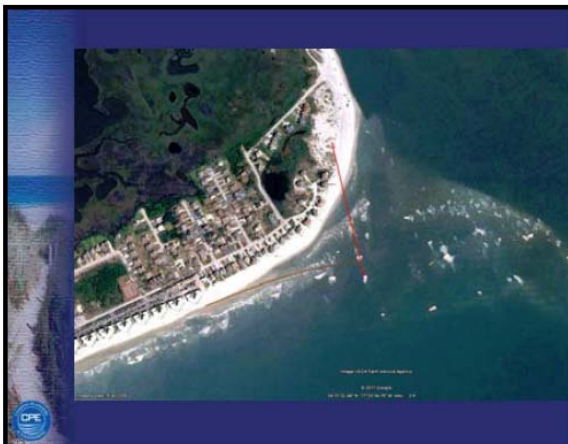




Shoreline Management

Shoreline Management Goals	Terminal Groin/Beach Fill Project (Minimal Scope)	North Topsail Beach Shoreline Protection Project
Mitigate Long Term Erosion	🟢 *	🟢 **
Mitigate Inlet Induced Erosion	🟢	🟢
Storm Damage Reduction		🟢
Maintain Navigation		🟢

* Would mitigate long term erosion only along the area in which fill was placed to fill inlet
** Would mitigate long term erosion throughout all of Phase 1 (Northern 9,000 Ft. of Beach)



Cost Analysis:

Cost Provided to Town by GBA
(Minimum Terminal Groin/Beach Fill)

Item	Unit	Quantity	Unit Cost	Total Cost
Geotech and Field Investigation	Job	1	\$150,000	\$150,000
Engineering Services (Concept through Build)	Job	1	\$700,000	\$700,000
Permitting	Job	1	\$750,000	\$750,000
Groin Construction	Per Linear Ft	800	\$2,750	\$2,200,000
Mobilization of Dredge	Job	1	\$1,500,000	\$1,500,000
Dredging	Cubic Yards	300000	\$4.33	\$1,300,000
			TOTAL	\$6,600,000
Increase in groin length to 1,250 Ft. and maintain same fill density			TOTAL	\$7,837,500
Increase in groin length to 1,025 Ft. and maintain same fill density			TOTAL	\$7,218,750

Cost Analysis:

Cost Provided in Final EIS for Phase 1: \$5,754,000
(Included a 1.67 Million Mobilization and a 15% contingency)

Item	Unit	Quantity	Unit Cost	Cost
			USACE prog.	
Inlet Channel Relocation				
Mob & Demob	Job	1	\$2,500,000	\$2,500,000
Dredging - Beach fill construction	CY	544,400	\$5.00	\$2,722,000
Dredging - upland disposal of clay & silt	CY	91,400	\$5.00	\$457,000
Additional pipe mob & demob to upland site + dike	Job	1	\$500,000	\$500,000
Subtotal				\$6,179,000
Contingencies (15%)				\$927,000
Total Construction Cost				\$7,106,000
E&D				\$210,000
S&I				\$100,000
Total Phase 1		635,800		\$7,416,000

Cost Analysis:

Reduction in Size of Channel From 500 Ft. Width to 450 Ft. (85%)

Item	Unit	Quantity	Unit Cost	
			USACE prog	Normal
Inlet Channel Relocation				
Mob & Demob	Job	1	\$2,500,000	\$2,500,000
Dredging - Beach fill construction	CY	462,740	\$5.00	\$2,314,000
Dredging - upland disposal of clay & silt	CY	77,690	\$5.00	\$388,000
Additional pipe mob & demob to upland site + dike	Job	1	\$500,000	\$500,000
Subtotal				\$5,702,000
Contingencies (15%)				\$855,000
Total Construction Cost				\$6,557,000
E&D				\$210,000
S&I				\$100,000
Total Phase 1		540,430		\$6,867,000

Cost Analysis:

Reduction in Size of Channel From 500 Ft. Width to 400 Ft. (80%)

Item	Unit	Quantity	Unit Cost	
			USACE prog	Normal
Inlet Channel Relocation				
Mob & Demob	Job	1	\$2,500,000	\$2,500,000
Dredging - Beach fill construction	CY	435,520	\$5.00	\$2,178,000
Dredging - upland disposal of clay & silt	CY	73,120	\$5.00	\$366,000
Additional pipe mob & demob to upland site + dike	Job	1	\$500,000	\$500,000
Subtotal				\$5,544,000
Contingencies (15%)				\$832,000
Total Construction Cost				\$6,376,000
E&D				\$210,000
S&I				\$100,000
Total Phase 1		508,640		\$6,686,000

Summary

Alternative	Terminal Groin/Beach Fill Project (Minimal Scope)			North Topsail Beach Shoreline Protection Project		
	800 Ft. Groin	1025 Ft. Groin	1250 Ft. Groin	Phase 1 (80%)	Phase 1 (85%)	Phase 1 (100%)
Cost	\$6,600,000	\$7,218,750	\$7,837,500	\$6,686,000	\$6,867,000	\$7,416,000
Mitigate Long Term Erosion	✓	✓	✓	✓	✓	✓
Mitigate Inlet Induced Erosion	✓	✓	✓	✓	✓	✓
Storm Damage Reduction				✓	✓	✓
Maintain Navigation				✓	✓	✓

- Existing permits would allow Phase 1 to be built much sooner than a groin project
- As currently permitted the Inlet provides a renewable source of sand for future projects
- Construction of a terminal groin will render the existing permit useless preventing the future use of the inlet sand.
- The Inlet sand is the only known source that can provide coarse sand for constructing the beach as agreed to by resource agencies so as to avoid environmental impacts to nearshore hardbottom

II. **PRESENTATION - Mike Giles and Tracy Skrabal of NC Coastal Federation:**

- Mayor Tuman introduced Mr. Giles. Ms. Skrabal presented after Mr. Giles.
- Below are slides from Coastal Federation’s presentation:



North Carolina Coastal Federation

- **Founded in 1982**
- **10,000 Citizen Members**
- **200 Affiliated Groups**
- **Staff of 18**
- **28 Board Members**
- **One of NC's Largest Coastal Non-Profit Conservation Organizations**

• **Advocacy • Education • Restoration/Preservation**

25
TWENTY-FIVE YEARS OF
COASTAL CONSERVATION



Mission: To provide citizens and groups with the assistance needed to take an active role in the stewardship of North Carolina's coastal water quality and natural resources.

Citizens Working Together for a Healthy Coastal Environment

Beach Erosion

- Erosion is a natural part of our coast and barrier island complex
- Need a coast-wide strategy that combines resources and planning
- Re-nourishment of sand just a stop gap
- Sand sources and costs are limiting factors
- Need strategy for incentives to relocate to more stable areas
- Need to discourage building in high hazard areas like inlet zones

Terminal Groins

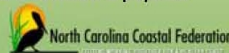



Construction of the groin in the beach in Ocean Beach, North Carolina, is a classic example of how "the government as a landowner" can cause erosion. The cost of the groin was \$10 million for construction, \$2.2 million for yearly maintenance. The cost of the groin will be paid for by the government.

Pg. 41-42, 2007

Coastal Resources Commission on Terminal Groins

- Hardened structures have been banned along NC's ocean coast since 1984
- \$300,000 CRC study resulted in no recommended change in law
- Does not eliminate the need for beach nourishment
- Any structure designed to trap sand will deprive another location
- Change in law opens doors for coastwise groin fields, rock and bulkheads
- The costs (\$10 million for construction; \$2.2 million for yearly maintenance)
- These costs far exceed any benefit to protect a selected number of properties





What the CRC Study Really Said

The Study was not definitive in its findings and the Commission could not make a determination that terminal groins would or would not cause adverse affects on the environment or adjacent properties.




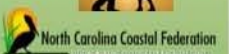
The Commission gives preference to non-structural responses to erosion including the following strategies:

- Relocation of threatened structures
- Beach nourishment
- Inlet Channel relocation
- Temporary use of sandbags for short-term shoreline stabilization
- The preference towards non-structural responses to erosion should be maintained.

Economic Issues: The reality of groins on our public beaches.

- Groins are very expensive-as much as \$10-12 million and counting.
- Will not eliminate the need for massive beach nourishment projects.
- Expensive to maintain or re-build if damaged by a major hurricane.
- State and federal funding is drying up and most likely will not be available.
- Local tax-payers have already decided they do not like the price tag.
- Will pit beachfront property owners against everyone else.
- Last vote for the beach nourishment project funding failed in North Topsail.
- How will towns explain to constituents that millions of dollars will be used to protect just a few ocean front homes when viable options are available?




NC TERMINAL GROIN STUDY
FINAL REPORT

Table VI-10. Total Project Costs


Initial Costs	Cost	Short (450')	Long (1500')
Initial Cost (LS)	--	\$1,000,000	\$6,000,000
Initial Beach Nourishment (LS)	--	\$1,200,000	\$3,600,000
Permitting and Design	LS	\$1,250,000	\$1,250,000
Total Initial Costs	Total	\$3,450,000	\$10,850,000

Removal (\$/LF)		\$1,000	\$450,000	\$1,500,000
Annual Costs				
Annual Structure Maintenance (\$/yr)	12.5%	\$125,000	\$750,000	
Annual Beach Nourishment (\$/yr)	LS	\$300,000	\$1,200,000	
Annual Monitoring (\$/yr)	LS	\$300,000	\$300,000	
Total Annual Maintenance Costs	Total	\$725,000	\$2,250,000	


* Does not include costs for required easements, inlet channel maintenance or mitigation costs.



Economic Issues: The Hidden Costs



- Permitting agencies will require extensive pre and post project analysis and monitoring.
- Management of the inlet channel will add millions of dollars every time the inlet moves and could threaten the groin structure itself.
- Groups will be geared up to challenge any permit in court delaying the project for years and adding millions in costs to the taxpayer.
- The Courts will end up making policy decisions on beachfront issues.
- Taxpayers will foot the bill for expensive bonding requirements and to pay for any damages that expensive monitoring and maintenance reveals.
- As the state and local governments struggle to pay for health care, teachers and regular services can the towns afford millions to protect a few homes?




Wherever groins are allowed lawsuits soon follow

GROINS ARE GOOD FOR LAWYERS

- They beget lawsuits.
- Property owners will sue the town or state for damage to their properties from groins.
- Boaters will sue when the groins are involved in accidents.
- Swimmers and fishermen will sue if caught in rip currents caused by groins.

Property owners sue each other, the local town or the state or federal governments either because they want a structure to protect their property or want to be paid for the damage done to their property by a structure. Towns and counties open themselves to liability lawsuits if boats hit the groin or swimmers drown near them.

A Courtroom Sampling

Here's just a few of the types of lawsuits we can expect if you allow groins on our beaches:

- 18 homeowners in Montauk, N.Y., recently filed a \$25 million lawsuit against local and state governments, claiming that jetties blocked the flow of sand and exacerbated the erosion in front of their homes.
- Officials in St. Petersburg, Fla., decided to remove a groin after a teenager died in a boating accident at the structure and his family sued the city.
- A father sued Pinellas County, Fla., after he and his children nearly drowned while swimming near a groin.

North Carolina Coastal Federation
CITIZENS WORKING TOGETHER FOR A HEALTHY COAST

III. **ADJOURNMENT:** Mayor Pro Tem Yawn made a motion to adjourn. Alderman Swantek seconded the motion. The motion passed unanimously. The meeting adjourned at 12:16 p.m.

APPROVED:

Daniel Tuman, Mayor

ATTEST:

Carin Z. Faulkner, Town Clerk

Approved on: 10/6/2011

Town of North Topsail Beach

Daniel Tuman, Mayor
Michael Yawn, Mayor Pro Tem
Aldermen:
Richard Farley
Deborah Lanci
Richard Macartney
Robert Swantek



Steven H. Foster
Town Manager

Carin Z. Faulkner, MPA
Town Clerk

Board of Aldermen Regular Meeting Minutes Thursday, October 6, 2011 6:30 P.M.

PRESENT: Mayor Pro Tem Michael Yawn, Aldermen Richard Farley, Robert Swantek, and Dick Macartney, Town Attorney Brian Edes, Town Manager Steve Foster and Town Clerk Carin Faulkner.

NOT PRESENT: Mayor Daniel Tuman and Alderman Deborah Lanci

- I. **CALL TO ORDER:** Mayor Pro Tem Yawn called the meeting to order at 6:30 p.m.
- II. **INVOCATION:** Alderman Dick Macartney gave the invocation.
- III. **PLEDGE OF ALLEGIANCE:** Alderman Robert Swantek led those present in the Pledge of Allegiance.
- IV. **APPROVAL OF AGENDA:**
 - Alderman Swantek made a motion to approve the agenda as presented.
 - Alderman Macartney seconded the motion.
 - The agenda was approved unanimously.

V. PUBLIC HEARINGS & PRESENTATIONS

A. Presentation on Issues Associated with the Construction and Maintenance of a Terminal Groin at New River Inlet (Dr. Robert Young and Andy Coburn from Western Carolina University):

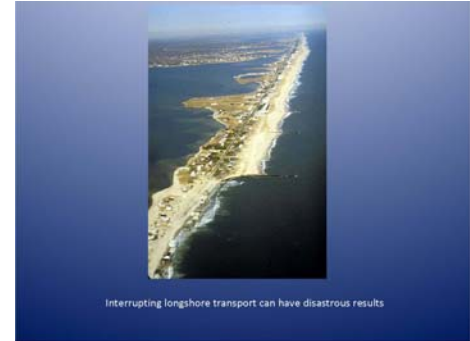
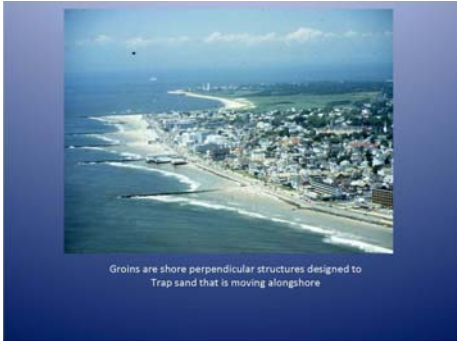
- Mayor Pro Tem Yawn introduced Dr. Robert Young and Andy Coburn.
- Dr. Young and Mr. Coburn had separate presentations. They each took questions from the Board afterward. The slides from their presentations are attached.





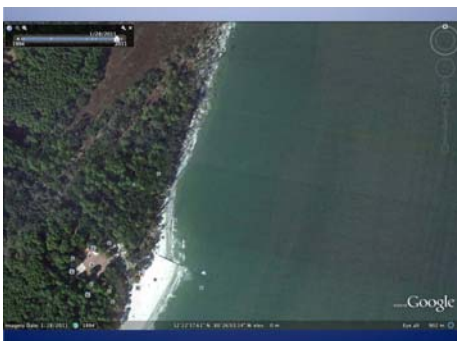
Groins

The United States Army Corps of Engineers' Coastal Engineering Manual describes groins as: "...probably the most misused and improperly designed of all coastal structures...Over the course of some time interval, accretion causes a positive increase in beach width updrift of the groin. Conservation of sand mass therefore produces erosion and a decrease in beach width on the downdrift side of the groin" (USACE, 2002).



Groin compartments will not remain full!

- Storms, high tides, will remove sand offshore
- Groins will trap sand moving alongshore
- Downdrift beaches will be deprived of sand

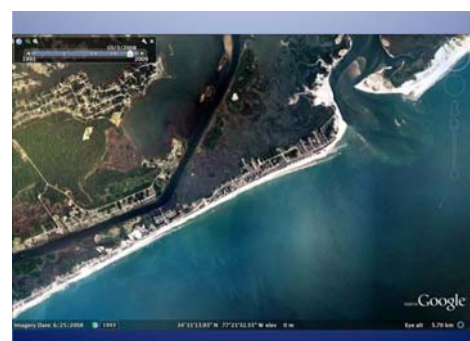


What the terminal groin study did not show

- Decrease in the need for beach nourishment associated with the construction of a groin
- Reduction in the cost of shoreline management for a community that builds a groin
- That terminal groins are being used "everywhere" with great success

What the terminal groin study did show

- Stabilize the tip of the island
- Environmental impacts
- Changes to inlet configuration
- Winners and losers downdrift
- All sites still needed large scale beach nourishment



Not considered by the terminal groin study

- The impact of the structure on sand bypassing the inlet, and therefore, the impact on properties down the island
- Structure will change inlet configuration. What impact does this have.



What to ask the consultants who are recommending a terminal groin

- Will the structure decrease the need for beach nourishment along NTB?
 - Reduced frequency?
 - Reduced Volume?
 - How did you determine this?
- Exactly which properties will benefit from the structure and to what degree? How did you determine this
- How might the structure impact sand moving across the inlet from north to south?

Final Caution

- NC coastal management has been the best in the country
- Building groins will bring lawsuits
- Sebastian Inlet case in FL



- **Costs:** Range from \$1,125/lf for groin (CSE) to \$2,750/lf (G&B) and \$4-5/cy (not including mob) for nourishment. Initial costs ~ \$7 million.
- **Maintenance costs:** Depends on the trapping efficiency of TG and storms. Estimates vary from \$2.25 million/yr (CRC) to every 5 years (PSDS)
- **Benefits:** Property damage reduction, but no quantitative assessment or mention of reduced need for/cost of nourishment
- **Community Goals & Objectives:** Why a groin (or nourishment or anything)?

At-Risk Properties:	376
Total Assessed Value:	\$66,817,693
% of Municipal Tax Base:	7.92%
% of County Tax Base:	0.53%
Total Annual Tax Revenue*:	\$797,038
NPV Tax Revenue Over 30 Years**:	\$32,939,174

* Estimate includes municipal and county ad valorem, occupancy and sales tax
** Using a discount rate of 3% and price appreciation rate of 5%

Imminent Risk Properties:	37
Total Assessed Value:	\$2,914,211
% of Municipal Tax Base:	0.35%
% of County Tax Base:	0.02%
Total Annual Tax Revenue*:	\$34,762
NPV Tax Revenue Over 30 Years**:	\$1,436,621

* Estimate includes municipal and county ad valorem, occupancy and sales tax
** Using a discount rate of 3% and price appreciation rate of 5%



	All	IRPs
Properties:	376	37
Total Assessed Value:	\$66,817,693	\$2,914,211
% of Municipal Tax Base:	7.92%	0.35%
% of County Tax Base:	0.53%	0.02%
Total Annual Tax Revenue Loss*:	\$797,038	\$34,762
NPV Tax Revenue Loss Over 30 Years*:	\$32,939,174	\$1,436,621

* Estimate includes municipal and county ad valorem, occupancy and sales tax
** Using a discount rate of 3% and price appreciation rate of 5%

The basic rationale for a terminal groin for North Topsail Beach is to trap and retain the flow of sand moving north before it reaches the inlet. The resulting shoreline planform would be "anchored" by the structure. A fillet (section of accreted beach) would provide protection to existing properties. Once filled to capacity, the terminal groin would allow excess sand to "bypass" the structure and resume building a spit into the inlet. Because net sand transport is into New River Inlet from both directions, adverse impacts of the structure would be highly localized and would not likely extend to Onslow Beach. Positive impacts of the structure would extend some uncertain distance to the south in relation to the scale of the groin and interactions of the offshore shoals of the inlet ("ebb-tidal delta") with the fillet. A terminal groin at Pawleys Island (SC) and adjacent Midway Inlet provides an analogous setting which CSE will use to describe the potential impacts and maintenance issues North Topsail Beach is likely to face.

For a terminal groin of the order 800 feet long at North Topsail Beach, cost is likely to be in the range of \$1-\$2 million depending on the amount of scour protection needed and exposure to the inlet channel. This cannot be determined with confidence without further study. The trapping capacity for a groin with such dimensions is likely to be in the range 75,000-150,000 cy. Volumes in this range will not be economical unless they can be obtained from New River Inlet via harbor dredge. The cost of mobilizing for an offshore borrow area would be significantly higher (eg - approximately \$2 million for mobilization and \$5-\$10 per cubic yard for pumping). These assumptions yield a project cost upward of \$5 million, assuming the higher estimates given here.



Cost of Groin w/ Periodic Nourishment

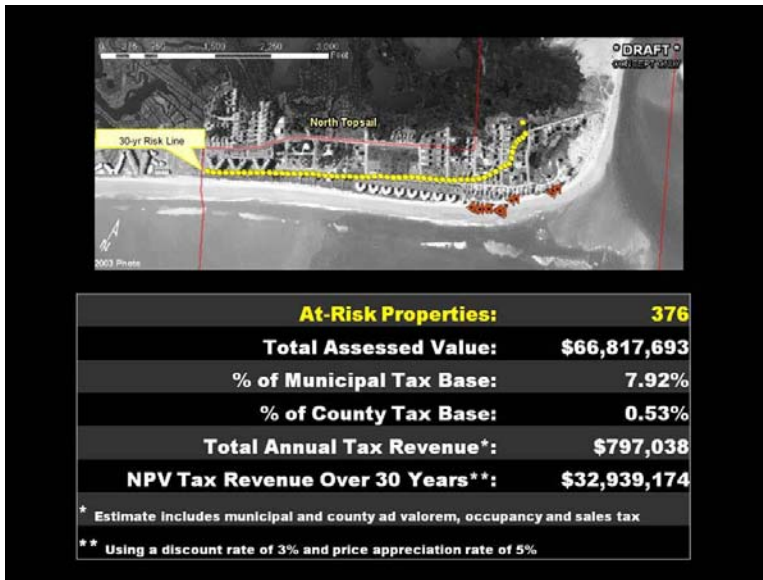
Discount rate 0.03
Price appreciation rate (%) 0.05

Year	Annual Flow	NPV
0	\$5,000,000	\$5,000,000
1	\$0	\$0
2	\$0	\$0
3	\$0	\$0
4	\$0	\$0
5	\$2,250,000	\$1,940,870
6	\$0	\$0
7	\$0	\$0
8	\$0	\$0
9	\$0	\$0
10	\$2,250,000	\$1,674,211
11	\$0	\$0
12	\$0	\$0
13	\$0	\$0
14	\$0	\$0
15	\$2,250,000	\$1,444,189
16	\$0	\$0
17	\$0	\$0
18	\$0	\$0
19	\$0	\$0
20	\$2,250,000	\$1,245,770
21	\$0	\$0
22	\$0	\$0
23	\$0	\$0
24	\$0	\$0
25	\$2,250,000	\$1,074,613
26	\$0	\$0
27	\$0	\$0
28	\$0	\$0
29	\$0	\$0
30	\$2,250,000	\$926,970
		NPV = \$13,306,624

An aerial satellite image showing a coastal area with a larger yellow-shaded triangular region highlighted. The area includes a beach, buildings, and vegetation. The Google logo is visible in the bottom right corner.

NPV Cost of Terminal Groin: \$13,306,624

NPV Estimated Tax Revenue Protected: \$1,436,621



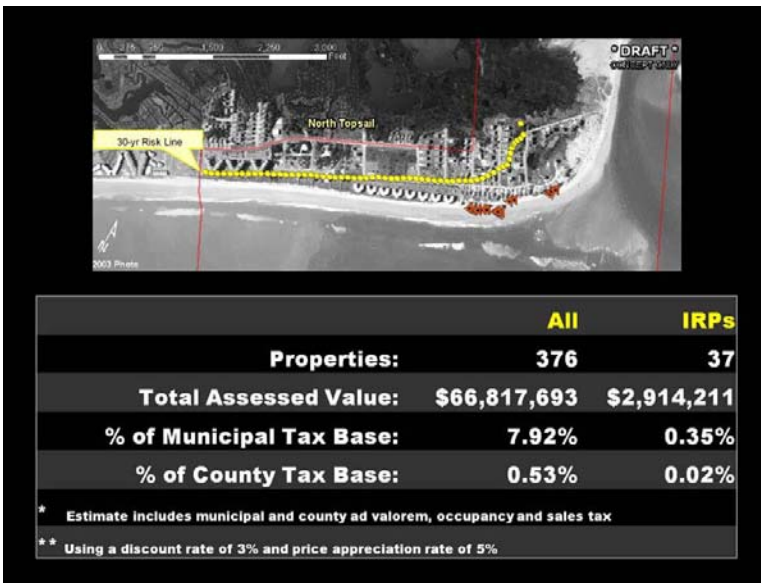
Cost of Groin w/ Periodic Nourishment

Discount rate 0.03
Price appreciation rate (%) 0.05

Year	Annual Flow	NPV
0	\$15,000,000	\$15,000,000
1	\$0	\$0
2	\$0	\$0
3	\$0	\$0
4	\$0	\$0
5	\$5,000,000	\$4,313,044
6	\$0	\$0
7	\$0	\$0
8	\$0	\$0
9	\$0	\$0
10	\$5,000,000	\$3,720,470
11	\$0	\$0
12	\$0	\$0
13	\$0	\$0
14	\$0	\$0
15	\$5,000,000	\$3,209,310
16	\$0	\$0
17	\$0	\$0
18	\$0	\$0
19	\$0	\$0
20	\$5,000,000	\$2,768,379
21	\$0	\$0
22	\$0	\$0
23	\$0	\$0
24	\$0	\$0
25	\$5,000,000	\$2,388,028
26	\$0	\$0
27	\$0	\$0
28	\$0	\$0
29	\$0	\$0
30	\$5,000,000	\$2,059,934

NPV = \$33,459,164

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Community Goals & Objectives

Selection of Plan by the Community

Upon review of alternative plans and cost estimates, the community would be expected to select a preferred plan best meeting the goals, objectives, and budget available. Because nourishment is likely to be required in conjunction with groin construction, much of the budget would likely go toward purchase and placement of sand. The plan selected by the community would likely be the best combination of groin lengths and trapping capacities that fall within the budget available. CSE, as a rule, seeks to optimize groin lengths and nourishment volumes for a given budget allowing up to 15 percent deviation in either parameter because of the uncertainty in prices before construction bids are received.

B. Public Hearing - Draft of Unified Development Ordinance:

- Mayor Pro Tem Yawn re-opened the public hearing on the draft UDO. He opened the floor for comments from the public.
- Cameron Moore, Governmental Affairs Director, representing the Topsail Island Association of Realtors and the Jacksonville Board of Realtors – Mr. Moore said he understands that the Board may table the public hearing again. He said he looked over the changes and knows that there are two areas that may still be discussed, construction signs and changes to townhomes and condos. He said he would like further review of the changes since the last UDO Committee meeting. He said so far he is on board with the changes.
- Paul Dorazio of Maebuilt Construction stated his preference for the construction sign rules; he said he prefers 60 days.
- Alderman Swantek made a motion to continue the Public Hearing to the next regular Board of Aldermen meeting. Alderman Farley seconded the motion. Alderman Macartney stated that he will not be present at the next Board of Aldermen meeting.
- Alderman Farley asked if the Board is ready to pass the UDO prior to the next regular meeting if they could call a special meeting to do so.
- Alderman Swantek amended the motion to recess the Public Hearing to an undetermined date. Alderman Farley seconded the amended motion.
- The motion passed unanimously.

VI. MANAGER'S REPORT:

- A. Park Improvements:** Mr. Foster reported that the Town's contractor has finished the resurfacing of the tennis courts at the park, and did a very good job in sealing the cracks, and applying a new even and level surface. We have already received numerous comments on the improvement.

Mr. Foster reported the installation of the new well has been completed. The new well is 300 feet deep will provide about 60 gallons per minute. Each irrigation station requires around 40 gallons per minute. With the water bills at the Park approaching \$1,800 a month this will should significantly cut the Town's expenses over time.

- B. CBRA Update:** Mr. Foster reported that Gene Graziosi, the Mayor and he have been in contact with Daniel Sheehan of Marlowe & Company, and Josh Bowlin Congressman Jones' Chief Aid since the Board's September Meeting in order to track the progress of the introduction of our legislation. A draft bill has been prepared, and a final revised map has been prepared and transmitted to Daniel Sheehan reflecting the Town's recommended changes for the final bill. Action on the bill has been delayed since Congress has been busy with FEMA funding issues, and Hurricane Irene cleanup.

He reported that Gene Graziosi located additional documents at the USFWS office, in Washington, in the L06 file that supports and substantiates our position on being taken out of a CBRA designation. We have gone over those documents and they have been forwarded to Washington. USFWS now says that they will

finish the pilot CBRA maps in 2012, but based on past experience they have been promising the completion for the last 10 years, and there is no guarantee that the new maps would insure the relief that the Town desires.

He reported that Daniel Sheehan has been working with staff members of Senator Hagan's office and Senator Burr's Office to jointly introduce the bill into the Senate in order to gain bipartisan support. Legislation now looks to be introduced in October.

- C. Hurricane Irene Cleanup and FEMA Reimbursement:** Mr. Foster reported that the Town has completed the cleanup of storm debris after the Hurricane. DRC removed debris from all Town owned streets including both vegetative and construction debris. The Town collected construction debris on both Town owned and State owned streets. The total cost to the Town of the cleanup was \$4,920, and should be reimbursable from FEMA. Vegetative debris on State Roads has not been completed but should be within the next two weeks. All loads were documented and load tickets checked by Town staff. We did not activate our monitoring service in that FEMA said that the small amount of debris did not warrant it with the relative small amount that had to be hauled. Staff has been in contact with FEMA representatives and is preparing supporting documentation for reimbursement under Categories A, B, and E. This would include all hurricane preparation expenses including EOC setup, overtime pay, equipment rental, mileage as well as any other attributed expenses. Part B would cover any expenses in regard to actual cleanup, debris removal, monitoring, tipping fees, and overtime. Part E covers any public building damage which covers the minor damage to Town Hall.

He also reported that Staff held a post hurricane procedure evaluation meeting to review both the plan and execution. They reviewed all 5 phases of the plan and identified action items that will be implemented.

- D. Acquisition of 3625 Island Drive Property is Complete:** Mr. Foster reported that the acquisition of property at 3625 Island Drive has been completed. This should, according to the US Army Corps of Engineers, complete the Town's obligation for public access and parking for the Federal Beach Project. The property was transferred to the NC Coastal Land Trust to hold in order for the Town to apply for two grants for the development of the project. One grant through CAMA will pay up to 85% of the purchase of the property, and a grant through PARTF (Parks and Recreation Trust Fund) for the development of a wooden crossover and kayak launch area. Since there is an existing sewer tap on the property the Town may wish to include a public rest room facility. He reported grant applications will be due later this year and early next year. Once we receive word on the grants we can then have the property transferred to the Town.
- E. Trash Pump Ordered:** Mr. Foster reported that Public Works has ordered the 6" trash pump that the Board authorized at their July meeting. The pump should be delivered within the next two weeks. The Town did successfully pump out the HWY210 and Grey Street problem area with a rented pump after Hurricane Irene.

F. Staff Evaluations: Mr. Foster reported that he will be conducting the annual employee evaluations during November and December, per our personnel policy manual. The department heads will be conducting the evaluation of their employees, and Mr. Foster said will evaluate department heads. The whole process will be completed sometime in December.

G. Science Panel Meeting: Mr. Foster reported that he attended a science panel meeting on terminal groins and that it was not very productive. The objective of the meeting was to develop ideas for a terminal groin permit. The engineers and scientists discussed the needs for monitoring, effects of erosion, effects on private property and shorelines, consistency in policy, storm effects on groins, sand sources, and deviations.

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

VIII. **CONSENT AGENDA:**

A. Request to Approve Tax Refunds

B. Approval of Minutes: August 25, 2011, September 1, 2011, September 13, 2011 and September 20, 2011

C. Department Head Reports: Finance (Mayor Pro Tem Yawn indicated that on Page 6 of the report the tipping fee needs to be corrected, he said that Mr. Smith will make the correction), Fire, Inspections, Planning, Police Departments

D. Committee Reports: Planning Board, Board of Adjustment, TISPC, ONWASA, Beautification and Recreation Committee, Government Advocacy Committee, UDO Committee

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

IX. **NEW BUSINESS:**

A. Request to Approve Resolution for Designation of Applicant's Agent for FEMA Reimbursement:

- Alderman Macartney made a motion for the Town of North Topsail Beach to approve Resolution 2011-12, a Resolution for Designation of Applicant's Agent for FEMA Reimbursement as presented.
- Alderman Swantek seconded the motion.
- The motion passed unanimously.

B. Request to Adopt 2011 Progress Report for Flood Plain Management/Hazard Mitigation:

- Alderman Macartney made a motion for the Town of North Topsail Beach Board of Aldermen to adopt the 2011 Progress Report for Floodplain Management/Hazard Mitigation as presented.
- Alderman Swantek seconded the motion.
- There was discussion.

- The motion passed unanimously.

C. Request to Approve Formation of a Planning Board Subcommittee for Parks and Recreation Trust Fund Grant:

- Alderman Swantek made a motion for the Town of North Topsail Beach Board of Aldermen to approve the formation of a Planning Board Subcommittee to assist with the Parks and Recreation Trust Fund Grant to also include the members of the Beautification and Recreation Committee.
- Alderman Macartney seconded the motion.
- The motion passed 3 to 1 with Alderman Farley voting against.

D. Request to Approve Contract with Gahagan & Bryant for Spoil Island

Analysis:

- Mayor Pro Tem Yawn introduced the item.
- Mr. Gibson addressed the Board and shared more information about what his firm would be doing for the Town. He also took questions from the Board.
- Alderman Swantek made a motion for the Town of North Topsail Beach Board of Aldermen to approve the proposal made by Gahagan and Bryant for the study of the sand on the nearby spoil islands to be paid out of the Beach Fund.
- Alderman Macartney seconded the motion.
- There was discussion.
- The motion passed unanimously.

E. Request from Turkey Creek Volunteer Fire Department – Donation of Surplus Fire Department Vehicle:

- Alderman Swantek made a motion for the Town of North Topsail Beach Board of Aldermen to adopt Resolution 2011-14, A Resolution Authorizing the Donation of Personal Property to Other Governmental Unit.
- Alderman Macartney seconded the motion.
- There was discussion.
- The motion passed unanimously.

F. Request to Assist Neighborhoods in Obtaining Blanket Permits for Sand Pushing:

- Alderman Macartney introduced the item.
- Ms. Hill addressed the Board of Aldermen and explained what the Town would be doing on behalf of property owners.
- Ms. Hill indicated that Town Staff's role would be administrative and that she would prepare a packet of forms for those interested in pursuing a blanket permit.
- There was discussion.
- Alderman Swantek made a motion for the Town of North Topsail Beach to make available the information and paperwork necessary to obtain a permit for sand pushing and that the Town would be the agent and that the Town Attorney would approve the forms prior to them being made available to the public.

- Alderman Farley seconded the motion.
- The motion passed unanimously (Alderman Macartney did not vote, a non-vote is counted as an affirmative vote).

G. Request to Approve Maintenance Paving Quote:

- Alderman Swantek made a motion for the Town of North Topsail Beach Board of Aldermen to award a contract for maintenance paving to Aaron's Grading and Paving for the amount of \$12,659.
- The motion passed unanimously.

X. **OPEN FORUM:**

Thomas Leonard of 218 Coastal Drive – Mr. Leonard made comments about the limited number of terminal groins allowed in the State and expressed his concerns that the Town could possibly get left out if it does not begin pursuing one.

XI. **ATTORNEY'S REPORT:** Mr. Edes said that he did not have anything to report and said that he was glad that the Town is finishing up the UDO.

XII. **ALDERMEN'S REPORT:**

Mayor Pro Tem Yawn: Mr. Yawn thanked everyone for coming out.

Alderman Macartney: Mr. Macartney thanked everyone for coming.

Alderman Swantek: Mr. Swantek announced that October 23rd is the rain-date for the Mayor's Cup Golf Tournament.

Alderman Farley: Mr. Farley said, "Happy Columbus Day."

XIII. **ADJOURNMENT:** Alderman Swantek made a motion to adjourn. Alderman Macartney seconded the motion. The motion passed unanimously. The meeting adjourned at 8:56 p.m.

APPROVED:

Daniel Tuman, Mayor

ATTEST:

Carin Z. Faulkner, Town Clerk

Town of North Topsail Beach

Daniel Tuman, Mayor
Michael Yawn, Mayor Pro Tem
Aldermen:
Richard Farley
Deborah Lanci
Richard Macartney
Robert Swantek



Steven H. Foster
Town Manager

Carin Z. Faulkner, MPA
Town Clerk

Board of Aldermen Special Meeting Minutes Wednesday, November 2, 2011 3:00 P.M.

PRESENT: Mayor Daniel Tuman, Mayor Pro Tem Michael Yawn, Aldermen Richard Farley, Robert Swantek, and Dick Macartney, Town Manager Steve Foster, Town Attorney Brian Edes, and Town Clerk Carin Faulkner.

NOT PRESENT: Alderman Deborah Lanci

- I. **CALL TO ORDER:** Mayor Tuman called the meeting to order at 3:00 p.m.
- II. **APPROVAL OF AGENDA:**
 - Alderman Swantek made a motion to approve the agenda as presented. Mayor Pro Tem seconded the motion.
 - The motion passed unanimously.
- III. **APPROVAL OF UDO COMMITTEE MEETING MINUTES (January 27- October 24, 2011):**
 - Mayor Pro Tem Yawn made a motion to approve the UDO Committee minutes for January 27, 2011 through October 24, 2011. Alderman Swantek seconded the motion.
 - The motion passed unanimously.
- IV. **PUBLIC HEARING – Unified Development Ordinance:**
 - Mayor Pro Tem Yawn made a motion to continue the public hearing on the Town of North Topsail Beach Unified Development Ordinance. Alderman Swantek seconded the motion.
 - The motion passed unanimously.
 - Ms. Deborah Hill, Planning Director, addressed the audience and explained the process that the Planning Board, UDO Committee, and Board of Aldermen had gone through in developing this ordinance and what the ordinance is, which is a unified development ordinance to bring the Town's land development regulations, including zoning, up to date and in agreement with the Town's CAMA land use plan as well as State and Federal regulations.

- The following individuals came forward and made comments before the Board of Aldermen:

Karin Zoanelli of 2 Atlantic in Rogers Bay - Mrs. Zoanelli has been a property owner at Rogers Bay since 1993. She made comments against having to move her recreational vehicle from the campground every 180 days.

Mark Jenkins of 27 Atlantic in Rogers Bay - Mr. Jenkins has had property at Rogers Bay for 10 years. He made comments about notification of this public hearing.

Mr. Foster asked Mayor Pro Tem Yawn to clarify the changes made on travel trailer parks. Mayor Pro Tem Yawn indicated that there have been no changes to the rules for travel trailers as the UDO is just compiling the rules already stated in Town Code Chapter 7, the State building code and FEMA rules. He said that enforcement and grandfathering issues are not going to be addressed at this meeting.

Ed Cramer of 11 Atlantic in Rogers Bay - Mr. Cramer made comments about the regulations of trailer parks in the surrounding counties. He said that he would like the Town to have consistent regulations.

James Pleasant of 139 Dock in Rogers Bay – Mr. Pleasant said that this should be an either or situation where the RVs should be moved every 180 days or should be licensed and road worthy.

Deb Yashenski of 50 Leeward in Rogers Bay - Ms. Yashenski lives at Rogers Bay and made comments against having to move her recreational vehicle every 180 days.

Ron Price of 78 Carolina Street in Rogers Bay – Mr. Price said he has stayed at Rogers Bay for 14 years. He made comments against having to move his RV.

Louise Pleasant of 139 Dock in Rogers Bay – Ms. Pleasant said that she has been at Rogers Bay for 15 years. She said she moves during hurricanes and made comments about the good things Rogers Bay people have done for the Town such as Toys for Tots. She thanked the Board for the consideration they give Rogers Bay.

Bill Watford of Rogers Bay – Mr. Watford has lived at Rogers Bay for 11 years. He made comments about the attached rooms and decks that are on many of the RVs at Rogers Bay and that many of them cannot be moved.

William Pratt of Rogers Bay – Mr. Pratt has been at Rogers Bay since 1985. He made comments about the different regulations and how they are not being followed. He said the Town needs to get on one sheet of music.

Kenneth Parker of Rogers Bay – Mr. Parker made comments about the insurance on his camper and said that his insurance policy requires him to tie it down and said he would like the Board to consider that.

- Alderman Macartney made a motion to close the public hearing. Mayor Pro Tem Yawn seconded the motion. The motion passed unanimously.
- Ms. Hill gave an update on what had been changed to the document up to this point.
- There was discussion.

- Alderman Farley made a motion to change the UDO to not permit (detached) garage apartments or guest houses. Mayor Pro Tem Yawn seconded the motion. Mayor Pro Tem Yawn clarified that this would mean that they would be taken out of the table of conditional permitted uses and development standards. Ms. Hill clarified that this would be detached garage apartments or guest houses.
- There was discussion.
- The motion passed 3 to 1 with Alderman Macartney voting against.
- Mayor Pro Tem Yawn made a motion to return the language “subject to compliance with all other requirements of this ordinance.” Alderman Farley seconded the motion.
- There was discussion.
- Mayor Pro Tem Yawn modified his motion for the language to say “subject to compliance with all other applicable requirements of this ordinance.” Alderman Farley seconded the amended motion.
- The motion passed 3 to 1 with Alderman Macartney voting against.
- Mayor Pro Tem Yawn made comment that on a building lot that the current UDO reads that you can have a tennis court as the principle structure. He did not have support for a motion.
- Alderman Macartney indicated that he would like to suspend the approval of the UDO for one month. He did not have support for a motion.
- Mayor Pro Tem Yawn made a motion for the Board of Aldermen to adopt Resolution 2011-15 (A Resolution to Adopt a Unified Development Ordinance and Repeal All Existing Ordinances Now Incorporated in the Unified Development Ordinance) with an addition to the resolution to include a statement indicating that the Board approves the changes made today.
- Alderman Swantek seconded the motion.
- There was discussion.
- The motion passed unanimously.

V. **ADJOURNMENT:** Mayor Pro Tem Yawn made a motion to adjourn. Alderman Farley seconded the motion. The motion passed unanimously. The meeting adjourned at 4:21 p.m.

APPROVED:

Daniel Tuman, Mayor

ATTEST:

Carin Z. Faulkner, Town Clerk

Town of North Topsail Beach

Daniel Tuman, Mayor
Michael Yawn, Mayor Pro Tem
Aldermen:
Richard Farley
Deborah Lanci
Richard Macartney
Robert Swantek



Steven H. Foster
Town Manager

Carin Z. Faulkner, MPA
Town Clerk

Board of Aldermen Regular Meeting Minutes Thursday, November 3, 2011 6:30 P.M.

PRESENT: Mayor Daniel Tuman, Mayor Pro Tem Michael Yawn, Aldermen Richard Farley, Robert Swantek, and Deborah Lanci, Town Attorney Brian Edes, Town Manager Steve Foster 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 Richard Farley gave the invocation.
- III. **PLEDGE OF ALLEGIANCE:** Mayor Tuman led those present in the Pledge of Allegiance.
- IV. **APPROVAL OF AGENDA:**
 - Mayor Pro Tem made a motion to approve the agenda with the addition of New Business Item F regarding a request for ONWASA to add an additional water tower and a closed session to consult with our Town Attorney to discuss possible litigation per N.C.G.S. 143-318.11 (3).
 - Alderman Lanci seconded the motion.
 - The amended agenda was approved unanimously.
- V. **PUBLIC HEARINGS & PRESENTATIONS**
 - A. **Presentation – Employee Service Awards:** Mayor Tuman presented Ms. Deborah Hill with a 5 year service pin and certificate. He also recognized Bill Poe for his 5 years of service.
 - B. **Public Hearing – Amendment to the North Topsail Beach CAMA Core Land Use Plan:**
 - Mayor Tuman introduced this item and read aloud the changes to be made to the Land Use Plan.
 - Mayor Pro Tem Yawn made a motion to open the public hearing on an amendment to the Town’s CAMA Core Land Use Plan. Alderman Lanci seconded the motion.
 - The motion passed unanimously.

- No one came forward.
- Mayor Pro Tem Yawn made a motion to close the public hearing. Alderman Lanci seconded the motion.
- The motion passed unanimously.
- There was discussion.
- Mayor Pro Tem Yawn had a question about the definition of a structure. Mayor Tuman indicated that the definition of accessory structures in the LUP is not being addressed in this meeting. Board members indicated that they would like to defer this issue to the Planning Board.
- There was discussion.
- Mayor Pro Tem Yawn made a motion for the Board of Aldermen to adopt Resolution 2011-16 A Resolution to Amend Page 90 Section P.14 (1) of the Town of North Topsail Beach CAMA Core Land Use Plan. Alderman Lanci seconded the motion.
- There was discussion.
- The motion passed unanimously.

VI. **MANAGER'S REPORT:**

- A. CBRA Update:** Mr. Foster reported that Dan Sheehan of Marlowe & Company met with Aaron Suntag in Senator Hagan's office to discuss the Topsail Island Federal beach projects and North Topsail Beach's CBRA matter. He's taken over for Perrin Cooke, Chief Aide. Mr. Sheehan took the opportunity to stress to him the importance of the needed WRDA construction authorizations and CBRA legislative remedy. With respect to the CBRA matter, in particular, he said he would coordinate with staff in Senator Burr's office on sponsoring the Senate companion to Representative Jones' draft bill. Senator Burr's office even offered to have the senator call Interior Secretary Salazar, if necessary. Mr. Sheehan said that he should maybe save that for a later date.
- B. Terminal Groin Update:** Mr. Foster reported that he went to the scoping meeting that Holden Beach had as the first step in the terminal groin process. He said several agencies were there. He said that the Corps of Engineers said they would only require an environmental analysis (EA) instead of an EIS, though the state legislation requires a full EIS. He said Doug Huggett from the state said that it could take 2 ½ to 3 years to see the first permit produced.
- C. CRS Status:** Mr. Foster reported that Ms. Hill has completed all of her work for the Town in order to have our Community Rating Service ratings to continue. We are expecting a final letter any day.
- D. Status of Grant Applications for the "South End Parking Area":** Mr. Foster reported that work has started on the application for park equipment and improvements at the new "South End Parking Area" on Island Drive. Ms. Hill met with the Recreation and Beautification Committee and Planning Board members, as required by the application process to determine elements that need to be included on the PARTF application. The PARTF Committee recommended that the following items be included for grant funding: Picnic Area, Kayak Launch, Exercise Walk, Kids Playground, Bathrooms, Fishing Pier and Gazebo,

and Handicap Related Facilities. All of this is in addition to the 10 required parking spaces under the Federal Beach Nourishment Project.

- E. Beach Pushing by Individuals Under a Collective 2500 Permit:** Mr. Foster reported that the Town has had a great deal of interest by five collective groups of ocean front property owners to get a collective permit to have a beach push in front of their property. Ms. Hill has been working with these groups with the CAMA office in Wilmington to accommodate these property owners.
- F. Condition of Beach:** Mr. Foster reported that he and Ms. Hill took a tour of the beach that morning and he estimates that about 30 percent of the beach is in a serious situation and might need some sand pushing, mostly at the far north end. He said the problem is that there is just not enough sand there to push. It is really flat there. He said another 20 to 30 percent of the beach is in moderate condition, and the rest does not look that bad. He said that the Town will probably only be allowed to do one push this year and that the timing has to be right.
- G. Federal Storm Damage Reduction Project:** Mr. Foster reported that this project is moving forward. He said that all elected officials and citizens have been asked to please contact Congress and tell them to pass the WRDA Act this year. This is necessary to get funding for the project.
- H. NTB to Accept Credit Card Payments:** Mr. Foster reported that the Town has made arrangements with Official Payments so that the Town can begin to accept credit card payments starting in January, there is a small convenience fee.
- I. NCDOT to Hold Public Hearing on Surf City Bridge Replacement:** Mr. Foster reported that NCDOT will be holding a public hearing on the Surf City Bridge Replacement in the beginning of December.

Alderman Farley asked Mr. Foster if the Town is still planning on re-establishing the parking areas that the Town put no parking on. Mr. Foster said that there are still plans for that. Alderman Farley said that the public may make comments against the fees on the credit card payment processing. He also said that he is concerned about the residents in the area of the proposed park and its impact on them. Mayor Tuman indicated that there will be an opportunity for the public to submit comments on the park and that information will be provided to the property owners in the area. Mayor Pro Tem Yawn asked about the status of the Onslow County grant.

VII. **OPEN FORUM:**

Thomas Leonard of 218 Coastal Drive – Mr. Leonard made comments in response to Alderman Swantek’s letter that was in the Topsail Voice.

Robert Swantek of 3772 Island Drive – Mr. Swantek made comments in response to Mr. Leonard’s comments.

VIII. **CONSENT AGENDA:**

- A. Approval of Minutes:** October 6, 2011

- B. Department Head Reports: Finance, Fire, Inspections, Planning, Police Departments
- C. Committee Reports: Planning Board, Board of Adjustment, TISPC, ONWASA, Beautification and Recreation Committee, Government Advocacy Committee, UDO Committee (added).

- Mayor Pro Tem Yawn made a motion to approve the Consent Agenda with the addition of the UDO Committee Report. He read the UDO Committee report aloud. Alderman Lanci seconded the motion.
- The motion passed unanimously.

IX. **NEW BUSINESS:**

A. Request to Approve Recycled Materials Agreement:

- Ms. Faulkner introduced the item and Mr. Brown from Sonoco Recycling.
- Mr. Brown took questions from the Board.
- Mr. Foster made comments.
- Mayor Pro Tem Yawn made a motion for the Board of Aldermen to approve the Recycled Materials Agreement as presented and direct the Town Manager to sign the agreement. Alderman Lanci seconded the motion.
- The motion passed unanimously.

B. Request to Direct Staff to Issue an RFP for Engineering Services for Terminal Groin Scoping Meeting:

- Mayor Pro Tem Yawn introduced the item and made a motion that the Town of North Topsail Beach contact CP&E, Gahagan & Bryant, Coastal Science and Engineering, Applied Science, and other coastal engineering firms (using standard/legally required publication/notification/advertising) to request that coastal engineering firms submit proposals for activities to lead NTB in investigating terminal groins through holding a Scoping Meeting with the USACE. The information to be included in these proposals should include:
 - Activities to be accomplished
 - Time frames
 - Estimate of engineering skills and hours
 - Estimate of total price
 - A not-to-exceed price
- Alderman Swantek seconded the motion.
- There was discussion.
- The motion passed 3 to 1 with Alderman Farley voting against.

C. Request to Adopt Budget Amendment to Change Fines for Unleashed Dogs, Failure to Pick Up Dog Waste, and Sand Dune Violations:

- Mayor Pro Tem Yawn introduced the item and made a motion to change the fine for a leash law violation from \$25 to \$100. Alderman Lanci seconded the motion.
- There was discussion.
- The motion passed 3 to 1 with Alderman Farley voting against.

- Mayor Pro Tem Yawn made a motion for the Town to add a fine for failure to pick up dog waste and for that fine to be \$100. Alderman Lanci seconded the motion.
- There was discussion.
- The motion passed 3 to 1 with Alderman Farley voting against.
- Mayor Pro Tem Yawn made a motion to change the sand dune violation fine from \$50 to \$500 to \$500 for all violations. Alderman Lanci seconded the motion.
- The motion passed unanimously.

D. Request to Increase Town Employee Bonus:

- Mayor Pro Tem Yawn introduced the item and made a motion that the Town increase the employee bonus for full-time permanent employees so that those without Town-issued cars will receive \$1,200 and those with Town-issued car will receive \$600, and three part-time employees will receive \$300 each. Alderman Lanci seconded the motion.
- There was discussion.
- The motion passed unanimously.

E. Request to Adopt a Resolution Thanking Onslow County for the Plans to Construct a New Library in Sneads Ferry:

- Mayor Pro Tem Yawn introduced the item and made a motion that the Town of North Topsail Beach Board of Aldermen adopt Resolution 2011-17 A Resolution in Appreciation of the Onslow County Board of Commissioners for the Plans to Construct a New Environmental Education Center and Public Library in Sneads Ferry. Alderman Lanci seconded the motion.
- There was discussion.
- The motion passed 3 to 1 with Alderman Swantek voting against.

F. Request to Direct Town Staff to Ask ONWASA for New Water Tank:

- Mayor Tuman introduced this item.
- There was discussion.
- Mayor Pro Tem Yawn made a motion to have the ONWASA representative for the Town to communicate with the ONWASA Director and Board of Directors of ONWASA to include another tank in their Capital Improvement Plan and to direct Town Staff to work on a resolution thanking ONWASA and requesting a new water tank. Alderman Lanci seconded the motion.
- The motion passed unanimously.

X. OPEN FORUM:

Thomas Leonard of 218 Coastal Drive – Mr. Leonard said he agreed with Alderman Farley that enforcement is the key to the problems with dogs and people walking on the dunes. He said “Happy Birthday Marines.” He indicated that tomorrow will be the 6 year anniversary of Gunnery Sergeant D.W. Boatman’s death.

Suzanne Gray of 4110 Island Drive – Mrs. Gray made a comment on the ONWASA issue. She suggested that the Town should request putting the tower in the most

convenient place rather than designating where the Town wants it to go. She said that the higher fines and getting the word out might make people think twice about violating the ordinances.

- XI. **ATTORNEY'S REPORT:** Mr. Edes reported that he signed off on the annual auditor's letter indicating that the Town is currently not in litigation.
- XII. **MAYOR'S REPORT:** Mayor Tuman recognized Bill Poe for his 5 years of service to the Town and presented him with the 5 year service award.
- XIII. **ALDERMEN'S REPORT:**

Alderman Farley: Mr. Farley made comments in response to Alderman Swantek's comments during Open Forum. He said "Happy Veteran's Day" and thanked everyone for coming out.

Alderman Swantek: Mr. Swantek said "Happy Veteran's Day and Happy Thanksgiving." He thanked Alderman Farley for his 8 years of service to the Town and commented that Mr. Farley chose not receive compensation for his work.

Mayor Pro Tem Yawn: Mr. Yawn told a story about seeing a goat on the beach. He said "Happy Veteran's Day and Happy Thanksgiving." He thanked everyone for their work on the UDO.

Alderman Lanci: Ms. Lanci recognized Veteran's Day and thanked Alderman Farley for his service and the opportunity to serve with him. She said she is thankful that the Town does not have any litigation.

- XIV. **CLOSED SESSION:** Mayor Pro Tem Yawn made a motion for the Board of Aldermen to go into Closed Session per N.C.G.S. 143-318.11 (3). Alderman Lanci seconded the motion. The motion passed unanimously.

No Board action was taken during the Closed Session.

- XV. **ADJOURNMENT:** Alderman Swantek made a motion to adjourn. Alderman Macartney seconded the motion. The motion passed unanimously. The meeting adjourned at 9:04 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:
Tom Leonard
Richard Macartney
Deborah Snyder
Michael Yawn



Steven H. Foster
Town Manager

Carin Z. Faulkner, MPA
Town Clerk

Board of Aldermen Regular Meeting Minutes* Thursday, December 1, 2011 6:30 P.M.

PRESENT: Mayor Daniel Tuman, Mayor Pro Tem Michael Yawn, Aldermen Richard Farley, Robert Swantek, Suzanne Gray, Tom Leonard, Dick Macartney, and Deborah Snyder, Town Attorney Brian Edes, Town Manager Steve Foster, and Town Clerk Carin Faulkner.

ALSO PRESENT: North Carolina House Representative Phil Shepard

- I. **CALL TO ORDER:** Mayor Tuman called the meeting to order at 6:30 p.m.
- II. **INVOCATION:** Representative Phil Shepard gave the invocation.
- III. **PLEDGE OF ALLEGIANCE:** Mayor Tuman led those present in the Pledge of Allegiance.
- IV. **APPROVAL OF AGENDA:**
 - Mayor Pro Tem made a motion to approve agenda items V through VI.
 - Alderman Macartney seconded the motion.
 - The agenda was approved unanimously.
- V. **CONSENT AGENDA:**
 - A. Request to Approve Resolution 2011-18 – A Resolution Requesting that ONWASA Include a Second Water Storage Tower for the Dixon Location in the Capital Improvement Plan
 - ~~B. Request to Approve NTB Recycling Program/Policy for Lamps, Batteries & Ballasts~~
 - C. Request to Approve Tax Refunds
 - D. Request to Approve Budget Amendments #1 & #2
 - E. Approval of Minutes: November 2, 2011 & November 3, 2011
 - F. Department Head Reports: Finance, Fire, Inspections, Planning, Police Departments

*There is an attachment to these minutes. (Attachment A – December 1, 2011 Board of Aldermen Minutes)

G. Committee Reports: Planning Board (and PARTF Committee), Board of Adjustment, TISPC, ONWASA, Beautification and Recreation Committee, Government Advocacy Committee (no report)

- Mayor Pro Tem Yawn made a motion to remove Budget Amendment #2 from the Consent Agenda. Alderman Macartney seconded.
- Alderman Farley indicated he would like a better explanation of Item B on the Consent Agenda.
- Mayor Tuman indicated that these Items will be moved to VI. C & D.
- Alderman Macartney made a motion to approve the Consent Agenda as amended. Mayor Pro Tem Yawn seconded the motion.
- The motion passed unanimously.

VI. PUBLIC HEARINGS/PRESENTATIONS:

A. Presentation on PARTF Committee Recommendations & Public Comment for 2012 PARTF Grant Application:

- Mayor Tuman introduced this item. He explained that the Town has acquired a property at 3623 Island Drive as part of its commitment to receive Federal funding for the Federal beach nourishment project (Surf City/NTB Coastal Storm Damage Reduction Project). He said one of the items explored for the property is for the Town to apply for a Parks and Recreation Trust Fund (PARTF) grant to add park-like amenities to the property. A PARTF Committee was formed (made up of the Planning Board and the Beautification & Recreation Committee) and they have met to discuss the potential improvements to the property, beyond its intended purpose, which is to satisfy the parking and access requirements by the Federal project. He said this public hearing is intended to allow the public to give input to the Board as to what could be done with the property.
- Mayor Pro Tem Yawn made a motion to open the public hearing. Alderman Farley seconded the motion.
- The motion passed unanimously.

The following are comments made by the public:

Karl Chiang of 3634 Island Drive – Dr. Chiang said he was not notified of the purchase of the 3623 Island Drive property when it happened. He did not know that the easement next to his fence would end up being a public easement. He said he wants to be a part of the decision making process on what happens with the property. He said he does not think that anything should be physically built before the funding is received from the Federal government. He recommended releasing the Town of the obligation to construct the crossover or to minimize it so that it remains a private easement until Federal funds are received.

Mayor Tuman read the PARTF Committee's recommendations to the Board of Aldermen. They unanimously recommended that the Board of Aldermen only do the minimum requirements at this time which do not necessitate the application for a PARTF grant. Staff was directed to draw up a

site plan for the walkway and dune crossover on the ocean side of Highway 210 to include 10 parking spaces with a gate on the estuarine side of Highway 210.

Maria Luna of 3632 Island Drive – Ms. Luna is a part time resident and she said she would have liked to know about the plans for the parking lot. She does not see how changing the beach access from private to public would benefit residents. She said she is concerned about the public crossing the road from the park and trespassing on her property. She does not understand the need for building a crossover by December 2012 if Federal funds have not been received.

Ms. Hill read her report. She asked that the Town Clerk include the entire Staff report in the minutes (Attachment A – December 1, 2011 Board of Aldermen Meeting Minutes). She reported that she spoke with the regional manager for PARTF and he urged the Town to apply this year because funding has been cut in half and they are not very optimistic about funding for next year.

Bill O'Donnell of 3612 Island Drive – Mr. O'Donnell made comments against a dune crossover. He said a crossover is not needed and that they are susceptible to storm damage and repairs cost money. He spoke against the Town having another park. He also said more parking on Island Drive is not currently needed. He sited that maintenance is expensive on these things. He recommended that the Town wait on everything until beach nourishment is funded. He said that what is built should be minimal. He asked the Board to pursue acquiring the Calinda Cay walkway that was offered to the Town previously. He asked that the Town survey the property owners in this area for support of beach nourishment as was done for the North end property owners and proceed according to their wishes.

William Stainback of 3632 Island Drive – Mr. Stainback said that he has lived here since 2002 on a part time basis. He said he is concerned about the added burden on the easement. He said he is concerned that the parking lot will cause people to wander onto his property. He suggested that the Town wait to do anything until all Federal funding is received.

Don Barnes of 3638 Island Drive – Mr. Barnes thanked Town Staff for being professional when they spoke to him about this issue. He said that there are neighbors at this meeting from Washington, D.C. to California and they are all opposed to the park. He said he would prefer not to see the access, the parking lot, and park built. He said it will add traffic, noise, trash and other changes he prefers not to see. He said this project is not necessary unless the Town receives funds. He said that Pam Castens from the Army Corps of Engineers has promised to provide the Town and residents with a report that will help determine if the property will meet all the guidelines for funding. He said it also needs to be determined if there is a legal issue with making a deeded easement for use as a walkway for lots 1, 2, 3 (recently redeveloped into lots 1-5) into a public access to be used by everyone, not just the owners of the properties. He said an argument can be made that this is not consistent with the intended use of the easement and that the Town will be changing the nature of the easement and possibly causing the overburdening of the easement.

Caziena Borlik of 3618 Island Drive – Ms. Borlik has owned her property since 1996. She said she was shocked to see the Town's sign about the future park. She said the beach access is three houses down from the park lot and she is concerned that the park users will cross over into her property and her neighbor's properties. She said she wants the Board to reconsider and consider a minimal dirt path. She said she wants to see the October 27th minutes from a meeting where it was stated that the homeowners in the area were notified and are okay with the park.

Greg Salotiolo of 3589 Island Drive – Mr. Salotiolo said that he lives full time on the second row and that there is not a beach access near his home. He spoke in strong support of the beach access and the park. He said there is a 10 to 15 minute walk to the 2nd Avenue beach access and a 20 minute walk to the Myrtle Drive beach access from his house. He said he would like a kayak facility at the park. He said the access would benefit the other second row property owners in the area and all of North Topsail Beach.

- Mayor Pro Tem Yawn made a motion to close the public hearing. Alderman Snyder seconded the motion.
- The motion passed unanimously.
- There was discussion.
- Alderman Macartney made a motion to have Town Staff apply for the PARTF grant only and for the Town to have another public hearing at the next regular Board of Aldermen meeting to meet the requirements of the application and get it in by the deadline. Alderman Swantek seconded the motion.
- There was discussion.
- The motion passed 4 to 1 with Alderman Farley voting against.
- Mayor Pro Tem Yawn made a motion for the Town to bid out the construction of a minimal walkway to include a sand path and wooden crossover. Alderman Snyder seconded the motion.
- There was discussion.
- The motion passed 3 to 2 with Aldermen Farley and Macartney voting against.

B. Presentation of Financial Audit Report: Chris Burton from Pittard, Perry & Crone presented the highlights from the Town's financial audit report. He said the Town received a clean opinion and that there were no problems. He reported that the total net assets of the Town went up \$979,000 this fiscal year and that the Town has no debt, the only debt the Town has is accrued vacation which the Town is required to account for.

- Alderman Macartney thanked Mr. Burton for his presentation and made a motion for the Board of Aldermen to accept the financial audit report. Mayor Pro Tem Yawn seconded the motion.
- The motion passed unanimously.

C. Request to Approve Budget Amendment #2 (from Consent Agenda):

- Mayor Pro Tem Yawn made a motion to delay the approval of Budget Amendment #2 until the January Board of Aldermen meeting because it has to do with holiday donations and is an estimate. Alderman Snyder seconded the motion.
- The motion passed unanimously.

D. Request to Approve NTB Recycling Program/Policy for Lamps, Batteries & Ballasts (from Consent Agenda):

- Alderman Farley asked Mr. Best for clarification on this policy. Mr. Best indicated that this policy is only for the Town to go by, not citizens. He described the procedure that Town Staff has to go through to dispose of these items.
- Alderman Macartney made a motion for the Board of Aldermen to approve the NTB Recycling Program for Lamps, Batteries and Ballasts. Mayor Pro Tem Yawn seconded the motion.

- The motion passed unanimously.

E. Recognition of Outgoing Officials: Representative Phil Shepard presented Aldermen Farley and Swantek with plaques and thanked them for their service to the Town.

F. Results of Municipal Election of November 8, 2011: Ms. Faulkner read the results of the November 8, 2011 municipal election as follows:

Office of Mayor: Daniel Tuman, 117 votes. Donald Martin, 84 votes.
Office of Alderman: Suzanne Gray, 145 votes. Tom Leonard, 120 votes.
Robert Swantek, 85 votes. Write-In, 2 votes.

G. Oath of Office: Representative Phil Shepard administered the oath of office for Mayor Daniel Tuman, Alderman Suzanne Gray and Alderman Tom Leonard.

H. Recess for Reception: Mayor Tuman called for a recess of the meeting in order to have a brief reception.

VII. **APPROVAL OF AGENDA:**

- Mayor Pro Tem Yawn made a motion to approve agenda items VII through XVI.
- Alderman Snyder seconded the motion.
- The agenda was approved unanimously.

VIII. **ORGANIZATIONAL ITEMS**

A. Election of Mayor Pro Tempore: Alderman Leonard nominated Suzanne Gray for Mayor Pro Tem. Alderman Macartney nominated Mike Yawn for Mayor Pro Tem. Suzanne Gray was elected Mayor Pro Tem. Mrs. Gray received four votes (herself, Leonard, Macartney, and Snyder).

B. Reappointment of Town Attorney: Alderman Snyder made a motion for the Board of Aldermen to reappoint Brian Edes as Town Attorney for the Town of North Topsail Beach. Mayor Pro Tem Gray seconded the motion. The motion passed unanimously.

C. Resolution to Adopt Regular Meeting Schedule: Alderman Snyder made a motion for the Board of Aldermen to adopt Resolution 2011-19 - A Resolution to Adopt the Regular Meeting Schedule of the Board of Aldermen for the Town of North Topsail Beach for 2012. Alderman Yawn seconded the motion. The motion passed unanimously.

D. Resolution to Adopt "Suggested Rules of Procedure for a City Council": Alderman Leonard made a motion to adopt Resolution 2011-20 - A Resolution Adopting Suggested Rules of Procedure for a City Council as currently written and in use by the Town of North Topsail Beach with no changes. Alderman Snyder seconded the motion. There was discussion. The motion passed 4 to 1 with Alderman Yawn voting against.

- E. Resolutions Honoring Aldermen Farley and Swantek:** Ms. Faulkner read the resolutions aloud. Alderman Macartney made a motion to adopt Resolutions 2011-21 & 2011-22 honoring the public service of Alderman Richard Farley and Alderman Robert Swantek. Alderman Yawn seconded. The motion passed unanimously.
- F. Appointment of Town Official to Represent NTB on the Board of ONWASA:** Alderman Yawn nominated Mayor Pro Tem Gray. Alderman Leonard nominated Mayor Tuman. Mayor Tuman was appointed to represent North Topsail Beach on the Board of ONWASA, he received four votes (Leonard, Snyder, Gray, and Macartney) and Mayor Pro Tem Gray received one vote (Yawn).
- G. Appointment of Town Official to Chair the NTB Government Advocacy Committee:** Alderman Leonard nominated Alderman Snyder. Alderman Snyder was appointed as Chairman of the NTB Government Advocacy Committee with a vote of 4 to 1 with Alderman Yawn voting against.
- H. Appointment of Town Official to Represent NTB on the Topsail Island Shoreline Protection Commission:** Mayor Pro Tem Gray nominated Alderman Leonard. Alderman Leonard was unanimously appointed to represent NTB on the Topsail Island Shoreline Protection Commission.
- I. Resolution to Authorize the Town Manager to Sign Checks:** Alderman Snyder made a motion to adopt Resolution 2011-23. Alderman Leonard seconded the motion. There was discussion. Alderman Snyder amended her motion to add the Town Manager to the list of authorized people to sign checks. There was discussion. The amended motion was withdrawn. Alderman Yawn made a motion to have all five aldermen and the Mayor authorized to sign checks. Alderman Snyder seconded the motion. The motion passed unanimously.

IX. MANAGER'S REPORT:

- A. Gahagan & Bryant Report – Spoil Island Survey Progress:** Mr. Foster reported that A&E Drilling came up to do a site recon and coordinate barge and survey operations with Chris Gibson of Gahagan & Bryant. Everything went very smoothly and there were no issues with the project. A&E Drilling will mobilize their drill rig to Sneads Ferry on December 11th. They will barge over on the 12th and intend on completing drill operations by Christmas. They will be conducting Topographic surveys of the island simultaneously. They have set aside time to process all of the samples and expect to meet our scheduled delivery date for the geotechnical analysis.
- B. Public Works Update:** Mr. Foster reported on the following:

Well and Irrigation System Operational

Park well and irrigation has been successfully installed, and is now fully operational with good quality water. This system will save the Town several thousand dollars a year in water expense.

Trash Pump

The Town has received the new trash pump as authorized by the Board. It will be wet tested and will soon be operational to alleviate street flooding and for back-up fire protection.

Paving Repairs

Paving repairs have been completed on:
2nd Avenue, Reeves St. (Ocean and Sound Sides), Makepeace, Seagull, Oyster, and Bayview.

Christmas Decorations are Installed

Mr. Foster thanked the Public Works Department for their help in getting the Town's snow flake Christmas decorations installed for this year

- C. NCBIWA Conference:** Mr. Foster reported that the Town was well represented at the North Carolina Beach Inlet and Waterway Association Conference at Wrightsville Beach on November 14th and 15th. Mayor Tuman, Alderman McCartney, incoming Aldermen Gray and Leonard, Town Clerk Faulkner, and he were in attendance. The conference dealt with a variety of issues including State funding of beach projects, terminal groin presentations, sea level rise, and other pertinent topics. It was a very informative conference and imparted some very useful information.
- D. Neighborhood Collective Sand Pushing:** Mr. Foster reported that Staff has received several requests for collective sand pushing for adjacent neighboring properties. Each neighborhood is responsible for reimbursement to the Town for a contractor to do the work. He said if there are other areas or neighborhoods desiring to have multiple adjacent properties pushed please contact Ms. Deborah Hill at 910-328-1349.
- E. Beach Push:** Mr. Foster reported that the Town may do a CAMA approved Town-wide push sometime in January or February, according to the wishes of the Board.
- F. FEMA Reimbursement for Hurricane Irene:** Mr. Foster reported that Staff has been working diligently with FEMA personnel on getting storm related reimbursement from Hurricane Irene. Settlement statements have been received for debris removal and damage to the building. The remaining 25% not paid by FEMA will be paid by the State.
- G. USACE Dredging Meeting - Nov. 29th:** Mr. Foster reported that the New River Inlet was one of the inlets discussed at the meeting. There is enough funding to cover the dredging of the Inlet for FY 11-12 and FY 12-13. The authorized depth of the channel is 6' while all other channels are authorized at 8'. The Board of County Commissioners could request that Congressman Jones introduce legislation to increase the depth. At this time, there will be no sand available for

disposal for this coming winter for the North end of the Town. There is not enough sand to justify disposal by the Corps.

H. Condemnation of a House at the Corner of Green Street & Island Drive: Mr. Foster reported that the Town has noticed the above referenced property owner of the Town's intent to demolish the property if the necessary improvements are not made. Additionally, a hearing was held on the property where the owner failed to participate. The owner now has 90 days to make the necessary improvements, or the matter will be directed to Onslow County court where the Town will ask the court to proceed with remedial measures to correct the problem. The Town Board will then be asked for approval to demolish the structure.

I. Dates to Remember: Mr. Foster announced the following events:

December 8

NCDOT Open House 2:30 - 6:30 PM at the Surf City Community Center to Review Bridge Plans for the Surf City swing bridge replacement.

December 9

CRC Science Panel Meeting in Morehead City for discussion of establishing criteria for the installation of terminal groins.

December 15

Meeting of the TISPC at 2:00 PM at the North Topsail Beach Town Hall where Daniel Sheehan of Marlowe Company will be making a presentation on the Washington view of a variety of coastal issues. The public and elected officials are invited to attend.

December 22

The Town Hall will be closing at 12:00 noon and will host a Christmas luncheon for the elected board, volunteers, and employees.

X. OPEN FORUM:

Donald Martin of 207 Oyster Lane – Mr. Martin congratulated the new Board members and wished them luck. He said that he is concerned about the condition of Topsail Reef and said he thinks the Town should do something. He made comments against the Board increasing its compensation.

Gary Rowland of 127 S. Permuda Wynd – Mr. Rowland congratulated the new Board and wished them luck.

Bill O'Donnell of 3612 Island Drive – Mr. O'Donnell made comments against the increase in Board compensation and change in the Town ordinance regarding Board compensation.

Jay Greenspan of 2174 New River Inlet Road (Topsail Reef Building 8), Board of Directors member and Treasurer for Topsail Reef HOA – Mr. Greenspan welcomed

the new aldermen on behalf of the Board of Directors of Topsail Reef. He said he looks forward to working with this Board on doing what we can to preserve the beach. He thanked Don Martin for pointing out the conditions at the Topsail Reef. He commented on the condition of the beach at the Topsail Reef and invited the Board to come look at it. He said something needs to be done now and they need help from the Town, the State, and the Federal government.

XI. NEW BUSINESS:

A. Request to Adopt Ordinance 2011-1 – An Ordinance Amending Chapter 2, Article 2, Section 2-14 of the Code of the Town of North Topsail Beach:

- Mayor Tuman introduced the item.
- Alderman Snyder made a motion to adopt the Ordinance Amending Chapter 2, Article 2, Section 2-14 of the Code of the Town of North Topsail Beach. Mayor Pro Tem Gray seconded the motion.
- There was discussion.
- Alderman Snyder amended her motion to adopt the state statute instead of using the text in the draft resolution. Alderman Leonard seconded the amended motion.
- There was further discussion.
- The motion passed 4 to 1 with Alderman Yawn voting against.

B. Discussion on the Future of Shoreline Protection & Navigation Projects for the Town of North Topsail Beach:

- There was discussion about the direction the Town needs to go with beach nourishment projects including the short term and long term options and funding.
- There was discussion about the possibility of doing a beach push.
- Alderman Macartney made a motion to direct the Town Manager to set up a meeting with Mr. Greenspan (Topsail Reef) and other stakeholders to discuss short term solutions to the beach erosion problem. He further moved that the Board direct the Town Manager to set up a meeting with stakeholders such as the U.S. Army Corps of Engineers, Division of Water Resources (Tom Reeder), U.S. Marine Corps, Onslow County officials, etc. with Coastal Planning & Engineering as the lead, to discuss long term solutions and funding available to the Town.
- Alderman Snyder seconded the motion.
- The motion passed unanimously.
- Alderman Yawn made a motion to direct Town Staff to report back to the Board at the January meeting on the details of a beach pushing plan to include the areas that can be pushed under CAMA rules, an estimated cost with the previous contractor, and a timeline.
- Alderman Snyder seconded the motion.
- The motion passed unanimously.

XII. OPEN FORUM:

Richard Peters of 601 New River Inlet Road – Mr. Peters commended the newly elected members of the Board and wished them luck. He asked for an update on the status of CBRA. He said that a change in CBRA could considerably offset the cost of a beach nourishment project.

Mayor Tuman said that he would go ahead and give an update as he was already going to make a comment during the Mayor's Report. He said that the Town is actively pursuing the correction to the CBRA designation. Representative Walter Jones, Senator Hagan, and Senator Burr are all in support and are looking for the right opportunity to introduce a draft bill into committee. A representative from Jones' office said that they are hopeful that it will be done by the end of the year. If it doesn't happen by the end of the year the alternative may be to work with Senator Burr's office. He said that he will get an update from Daniel Sheehan of Marlowe & Company when he comes to speak to the TISPC on December 15th.

Mr. Peters asked the Board to consider continuing the bike path on the north end of the Town.

XIII. ATTORNEY'S REPORT: Mr. Edes did not have anything to report.

XIV. MAYOR'S REPORT: Mayor Tuman thanked everyone for coming and wished everyone a happy holiday season. He said that at the NCBIWA conference there was a discussion about the funding of beach projects and he asked if NCBIWA would be willing to help beach towns support State legislation to allow all occupancy taxes collected in beach towns to be devoted exclusively for beach nourishment activities. He said the NCBIWA board of directors will attend the TISPC meeting in January to have further discussion on it.

XV. ALDERMEN'S REPORT:

Alderman Snyder: Ms. Snyder thanked the outgoing alderman for their time of service and welcomed the new alderman. She is hopeful that this Board will be productive. She wished everyone a Merry Christmas.

Alderman Leonard: Mr. Leonard thanked the Town Staff for the orientation session they did and wished everyone a Merry Christmas and reminded everyone about Toys for Tots. He said he looks forward to serving the Town.

Mayor Pro Tem Gray: Mrs. Gray thanked the citizens that came out and voted. She encouraged more people to vote in the next election. She thanked her family for being at the meeting and said that her mother came all the way from South Carolina to surprise her. She said it is an honor to be appointed as Mayor Pro Tem and that she will serve to her very best abilities.

Alderman Yawn: Mr. Yawn thanked the outgoing aldermen for their hard work and welcomed the new Board members and congratulated the Mayor on his re-election. He

wished everyone a Happy Holiday. He reminded the Board that they will have to conduct the Town Manager's evaluation in January.

Alderman Macartney: Mr. Macartney announced that the Town is collecting donations for the Giving Tree to help Dixon school students. He wished everyone a Merry Christmas.

XVI. **ADJOURNMENT:** Alderman Yawn made a motion to adjourn. Alderman Snyder seconded the motion. The motion passed unanimously. The meeting adjourned at 9:38 p.m.

*There is an attachment to these minutes. (Attachment A – December 1, 2011 Board of Aldermen Minutes)

APPROVED:

Daniel Tuman, Mayor

ATTEST:

Carin Z. Faulkner, Town Clerk

Approved on: 1/4/2012



Town of North Topsail Beach
Board of Aldermen

Agenda Item:
Public Hearings & Presentations
VI. A.
Date: 12/1/2011

Issue: 2012 PARTF Grant Application:
PARTF Committee Recommendations & Public Comment

Department: Planning

Presented by: Deb Hill, AICP - Planning Director

Presentation: Yes

Background: As directed by the Board of Aldermen, the Planning Board met on October 27, 2011 with Alderman Robert Swantek and former Mayor Donald Martin of the Beautification Committee to conduct their first public meeting for discussion of an intracoastal park and obtain comments from the Public.

In addition to a beach access, public parking, bike rack, boardwalk and benches, members discussed possible amenities and potential concerns. Members also discussed the use of solar lighting and other “green” assets. The amenities prioritized by members include:

1. Picnic area & pavilion
2. Restrooms (portable ones undesirable)
3. Kayak/ canoe launch
4. Fishing pier/ gazebo
5. Playground/ fitness stations/nature identification signs

Concerns expressed were:

1. Number of people
2. Noise
3. Litter
4. Operating hours
5. Lighting
6. Signage
7. Buffers
8. Fences
9. Availability of electrical power

On November 10, 2011, the PARTF Committee held their second meeting and heard the following comments from the public.

Mr. Don Barnes, 3638 Island Dr. came forward to speak. He stated that he lives across the street of the proposed North Topsail Beach Park. To his knowledge none of the adjacent property owners were aware of this until Tuesday evening. He said there was an initial concern that no one was contacted, he understood that there is no legal obligation for the Town to notify adjacent property owners. He stated that the Town has gone from a need to have ten parking spaces and a public access for beach renourishment to forming a committee who has determined they want to apply for a PARTF grant to also turn it into a park. He stated there is concern by the neighbors that the Town has gone from what the Town said they had to have to now include a park. There are concerns that there was no notification and the scope of the project has expanded significantly. When they all bought their property they believed that the five foot easement was tied to five single family R-20 zoned lots. Now the Town has taken that and plans to make it a public access that may have bathrooms, kayak access etc. He stated it will go from a very quiet beach to potentially a place where anybody and everybody can come. He understands that everyone has a legal right to the beach, as property owners that bought their property believing it was one set of circumstances now they are faced with it being a different set of circumstances. They have concerns that anyone would have in this situation. He would like for the Town to reconsider and do only the required ten parking spaces and a public beach access. He would like the Town to make an effort to include the citizens that will be most affected by this which are the people that have homes there.

Mr. Rowland stated that there is a possibility of using shadow box fencing on both sides of the walkway or planting something like Oleanders since they grow fast.

Mr. Barnes stated this is why they want to be included, there are so many questions to be answered such as there are ten parking places, when the eleventh car pulls up and parks on the side of the road and the next one shows up and parks in the neighbors drive way. He asked how the Town was going to deal with that.

Mr. Rowland referred that question to Officer Ben Jones. Officer Ben Jones stated that if there is a no parking area they will definitely enforce that. As far as someone parking in an individual's driveway, the owner

of that property has the right to have the vehicle towed at the expense of the owner of the vehicle.

Dr. Karl Chiang 3634 Island Dr. came forward to speak. He stated that he owns the southern half of the easement. He is a big proponent for beach nourishment; and understands the reasoning behind this grant. He is upset about the surprise of the proposed park. He is concerned mostly for safety, his house is rented out sometimes and he suspects when it is not rented people will park at his house and potentially use his pool, hot tub and sit on his deck and do what ever they want. He is concerned that people will jump in the pool and drown and he will be liable if they decide to do that. He is concerned about the safety of the traffic in front of his house and on the street. He suspects people will park on the side of the road once the parking spaces are full, this will create mayhem. He is concerned about the trash around the parking lot and the access along with the beach. He stated that he bought his house knowing there would be other homes there and not a public parking lot, if he had known this then he would have never bought the house. He stated there can be ways to work this out and he would like to be included in any decisions.

Mr. Gary Williams 31 Osprey Dr. came forward to speak. He stated that he is glad that the Town is being proactive in trying to secure property for parking. The Town needs more parking spaces, he has lived here seven years and as you go up and down the beach you can see that the Town is progressively growing. He certainly understands the adjacent property owners but the Town could utilize the property as they see fit. He stated that he didn't think it would be as drastic of a problem as they think it will be as far as congestion and traffic problems.

Mr. Ed Cramer 4021 Island Dr. came forward to speak. He stated that when he first heard about it he fully supported it; he thought it would be good for the Town. He stated everything seems to go towards the north end of the Island; it is good to see them consider something on the south end. He understands their concerns, he is sure that a lot of the problems that have been brought up can be worked out; there are solutions if this is done the right way.

Mrs. Pam Dabney 310 Lanterna Lane came forward to speak. She stated that her and her husband live with their backs toward the Onslow County beach access both ocean side and Intercoastal side, she truly thinks this will not be a problem. There is a huge amount of people there on the weekends and Onslow County monitors whose there, what's there and picks up the trash. She supports the

project and hopes that the Town gets the grant, it will help us all. She stated that she lives on the second row and wants the whole Town to benefit from this. She said she built her house knowing that the beach access was there and has had no problem.

Dr. Chiang said he understood the opportunity to buy the lot and wondered if there were any other options open at the time that seemed less obtrusive. Ms. Hill stated more than a year ago the Town received notification from the U.S. Army Corps of Engineers that the Town was deficient in three areas for parking and beach access. There were two on the south end that the Town was able to create parking spaces that met the U.S. Army Corps of Engineers requirement without the expense of purchasing additional property. The one area the Town could not resolve was between 2nd Ave. and Myrtle Dr. She said that there had to be an access ever ¼ mile so she drew a radius around that area and went through to identify any property that was available that would meet the requirements for both parking and beach access within that perimeter. The only property that would meet those criteria is the property the Town purchased. She said in the Federal Project if the Town did not meet their criteria of having parking and beach access every ¼ mile then the cost share between the Federal and Local Government is over a million dollars more for the tax payers of North Topsail Beach when that Federal Project comes through. If there had been another choice the Town would have considered that.

Ms. Hill addressed the notification issue stating that at the Board of Aldermen's meeting in October they directed the Planning Board and Beautification Committee to take a look at the property the Town had bought and take into consideration the possibility of an Intracoastal park in addition to the parking and beach access. At their first meeting, they did discuss the same issues the adjacent property owners have with the noise, number of people, litter, egress along with having a gate and establishing operating hours. There were concerns for lighting establishing a buffer, fencing, landscaping and availability of electrical power.

Mr. Dorazio stated that they were hoping to have a handicap beach access but it is impossible to put it there. Dr. Chiang asked if an ocean front lot was a consideration. Ms. Hill stated that would have been nice if an ocean front lot would have been available. Dr. Chiang stated there is a vacant lot three houses north of his and has been for sale for a long time although it was not on the MLS listing. Mr. Barnes asked if there was any effort to contact anyone that owned

an ocean front lot that are not on the market to see if they were interested in selling it. Ms. Hill stated no, they identified properties that were available.

Mrs. McCloud stated that she understood their concerns as she lives next to a beach access and is pleasantly surprised how much litter there isn't.

Mrs. Gray stated that she lives next door to the Rogers Bay cross over and the one adjacent to their property and they don't have any issues there.

Mr. Dorazio stated that the 27th of October was their first meeting to start thinking of input for the park, this is only the second meeting and nothing has been done. The Town knows they need ten parking spaces and a beach access other than that it was just up for discussion.

Dr. Chiang stated there was mention that the Town had to build a walkway with Town funds first before they get a grant by December 31, 2012 due to the contract with the seller.

Ms. Hill stated that the Town has a commitment because of the covenant in the deed to build a cross over; if the Town applied for and received the PARTF grant the Town would receive them in time to build a cross over in compliance with the agreement. Dr. Chiang asked when is the Town obligated to pave the parking area, is it after or before the Federal grant. Ms. Hill stated all of the requirements have to be met prior to executing an agreement before they will even consider the project. Mr. Barnes stated that he asked Mr. Foster on the phone if the Town ever had to do the parking lot unless the Town receives the funding. He stated that Mr. Foster said no, they would not be required except they made an agreement with the seller that the Town would put the walkway in by the end of 2012.

Ms. Hill stated that she will get this clarified and all concerned will be added to the "Sunshine List" so they can be updated with any meetings or decisions in reference to the property.

Dr. Chiang stated if there is no funding then there will be no parking lot. Ms. Hill stated if there was never a Federal project then no the Town would never have to put in a parking lot. She stated that Topsail Beach and the Town of Surf City have to meet these same requirements.

Mr. Rowland stated that the Town of North Topsail Beach fully intends to be a good neighbor and they want you involved in the passage way on either side of the street. He also stated that the Town has an outstanding police department, they are very nice, very polite but also very firm, if citizens step out of line they will get back in line very quickly.

Ms. Hill stated that she will get clarification when the parking lot has to be in place directly from the U.S. Army Corps of Engineers from Washington and will forward that information to the adjacent property owners, Planning Board and Board of Aldermen.

Financial Impact:

Option A: Planning Board Recommendation

The cost of the dune crossover and parking (\$22,000) may be funded through the Onslow County Beach Maintenance Funding.

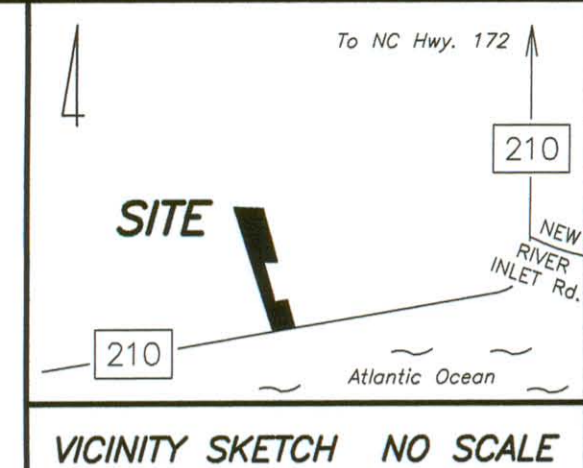
Option B: PARTF Grant Application

The Town may request a maximum grant of \$500,000 with each application. The Town must match the grant dollar-for-dollar, 50% of the total cost of the project and may contribute more than 50%. The appraised value of land to be donated to the applicant can be used as part of the match. The value of in-kind services, such as volunteer work, cannot be used as part of the match.

Recommendation(s): based on the Public input and the concerns raised; the PARTF Committee unanimously recommends that the Board of Aldermen only do the minimum requirements at this time which do not necessitate the application of a PARTF grant. Staff has been directed to draw up a site plan for the walk way and dune cross over on the ocean side of Hwy 210 to include 10 parking spaces with a gate on the estuarine side of Hwy 210 (3623 Island Dr. tax parcel id # 814-13.9).

Attachments:

- 1) Plat of Survey: 3623 Island Drive
- 2) Plat of Survey: 5 foot access easement
- 3) Letters



NOTES

1. G.S. 47-30(f)(11c) THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.
2. AREA BY COORDINATES.
3. NO TITLE SEARCH BY SURVEYOR.
4. SUBJECT TO RESTRICTIVE COVENANTS, EASEMENTS OF RECORD, ZONING ORDINANCE, WETLANDS, & UNDERGROUND UTILITIES, IF ANY.
5. PER M.B. 48, PG. 29, TOGETHER WITH AN EASEMENT FOR INGRESS, EGRESS, & REGRESS AND FOR SUCH RIGHTS AS GRANTORS HAVE IN AND TO THAT CERTAIN FIVE FOOT WALKWAY EASEMENT FROM N.C. HIGHWAY 210 TO THE ATLANTIC OCEAN AS SHOWN & RECORDED IN M.B. 32, PG. 224, M.B. 32, PG. 225, AS PER D.B. 1985, PG. 646 & D.B. 1985, PG. 675.
6. ANY APPROXIMATE WETLAND DELINEATION OR APPROXIMATE MEAN HIGH WATER LINE SHOWN IS NOT CERTIFIED AND IS SUBJECT TO BOTH REVIEW & FINAL APPROVAL BY CAMA AND THE U.S. ARMY CORPS OF ENGINEERS.

OFFSITE CONTROL

- (52) to (3) = N66°38'06"E 1003.665'
- (52) to (1) = N60°24'32"E 700.19'
- (1) to (3) = N80°30'08"E 316.84'
- (1) to (2) = S65°24'49"W 683.83'
- (2) to (18) = N66°21'51"E 811.34'

SETBACKS

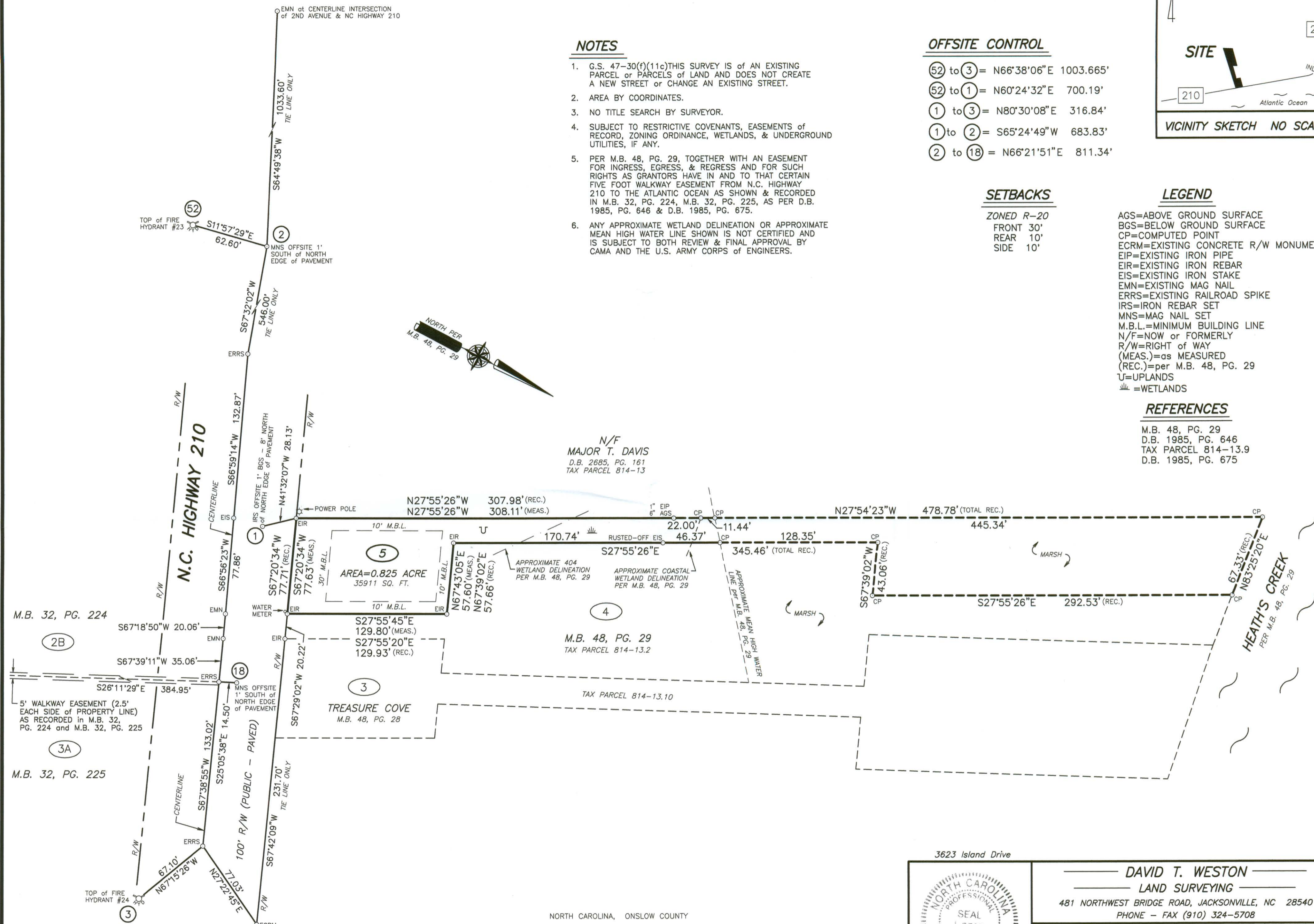
ZONED R-20
 FRONT 30'
 REAR 10'
 SIDE 10'

LEGEND

- AGS=ABOVE GROUND SURFACE
- BGS=BELOW GROUND SURFACE
- CP=COMPUTED POINT
- ECRM=EXISTING CONCRETE R/W MONUMENT
- EIP=EXISTING IRON PIPE
- EIR=EXISTING IRON REBAR
- EIS=EXISTING IRON STAKE
- ERS=EXISTING RAILROAD SPIKE
- IRS=IRON REBAR SET
- MNS=MAG NAIL SET
- M.B.L.=MINIMUM BUILDING LINE
- N/F=NOW or FORMERLY
- R/W=RIGHT OF WAY
- (MEAS.)=as MEASURED
- (REC.)=per M.B. 48, PG. 29
- U=UPLANDS
- W= WETLANDS

REFERENCES

- M.B. 48, PG. 29
- D.B. 1985, PG. 646
- TAX PARCEL 814-13.9
- D.B. 1985, PG. 675



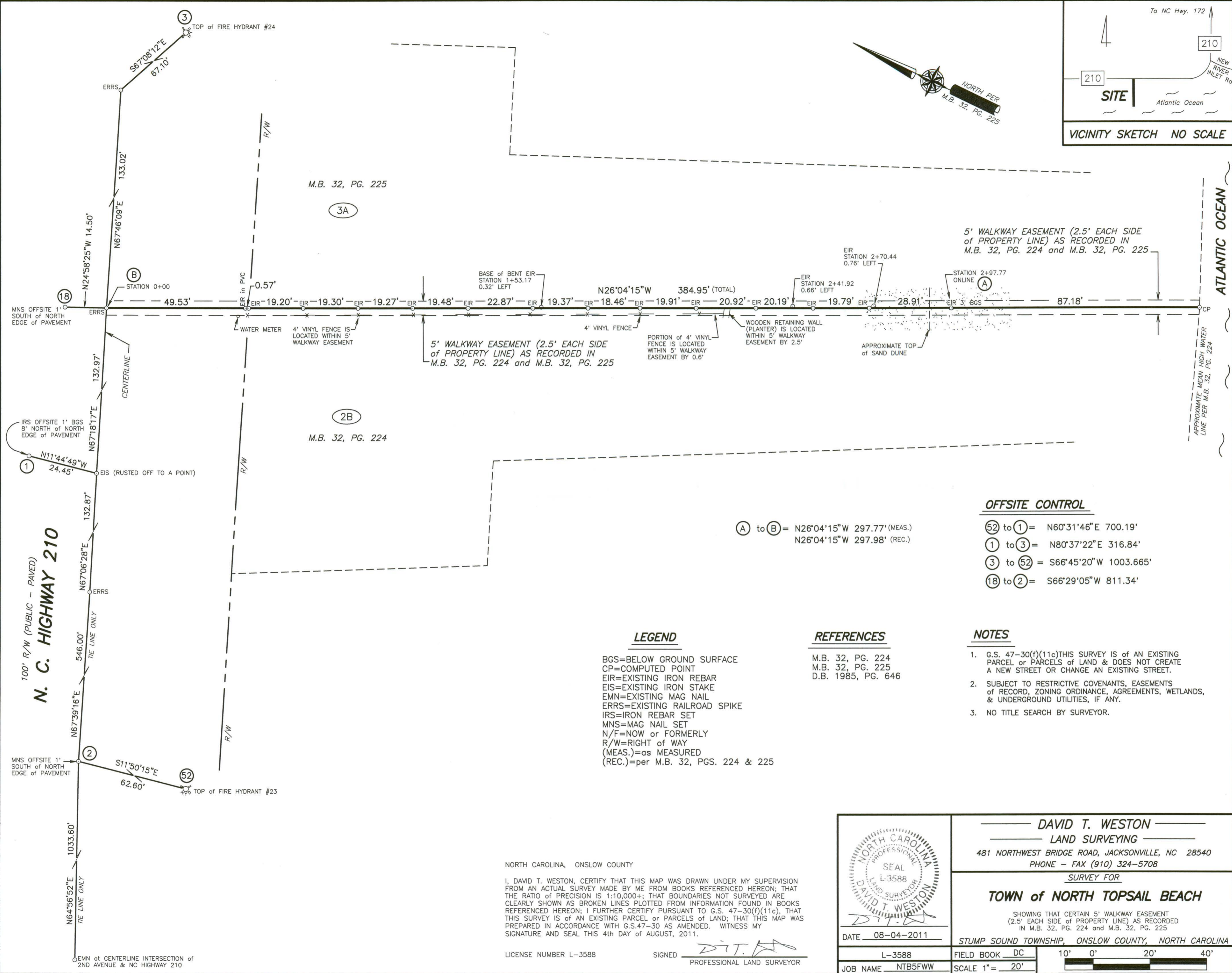
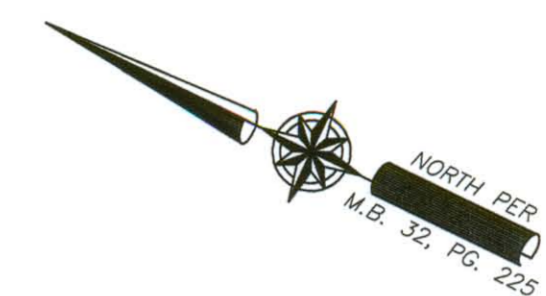
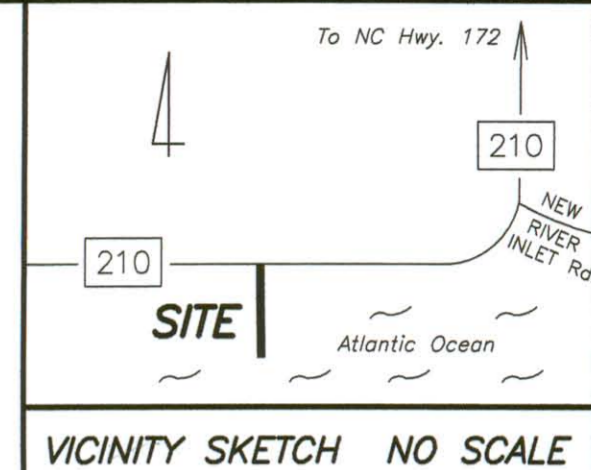
NORTH CAROLINA, ONSLOW COUNTY

I, DAVID T. WESTON, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE BY ME FROM BOOKS REFERENCED HEREON; THAT THE RATIO OF PRECISION IS 1:10,000+; THAT BOUNDARIES NOT SURVEYED ARE CLEARLY SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN BOOKS REFERENCED HEREON; I FURTHER CERTIFY PURSUANT TO G.S. 47-30(f)(11c), THAT THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S.47-30 AS AMENDED. WITNESS MY SIGNATURE AND SEAL THIS 4th DAY OF AUGUST, 2011.

LICENSE NUMBER L-3588

SIGNED *David T. Weston*
 PROFESSIONAL LAND SURVEYOR

	DAVID T. WESTON LAND SURVEYING 481 NORTHWEST BRIDGE ROAD, JACKSONVILLE, NC 28540 PHONE - FAX (910) 324-5708	
	SURVEY FOR TOWN of NORTH TOPSAIL BEACH BEING LOT 5, M.B. 48, PG. 29	
DATE 08-04-2011	STUMP SOUND TOWNSHIP, ONSLOW COUNTY, NORTH CAROLINA	SCALE 1" = 50'
L-3588	FIELD BOOK DC	25' 0' 50' 100'
JOB NAME 3623ISL1	SCALE 1" = 50'	



5' WALKWAY EASEMENT (2.5' EACH SIDE of PROPERTY LINE) AS RECORDED IN M.B. 32, PG. 224 and M.B. 32, PG. 225

5' WALKWAY EASEMENT (2.5' EACH SIDE of PROPERTY LINE) AS RECORDED IN M.B. 32, PG. 224 and M.B. 32, PG. 225

OFFSITE CONTROL

Ⓐ to Ⓑ = N26°04'15"W 297.77' (MEAS.)
N26°04'15"W 297.98' (REC.)

- Ⓔ to Ⓛ = N60°31'46" E 700.19'
- Ⓛ to Ⓜ = N80°37'22" E 316.84'
- Ⓜ to Ⓨ = S66°45'20" W 1003.665'
- Ⓨ to Ⓓ = S66°29'05" W 811.34'

LEGEND

- BGS=BELOW GROUND SURFACE
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- EIR=EXISTING IRON REBAR
- EIS=EXISTING IRON STAKE
- EMN=EXISTING MAG NAIL
- ERRS=EXISTING RAILROAD SPIKE
- IRS=IRON REBAR SET
- MNS=MAG NAIL SET
- N/F=NOW or FORMERLY
- R/W=RIGHT of WAY
- (MEAS.)=as MEASURED
- (REC.)=per M.B. 32, PGS. 224 & 225

REFERENCES

- M.B. 32, PG. 224
- M.B. 32, PG. 225
- D.B. 1985, PG. 646

NOTES

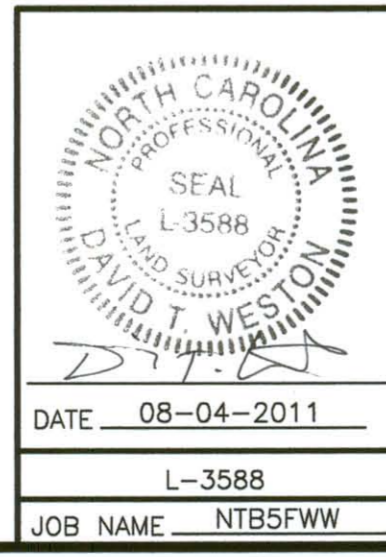
1. G.S. 47-30(f)(11c) THIS SURVEY IS OF AN EXISTING PARCEL or PARCELS of LAND & DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.
2. SUBJECT TO RESTRICTIVE COVENANTS, EASEMENTS of RECORD, ZONING ORDINANCE, AGREEMENTS, WETLANDS, & UNDERGROUND UTILITIES, IF ANY.
3. NO TITLE SEARCH BY SURVEYOR.

NORTH CAROLINA, ONSLOW COUNTY

I, DAVID T. WESTON, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE BY ME FROM BOOKS REFERENCED HEREON; THAT THE RATIO OF PRECISION IS 1:10,000+; THAT BOUNDARIES NOT SURVEYED ARE CLEARLY SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN BOOKS REFERENCED HEREON; I FURTHER CERTIFY PURSUANT TO G.S. 47-30(f)(11c), THAT THIS SURVEY IS OF AN EXISTING PARCEL or PARCELS of LAND; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S.47-30 AS AMENDED. WITNESS MY SIGNATURE AND SEAL THIS 4th DAY of AUGUST, 2011.

LICENSE NUMBER L-3588

SIGNED *D.T. Weston*
PROFESSIONAL LAND SURVEYOR



DAVID T. WESTON
LAND SURVEYING
481 NORTHWEST BRIDGE ROAD, JACKSONVILLE, NC 28540
PHONE - FAX (910) 324-5708

SURVEY FOR
TOWN of NORTH TOPSAIL BEACH

SHOWING THAT CERTAIN 5' WALKWAY EASEMENT (2.5' EACH SIDE of PROPERTY LINE) AS RECORDED IN M.B. 32, PG. 224 and M.B. 32, PG. 225

DATE 08-04-2011 STUMP SOUND TOWNSHIP, ONSLOW COUNTY, NORTH CAROLINA

L-3588	FIELD BOOK DC	10' 0' 20' 40'
JOB NAME NTB5FWW	SCALE 1" = 20'	

Ⓜ EMN at CENTERLINE INTERSECTION of 2ND AVENUE & NC HIGHWAY 210

Date: November 10, 2011

To: Ms. Deborah J. Hall

From: Bill O'Donnell (former Alderman) 3612 Island Drive

Re: Proposed use of 3623 Island Drive

Please consider the following before any further action is taken:

- 1) If this property was purchased to further beach nourishment, it was misguided. This area of oceanfront is the least in need of nourishment in the whole town. Any additional cost to taxpayers or assessment of property owners would not be supported.
- 2) The failure to notify ANY adjacent or near adjacent land owners of use plans which are at variance with R-20 zoning is unconscionable.
- 3) R-20 is the most strict zone designation, single family homes ONLY. Citizens bought such more expensive lots because they wanted that limitation.
- 4) The easement is designated to specific sound-side property owners NOT the general public.
- 5) Another park, at considerable yearly maintenance expense is totally unnecessary. Town already has a fine park which is underutilized most of the year.

Thank you.

D J Hill AICP

From: zspt@comcast.net
Sent: Wednesday, November 09, 2011 9:46 PM
To: dhill@north-topsail-beach.org
Subject: Park at 3623 Island Dr

Dear Ms Hill,

We are the owners of 3618 Island Dr. I was shocked last week when a friend told me there was park going in across the street from us. This was the first I ever heard of it. I can't believe we weren't even given the courtesy of being notified by the town that this was under consideration. I am totally opposed to this.

This would constitute a overburdening of the easement to the beach. When we bought this lot from Richard Baker he explained that the lots across the street were to be sold for single family homes. We were never notified that one of these single family lots was rezoned to public property to be used by multiple cars and multitudes of people. My husband and I have been here 15 years and enjoy our peace and quiet and the privacy of our lot. This park will negatively affect our property values which have

already seen significant devaluations. We bought and invested here because we love this particular secluded area of beach- a park will bring traffic, trash and noise. I don't believe that this lot is even suitable

for cars to turn around and come and go. Were impact studies done to see how traffic flow would be when

lot is full? Were environmental studies done to see how human activity would impact fragile wetlands. If yes where are these studies? I am willing to do what it takes to stop this project. We will write letters to whomever you are apply to for grants and let them know that there is strong opposition to this project. We are seeking legal counsel and will take this as far as we have to.

I ask that you rescind your plans and listen to your tax paying constiuents. Respectfully, Claziena and Tom Borlik

D J Hill AICP

From: lfitzwater1@frontier.com
Sent: Wednesday, November 09, 2011 8:22 PM
To: dhill@north-topsail-beach.org
Cc: zspt@comcast.net; Maria C Luna/William Stainback
Subject: Park at NTP

Hello,

We are property owners at 3622 Island Drive and we are very concerned about the proposed park across the street from us. It seems that there is a lot of misinformation about this proposal. Last evening when our beach neighbor called and informed us was the first we had ever heard about any of this. It was said that the board was told that all of the property owners were informed about this proposal when the town bought the property. This is completely untrue. We were never contacted by the town or anyone else. We are not in favor of a park across the street from our property. We have been there for 15 years and enjoy our privacy. We are teachers and have saved our entire lives to retire there. Now that we are close to being able to live our dream, we are just sick that this might go through and spoil our dream, as well as our property value (which has declined recently). Our house was burglarized a few years ago and so was our next door neighbor's house. We feel that a park with people coming and going at all hours would only invite more crime in addition to invading the privacy we have left. We invested in a secluded beach and as the island has grown, there have been more and more people and more and more trash, dogs, noise, etc. We would like to formally protest a park or any more public access at our end of the beach. We feel certain that all our neighbors feel the same way we do and will do all that is humanly possible to fight this project. We had beach renourishment pushed on us against our will (and better judgement) in the past and we are also in opposition to this. Please listen to us this time. Thanks for your time.

Leonard and Marsha Fitzwater

Don Barnes
3638 Island Drive
North Topsail Beach, NC
(919) 921-2844

11/9/2011

Steve Foster
Deborah Hall
2008 Loggerhead Court
North Topsail Beach NC 28460

Thank you for your time today. I appreciate your sharing information with me regarding the town's plan to place a public parking area and possibly a park at 3623 Island Drive.

As I understand it we have two separate issues. The first involves the need to locate a parking lot of not less than ten (10) spaces in an area close to this location, that also encompasses public access to the beach, so that we can qualify for Beach Re-nourishment Funds from the Federal Government. The second is a study being conducted by a committee formed to determine whether or not this location should also include a park that could include amenities open to the public including bathrooms, a kayak launch, playground and other items.

It is my understanding that the public parking and public beach access is only needed if the town receives the funds for beach re-nourishment, a decision that will likely not be made until 2014 or later. Due to this, I am requesting that the town take no action to create the parking area, or the beach access until it is determined that the funds will be received. As you explained it to me today, by purchasing the property and having a plan in place to create the access, taking the action of completing the project is not necessary until the funds are awarded. If the funds are never received, the town will have no need to create the lot or the public access. And while I understand there is a contractual obligation with the previous owner relating to the access and a deadline of December 2012, it is my hope that this can be revisited with the seller and the time line in the contract renegotiated.

You stated that the town desires to make this project as unobtrusive to the residents as possible. Based on my conversations with several other property owners directly affected by this project, I can find no one in the immediate area who desires to have any of the amenities available proposed at the October 6 meeting of the PARTF committee. As we discussed, every amenity will bring in additional people, added traffic, trash, and noise. The surrounding property owners adamantly oppose these additions. Therefore I request that the town respect the wishes of the property owners in the immediate vicinity and end plans to apply for a grant that would make this park possible.

Again I thank you for your time and look forward to working with you in the future as it relates to this project.

Sincerely,

Don Barnes

Richard M. Ashbrook
3648 Island Drive
North Topsail Beach, NC 28460

November 10, 2011

Ms. Deborah J. Hill, Planning Director
Town of North Topsail Beach
2008 Loggerhead Court
North Topsail Beach, NC 28460

Re: Proposed Parkland on 3623 Island Drive

Dear Ms. Hill:

My neighbors recently alerted me to the proposed parkland project on the property located at 3623 Island Drive and the planned beach public access opposite this parcel. I am disappointed in the town's failure to notify the neighbors and solicit their input on this project. Moreover, I object to the formation of a committee to explore this parkland project without the opportunity for representation from residents that reside nearby.

Please know that I am an advocate for the town's participation in beach re-nourishment and generally support the town's actions to comply with the federal requirements to remain eligible for governmental funding. With that in mind, I ask that you and others involved in the discussion of this project consider the following concerns:

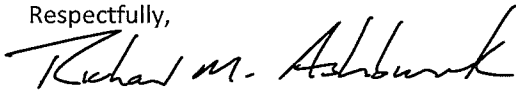
1. The discussion about the proposed parkland project should be suspended until a democratic process is established to solicit input and participation from nearby property owners.
2. The conversion of a private beach access to a public beach access may negatively impact property values in the area. The economic impact – both positive and negative – should be studied and the town will need to consider whether the private-to-public conversion of a deeded access point constitutes an event for which compensation is required under governing statute.
3. The parkland project exceeds the requirements for eligibility for public access to the beach. Therefore, a sharp distinction should be drawn between two possible projects, one of which ensures compliance by establishment of 10 parking spaces and a beach access point and another that incorporates a community recreational park with bathrooms, playgrounds, a kayak launch, and picnic area. The two project options should be presented to nearby property owners for their input and preference.
4. I am especially concerned about the proposal to establish a community parkland on the site. The parkland's public toilets, kayak launch, picnic area, and playground may

singly or together result in increased usage with a negative environmental impact, an increased incidence of criminal activity, and added traffic congestion. These potential areas of impact warrant careful study and public comment prior to approval of the parkland plan.

Thank you for the opportunity to offer these comments on the proposed parkland and beach access point. I hope the town officials will keep property owners abreast of current and future discussions about the proposed use of 3623 Island Drive.

If you have any questions, then please do not hesitate to contact me by telephone (614-506-6718), by email (rashbroo@capital.edu), by postal service at my permanent address (6721 Dublin Road, Delaware, OH 43015).

Respectfully,

A handwritten signature in black ink that reads "Richard M. Ashbrook". The signature is written in a cursive style with a large, sweeping initial "R".

Richard M. Ashbrook, Ph.D.

November 9, 2011

Deborah J. Hill
Planning Director
North Topsail Beach, NC

Dear Ms. Hill:

I was shocked and disturbed to learn only yesterday of the town's plans at 3623 Island Drive. Since the properties surrounding this area are primarily single family, ocean front homes, a parking lot would not be in character with the community. While public access to the ocean and Intracoastal Waterway are a desirable goal, the furtive manner in which this project has been undertaken raises serious questions about the planning process.

It appears that the sale of this lot to the town was beneficial to certain parties involved with the obvious exception of those owners, such as myself, who will be adversely affected by the planned project. Treasure Coast Investors INC had much to gain by selling this parcel to the North Carolina Coastal Land Trust. The 3623 Island Drive property is of value to the town because of an ocean easement across Island Drive. This easement to the beach, thus far not developed by the former owner of the property, must be constructed by 2012. Construction of a walkway on the easement with taxpayer dollars is a windfall for the other adjacent parcels yet to be developed, as well as method for the town to meet its goals of ocean access to gain beach renourishment dollars from the federal government.

In addition to these questionable transactions, the town failed to notify adjacent property owners. It is quite curious that the project began during the off season when many owners would not be in town. Accessing the easement will be a nuisance to the neighborhood and will lead to a further decrease in property values. The easement in question was never meant for public beach access; rather it was designed for a few persons from single family homes yet to be built to enjoy the beach. The town's planned use of the easement in a manner in which it was never designed will amount to overburdening of the easement. This poorly constructed plan needs to be abandoned. This parcel is zoned R 20, for single family residential areas. Surely there are more sensible ways to gain a few parking spaces to obtain federal dollars.

Sincerely,

Philip A. Price MD

3644 Island Drive

North Topsail Beach, NC

November 16, 2011

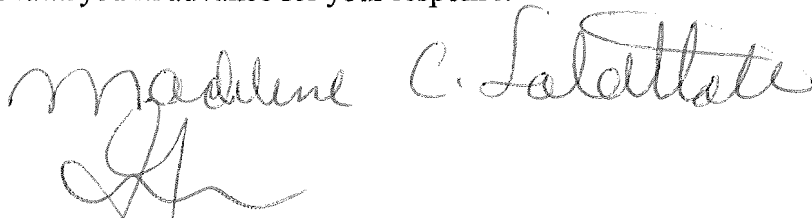
Mr. Steve Foster
North Topsail Beach (NTB) Town Manager
2008 Loggerhead Court
North Topsail Beach NC, 28460

Dear Mr. Foster:

I would like to take this opportunity to register our support of the decision of NTB to put a park on the land at 3623 Island Drive. We need beach access in this area. In addition, putting a kayak launch on this property would benefit all of NTB. We understand that parking for 10 cars and a beach access will go forward. This is the minimum necessary to satisfy the requirements of the Federal project for the south (non-CBRA) end of NTB. However, we also understand that NTB has scaled back the plans for a park, kayak launch and nature trail.

We believe that beach access as well as a kayak launch would be the most desirable solution. Again all of NTB would benefit. We have been permanent residents of NTB for over 6 years now. It has been our observations during this time that NTB, at times, has put the needs of investors ahead of the needs of permanent NTB residents. We are aware that a number of investors did not want a park in this area. We are not sure why, but we guess they are concerned that the enormous sums of money they get for summer rentals may be in some sort of peril. Therefore, we hope NTB will go forward with the park that benefits all of NTB and not be held hostage by individual investors.

Thank you in advance for your response.

A handwritten signature in cursive script that reads "Madeline C. Salottolo". Below the main signature is a smaller, more stylized signature.

Gregory and Madeline Salottolo
3589 Island Drive
North Topsail Beach, NC 28460-8203
Email: vorticity123@gmail.com

Cc: Deborah Hill