

# *Town of North Topsail Beach*

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



Breck H. Smith  
Interim Town Manager

Carin Z. Faulkner, MPA  
Town Clerk

## **Board of Aldermen Regular Meeting Thursday, January 7, 2010 7:00 P.M.**

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

**NOT PRESENT:** Mayor Daniel Tuman

- I. **CALL TO ORDER:** Mayor Pro Tem Yawn called the meeting to order at 7:00 p.m. in the North Topsail Beach meeting room.
- II. **INVOCATION:** Alderman Farley gave the invocation.
- III. **PLEDGE OF ALLEGIANCE:** Mayor Pro Tem Yawn led those present in the Pledge of Allegiance.
- IV. **APPROVAL OF AGENDA:** Mayor Pro Tem Yawn requested that New Business Item D – Resolution to Transfer Ownership of Onslow County Properties to NTB be moved to the Closed Session. He added that the Town Attorney would like to add to the Closed Session a discussion of the three lawsuits against the Town. Mr. Edes stated that the plaintiffs are: Gwynn Builders, La Costa Development Corporation, and Seaside Developers, LLC. Mayor Pro Tem Yawn requested that the Budget Amendments in the Consent Agenda be moved to New Business Item E.

Alderman Lanci made a motion to approve the amended agenda. Alderman Swantek seconded the motion. The motion passed unanimously.

V. **SPECIAL BUSINESS:**

- A. **Vote to Hire New Town Manager:** Mayor Pro Tem Yawn entertained a motion to give the Mayor Pro Tem the authority to sign the employment contract with Steve Foster. Alderman Farley made the motion. Alderman Lanci seconded. The motion passed unanimously.

Mayor Pro Tem Yawn and Steve Foster signed the employment contract. Mayor Pro Tem Yawn announced that Mr. Foster will be starting on February 1<sup>st</sup>. Mayor Pro

Tem Yawn thanked all of the members of the Board who worked very hard on the hiring process. He also thanked the Staff and Mr. Foster. He stated that there was a tremendous roster of candidates for the job and that there were over one hundred applicants. He thanked Mr. Edes with his help on the contract. He said that this is a great day for the Town of North Topsail Beach.

Mr. Foster said that everyone should be proud of the Board, that they spent a lot of time on this process and were very professional. He invited anybody to come by to see him and that he has an open door policy. He said that one of his top priorities is customer service. He said he looks forward to working with the Board.

## VI. PUBLIC HEARINGS & PRESENTATIONS:

A. **Property Revaluation Presentation (Harry Smith & David Crenshaw):** Mayor Pro Tem Yawn introduced Mr. Smith and Mr. Crenshaw from the Onslow County Tax Office. Mr. Smith defined revaluation, which is the process of conducting a mass appraisal of all real estate parcels in the County in order to create a fair and equitable tax base. He said the assessor's office is responsible for valuing all types of property subject to taxation such as real estate, personal property and motor vehicles. He stated that over time, real estate values change at different rates causing inequities in the tax base. He explained that the last revaluation took place around the peak of the market. He said that the revaluation is designed to adjust everyone back to market value and create a fair and equitable tax distribution. Mr. Smith explained the process and that with property values going down that the tax rate may need to go up to remain revenue neutral.

Mr. Crenshaw reviewed several areas of the county and indicated the 2006 assessed value of particular properties and the recent selling price. For each property he showed the percentage increase or decrease in value.

Mr. Smith pointed out that personal property also makes up a significant portion of the tax base. Personal property is revalued on an annual basis. He stated that this is another reason that a revaluation is done. He indicated 12.06% of taxable property in Onslow County is personal property. Mr. Smith explained the informal and formal hearing process for property owners who disagree with the assessed value of their property. He said that the effective date of the new assessed value is January 1, 2010. This value will be the basis for the tax bills that will be going out in July 2010 and will be due in September 2010. Mr. Smith and Mr. Crenshaw took questions from the Board and audience.

B. **Audit Report (Kemmy Goodson):** Mr. Goodson thanked the Board for the opportunity to share the audit report for this past year. He offered the Board to set up a time to meet with him to answer any questions that they may have. Mr. Goodson covered the highlights of the audit. He stated that the Town received an unqualified opinion on their financial statements, which he explained as the highest level of opinion that a Town can receive, he said that means that everything is fairly stated in the financial statements and there were no reservations on the part of the auditors, there were no serious matters that had to be disclosed. He pointed out the

management discussion and analysis, which is a review by the Town administration of the highlights of the financial statements for the year and the many different things that went on during the year and is additional detail that is not in the regular financial statements that follow.

Mr. Goodson reviewed the statement of net assets, fixed assets, total assets, liabilities, the statement of activities, revenues, the balance sheet, the net fund balance, budgetary comparison, notes to the financial statement, expenditures, and property valuations. He said that this was a good fiscal year overall for the Town. He said that a lot of towns did not have increases in their fund balances for the past year, but the Town of North Topsail Beach showed an increase in all three funds.

Mr. Goodson took questions from the Board.

VII. **COMMITTEE REPORTS:**

A. **PLANNING BOARD:** Paul Dorazio presented the Planning Board report. It read as follows:

The Planning Board met at their regularly scheduled meeting on December 10, 2009, and conducted a public hearing on the rezoning application by Michael R. & Alice D. Remedios, who are requesting a Zoning Map Amendment to rezone a 7,306 square foot parcel located at 354 Sea Shore Drive (Tax Parcel # 805-3) from B-1 to R-5. The Planning Board voted 6-1 to recommend approval, with Mr. Rowland voting against citing incongruity with the NTB CAMA Land Use Plan.

The request to for the Board of Aldermen to call for a public hearing for this rezoning request (#R-09-02) is included in the consent agenda.

Mr. Dorazio added that Mr. Rowland's vote against the rezoning was right in that the Land Use Plan calls for a re-zoning of no less than R-10. He said in this case the majority of the Board felt that if they are going to make a zoning change that it did not make sense to make it a non-conforming lot. He explained that there are no issues with changing the zoning from B-1. Mayor Pro Tem Yawn said that further discussion on this rezoning will take place after the public hearing in February.

B. **BOARD OF ADJUSTMENT:** The Board of Adjustment did not meet in December. Ms. Hill reported that there was a meeting scheduled for December, but that it was cancelled and rescheduled for January 21<sup>st</sup> at 6:30 p.m. There was discussion on the attendance of the members of the Board of Adjustment at the meeting and the request of Mr. Leonard's attorney that Mrs. Swantek recuse herself.

C. **TISPC (Topsail Island Shoreline Protection Commission):** Alderman Macartney reported that the last TISPC meeting was on December 15<sup>th</sup>. He said that Michael Curley, the current chairman of TISPC expressed the need for new representatives under the charter. Alderman Macartney said that beginning next month there will be 11 representatives on the commission rather than the five that currently exist. He said that each town has three representatives, the town's beach nourishment committee

chairman, an elected official and an at-large member. If a town does not have a beach committee then they do not have a third member. He reported that the commission discussed the current Federal budget. There is \$90,000 in the budget for one part and \$17,000 for another for a total of \$107,000 total for the NTB/Surf City Federal project and there is \$397,000 for the Topsail project. He said Marlowe & Company is working on the North Topsail Beach/Surf City project to be a contingent project if there is a WRDA (Water Resource Development Act) in 2010 and said that even though the project has not been fully approved it can still catch up. The Marlowe contract has been approved by all three towns. Each town will be paying \$20,000. There were reports on the current projects. Topsail Beach will have a roundtable about easements and the cost of their two projects. There was an update about the Coastal Resource Commission, their science panel will have a meeting about terminal groins and they will have a formal response on January 13<sup>th</sup> which will be a review of the five inlet areas with groins and how the groins are working there. He reported that the Topsail Beach project is under review by the Office of Management and Budget for infusion of WRDA funds if available. The Army Corps of Engineers have decided that some reviews can be done concurrently and this will save the project 4-5 months. He reported that the next meeting is on January 26<sup>th</sup> at Surf City Town Hall at 2:00 p.m. He announced that the three voting members from NTB are Alderman Lanci, Alderman Swantek and himself. TISPC will elect a chairman at the next meeting.

- D. **ONWASA (Onslow Water and Sewer Authority):** Alderman Farley reported that there was a short meeting and that there is not much going on. He said that there was a change in backflow regulations and that ONWASA gave some relief to commercial enterprises that would have been forced to pay for a more expensive technique. He said that this coming Monday they will have a workshop and a draft of ONWASA's five year strategic plan will be presented. He reported that they have added some features to their website so that customers are able to terminate and sign up for service online.

Mayor Pro Tem Yawn reported that the new sewer company Pluris does not currently have automatic draft. He said that the local office does not accept payments either. So far the only acceptable method of payment is via check through the mail. He said they are working on automatic draft, but it has not been implemented yet. It was suggested that a representative from Pluris be asked to come to the NTB Board meetings on a regular basis.

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

- A. **Appointments to Board of Adjustment:** Mr. Smith reported that there are currently three vacancies on the Board of Adjustment for alternate members. The Town has received two applications and the recommendation is for the Board to appoint Marianna Harness and Richard Peters.

Alderman Swantek stated that he is concerned that Ms. Harness indicated that she had been a resident for three weeks. She was not present at this meeting. He questioned whether or not the Town still has the policy that members should be residents for at

least two years prior to serving. Mr. Dorazio stated that he believed this applicant has owned property at NTB for 12 years. Mayor Pro Tem Yawn expressed that training is very important for members of the Board of Adjustment and that a training period should be required as a condition of Ms. Harness' appointment. He said that Mr. Peters would not be required to have training since he served on the Board of Adjustment previously. Alderman Macartney asked if alternates can vote. Mayor Pro Tem Yawn indicated that alternates can vote if there is not enough regular members present. He indicated that this is a quasi-judicial body and they can make decisions that bypass the Board of Aldermen.

Alderman Macartney made a motion to appoint Richard Peters as an alternate member of the Board of Adjustment. Alderman Lanci seconded the motion. The motion passed unanimously.

Alderman Macartney made a motion to appoint Marianna Harness as an alternate member of the Board of Adjustment. Alderman Lanci seconded the motion. Alderman Farley said he is concerned about the three weeks' residency and he cannot support an appointment in this case as there are decisions that are made by the Board of Adjustment that bypass the Board of Aldermen. Alderman Swantek said that he would like to check on the two year residency rule. Alderman Lanci said she would like Ms. Harness to be present to make her case.

Alderman Macartney made a motion to table the appointment of Marianna Harness. Alderman Lanci seconded the motion. There was further discussion on training. Mr. Rowland indicated that Staff is planning on having training every month. The motion passed unanimously.

- B. Request for Town Attorney to Investigate Property Ownership at the End of Bird Lane and Utopia Street:** Mr. Smith said that this is similar to the Reeves Street situation except that there are no CAMA permits involved. Mr. Edes said that he is fine with it, that his concern was that he was never given Board authority to investigate the ownership. Alderman Lanci made a motion to direct the Town Attorney to research the ownership of the land at the end of Utopia Street and Bird Lane. Alderman Swantek seconded the motion.

Alderman Farley asked how Utopia and Bird got into this. Alderman Swantek said that Mr. Best has indicated that the same problems exist in these areas. Alderman Macartney asked about the cost. Mr. Edes stated that it depends on how much he can find on the register of deeds website and said that Reeves Street took about 3-4 hours to research. The motion passed unanimously.

- C. Update on Maintenance Dredging Project:** Mr. Smith indicated that the original time frame for the placement of sand was to start in January, but that has been moved back to March. He reported that he and a few Board members attended a presentation by the Army Corps of Engineers and they seem to think that this can be done before the April 1<sup>st</sup> turtle and bird nesting season starts.

- D. **Recognize Treasure Realty and Public for Donations:** Mr. Smith recognized and thanked Treasure Realty for donating to the NTB beach fund. He thanked the public and staff for their donations to Toys for Tots and the Angel Tree program. He thanked Rogers Bay for their generous donation this year and every year. He also thanked the new Wal-Mart in Jacksonville which doubled its donation to the Town for Toys for Tots.
- E. **Update on Building Inspections:** Mr. Smith distributed a copy of a letter to Cathy Williams of the Department of Insurance certifying the employment of the Town's new Building Inspector. Mr. Smith requested a motion from the Board to direct him to send a letter to Onslow County to terminate the Memorandum of Understanding between the Town and the County for Building Inspections as it is no longer needed and explained that the two parties have agreed on how to handle the open permits.

Alderman Farley made motion to authorize the Interim Town Manager to terminate the Memorandum of Understanding and write a letter to Onslow County and that the Town and the County agree on how to handle the open permits. Alderman Macartney seconded the motion. Alderman Macartney asked about the savings to the Town. Mr. Smith indicated that it is not going to save the Town but that the Town gets the revenue from the permit fees back. He said that the Town was not paying the County, the Town will now be paying a building inspector and collecting the fees for the permits. Alderman Swantek indicated that the Town may be losing money on having a Building Inspector here, but pointed out the convenience and having someone located here in the case of a storm, he said the Town may end up breaking even. The motion passed unanimously.

Alderman Farley asked about the placement of sand on the north end. He wants to know if it can be spread out and be placed further down. He wants to know if the sand can go down to the St. Regis. Mr. Smith indicated that so far the plans are to place the sand ending at the last building of Topsail Reef. He said he will ask the Corps if placing sand down toward the St. Regis is a viable thing to do. Alderman Macartney thinks the Town should ask. He thinks the Town should have an engineer come up to NTB and find out about the options. Alderman Swantek suggested that the new Town Manager find out the cost to truck in sand. Mayor Pro Tem stated that it was the consensus of the Board to gather information.

Mayor Pro Tem Yawn thanked Mr. Smith for his work as Interim Town manager and said that he has done a great job.

#### VIII. OPEN FORUM:

**Gary Rowland of 127 S. Permuda Wynd** – Mr. Rowland said that he is impressed with the unanimity that the Board is showing toward the issues that are being covered. He said it makes him very proud that the Town is moving ahead as well as it is.

**Richard Calloway of 3984 Island Drive** – Mr. Calloway asked about the work that had been done with the Department of Interior to include NTB as a part of the flood insurance under FEMA. Donald Martin explained that the Town submitted a report to U.S. Fish

and Wildlife and that it will go before Congress and they will have to act on it. He said that U.S. Fish and Wildlife said it would be within a year.

**Nancy Schroeder of 239 Makepeace** – Ms. Schroeder lives at the corner of Makepeace and Reeves. She described that there is a mess down there. She said that a group of residents down there had designated themselves a HOA and they are trying to impose their will on the right-of-way of Reeves Street which Mr. Edes confirmed is Town property. She said the behavior of the group has caused her to do a second title search and put closed circuit TVs on her house. Her title search agrees with Mr. Edes' findings. She said that the group wants a parking lot in the area and has illegally dumped gravel along her property. She says she thinks the issue needs resolved. She is concerned that this group is going to get what they want from the Board through malicious means.

**IX. CONSENT AGENDA**

**A. Call for Public Hearing – Rezoning Request**

**B. Budget Amendments**

**C. Approval of Minutes:**

December 2, 2009

December 3, 2009

December 15, 2009

**D. Department Head Reports:**

Finance Report

Fire Department

Inspections Department

Planning Department

Police Department

Alderman Swantek made a motion to approve the Consent Agenda. Alderman Lanci seconded the motion. Alderman Farley asked if the Town is going to have a public hearing on the building operations ordinance. Mayor Pro Tem Yawn indicated that that it was removed from the agenda because it is not required. The Board will have the written ordinance to approve at the February meeting. Alderman Farley does not think that the draft ordinance he received for the board packet reflects what was recorded in the minutes. Alderman Swantek asked about having a meeting on vendors. Ms. Faulkner clarified that the last direction of the Board was to have Ms. Burluson write an ordinance based on the outcome of the previous workshop on vendors. She said Ms. Hill is currently working on a draft of the ordinance and it will be before the Board in February. The motion passed unanimously.

**X. NEW BUSINESS**

**A. Topsail Island Shoreline Protection Commission Charter Updates:** Mayor Pro Tem Yawn introduced the issue and read his motion as follows:

Whereas the Topsail island Shoreline Protection Commission has a Charter, and said Charter only includes the mission of protecting the ocean shoreline, and the estuarine shoreline has significant environmental and economic attributes that are of high

importance to our area, including oyster harvesting, fishing, boating, kayaking, and other economic activities; and that the total shoreline on the estuarine side of Topsail Island is significantly longer than the ocean shoreline due to the irregular nature of the estuarine shoreline; and that the mainline estuarine shoreline also needs protection. Also, that the TISPC in practice does today perform activities and lobbying related to shoreline protection methods other than just beach nourishment, which should be corrected in the Charter to give full authority to such practices, which are advantageous to the Topsail area, I move that the North Topsail Beach Board of Aldermen request that the TISPC modify their charter under the rules of the TISPC; that all 3 of our voting representatives to the TISPC do lobby to include on the January meeting of the TISPC agenda a discussion and vote on this topic; and **encourage** the 3 NTB representatives to the TISPC **to** vote to amend the Charter as indicated in the attachments to this motion.

In light of the proposed expanded role for the TISPC I also move that we rename OUR Beach Nourishment Committee the “North Topsail Beach Shoreline Protection Committee.”

Mayor Pro Tem Yawn indicated that he is not trying to change the composition of the Commission, but to give the TISPC authority to cover both sides of the island. He said that terminal groins, dune pushing, trucking in sand and other technologies are not included in the charter.

Alderman Farley seconded the motion. Alderman Macartney said that this charter has to be approved by five jurisdictions, and that an update will not happen for a while. He does not think that they will have an objection to Mayor Pro Tem Yawn’s updates. He would vote in favor of it.

Alderman Farley indicated that he would like Mayor Pro Tem Yawn to amend the portion of the motion forcing the members to vote a certain way, he would like them to vote their own conscience. Mr. Edes said he was about to comment on that as well. Mayor Pro Tem Yawn modified his motion and inserted the word encourage. Alderman Macartney agreed with the modification and the change in the name of the committee. The motion passed unanimously.

**B. Approval of Contract with Holland & Associates for Survey of Phase One**

**Property Owners:** Alderman Macartney explained that the Board of Aldermen had a meeting on beach nourishment on December 15<sup>th</sup> where the Board agreed to go out for additional data which included looking into contracting out the work of performing a survey of Phase One property owners and contracting with a consultant on financing of Phase One of the CP&E plan. He said he feels that both proposals need to be negotiated by the new town manager and that the manager should become familiar with the issue and have input. He suggested a motion to postpone the items until the next regular board meeting. Alderman Swantek made a motion to table the item to the next meeting. Alderman Farley seconded the motion.

There was discussion on both of the proposals. Discussion included cost, whether the projects should go out to bid, and the time frame. Alderman Macartney suggested



that the Board meet with the new Town Manager and discuss what their comfort levels are and how they are going to find out what the property owners are willing to support and the best way of finding that out. He said the citizens need to tell the Board if they are willing to step up to the plate.

The motion passed unanimously.

- C. **Approval of Contract with Peter Ravella Consulting for a Financing Plan for Phase One of the CP&E Beach Nourishment Project:** This item was discussed along with the previous item.
- D. **Budget Amendments:** Mr. Smith explained that Budget Amendment #1 includes an additional \$40,000 to the street capital outlay in order to fund the mill patching and failing sections of SR 1568 from Marina Way to NC 210. He said that he has a contract from DOT and the previous Town Manager directed DOT to move forward with the project, but he does not see in the budget and the minutes where the Board had given direction to move forward. He asked the Board for a motion to move forward with the project and approve the contract. In addition to this Mr. Smith indicated that this budget amendment also includes an additional \$25,000 for the bike path, which is already in the budget. There was discussion about where the additional \$40,000 came from and it was believed that it may have been a two to three year project that was changed to one. There was discussion regarding the approval of moving funds from the capital fund to the general fund.

Alderman Macartney made a motion that the Board approve both budget amendments and transfer the money out of the capital fund. Alderman Swantek seconded the motion. Mayor Pro Tem Yawn said he would like to modify the motion to transfer the total amount which is \$792,157.03 out of the capital fund into the general fund and perform the necessary budget amendment. Alderman Macartney accepted the amendment. Alderman Farley seconded the amendment. The amendment passed unanimously. There was discussion about the condition of the road and that it would have been money the Town would eventually need to spend anyway.

Mayor Pro Tem Yawn mentioned that he had asked about getting grant funding for the bike path. Mr. Smith indicated that he had contacted DOT and that funds are not available for the project. He said the Town would have to get on the Transportation Improvement Program which takes a year or two. Mr. Foster added that it is nearly impossible to get and that there are many restrictions involved.

The Board voted on Alderman Macartney's amended motion to approve both budget amendments and the transfer of the total capital fund into the general fund. The motion passed unanimously.

Alderman Macartney made a motion to approve Budget Amendment #2. Alderman Lanci seconded the motion. Alderman Macartney listed the line items. Mr. Smith indicated that there is a new expenditure line item which is for tuition reimbursement. He explained that an employment contract that was initiated by Mr. Clifton included tuition reimbursement of \$1,000 toward a professional license and that the Town's

employee handbook also indicates that the Town assists with tuition of up to \$500 a year, so he is asking that the Board approve \$1,500.

The motion passed unanimously.

**XI. OPEN FORUM:**

**Donald Martin of 207 Oyster Lane** – Mr. Martin commended the board for their hard work on finding a town manager and welcomed Mr. Foster. He said that he has met with Representative Walter Jones and that he is working hard to get CBRA eliminated for NTB. He said he thanked Representative Jones for the hard work he was doing for the Town. He asked the citizens to contact the congressmen they know on behalf of the Town. Mr. Martin mentioned that Representative Jones is working on making the Navy and the Marines one organization and that he has 300 congressmen on board for that, he told Representative Jones that NTB needs those 300 congressmen for CBRA too.

**Thomas Leonard of 218 Coastal Drive** – Mr. Leonard clarified Mr. Martin’s statement and explained that Representative Jones’ bill is to change the title of the Department of the Navy to the Department of the Navy and Marine Corps.

**Gene Graziosi of 2392 New River Inlet Road** - Mr. Graziosi said that he is aware that many things fall through the cracks and that he wanted to mention that during the meeting with U.S. Fish and Wildlife in D.C. that Town representatives had asked about Federal funding for projects in the CBRA zone. He said that the answer to that was that there was misinformation out there and that with the inlet repositioning project, that there is a way that the Army Corps of Engineers can say that it fits within their guidelines and that USF&W may be able to give NTB the go ahead for Federal funding.

**XII. ATTORNEY’S REPORT:** Mr. Edes indicated that he will present his report in closed session.

**XIII. MAYOR’S REPORT:** Mayor Pro Tem Yawn thanked the Board of Aldermen for all of the hard work they did in hiring a new town manager. He welcomed Steve Foster. He thanked the “first constituent” for coming out. He thanked Mr. Edes for his hard work on the employment contract. He thanked Terrie Woodle and Kim Weaver for their work with Toys for Tots and Angel Tree. He thanked Connie Pletl for the write up and picture of the lobby full of toys in the Topsail Voice.

**XIV. ALDERMEN’S REPORT:**

Alderman Lanci said that she was glad to see so many people at the meeting and that there were so many positive things said. She said she is happy to have Mr. Foster on board and is looking to a great 2010.

Alderman Macartney said that the Board has come a long way in a month but that they have a million miles to go. He asked that the citizens let the Board know where they are in the big issue and welcomed suggestions; he said that they have only just begun.

Alderman Swantek congratulated Mr. Foster. He mentioned that there is going to be an important meeting about the 2010 Census on the 12<sup>th</sup> of this month, he said that it is an important factor for the Town and that every person counts, he asked that everyone please fill out the census form. He said that the Town can hopefully get the Town Hall as a place where the forms can be turned in.

Alderman Farley said happy New Year. He said he is looking forward to a great year for the Town and for us individually. He welcomed Mr. Foster and thanked everyone for coming out.

The Board went into a ten minute recess.

- XV. **CLOSED SESSION:** Alderman Swantek made a motion to go into Closed Session. Alderman Lanci seconded the motion. The motion passed unanimously.

The closed session was to consider the following items:

Closed session per North Carolina General Statute § 143-318.11. Closed sessions. Section 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.

Closed session per North Carolina General Statute § 143-318.11. Closed sessions. Section 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.

Alderman Macartney made a motion to go out of closed session. Alderman Swantek seconded the motion. The motion passed unanimously.

- XVI. **ADJOURNMENT:** Alderman Macartney made a motion to adjourn. Alderman Lanci seconded the motion. The motion passed unanimously. The meeting adjourned at 11:01 p.m.

**APPROVED:**

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Daniel Tuman, Mayor

**ATTEST:**

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Carin Z. Faulkner, Town Clerk

# *Town of North Topsail Beach*

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



Steven H. Foster  
Town Manager

Carin Z. Faulkner, MPA  
Town Clerk

## **Board of Aldermen Regular Meeting Thursday, February 4, 2010 7:00 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 7:00 p.m. in the North Topsail Beach meeting room.
- II. **INVOCATION:** Pastor Bobby Owings of Surf City Baptist Church 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 stated that there are two items that the Town Attorney has requested to be added to the agenda to be discussed in Closed Session.
  - The agenda was approved unanimously.
- V. **PUBLIC HEARINGS & PRESENTATIONS:**
  - Alderman Swantek made a motion for the Board to go into a public hearing. Alderman Macartney seconded.
  - The motion passed unanimously.
  - No one from the public came forward to speak on this case.
  - Mr. Ryan McAlister, Town Planner read the staff report as follows:
    - A. **Public Hearing – Rezoning Request: REZONING CASE # R-09-02  
REZONING APPLICATION FROM B-1 TO R-5 FOR 0.17 ACRES  
IDENTIFIED AS TAX PARCEL ID 805-3 OWNED BY MICHAEL R. &  
ALICE D. REMEDIOS LOCATED ON THE SOUTHEAST SIDE OF  
SEASHORE DRIVE AND AT THE END OF SLOAN STREET ON THE  
OCEAN SIDE IN STUMP SOUND TOWNSHIP.**

**BACKGROUND:** Michael R. & Alice D. Remedios are submitting a rezoning application and requesting that their 7,306 square foot lot -identified as 354 Sea Shore Drive (Tax Id # 805-3) and further described by the Boundary Survey for Lawrence M Spears & Wife Judith B. Spears by Charles F. Riggs dated 13 February 1995 - be rezoned from Business District B-1 to Multifamily Residential R-5 (attachment 1). Notice of a Public Hearing has been made as required by State statutes and NTB Town Code (attachment 2). The zoning of the property has remained unchanged from B-1, as indicated by The West Onslow Beach Official Zoning Map effective January 15, 1982, the 1992 and current 2007 Zoning Map (attachments 3, 4, 5). However, permits and a certificate of occupancy for a single family dwelling were issued in 1995 (attachments 6-9).

**ANALYSIS OF THE APPLICATION:** The following analysis of this application is provided in response to the policy guidelines stipulated in North Topsail Beach Town Code Section 7-93:

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

**Staff Comment:** The surrounding properties are zoned R-5, R-10 and B-1 (attachment 5).

**Statement by Applicant:** This house was built in 1994. I purchased in '95. It was ALWAYS the assumption that this was residential – the first that I have heard otherwise was last week. Except for the campground, this neighborhood is entirely residential, mine is the only home (lot) zoned B-1. Impact is significant for the refi and resale.

**Arguments in Support:** An email was received from by Mr. Larry Spears, former owner of 354 Sea Shore Drive (attachment 10).

**Arguments in Opposition:** none received.

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

**Staff Comment:** The property consists of a residential single family dwelling, which was permitted by Town staff in 1995. Residential use is consistent with the surrounding residential structures.

**Statement by Applicant:** My entire street is residential – to allow me to be zoned for business would be a detriment to the rest of the neighborhood.

**Arguments in Support:** none received.

**Arguments in Opposition:** none received.

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

**Staff Comment:** The single family structures are a conforming use for R-5 and are considered a “nonconforming use as currently zoned, B-1. Zoning below R-5 would

not meet district requirements of Section 7-129 and would create a dimensional non-conformity. All permitted uses are listed in North Topsail Beach Town Code Section 7-128; however, the existing use is single family residential, permitted by Town staff in 1995.

**Statement by Applicant:** Residential should be the only permitted use of this property given that the whole street is single family homes.

**Arguments in Support:** none received.

**Arguments in Opposition:** none received.

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

**Staff Comment:** The character of the neighborhood will not be adversely affected as the change in zoning is consistent with adjacent zoning and use.

**Statement by Applicant:** This change would simply ensure that character of the neighborhood would NOT materially change.

**Arguments in Support:** none received.

**Arguments in Opposition:** none received.

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

**Staff Comment:** **The proposed change is inconsistent with the 2009 NTB CAMA LUP:** P.9 The Town supports quality future development reflecting the spectrum of housing needs ranging from single-family homes to multi-family development in the form of duplex and triplex housing. Although this policy reflects support for medium density development, the town will not rezone any property to a density less than R-10 (10,000 square feet). (Page 89) However, the recommendation to break precedence is based on extenuating circumstances:

- 1) The non-conforming use was not created by the owner, but has caused a hardship in the owner's ability to refinance a lot of record and a non-conforming use permitted by Town staff in 1995;
- 2) Zoning to R-5 is in accord with sound planning principles as the lot meets the district requirements of Section 7-129 and zoning to any other district in compliance with the 2009 NTB CAMA LUP would create a dimensional non-conformity.

**Arguments in Support:** none received.

**Arguments in Opposition:** none received.

**RECOMMENDATIONS:** The Planning Board recommends that the Board of Aldermen approve Ordinance R-09-02 (attachment 9), rezoning Tax Parcel ID 805-3 from B-1 to R-5 and that Ordinance R-09-02 include a Statement of Consistency justifying the decision to accommodate the property owner due to the extenuating circumstances, as specified.

- Mr. McAlister took questions from the Board. He agreed that this house was probably not rebuildable due to CAMA setback regulations.
- Mr. Remedios was addressed and he indicated that if the lot was zoned R-10 that it will also alleviate his financing problem. He stated that the seller of the property had not disclosed that it was on a commercially-zoned lot when

the house was sold to him in 1996; and that he did have both sewer service and public water. He was also aware of the CAMA issues.

- Mayor Pro Tem Yawn pointed out that the subdivision plat from 1960 showed many of these lots in this subdivision were full-sized at that time, but that on the zoning map of 1982 many had been subdivided into half-sized lots, and wondered how that had occurred. He also stated that there is good reason in general not to zone a 7400 square foot lot to R-5 since it would allow expansion of the structure footprint or tearing down the house and building as duplex, thereby increasing density in violation of our CAMA Land Use Plan.
- Alderman Macartney made a motion to close the public hearing. Mayor Pro Tem Yawn seconded the motion. The motion passed unanimously.
- Alderman Swantek made a motion to deny the R-5 rezoning and instead rezone it R-10 to be in compliance with the CAMA Land Use Plan. Mayor Pro Tem Yawn seconded the motion.
- Mr. Remedios went on record stating that he agrees to the R-10 rezoning and he will modify his application accordingly.
- The motion passed unanimously.

Below is a copy of the original ordinance that was presented to the Board of Aldermen with changes made to reflect the R-10 rezoning that was passed at this meeting. The final ordinance was formally adopted at a meeting held on February 11, 2010.

#### **ORDINANCE R-09-02**

**AN ORDINANCE AMENDING THE NORTH TOPSAIL BEACH ZONING MAP FOR TAX PARCEL ID 805-3 0.17 ACRES (7306 SQ. FT.) OWNED BY MICHAEL R. & ALICE D. REMEDIOS.**

**WHEREAS**, the Board of Aldermen of the Town of North Topsail Beach has considered the recommendation of the Planning Board to amend the Zoning Map to rezone property described below from Business District-1 (B-1) to ~~Multifamily Residential District-5 (R-5)~~ Residential District R-10 and finds that;

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

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

C. There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change.

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

E. The proposed change is in accord with any land use plan and sound planning principles, ~~with the exception of 2009 NTB CAMA LUP Policy number 9.~~ **Statement of Consistency:** ~~The recommendation to break precedence is based on extenuating circumstances:~~

~~1) The non-conforming use was not created by the owner, but has caused a hardship in the owner's ability to refinance a lot of record and a non-conforming use permitted by Town staff in 1995;~~

~~2) Zoning to R-5 is in accord with sound planning principles as the lot meets the district requirements of Section 7-129 and zoning to any other district in compliance with the 2009 NTB-CAMA LUP would create a dimensional non-conformity.~~

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Aldermen of the Town of North Topsail Beach that the North Topsail Beach Zoning Map be amended as follows:

That the site, identified as now or formerly as Onslow County Tax Parcel ID 805-3 be rezoned to ~~R-5~~ R-10 as indicated on the boundary survey for Lawrence M. Spears & Wife Judith B. Spears by Charles F. Riggs & Associates dated 13 February 1995.

The description of the site to be rezoned is indicated on the attached map, produced by Onslow County GIS and the boundary survey for boundary survey for Lawrence M. Spears & Wife Judith B. Spears by Charles F. Riggs & Associates dated 13 February 1995.  
That all ordinances and portions of ordinances in conflict herewith are hereby repealed.

**VI. COMMITTEE REPORTS:**

**A. PLANNING BOARD:** Sue Tuman presented the Planning Board report. It read as follows:

The regular January Planning Board meeting was held on January 14, 2010.

In Old Business the Planning Board continued their discussion regarding the Zoning Map, making 2 recommendations:

1. Consensus of the Planning Board was to have Staff request Onslow County GIS correct zoning from Con-D to R-20 for Tax Parcels 763-1.4 and 763-1.8 as shown on the Town's Official Zoning Map adopted by the Board of Aldermen on March 1, 2007.
2. Consensus of the Planning Board was to have Staff request Onslow County GIS correct zoning from CUR-10 to R-10 for Tax Parcels 813-7.15 and 813-7 owned by TP Inc.

There was no New Business.

In the Discussion Section of their meeting the Planning Board and Staff reviewed North Topsail Beach's Ordinance on Building Height and had a discussion on the definition of Building Height Restrictions.

**B. BOARD OF ADJUSTMENT:** Alternate member Gary Rowland read the Board of Adjustment report. It read as follows:

The Board of Adjustment met at their regularly scheduled meeting on January 21, 2010. Mrs. Rowland swore in Mr. Richard Peters as an alternate member.



Mrs. Swantek was recused by majority vote from considering an appeal by Mr. and Mrs. Thomas Leonard (# A-09-01). The Board voted unanimously to rehear the Leonard's request for a variance (V-06-02). The Board will reconvene on February 18, 2010 at 1 p.m.

- The Town Attorney and Mr. Rowland took questions from the Board regarding the appeal.
- Mayor Pro Tem Yawn spoke about posting the Board of Adjustment minutes on the website and fixing an error in the last minutes.

C. **TISPC (Topsail Island Shoreline Protection Commission):** Alderman Macartney read the TISPC report on the January 26<sup>th</sup> TISPC meeting. It read as follows:

The proposal by North Topsail Beach to modify the group's mission to include shoreline protection of the estuarine shoreline among other changes was referred to a committee made up of the Beach Protection committee chairs from the three towns. Those would be I and David Ward from Surf City and someone to be selected at Topsail Beach.

Nine members of the 11 possible members of the Commission were presented and introduced themselves. The missing members were to be selected Beach Chair for Topsail Beach and our own Deb Lanci.....more about her later.

The USACE Wilmington District gave an update on the two federal projects. Leading that presentation was Jan Broadmerkel, the Project Manager assisted by Doug Green, a lead planner since 2001 but soon to retire from the Corps. As far as our joint project with Surf City, it is 10 miles long with 828 properties affected. The initial cost will be \$118.4 Million and the 50 year cost is projected to be \$552 million. The project will take 4 years to complete since it will use Hopper dredges rather than pipeline dredges. The project is public as of January 22 and is in the mandatory 45 day review period. As far as sand, there is 11.5 million cubic yards for initial and a total of 31.1 million cubic yards over the entire 50 year project life.

This year the Corps will basically be shepherding the project through reviews with a July date for submittal to the Southeast Division and when it is forwarded to Washington DC we are hoping for a Civil Works Review meeting in September. The schedule for 2011 is to get a chief's report from the Corps and then a review by the Assistant Secretary of the Army for Civil Works all needed before the project can be included in the Water Resources Development Act which is where Congress appropriated funds normally. However we are working with Marlowe and our Congressmen Jones and McIntyre to get contingent inclusion in a WRDA bill if one is created.

Bottom line the Corps expects our town officials, the shore protection commission, and the general public to keep waving the flag for this project as we will be more effective than leaving up the Corps alone....

The recent Marlowe report given to the Commission commented that the letter Walter Jones sent to the US Fish and Wildlife Department about removing the CRBA designation from NTB was “well received”. There was discussion about how to continue the lobbying of Washington officials and it was decided for the TISPC to go as a group separated from the American Shoreline and Beach Protection Association Coastal Summit....Since the meeting the date of March 18<sup>th</sup> has been selected and each town should select a lobbying representative to attend...the expense to be cover by the TISPC.

As the last item of business the Commission elected its officers for the year. Michael Curley, alderman from Surf City was elected Chairman and Deborah Lanci, our elected representative was elected as Vice Chair. Mr. Macartney indicated that the TISPC was working to have their minutes posted on the Surf City website.

**1. Appointment of Representative to Meet with Congress/Congressional Staff on March 18<sup>th</sup>:**

- Alderman Macartney nominated Alderman Lanci as the NTB representative to meet with Congress/Congressional Staff on March 18<sup>th</sup>. Alderman Swantek seconded. The Board voted unanimously for Alderman Lanci to represent NTB.
- The final EIS (Environmental Impact Statement) for the NTB beach nourishment project is on the Town website. The cut-off for comments is March 1<sup>st</sup>.

**D. ONWASA (Onslow Water and Sewer Authority):** Alderman Farley reported the following:

- County Commissioner W.C. Jarman was elected ONWASA chairman.
- \$31,000 was approved to spend on testing for silica in the water. ONWASA is looking into mitigating it.
- He reported that the use of deep well injection has been brought up again. He is not in support of this method.
- There was discussion on water conservation and its importance.

**VII. MANAGER’S REPORT:**

**A. Appointment to Board of Adjustment:**

- Alderman Yawn made a motion to appoint Ms. Marianna Harness as an alternate to the Board of Adjustment contingent upon her completing training.
- Alderman Lanci seconded the motion. The motion passed 3 to 2 with Aldermen Swantek and Farley voting nay.

**B. Update to DOT Contract:**

- Mr. Foster reported that Mr. Smith sent a check to NCDOT for \$45,000 for the paving project. The check was sent back because the cost of the project ended up being \$12,500 less.

**C. Update on Old Church Property:**

- Mr. McAlister updated the Board on the status of this proposal.
- The coastal wetlands were delineated by NTB and will be in delineation with the Army Corps of Engineers for the 404 wetlands. They are finalizing their maps now.
- The Town is waiting on the Corps to complete the second appraisal.

**D. Pay Classification & Compensation:**

- There was previous communication with the NC League of Municipalities on doing a pay classification and compensation study for Town staff. Mr. Foster said it should take about 2-3 months.
- There was eagerness to have it completed prior to the next budget.
- The Board voted unanimously to authorize the Town Manager to proceed with a study not to exceed \$25,000 to come out of the Town's contingency fund.

**E. Update on New River Dredging Project:**

- The project manager was asked if the current plan could be modified to place sand further south. He said that they could not change the scope of the project as they would need to adhere to what was permitted.
- They will be working on this project from February 18<sup>th</sup> to April 8<sup>th</sup>.
- The scope of the project is 185,000 cubic yards of sand and they will stretch as far as they can (approx. one mile).
- There was discussion on trucking in sand to get further down the beach.
- Mr. Foster said that more permits may be needed for that and that he will check on it.

**F. Debris Monitoring Contract:**

- Mr. Foster reported that FEMA recommends that the Town have a debris monitoring contract to have an outside company monitor the amount of debris removal after a storm. He explained that this is required for reimbursement from FEMA.
- Mr. Foster will solicit bids for this contract. No action is necessary from the Board.

**G. Hiring of Finance Officer:**

- Mr. Foster announced that the Town has hired Breck Smith as Finance Officer.

**VIII. OPEN FORUM:**

**Gary Rowland of 127 S. Permuda Wynd** – Mr. Rowland said that the Town should look at its nepotism policy. He also recommended that the Town review the building height restriction.

**IX. CONSENT AGENDA**

- Mayor Pro Tem Yawn made a motion to approve the Consent Agenda. Alderman Lanci seconded the motion.
- Mayor Pro Tem Yawn pointed out the importance of the census.

- Alderman Swantek had a question about Budget Amendment 5. Mr. Smith and Mr. Foster addressed his questions and his concerns will be examined further during the budget process.
- The Consent Agenda passed unanimously.

**Consent Agenda items:**

- A. **Resolution No. 2010-2: A Resolution Designating Official to Sign Papers and Otherwise Represent the Board Regarding Mosquito Control**
- B. **Resolution No 2010-3: Resolution Affirming Support of the 2010 Census and Partnership with the U.S. Census Bureau**
- C. **Request to Payoff Terex Loader**
- D. **Budget Amendments 3, 4, & 5**
- E. **Request to Accept Bids for Landscaping Services**
- F. **Request to Approve Tax Refunds**
- G. **Approval of Minutes:** January 7, 2010
- H. **Department Head Reports:** Finance Department, Fire Department, Inspections Department, Planning Department, Police Department

X. **OLD BUSINESS**

A. **Approval of Building Operations Ordinance:**

- Alderman Swantek made a motion to approve the building operations ordinance.
- Mayor Pro Tem Yawn seconded the motion.
- Alderman Farley made comment about allowing building on Sunday mornings. Mayor Tuman indicated that Sundays are allowable by Town Manager approval (or designee) only.
- The motion passed 4 to 1 with Alderman Farley voting nay.

B. **Draft of Mobile Vendor & Itinerant Merchant Ordinance:**

- Mayor Tuman entertained a motion to have a workshop before the end of February. Alderman Lanci agreed to such motion.
- Mayor Tuman added that prior to the workshop the Board will look at the ordinance and submit changes to the Town Manager.
- The Board agreed to have a Special Meeting on Thursday, February 11<sup>th</sup> at 2:00 p.m.

C. **Approval of Contract with Holland & Associates for Survey of Phase One Property Owners:**

- Alderman Macartney made a motion to table the two contracts and instead authorize the Town Manager to arrange a workshop with Mr. Ravella and the Board. Alderman Lanci seconded the motion.

- Alderman Macartney amended his motion to remove having a workshop with Mr. Ravella. The motion failed 3 to 2 with Aldermen Macartney and Lanci voting aye.
- Mayor Pro Tem Yawn made a motion to table discussion of a survey until July of this year, formally reject the Ravella proposal and a workshop with him, thank him for his proposal, and schedule a workshop to discuss beach nourishment. The motion was amended to only include the tabling of consideration of the Holland & Associates proposal to do a survey. The motion passed unanimously.
- Mayor Pro Tem made a motion to formally reject the Ravella Proposal and that formally reject the notion of a workshop with Mr. Ravella. Alderman Macartney seconded the motion. The motion passed 3 to 2 with Aldermen Macartney and Lanci voting nay.

**D. Approval of Contract with Peter Ravella Consulting for a Financing Plan for Phase One of the CP&E Beach Nourishment Project:** This item was addressed along with Old Business Item C.

**XI. NEW BUSINESS:**

**A. Resolution No. 2010-4 - Resolution to Support Passage of the Article 46 Option Sales Tax:**

- Mayor Pro Tem Yawn revised the original resolution to urge the Board of Commissioners to apply all of the tax revenue to property tax relief only rather than applying it to education, public safety, and property tax relief.
- Mayor Tuman repeated the changes to the resolution.
- The resolution passed 3 to 2 with Aldermen Farley and Swantek voting nay.

**B. Resolution No. 2010-5 - Resolution in Support of the Adoption of the Ad Valorem Method of Sales Tax Distribution:**

- Mayor Tuman read the resolution.
- Alderman Swantek made a motion to pass the resolution. Alderman Lanci seconded the motion.
- The resolution passed unanimously.
- Mr. Foster will send the resolution to the other Onslow County municipalities.

**C. Recommendation to Onslow County on Occupancy Tax Distribution:**

- Alderman Yawn read a motion in the form of a resolution. It read as follows:

Whereas the town of North Topsail Beach contributes significantly to the NTB Beach Fund, and the beaches of North Topsail Beach are the primary recreational beaches for the citizens of Onslow County; and the visitors to our beaches drive significant tax and business revenue for Onslow County; and the Town of North Topsail Beach currently distributes all of the town's occupancy taxes and a portion of the town's property taxes into a special Beach Fund, I do move that we request that Onslow County distribute all of the occupancy taxes collected by the county in FY2009-10 and beyond from properties in North Topsail Beach back to NTB to be placed into our Beach Fund.

- Alderman Macartney seconded the motion. The motion passed 4 to 1 with Alderman Farley voting nay.

**D. Schedule, Location, & Format for a Board Retreat:**

- Mayor Pro tem Yawn stated that he wanted to hold a Town retreat in Town Hall with the Mayor facilitating. He indicated that he wanted to focus on setting priorities for the Town, discussing those priorities, the Town Manager's performance plan, and budget goals.
- The Board agreed to meet for a retreat on Tuesday, March 9<sup>th</sup> from 9:00 a.m. to 4:00 p.m. This will be an open meeting and the public is welcome to attend.
- Alderman Macartney suggested that beach nourishment should be a separate four hour meeting. The Board agreed to have a special meeting of the NTB Shoreline Protection Committee on February 12<sup>th</sup> at 9:00 a.m.
- The Board was asked to submit retreat topics to Mayor Tuman (chosen facilitator) by March 1<sup>st</sup>.

**E. Request for a Town Race:**

- There was discussion about having a foot race in the Town to promote off season housing on a Saturday and then a golf tournament on that Sunday.
- Alderman Swantek made a motion for the Town Manager to explore having a foot race and golf tournament. Donald Martin agreed to be the contact person for golf. The motion was amended to include Alderman Swantek as liaison.
- There was also discussion of a committee of interested people to work on the planning and execution of this event. There was also discussion of the many activities required to put on this event.
- Alderman Farley seconded the motion. The motion passed unanimously.

**XII. OPEN FORUM:**

**Thomas Leonard of 218 Coastal Drive** – Mr. Leonard spoke about the direction of the Board. He urged the Board to have a regular schedule for the NTB Shoreline Protection Committee meetings. He made suggestions about organizing the foot race. He thinks it is a good idea.

**XIII. ATTORNEY'S REPORT:** Mr. Edes indicated that he will present his report in closed session. He welcomed Mr. Foster.

**XIV. MAYOR'S REPORT:** Mayor Tuman thanked everyone for coming. He reported that the DOT will be repaving S.R.1568 with a different paving material called slurry mix. He said that he looked at a road that was paved with the mix and that it looks nice.

**XV. ALDERMEN'S REPORT:**

**Alderman Lanci:** Alderman Lanci indicated that she would like to revisit the items that were recommended by Frank Clifton at the retreat.

**Alderman Macartney:** Alderman Macartney asked that citizens send e-mails to the Board on their thoughts on beach nourishment so that the Board can address the issues that are important to the people.

**Mayor Pro Tem Yawn:** Mayor Pro Tem Yawn said that he was proud of the Board tonight.

**Alderman Swantek:** Alderman Swantek thanked everyone for coming out. A lot was covered and it had to be done.

**Alderman Farley:** Alderman Farley said Happy St. Valentines Day and thank you.

- XVI. **CLOSED SESSION:** Mayor Pro Tem Yawn made a motion to go into Closed Session. Alderman Lanci seconded the motion. The motion passed unanimously.

The Board went into recess.

The closed session was to consider the following item:

Closed session per North Carolina General Statute § 143-318.11. Closed sessions. Section 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.

Alderman Swantek made a motion to go out of closed session. Alderman Lanci seconded the motion. The motion passed unanimously.

- XVII. **ADJOURNMENT:** Alderman Farley made a motion to adjourn. Mayor Pro Tem Yawn seconded the motion. The motion passed unanimously. The meeting adjourned at 10:19 p.m.

**APPROVED:**

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Daniel Tuman, Mayor

**ATTEST:**

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Carin Z. Faulkner, Town Clerk

Approved on: 3/4/2010

# *Town of North Topsail Beach*

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



Steven H. Foster  
Town Manager

Carin Z. Faulkner, MPA  
Town Clerk

## **Board of Aldermen Special Meeting Thursday, February 11, 2010 2:00 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, Town Clerk Carin Faulkner, Planning & Zoning Administrator Deborah Hill.

- I. **CALL TO ORDER:** Mayor Tuman called the meeting to order at 2:00 p.m. in the North Topsail Beach meeting room.
- II. **APPROVAL OF AGENDA:**
  - Alderman Swantek made a motion to approve the agenda. Alderman Yawn seconded the motion.
  - There was discussion on amending the agenda to include a discussion on pushing sand on the beach.
  - There was discussion on what it was going to take to start the process.
  - Alderman Macartney stated the push can be discussed tomorrow during the NTB SPC meeting.
  - The agenda was approved unanimously.
- III. **ADOPTION OF ORDINANCE R-09-02 – An Ordinance Amending the NTB Zoning Map for Tax Parcel ID 805-3 Owned by Michael R. & Alice D. Remedios:**
  - Alderman Macartney made a motion to adopt Ordinance R-09-02. Alderman Swantek seconded the motion.
  - The motion passed unanimously.

### **ORDINANCE R-09-02**

**AN ORDINANCE AMENDING THE NORTH TOPSAIL BEACH ZONING MAP FOR TAX PARCEL ID 805-3 0.17 ACRES (7306 SQ. FT.) OWNED BY MICHAEL R. & ALICE D. REMEDIOS.**

**WHEREAS**, the Board of Aldermen of the Town of North Topsail Beach has considered the recommendation of the Planning Board to amend the Zoning Map to rezone property described below from Business District-1 (B-1) to Residential District R-10 and finds that;

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



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

C. There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change.

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

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

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Aldermen of the Town of North Topsail Beach that the North Topsail Beach Zoning Map be amended as follows:

That the site, identified as now or formerly as Onslow County Tax Parcel ID 805-3 be rezoned to R-10 as indicated on the boundary survey for Lawrence M. Spears & Wife Judith B. Spears by Charles F. Riggs & Associates dated 13 February 1995.

The description of the site to be rezoned is indicated on the attached map, produced by Onslow County GIS and the boundary survey for boundary survey for Lawrence M. Spears & Wife Judith B. Spears by Charles F. Riggs & Associates dated 13 February 1995.

That all ordinances and portions of ordinances in conflict herewith are hereby repealed.

Adopted this the 11<sup>th</sup> day of February, 2010.

IV. **MOBILE VENDOR & ITINERANT MERCHANT ORDINANCE WORKSHOP –  
Deborah J. Hill, MPA, Planning & Zoning Administrator:**

- Ms. Hill handed out scratch sheets and definitions from the state. She said there were some questions on the definition of a public beach.
- Mayor Tuman, with Mr. Edes in agreement, stated that reference to the definition be included in the ordinance.
- Discussion on revising Permit Application to reflect where vendor is allowed to do business (tax parcel and zoning).
- Discussion on rights of commercial and residential owners.
- There were no questions or concerns with the other definitions. The definition of public beach will be added.
- There were no problems with Section 4-1 as amended with Mayor Pro Tem Yawn's statement.
- Ms. Hill recommended removing the schedule of taxes from Chapter 4 and passing it with the budget each year (with the fee schedule). It will remain the same until something else is adopted by way of a budget amendment. The Board decided it will adopt the schedule of taxes at the same time this ordinance is passed.
- Discussion on seasonal beach vendors. Ms. Hill says that the word vendor is used as a catch all phrase and that it is not defined by the state. The state defines

peddlers, itinerant merchants, and specialty market operators. She said vendors typically fall within peddlers or itinerant merchants and the state defines those.

- Ms. Hill asked Mayor Pro Tem Yawn if seasonal beach vendors are itinerant merchants who operate on the beach. The word seasonal was deleted. Section 4-35 is now titled Beach Vendors.
- Discussion on if each cart should have a license or if each business can have multiple carts under one license.
- The Town Manager indicated that Alderman Farley wishes to have an unlimited number allowed.
- The Board discussed that peddlers can have a maximum of six units (carts) with each license.
- Discussion on how many licenses will be issued annually.
- The Board discussed issuing 12 licenses (with up to 6 mobile units per license).
- Mr. Edes explained to audience that this is not an ordinance yet, this is a workshop, and it is conceptual at this time.
- There was further discussion on limiting the number of vendors allowed on the beach vs. the rest of the Town and the Board compromised at 6 on the beach, 6 in the rest of the Town with a maximum of six mobile units.
- Mr. Yawn stated that right now in the rest of the Town, we allow an unlimited number of licenses as long as the vendors follow the ordinances.
- Mr. Edes is going to research giving priority to vendors who previously had a license.
- Period of operation was changed to annually. The times were changed to 9 a.m. to dusk. The license is in effect from April 1<sup>st</sup> to March 31<sup>st</sup>.
- There was discussion on the number of signs. The Board decided on 2 signs for beach mobile vendors, six square feet.
- There was discussion on whether the umbrella and chair rental business could operate under this ordinance. Mr. Cook who owns the business addressed the Board. He described his business.
- The Board changed the hours of operation to dawn until dusk.
- Number 11 (nudity) was deleted because it is covered under other laws.
- The Board changed the amount of liability insurance to \$1 million.
- There was discussion about reworking the privilege license to indicate that the holder is going to adhere to all Town Ordinances.
- Mr. Edes said he would like to look at the application for privilege license.
- Ms. Hill indicated that the application and license is printed out using the Town's permitting software and that it may be something that will have to work on with the software company.
- The information about the application is not to be included in the ordinance, but will be recommendations to the Town Manager.
- Mr. Edes said that the Board may want to consider a forfeiture clause.
- There was discussion on the Shrimp Lady business and that they need to get legal, because they are located in the right-of-way. There was discussion about creating a seasonal marketplace on government land to give the fruit stand and Shrimp Lady a place to sell. Ms. Hill was asked to have the Planning Board advise the Board of Aldermen on this issue.

- Mr. Edes said there are special provisions for seafood sales. That is for waiving the fee and not the location. Ms. Hill said that she will look into the zoning of the areas near where the Shrimp Lady is doing business.
- Mayor Tuman suggested that the work that has been completed at this meeting be documented and be available for adoption by the Board of Aldermen at the next regular meeting.

V. **ADJOURNMENT:** Mayor Pro Tem Yawn made a motion to adjourn. Alderman Macartney seconded the motion. The motion passed unanimously. The meeting adjourned at 3:38 p.m.

**APPROVED:**

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Daniel Tuman, Mayor

**ATTEST:**

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Carin Z. Faulkner, Town Clerk

Approved on: 3/ /2010

# *Town of North Topsail Beach*

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



Steven H. Foster  
Town Manager

Carin Z. Faulkner, MPA  
Town Clerk

## **Board of Aldermen Special Meeting Monday, March 1, 2010 10:00 A.M**

**PRESENT:** Mayor Daniel Tuman, Aldermen Robert Swantek, Dick Macartney, Deborah Lanci, Town Manager Steve Foster and Town Clerk Carin Faulkner.

**NOT PRESENT:** Mayor Pro Tem Michael Yawn and Alderman Richard Farley

- I. **CALL TO ORDER:** Mayor Tuman called the meeting to order at 10:00 a.m. in the North Topsail Beach meeting room.
- II. **APPROVAL OF AGENDA:**
  - Alderman Swantek made a motion to approve the agenda as presented. Alderman Lanci seconded the motion.
  - The agenda was approved unanimously.
- III. **AWARD CONTRACT FOR STORM DAMAGED BERM & DUNE MAINTENANCE:**
  - The Town received three bids on the project.
  - Mr. Foster indicated that Town Staff recommends that the Board award the bid to Carter Construction Company.
  - Alderman Swantek made a motion to award the contract for storm damaged berm and dune maintenance to Carter Construction Company. Alderman Lanci seconded the motion.
  - The motion passed unanimously.
- IV. **DISCUSSION ON TOWN'S INSURANCE COVERAGE:**
  - The Town is looking to replace its current insurance coverage with the League of Municipalities with private insurance.
  - Mr. Foster explained that the Town has found 6-8 agencies that may be willing to work with the Town.
  - He said that the Town will settle on one broker to help the Town find insurance coverage.
  - The Town manager took questions about the process of finding coverage and what the brokers will do for the Town.

**VII. CLOSED SESSION:**

- Alderman Macartney made a motion to go into closed session per N.C.G.S. 143-318.11 Section 5, Real Estate Acquisition. Alderman Swantek seconded the motion.
- The motion passed unanimously.
- Alderman Swantek made a motion to go out of closed session. Alderman Lanci seconded the motion.
- The motion passed unanimously.

**VIII. REAL ESTATE ACQUISITION:**

- Alderman Swantek made a motion to send a letter to the owners (of 1156 New River Inlet Road) from the Town indicating that the Town is not interested in the property. Alderman Lanci seconded the motion.
- The motion passed unanimously.

**IX. ADJOURNMENT:** Alderman Swantek made a motion to adjourn. Alderman Lanci seconded the motion. The motion passed unanimously. The meeting adjourned at 10:21 a.m.

**APPROVED:**

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Daniel Tuman, Mayor

**ATTEST:**

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Carin Z. Faulkner, Town Clerk

Approved on: 4/1/2010

# *Town of North Topsail Beach*

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



Steven H. Foster  
Town Manager

Carin Z. Faulkner, MPA  
Town Clerk

## **Board of Aldermen Regular Meeting Thursday, March 4, 2010 7:00 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 7:00 p.m. in the North Topsail Beach meeting room.
- II. **INVOCATION:** Mayor Tuman gave the invocation.
- III. **PLEDGE OF ALLEGIANCE:** Mayor Tuman led those present in the Pledge of Allegiance.
- IV. **APPROVAL OF AGENDA:**
  - Mr. Foster indicated that he would like the Board to amend the Consent Agenda and add an Item E for a Request for Tax Refund that came from Onslow County.
  - Mayor Pro Tem Yawn made a motion to approve the agenda as presented with the addition of Consent Agenda Item E, Request for Tax Refund. Alderman Lanci seconded the motion.
  - The agenda was approved unanimously.
- V. **PUBLIC HEARINGS & PRESENTATIONS:**
  - A. **Update on Sewer System – Michael Gallant, PE, Pluris Representative:**
    - Mr. Gallant reported that he submitted the Department of Environmental and Natural Resources (DENR) application package for the expansion of the Pluris plant. It is in a 60-90 day review period.
    - Pluris is working with contractors to finalize bids to get the final costs in line for the project.
    - The expansion is a one million gallon a day membrane bioreactor plant with two infiltration lagoons. He said it is a significant increase in quality compared to what is currently being used.
    - The construction is going to take 9 months and should start in late spring. They hope to have the project finished before the end of 2010.

- There was discussion on getting sewer to an area on the south end of the Town near the Surf City line. Mr. Gallant said that he would speak with Pluris about it.
- Mr. Gallant took questions from the Board.
- Mr. Gallant took questions from the audience.

**B. Build-Out and Non-Conforming Lot Study – Robert Will, Community Development Planner, Eastern Carolina Council:**

- Mr. Will went over the study he performed for the Town.
- He said the purpose of the study was to determine the amount and location of potential future growth within the Town which will be used to estimate any future needs and as a benchmark to evaluate existing growth policies and existing zoning regulations.
- He explained where he got the data he used for the study and his findings.
- He said the Town still has room to grow. He encouraged infill development in the in the neighborhoods that are mostly full to help preserve the open space and character of the Town.
- Mr. Will took questions from the Board.

**C. Proposal from Winter Haven Property Owners Regarding Sound End of Reeves Street – Richard Durham:**

- Mr. Durham owns property in the Winter Haven subdivision. He read a letter to the Board in regards to what a group of residents would like to do in the area of Town owned property at the sound end of Reeves Street.
- Mayor Tuman made a recommendation to have the Town Manager, Public Works director and Fire Marshal address the proposal and make recommendations to the Board as to what is appropriate, since this is Town-owned property. The Town Manager will respond to the proposal.
- Mr. Foster explained some of the concerns Town Staff had about the proposal, which was public safety and mixing private and public use. He said that his recommendation is for the Town to rock it properly and to remove the “Winter Haven Residents and Guests Only” sign.
- Mr. Durham took questions and comments from the Board.
- Mayor Pro Tem Yawn made a motion to table this item until next month so that he can review the plats and look at the property. Alderman Swantek seconded the motion.
- The motion passed unanimously.

**VI. COMMITTEE REPORTS:**

- A. **PLANNING BOARD:** Planning Board Chairman Gary Rowland presented the Planning Board report to the Board of Aldermen as it was prepared for the Board Packet.

- B. **BOARD OF ADJUSTMENT:** Board of Adjustment Chairman Gary Miller presented the Board of Adjustment report to the Board of Aldermen as it was prepared for the Board Packet.
- C. **NTB SHORELINE PROTECTION COMMITTEE:** Alderman Macartney indicated that the next meeting will take place during one hour of the Board Retreat on March 16<sup>th</sup>. The minutes of the last meeting are online.
- D. **TISPC (Topsail Island Shoreline Protection Commission):** Alderman Macartney read the TISPC report on the February 23, 2010 TISPC meeting as it was prepared for the Town Clerk.
- E. **ONWASA (Onslow Water and Sewer Authority):** Alderman Farley reported the following:
- Alderman Farley and Mr. Foster met with the executive director of ONWASA. They went over two small projects for NTB.
  - One of the projects is to replace a section of water line near Shipwatch townhouses. There have been several leaks in that area. This work will not affect the road at this location.
  - The second project discussed was the suggestion that ONWASA work with the Town to coordinate the repair of water lines with road repair. The Town could use Powell Bill money to fix the road and this would eliminate the need to dig up a road after it has been paved. ONWASA agreed to do it and our Board would have to devote the money to it. Mr. Foster said coordination of efforts and saving money is the key.
  - ONWASA has approved a draft water conservation plan.

VII. **MANAGER'S REPORT:**

- A. **Update on Army Corps of Engineers Dredging Project:**
- Mr. Foster reported on the progress Southwind Construction is making on the project.
  - He reported that they are currently pumping sand near building three of Topsail Reef.
- B. **Update on Sand Push:**
- Mr. Foster reported that Right of Entry letters were sent out to approximately 900 property owners.
  - The Board met this week and let the contract to Carter Construction Company.
  - They are on-site and ready to push and the Town is waiting on the CAMA permit.



**C. Update on Comprehensive Employee Classification & Pay Study:**

- Mr. Foster reported that the Board gave him authorization to contract with a qualified company to do an employee classification and pay study and that he found MAPS Inc. for \$7,600.
- He reported that the representative from MAPS Inc. came and met with the Town employees and will be filling out questionnaires. The Town hopes to have an updated pay and classification system and policies.

**D. Update on Resurfacing of SR 1568 (New River Inlet Road):**

- Mr. Foster reported that the NC DOT plans to finish the patching and will pave the road in September or October.

**VIII. OPEN FORUM:**

**No one came forward.**

**IX. CONSENT AGENDA**

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

**Consent Agenda items:**

**A. Budget Amendment # 6**

**B. Call for Public Hearing – Reprint of the Zoning Map**

**C. Approval of Minutes:** February 4, 2010 and February 11, 2010

**D. Department Head Reports:** Finance Department, Fire Department, Inspections Department, Planning Department, Police Department

**E. Request for Tax Refund**

**X. OLD BUSINESS**

**A. Adoption of Mobile Vendor & Itinerant Merchant Ordinance:**

- Alderman Macartney made a motion to adopt Chapter 4, Licenses, Taxation and Miscellaneous Business Regulations as amended and in accordance with what was presented in the Board Packet.
- Alderman Lanci seconded the motion.
- There was discussion.
- Mayor Pro Tem suggested a correction to 4-1 (b) to read “prohibited by the Town’s ordinances” instead of “prohibited by this section.”
- Mayor Pro Tem suggested a correction to 4-34 “sales and service stand” to the plural “sales and service stands.”

Mayor Tuman called a 3 minute recess.

- Alderman Macartney made an amendment to his motion to make the corrections that Mayor Pro Tem Yawn suggested, the addition of the “s” on “stands” and the change to “prohibited by the Town’s ordinances.” Alderman Lanci seconded the amendment to the motion.
- The amended motion passed 3 to 2 with Mayor Pro Tem Yawn and Alderman Farley voting against.
- Mayor Pro Tem Yawn indicated that the passing of the amended ordinance means that the privilege license fees were removed. He suggested that the Board do something to make sure the fees are still in effect.
- Alderman Macartney made a motion that the Town keep the old fee schedule until addressed by the Board in the next budget. Mayor Pro Tem Yawn seconded the motion.
- The motion passed 4 to 1 with Alderman Farley voting against.

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

- Ms. Faulkner indicated that Staff recommends Encore Landscape Management for the contract.
- Staff took questions from the Board.
- Alderman Swantek made a motion to table this item. He indicated that he would like to investigate if the Town’s Public Works department can do the work to save the Town money.
- There was more discussion.
- Alderman Swantek withdrew his motion.
- Alderman Macartney made a motion to contract with Encore Landscape Management for landscape maintenance services per Staff recommendation. Alderman Lanci seconded the motion.
- The motion passed 3 to 2 with Mayor Pro Tem Yawn and Alderman Farley voting against.

**XI. NEW BUSINESS:**

**A. Resolution No. 2010-7 – A Resolution Honoring June Marie Doherty:**

- Mayor Tuman expressed his thoughts at the passing of Mrs. Doherty, a fine citizen, volunteer, and good friend. He read the resolution.
- Alderman Lanci made a motion to pass Resolution 2010-7, A Resolution Honoring June Marie Doherty. Mayor Pro Tem Yawn seconded the motion.
- The motion passed unanimously.

**B. Request for Legal Cost Quote for Easement Documents Related to a Beach Nourishment Project:**

- Mayor Pro Tem Yawn explained that before the Town goes through any beach nourishment projects the Town will need to have easements from oceanfront property owners and possibly other properties.

- Mayor Pro Tem Yawn is requesting that the Town receive a cost estimate from the Town Attorney for having the work done to do the easement work. He suggested that he starts with a quote on Phase One.
- Mr. Edes said that this was doable and that he would investigate. He said he can get quotes by next meeting. He said he would like look into other firms that specialize in real estate, several Board members agreed.
- The Board directed the Town Manager to ask the Town Attorney to get quotes on the cost of the easement work for the entire Town.

**XII. OPEN FORUM:**

**Gary Rowland of 127 S. Permuda Wynd** – Mr. Rowland made a recommendation to the Town attorney in regards to including a “hold harmless” clause to the property owner for anything that occurs as a result of exercising either the license or the easement. He also said not to read into residents not signing the letter as an indication that they do not want beach nourishment. He said education is important.

**XIII. ATTORNEY’S REPORT:** Mr. Edes did not have a report.

**XIV. MAYOR’S REPORT:** Mayor Tuman announced that the Board will be having a retreat on March 16<sup>th</sup> to do some planning for the coming year. He stated that the public is welcome to attend.

**XV. ALDERMEN’S REPORT:**

**Alderman Lanci:** Ms. Lanci indicated that the Board is doing a good job and they are getting through the meeting faster each time. She reported that we are making some progress on terminal groins. She asked that citizens continue to contact their state senators and congressmen.

**Alderman Macartney:** Mr. Macartney reported that Ms. Lanci made an impassioned plea at the public hearing for terminal groins. She and he are going to Washington D.C. to talk about issues important to this Town. He asked that citizens provide input to them before they go. He said that the Town’s progress so far since Mr. Foster was hired is very impressive.

**Mayor Pro Tem Yawn:** Mr. Yawn thanked the Mayor for his resolution for June Doherty, he said she was a great woman and he enjoyed working with her on the Planning Board. He explained his 3-2 votes. He said 36 for vendors is too many and he wanted to go with the lowest bid. He emphasized that legal representation is important for the easement work.

**Alderman Swantek:** Mr. Swantek pointed out that the property valuation is going to be -43.82%. He said that he is against the ¼% sales tax because the money should come back to the Town.

**Alderman Farley:** Mr. Farley indicated that the Town's value will be at \$845 million verses the \$1.5 billion. He sent his regards to Mrs. Rowland for admonishing the Board of Adjustment for removing Mrs. Swantek.

XVI. **ADJOURNMENT:** Alderman Swantek made a motion to adjourn. Alderman Lanci seconded the motion. The motion passed unanimously. The meeting adjourned at 9:26 p.m.

**APPROVED:**

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Daniel Tuman, Mayor

**ATTEST:**

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Carin Z. Faulkner, Town Clerk

Approved on: 4/1/2010

# *Town of North Topsail Beach*

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



Steven H. Foster  
Town Manager

Carin Z. Faulkner, MPA  
Town Clerk

## **Board of Aldermen Special Meeting RETREAT Tuesday, March 16, 2010 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.

**OTHERS PRESENT:** Town Attorney Brian Edes, Public Works Director/Fire Chief Thomas Best, Assistant Fire Chief George Moore, Police Chief Casey Fillinger, Planning & Zoning Administrator Deborah Hill, Finance Officer Breck Smith, Building Codes Administrator David Stoudt.

- I. **CALL TO ORDER:** Mayor Tuman called the meeting to order at 9:07 a.m. in the North Topsail Beach meeting room.
- II. **APPROVAL OF AGENDA:**
  - Alderman Yawn made a motion to approve the agenda. Alderman Swantek seconded the motion.
  - The agenda was approved unanimously.
- III. **INTRODUCTION:** Mayor Tuman explained that an agenda was prepared with a specific structure relative to the major functions and activities of the Town. The purpose of the meeting is to discuss the goals, objectives and plans for the coming year.

Each item was discussed by the Board of Aldermen (unless specified) and these minutes reflect the action items that were produced from these discussions.
- IV. **NTB SHORELINE PROTECTION COMMITTEE**
  - A. **Follow-up on Action Items from Last Meeting**
  - B. **Citizen Input from Non-Resident Taxpayers**
  - C. **Due Diligence (Financial, Technical, Legal, Political, Program Management-project plans and leadership responsibility, Contract Professionals)**
  - D. **Dune Maintenance**

- E. **Strategic Issues: Terminal Groins, BIMP, Committee Education & Professional Organization Participation, Public Communications, Island-Wide Coordination & Public Relations**
- F. **BEST Report Analysis** (the Board did not have enough time to discuss this topic)

**Action Items:**

- Research Virginia Beach's sand hauling plan.
- Finish survey specs. (Yawn)
- Community meeting – the April 3<sup>rd</sup> meeting has been cancelled.
- Safety Inspections – waiting on comments from NCLM. (Lanci)
- Debate and Devise the Alternatives – the NTB SPC will meet on April 16<sup>th</sup> at 9:00 a.m.

V. **BUDGET**

- A. **Budget Preparation Ground Rules & Workshop Schedule**
- B. **Property Revaluation & Tax Rate/Sales Tax Distribution Implications**
- C. **Strategic Goals for Services & Capital Needs**
- D. **Cost Containment – Non-discretionary/Discretionary Spending**

**Action Items:**

- Find out what (if any) increases in pay are going to be given at the State level and local communities. (Foster)
- Look into the Police Department program for taking cars home.  
Advantages/Disadvantages
- Look into health insurance coverage for Board of Aldermen. (Smith)
- Look into what (if any) further cost sharing the Town has left for the paving of NRI Rd. (Foster/Smith)
- Bike path needs – extend, widen and clean
- Building needs – Police Department space, etc.
- Software/Computer needs
- Board Requests:
- Beach accesses/property inventory for the Town
- Capital Improvement Plan (1 hour on April 16<sup>th</sup> for a workshop on this)
- Purchasing – look into ongoing purchases, look for discounts and negotiate (ex. Auto maintenance)

VI. **BREAK**

VII. **POLICE**

- A. **Securing Our Roadways & Bike Paths:** There was discussion about widening the bike path (not a police matter). Chief Fillinger discussed possible ways to have security on the bike paths and at the town park (call boxes and cameras).

**Action Items:** N/A

**VIII. COMMUNICATIONS**

- A. Meeting Management presentation/Meeting Brevity**
- B. Meeting Room Upgrades**
- C. Conference Room Space**
- D. Website & Newsletters**
- E. Public Relations & Civility**

**Action Items:**

- Changes to regular agenda: remove invocation, move Committee Reports to Consent Agenda.
- Public Forum – clerk to research new forms/info sheets on public forum.
- Website – make more user-friendly, add more Town documents like CAMA LUP, Policies & Procedures, Organizational Chart, Hurricane Plan, archive of minutes, add messages from the Mayor, Town Manager, and Committee Chairmen. Make it more “folksy”.
- Newsletter – Message from Mayor and Manager

**IX. LUNCH**

**X. LEGAL**

- A. Town Manager Responsibilities for Legal Status, Avoidance, Legal Defense Preparation, Securing Capable/Dependable Attorney Support**

**Action Items:**

- Obtain monthly memo from Mr. Edes.
- Look into charter amendment requiring 30 day notice before a suit is filed.
- Manager to secure adequate counsel, aware of legal status, anticipate legal activity.
- Administrative Mediation
- Pick our battles.
- Agenda Item: Board of Aldermen to advise Board of Adjustment to follow rules of procedure.

**XI. TOWN MANAGEMENT**

- A. Customer Service Monitoring Procedures**
- B. Training Needs for Staff, Board, Volunteers**
- C. Process for Keeping Employees More Accountable**
- D. Additional Changes to Chapter 4 (as it affects vendors/peddlers)**
- E. Adequacy of Town Manager Performance Evaluation Form**

**Action Items:**

- Customer service plan.
- Volunteer training – keep a record of training for volunteers
- Look into having School of Government assist Town with training of volunteers
- Agenda Item: Rescind date of expiration (Nov.) on privilege license for vendors.
- Police to assist “Shrimp Lady” in relocating to a safe area (move further back from usual location).

**XII. BOARDS & COMMITTEES**

**A. Resurrect Beautification & Recreation Committee**

**Action Items:**

- Agenda Item: Formation of Beautification & Recreation Committee – Alderman Swantek will be liaison/chairman
- E-mail Board FEMA training website.
- Reinstitute yard of the month
- Town Race will be organized by this committee

**XIII. PLANNING & ZONING**

**A. Preserve CON-D, green space, wetlands, wildlife, etc.**

**B. Grants for green space purchase/preservation**

**C. Eco-Town Center**

**D. Ordinance Changes (CAMA LUP)**

**E. Town Code Management, Codification and Municode Plans/Status**

**F. Town Policy/Ordinance Review on Abandoned/Condemned Structures**

**Action Items:**

- Adhere to implementing actions in CAMA LUP (63 items in executive summary)
- Long range ideas: wind energy with Jones-Onslow, education center/programs, kayak tours, hiking, expand Town Park or have a satellite park, use UNCW volunteers for education.
- Complete UDO/Chapter 7. Deadline for Ms. Hill is July 1<sup>st</sup>.
- Update ordinance dealing with abandoned/condemned structures.

**XIV. BREAK**

**XV. CBRA:** This item was discussed during the NTB SPC portion of the meeting. No action items for this topic.

**XVI. STORM PREPAREDNESS/RECOVERY**



**Action Items:**

- Agenda Item: Appoint Alderman Swantek as liaison at Onslow County EOC.
- Staff will to their annual review of the plan.

**XVII. FIRE**

**Action Item:**

- Town needs to plan (in budget) for the required radio upgrade.

**XVIII. PARKS & RECREATION:** This item was discussed during the Boards & Committees topic.

**XIX. PUBLIC WORKS**

- A. Mosquitoes**
- B. Solid Waste Schedule**
- C. Road Maintenance**
- D. Road Flooding**
- E. Moving Utilities Underground**

**Action Items:**

- Mosquitoes – look into environmentally friendly chemicals and purple martins.
- Trash – enforcement on rollback and need for extra carts.
- Road cleaning – 2 feet on each side.
- Street flooding – look into improvements, French drains (screens?), impervious surface.
- Lean on Jones-Onslow regarding underground utilities. Invite representatives to Board meeting.

**XX. LEGISLATION**

- A. All of Topsail Island to Pender County**

**Action Item:**

- Board will continue to pursue politically.

**XXI. ACTION ITEMS & PERFORMANCE PLAN FOR TOWN MANAGER**

**Action Items/Performance Plan:**

- Capital Improvement Plan (workshop on April 16)
- Training Plan for Town Employees, Board & Volunteers
- Legal – aware of status, secure adequate counsel, anticipate legal action, participate in monthly meeting with Town Attorney and Staff.
- CAMA LUP implementing actions

- Chapter 7/UDO
- Follow-up on condemned structures ordinance.
- Road Flooding
- Underground Utilities (investigate)
- Purchasing (regional approach?)
- Personnel Management (performance evaluations)

**XXII. EVALUATE THE RETREAT**

Went well:

- Meeting was focused – Board was limited to 5 items each.
- Adequate preparation.
- Board was respectful and dedicated.

Do next time:

- Board Packet/supporting documents beforehand.

**XXIII. ADJOURNMENT:** The meeting adjourned at 3:53 p.m.

**APPROVED:**

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Daniel Tuman, Mayor

**ATTEST:**

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Carin Z. Faulkner, Town Clerk

Approved on: 4/1/2010

# *Town of North Topsail Beach*

Daniel Tuman, Mayor  
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Robert Swantek



Steven H. Foster  
Town Manager

Carin Z. Faulkner, MPA  
Town Clerk

## **Board of Aldermen Regular Meeting Thursday, April 1, 2010 7:00 P.M.**

**PRESENT:** Mayor Daniel Tuman, Mayor Pro Tem Michael Yawn, Aldermen Richard Farley, Robert Swantek, 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 7:00 p.m. in the North Topsail Beach meeting room.
- II. **PLEDGE OF ALLEGIANCE:** Alderman Swantek led those present in the Pledge of Allegiance.
- III. **APPROVAL OF AGENDA:**
  - Alderman Lanci made a motion to approve the agenda as presented. Mayor Pro Tem Yawn seconded the motion.
  - The agenda was approved unanimously.
- IV. **PUBLIC HEARINGS & PRESENTATIONS:**
  - A. **Presentation on ¼% Sales Tax – Onslow County Commissioner – William Keller:**
    - Commissioner Keller gave a 30 minute presentation on the proposed ¼% sales tax which will be on the ballot for Onslow County voters in May.
    - He explained that the County Commissioners are giving presentations throughout the County to educate citizens on the facts so they can have an informed vote.
  - B. **Public Hearing – Updates to the Official Zoning Map:**
    - Alderman Swantek made a motion to open the public hearing. Alderman Lanci seconded the motion. The motion passed unanimously.
    - Ms. Deborah Hill, Planning and Zoning Director gave a presentation on the updates to the official zoning map. She indicated that there were four areas that need corrected. She pointed these corrections out on the map.
    - Mr. Scott Chaisson made a comment about the rezoning request which appears on the Consent Agenda. He was curious if his lot was also zoned incorrectly

along the way. Ms. Hill indicated that his property was zoned as CON-D on zoning maps dated 1982, 1992, and 2007. Mayor Tuman indicated that Mr. Chaisson's rezoning will be before the Board of Aldermen next month.

- Mayor Pro Tem Yawn made a motion to close the public hearing. Alderman Lanci seconded the motion. The motion passed unanimously.
- Mayor Pro Tem Yawn made a motion to suspend the rules in order to change the agenda to adopt the updates of the zoning map. Alderman Swantek seconded the motion. The vote was 3 to 1 with Alderman Farley voting against. Alderman Farley said he voted against it because he did not have enough information. He would like a completed map that staff is comfortable with to vote on. The motion did not pass since it was not passed with two-thirds of the membership of the Board. Mayor Pro Tem withdrew his motion and announced that the Board of Aldermen will address this item next month.

#### V. **MANAGERS REPORT:**

- A. **Update on Army Corps of Engineers Dredging Project:** Mr. Foster reported that he met with the Corps of Engineers and Southwind and approved the final inspection. The final audit will likely determine that approximately 185,000 cubic yards of dredged material was deposited at the north end of NTB.
- B. **Update on Sand Push:** Mr. Foster reported that the project is 80-85% complete. April 1<sup>st</sup> was the deadline for the project. N.C. Wildlife Resources Commission has been contacted for an extension on the project.
- C. **Update on Comprehensive Employee Classification & Pay Study:** Mr. Foster reported that the position description questionnaires were sent to the contractor, MAPS. MAPS staff will be conducting employee interviews the week of April 12<sup>th</sup>.
- D. **Board & Committee Vacancies:** Mr. Foster reported that there are openings on the Board of Adjustment and Planning Board. Mr. Rowland has asked to be considered for reappointment to the Planning Board. Mr. Riggelman will not be serving another term, so Ms. Suzanne Gray will take his place as a regular member. Mrs. Rowland has asked to be considered for reappointment on the Board of Adjustment. Ms. Hamilton is moving and Mr. Rowland will take her place as a regular member once her resignation is submitted.
- E. **Update on Debris Monitoring Services:** Mr. Foster reported that the bid opening for the debris monitoring services contract will be on April 30<sup>th</sup>.
- F. **Other Potential Topics:** Mr. Foster reported that budget preparation is on schedule. He and Mr. Smith are finalizing the revenue sources and they will be meeting with individual department heads.

VI. **OPEN FORUM:**

**Richard Durham, resident of Winter Haven** – Mr. Durham explained that a group of Winter Haven residents were trying to get the Town to allow them to securely mark the borders of the property at the end of Reeves Street since they have riparian rights to that property. He explained that in 2006 a CAMA permit was issued for work to be done to the area. Since that time there were disputes between property owners. He said his goal is to have this area clearly marked so that there will be no question as to who has what rights to the property.

**Haven & Scott Chaisson of 5733 17<sup>th</sup> Avenue** – Mrs. Chaisson explained that their rezoning request went before the Planning Board and was denied. She said that she would like their rezoning request be changed to R-10 instead. She explained that there was an additional request along with the rezoning for the Town to abandon the end of 17<sup>th</sup> Avenue.

Mayor Tuman instructed Mr. and Mrs. Chaisson to make their change in rezoning request to the Planning Board. He said that the Chaisson's should make their request for abandonment of the end of 17<sup>th</sup> Avenue formally in writing to the Town Manager for the Board of Aldermen to consider.

VII. **CONSENT AGENDA**

- Alderman Farley requested that the Board pull the minutes of March 4<sup>th</sup>, the Request for Public Hearing – Building Height, and the ONWASA Report from the Consent Agenda. Alderman Lanci seconded the motion.
- The Consent Agenda as amended passed unanimously.

**Consent Agenda items:**

- A. ~~Request for Public Hearing – Proposed Amendments to Section 7-60 & 7-143 (Building Height Definition and Height Recommendation)~~
- B. **Request for Public Hearing – Rezoning (Application # R-10-01)**
- C. **Approval of Minutes:** March 1, 2010, ~~March 4, 2010~~ and March 16, 2010
- D. **Department Head Reports:** Finance Department, Fire Department, Inspections Department, Planning Department, Police Department
- E. **Committee Reports:** Planning Board, Board of Adjustment, TISPC, ~~ONWASA~~

VIII. **OLD BUSINESS**

- A. **Recommendation on Proposal from Winter Haven Property Owners Regarding Sound End of Reeves Street:**

- Mr. Foster explained that he had a meeting with the Winter Haven property owners which included the owners of the properties adjacent to the end of Reeves Street and the residents who would like to make improvements to the area.
- Mr. Foster explained that the residents were seeking to preserve and protect their rights to the property to get to the water.
- He said that he told them that the Town owns the 50 foot right of way down there and any improvements in that area would not be justified for the purpose other than maintaining the road.
- He said that a CAMA permit was issued incorrectly by the Town.
- He said that he identified 6 items that would address the problems in that area:
  1. That the “Winter Haven Property Owners Only Sign” should be removed since it was public right of way.
  2. That the rock parking area on the north side of the street should be removed.
  3. ~~That the Town recognizes the Winter Haven property owner’s riparian and traditional right to use the end of the street as a light canoe, boat and kayak boat launch.~~
  4. The Town would level and improve the boat launch for that purpose.
  5. The railroad ties are removed by the property owners.
  6. That the property owners would be reimbursed \$100.00 for the erroneous issuance of a CAMA permit, since the property owners had no such standing.
- He said that he felt that everyone came to a compromise at the meeting and he recommended the Board adopt the 6 items as policy.
- Mr. Edes requested that the item regarding riparian rights should be removed; he has not looked at all of the deeds and does not want the Town to formally acknowledge it.
- Alderman Swantek made a motion to approve the Town Manager’s recommendation. Alderman Lanci seconded based on the removal of number three.
- The motion passed 3 to 1 with Mayor Pro Tem Yawn voting against.

#### **B. Proposal for Crossover Across from Osprey:**

- Mr. Donald Lowe of Osprey subdivision addressed the Board and made his proposal for the Town to accept a 15 foot easement from Mr. Jeffreys for a crossover.
- Mr. Lowe took questions from the Board.
- Mr. Foster made his recommendation to the Board. He suggested that the Board not take any action. He suggested that Mr. Lowe and his HOA speak with Mr. Jeffries to work on developing the access.
- Mayor Pro Tem Yawn made a motion to accept the Town Manager’s recommendation to not accept donation of this easement and to not construct a crossover at this location. Alderman Lanci seconded the motion.
- The motion passed 4 to 0. Alderman Swantek was not in the room to make his vote and was not excused so his vote was counted as an aye.

**C. Temporary Suspension of Requirements on Privilege Licenses:**

- There was discussion that the last Board may have acted prematurely in terminating the issued privilege licenses effective the end of November since all privilege licenses are effective for the fiscal year through June 30<sup>th</sup>.
- Mayor Pro Tem Yawn made a motion to extend the privilege licenses through June 30, 2010 for the two vendors who have them.
- Alderman Farley seconded the motion.
- Mr. Edes recommended that the Board rescind the previous Board's action and then vote to extend it. Mayor Pro Tem Yawn withdrew his motion.
- There was discussion on what the Board is going to do to solve the issue of the location of the vendors, which is the main issue.
- Mayor Pro Tem Yawn indicated that he felt the issue was not with the privilege licenses; rather, the issue is that some with privilege licenses apparently are violating parts of Chapters 4 or 7 of our Town Code. There was discussion of having the Planning Board look at solutions to the issue.
- Alderman Farley made a motion to rescind the motion made last year to terminate the privilege licenses effective November 30<sup>th</sup> and to extend them through June 30<sup>th</sup>. Alderman Swantek seconded the motion.
- The motion passed 3 to 1 with Mayor Pro Tem Yawn voting against.

**D. Resolution Designating Guidelines for Committees:**

- Mayor Tuman explained that a February 2004 resolution designating guidelines for committees was passed that stated that no members of the Board of Aldermen could be members of a standing committee, that placed restrictions on reappointments to standing committees, and put in place automatic forfeiture of membership with a failure to attend three consecutive meetings.
- Mayor Tuman prepared a resolution that will amend those rules.
- Alderman Farley made a motion for the Board to not consider these changes. Alderman Lanci seconded the motion.
- After discussion Alderman Farley withdrew his motion.
- Mayor Pro Tem prepared a similar resolution. He made a motion to approve the resolution he prepared which emphasizes that they are guidelines for standing committees only. He read Resolution 2010-8 - A Resolution Designating Guidelines for Standing Committees of the Town of North Topsail Beach aloud.

Mayor Tuman called for a 5 minute recess.

- Alderman Lanci seconded the motion.
- The motion passed 3 to 1 with Alderman Farley voting against.

**E. Reactivate the Beautification & Recreation Committee:**

- Alderman Lanci made a motion to reactivate the Beautification and Recreation Committee and to appoint Alderman Swantek to serve on the committee. Mayor Pro Tem Yawn seconded the motion.
- Alderman Swantek agreed to serve as chairman of the committee and pointed out that the charter indicates that he would need to be voted in as chair by members of the committee.
- The motion passed unanimously.

**F. Appointment of Board Member as Liaison to Onslow County Emergency Operations Center (EOC):**

- Alderman Swantek made a motion to appoint Alderman Lanci as NTB Board Member liaison to Onslow County EOC.
- Mayor Pro Tem Yawn seconded the motion.
- The motion passed unanimously.

**G. Appointments to Board of Adjustment & Planning Board:**

- Mr. Foster indicated that Mr. Gary Rowland would like to be reappointed to the Planning Board and that Mr. Don Harte will be appointed as a regular member.
- Mr. Foster indicated that Mrs. Paula Rowland would like to be reappointed to the Board of Adjustment and that Mr. Gary Rowland will be appointed as a regular member when a resignation is received by Ms. Hamilton.
- Alderman Swantek made motion to appoint Mr. Rowland and Mr. Harte to the Planning Board and Mrs. Rowland and Mr. Rowland to the Board of Adjustment. Alderman Lanci seconded the motion.
- There was discussion about being specific about the dates on the terms, with May 1, 2013 being the date.
- The motion passed unanimously.

**IX. NEW BUSINESS:**

**A. Resolution in Appreciation of the Army Corps of Engineers & Southwind Construction:**

- Mayor Tuman read Resolution 2010-9 – A Resolution in Appreciation of the Army Corps of Engineers and Southwind Construction Company aloud.
- Mayor Pro Tem Yawn made a motion to adopt the resolution. Alderman Lanci seconded the motion.
- The motion passed unanimously.

**B. Resolution in Appreciation of Local Fire Departments:**

- Mayor Tuman read Resolution 2010-10 – A Resolution of Appreciation – First Responders and Support – Ocean Sound Village Fire aloud.



- Alderman Swantek made a motion to adopt the resolution. Alderman Lanci seconded the motion.
- The motion passed unanimously.
- Mayor Tuman expressed his gratitude for the response of the departments.

**C. Request for Public Hearing – Proposed Amendments to Section 7-60 & 7-143 (Building Height Definition and Height Recommendation)**

- Alderman Farley led discussion on the need for a public hearing and the proposed changes.
- Alderman Lanci made a motion to conduct the public hearing at the next Board of Aldermen meeting. Mayor Pro Tem Yawn seconded the motion.
- The motion passed 3 to 1 with Alderman Farley voting against.

**D. Minutes of March 4, 2010:**

- Alderman Farley made a motion to correct his comment on Page 7 of 7 to reflect that he sent his regards to Mrs. Rowland for admonishing the Board of Adjustment for removing Mrs. Swantek and approve the minutes as amended.
- Mayor Pro Tem Yawn seconded the motion.
- The motion passed unanimously.

**E. Committee Report – ONWASA:**

- Alderman Farley indicated that the agenda, minutes and video of the meetings are available on the ONWASA website.
- Alderman Farley reported that ONWASA proposed a base rate fee which will be charged to people who would like to have their water turned off while they are away. It will be around \$11.90. He said it will raise about \$400,000. This item will be taken up again at the next meeting.
- Alderman Farley prepared a written report which will be given to the Town Manager.

**X. OPEN FORUM:**

**Richard Durham, resident of Winter Haven** – Mr. Durham said at the meeting between the Winter Haven residents and the Town Manager he asked about how to satisfy the land owners. He asked that the Board consider speaking with Ms. Peele about the money that was spent on the project. He said that their proposal lines up with the Town's CAMA Land Use Plan. He read items from page 87 of the plan regarding public access. He thinks that the Board's decision is against providing public access.

**Thomas Leonard of 218 Coastal Drive** – Mr. Leonard spoke about the Board's decision on privilege licenses and that it gave him the impression that the Town may not renew the Shrimp Lady's license because of where the business is located. He asked the Board to think about the ramifications of that and urged the Town to talk to the family to work out the issue.

**Ryan McAlister, Planner/CAMA LPO** – Mr. McAlister spoke about the passing of Mr. Edgar Floyd "Ed" Brooks Jr. who had worked with the Town of North Topsail Beach closely throughout the years in his role as NC Department of Coastal Management CAMA Minor Permit Program Manager. He asked for a moment of silence. Mr. Foster indicated that Jan Brodmerkel, Project Manager for the Federal Project lost her daughter this morning in a traffic accident.

XI. **ATTORNEY'S REPORT:** Mr. Edes reported that the Board had directed at the retreat for him to meet with the Town Manager, Town Clerk and Planning and Zoning administrator each month in an effort to have a stronger flow of information about existing case and heading off potential cases. He reported that he met with the Town Manager and Town Clerk yesterday and the rest of his report will be given in Closed Session.

XII. **MAYOR'S REPORT:** Mayor Tuman announced that the Coastal Resources Commission (CRC) had a meeting last week and the key topic was to discuss their charge by the legislature to investigate the use of terminal groins. He said this is of interest to this Town because we have an inlet and a bad situation at the New River Inlet and that a groin could potentially do wonders in addressing this issue. The CRC took positive action. He read a statement that CRC prepared. He said he looks forward to the legislature approving the usage of terminal groins. He thanked Alderman Lanci for her public testimony at the DRC. He also indicated he will be absent for next month's meeting.

XIII. **ALDERMEN'S REPORT:**

**Alderman Farley:** Mr. Farley wished everyone a happy Easter. He stated that he is not a supporter of any sales tax. He thinks everyone in the County pays their fair share of taxes.

**Alderman Swantek:** Mr. Swantek wished everyone a happy Easter. He welcomed those who would like to serve on the Recreation and Appearance Committee. He reported that he has made contacts with some individuals who are willing to help with the race. He also spoke with someone who will be willing to give a briefing to the Board on the use of wind turbines.

**Mayor Pro Tem Yawn:** Mayor Pro Tem Yawn announced that he will be running next month's meeting in Mayor Tuman's absence. The Town will be voting on adopting the zoning map next meeting. There will be a NTB Shoreline Protection Committee meeting on April 16<sup>th</sup> with discussion on beach nourishment funding and also discussion by the Board on a Capital Improvement Plan. He said that Ms. Hill and the Planning Board are looking into having a seasonal marketplace where the produce guy and the Shrimp Lady can operate. He said that Sunday is his favorite holiday, opening day of baseball.

**Alderman Lanci:** Ms. Lanci commented on meeting brevity and said that the Board is not adhering to it. She reported that the TISPC went to D.C. to lobby representatives

about our Federal project. She said she also made sure to talk about our CBRA designation. She said they are very aware of the report and they are very support of us.

Alderman Farley made a comment about offshore drilling and asked the public to submit their input to the Board on it.

- XIV. **CLOSED SESSION – Per G.S. 143-318.11(3)** To consult with attorney:  
Alderman Swantek made a motion to go into closed session. Alderman Lanci seconded the motion. The motion passed unanimously.

Mayor Tuman called for a five minute recess.

- XV. **ADJOURNMENT:** Alderman Farley made a motion to adjourn. Alderman Lanci seconded the motion. The motion passed unanimously. The meeting adjourned at 11:23 p.m.

**APPROVED:**

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Daniel Tuman, Mayor

**ATTEST:**

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Carin Z. Faulkner, Town Clerk

Approved on: 5/6/2010

# *Town of North Topsail Beach*

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



Steven H. Foster  
Town Manager

Carin Z. Faulkner, MPA  
Town Clerk

## **Board of Aldermen Special Meeting RETREAT Tuesday, March 16, 2010 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.

**OTHERS PRESENT:** Town Attorney Brian Edes, Public Works Director/Fire Chief Thomas Best, Assistant Fire Chief George Moore, Police Chief Casey Fillinger, Planning & Zoning Administrator Deborah Hill, Finance Officer Breck Smith, Building Codes Administrator David Stoudt.

- I. **CALL TO ORDER:** Mayor Tuman called the meeting to order at 9:07 a.m. in the North Topsail Beach meeting room.
- II. **APPROVAL OF AGENDA:**
  - Alderman Yawn made a motion to approve the agenda. Alderman Swantek seconded the motion.
  - The agenda was approved unanimously.
- III. **INTRODUCTION:** Mayor Tuman explained that an agenda was prepared with a specific structure relative to the major functions and activities of the Town. The purpose of the meeting is to discuss the goals, objectives and plans for the coming year.

Each item was discussed by the Board of Aldermen (unless specified) and these minutes reflect the action items that were produced from these discussions.
- IV. **NTB SHORELINE PROTECTION COMMITTEE**
  - A. **Follow-up on Action Items from Last Meeting**
  - B. **Citizen Input from Non-Resident Taxpayers**
  - C. **Due Diligence (Financial, Technical, Legal, Political, Program Management-project plans and leadership responsibility, Contract Professionals)**
  - D. **Dune Maintenance**

- E. **Strategic Issues: Terminal Groins, BIMP, Committee Education & Professional Organization Participation, Public Communications, Island-Wide Coordination & Public Relations**
- F. **BEST Report Analysis** (the Board did not have enough time to discuss this topic)

**Action Items:**

- Research Virginia Beach's sand hauling plan.
- Finish survey specs. (Yawn)
- Community meeting – the April 3<sup>rd</sup> meeting has been cancelled.
- Safety Inspections – waiting on comments from NCLM. (Lanci)
- Debate and Devise the Alternatives – the NTB SPC will meet on April 16<sup>th</sup> at 9:00 a.m.

V. **BUDGET**

- A. **Budget Preparation Ground Rules & Workshop Schedule**
- B. **Property Revaluation & Tax Rate/Sales Tax Distribution Implications**
- C. **Strategic Goals for Services & Capital Needs**
- D. **Cost Containment – Non-discretionary/Discretionary Spending**

**Action Items:**

- Find out what (if any) increases in pay are going to be given at the State level and local communities. (Foster)
- Look into the Police Department program for taking cars home.  
Advantages/Disadvantages
- Look into health insurance coverage for Board of Aldermen. (Smith)
- Look into what (if any) further cost sharing the Town has left for the paving of NRI Rd. (Foster/Smith)
- Bike path needs – extend, widen and clean
- Building needs – Police Department space, etc.
- Software/Computer needs
- Board Requests:
  - Beach accesses/property inventory for the Town
  - Capital Improvement Plan (1 hour on April 16<sup>th</sup> for a workshop on this)
  - Purchasing – look into ongoing purchases, look for discounts and negotiate (ex. Auto maintenance)

VI. **BREAK**

VII. **POLICE**

- A. **Securing Our Roadways & Bike Paths:** There was discussion about widening the bike path (not a police matter). Chief Fillinger discussed possible ways to have security on the bike paths and at the town park (call boxes and cameras).

**Action Items:** N/A

**VIII. COMMUNICATIONS**

- A. Meeting Management presentation/Meeting Brevity**
- B. Meeting Room Upgrades**
- C. Conference Room Space**
- D. Website & Newsletters**
- E. Public Relations & Civility**

**Action Items:**

- Changes to regular agenda: remove invocation, move Committee Reports to Consent Agenda.
- Public Forum – clerk to research new forms/info sheets on public forum.
- Website – make more user-friendly, add more Town documents like CAMA LUP, Policies & Procedures, Organizational Chart, Hurricane Plan, archive of minutes, add messages from the Mayor, Town Manager, and Committee Chairmen. Make it more “folksy”.
- Newsletter – Message from Mayor and Manager

**IX. LUNCH**

**X. LEGAL**

- A. Town Manager Responsibilities for Legal Status, Avoidance, Legal Defense Preparation, Securing Capable/Dependable Attorney Support**

**Action Items:**

- Obtain monthly memo from Mr. Edes.
- Look into charter amendment requiring 30 day notice before a suit is filed.
- Manager to secure adequate counsel, aware of legal status, anticipate legal activity.
- Administrative Mediation
- Pick our battles.
- Agenda Item: Board of Aldermen to advise Board of Adjustment to follow rules of procedure.

**XI. TOWN MANAGEMENT**

- A. Customer Service Monitoring Procedures**
- B. Training Needs for Staff, Board, Volunteers**
- C. Process for Keeping Employees More Accountable**
- D. Additional Changes to Chapter 4 (as it affects vendors/peddlers)**
- E. Adequacy of Town Manager Performance Evaluation Form**

**Action Items:**

- Customer service plan.
- Volunteer training – keep a record of training for volunteers
- Look into having School of Government assist Town with training of volunteers
- Agenda Item: Rescind date of expiration (Nov.) on privilege license for vendors.
- Police to assist “Shrimp Lady” in relocating to a safe area (move further back from usual location).

**XII. BOARDS & COMMITTEES**

**A. Resurrect Beautification & Recreation Committee**

**Action Items:**

- Agenda Item: Formation of Beautification & Recreation Committee – Alderman Swantek will be liaison/chairman
- E-mail Board FEMA training website.
- Reinstitute yard of the month
- Town Race will be organized by this committee

**XIII. PLANNING & ZONING**

**A. Preserve CON-D, green space, wetlands, wildlife, etc.**

**B. Grants for green space purchase/preservation**

**C. Eco-Town Center**

**D. Ordinance Changes (CAMA LUP)**

**E. Town Code Management, Codification and Municode Plans/Status**

**F. Town Policy/Ordinance Review on Abandoned/Condemned Structures**

**Action Items:**

- Adhere to implementing actions in CAMA LUP (63 items in executive summary)
- Long range ideas: wind energy with Jones-Onslow, education center/programs, kayak tours, hiking, expand Town Park or have a satellite park, use UNCW volunteers for education.
- Complete UDO/Chapter 7. Deadline for Ms. Hill is July 1<sup>st</sup>.
- Update ordinance dealing with abandoned/condemned structures.

**XIV. BREAK**

**XV. CBRA:** This item was discussed during the NTB SPC portion of the meeting. No action items for this topic.

**XVI. STORM PREPAREDNESS/RECOVERY**

**Action Items:**

- Agenda Item: Appoint Alderman Swantek as liaison at Onslow County EOC.
- Staff will to their annual review of the plan.

**XVII. FIRE**

**Action Item:**

- Town needs to plan (in budget) for the required radio upgrade.

**XVIII. PARKS & RECREATION:** This item was discussed during the Boards & Committees topic.

**XIX. PUBLIC WORKS**

- A. Mosquitoes**
- B. Solid Waste Schedule**
- C. Road Maintenance**
- D. Road Flooding**
- E. Moving Utilities Underground**

**Action Items:**

- Mosquitoes – look into environmentally friendly chemicals and purple martins.
- Trash – enforcement on rollback and need for extra carts.
- Road cleaning – 2 feet on each side.
- Street flooding – look into improvements, French drains (screens?), impervious surface.
- Lean on Jones-Onslow regarding underground utilities. Invite representatives to Board meeting.

**XX. LEGISLATION**

**A. All of Topsail Island to Pender County**

**Action Item:**

- Board will continue to pursue politically.

**XXI. ACTION ITEMS & PERFORMANCE PLAN FOR TOWN MANAGER**

**Action Items/Performance Plan:**

- Capital Improvement Plan (workshop on April 16)
- Training Plan for Town Employees, Board & Volunteers
- Legal – aware of status, secure adequate counsel, anticipate legal action, participate in monthly meeting with Town Attorney and Staff.
- CAMA LUP implementing actions



- Chapter 7/UDO
- Follow-up on condemned structures ordinance.
- Road Flooding
- Underground Utilities (investigate)
- Purchasing (regional approach?)
- Personnel Management (performance evaluations)

**XXII. EVALUATE THE RETREAT**

Went well:

- Meeting was focused – Board was limited to 5 items each.
- Adequate preparation.
- Board was respectful and dedicated.

Do next time:

- Board Packet/supporting documents beforehand.

**XXIII. ADJOURNMENT:** The meeting adjourned at 3:53 p.m.

**APPROVED:**

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Daniel Tuman, Mayor

**ATTEST:**

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Carin Z. Faulkner, Town Clerk

Approved on: 4/1/2010

# *Town of North Topsail Beach*

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



Steven H. Foster  
Town Manager

Carin Z. Faulkner, MPA  
Town Clerk

## **Board of Aldermen Special Meeting Tuesday, May 4, 2010 9:00 A.M**

**PRESENT:** Mayor Pro Tem Michael Yawn, Aldermen Richard Farley, Robert Swantek, Dick Macartney, 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 9:03 a.m. in the North Topsail Beach meeting room.
- II. **APPROVAL OF AGENDA:**
  - Alderman Swantek made a motion to approve the agenda as presented.
  - The agenda was approved unanimously.
- III. **DISCUSSION ON TOWN'S INSURANCE:**
  - Mr. Foster reported that as a result of the NC League of Municipalities Board of Directors' decision to renew the Town's insurance the following is required of the Town:
    - Our current deductible will go from \$50, 00 to \$250, 00 (this will decrease \$50,000 a year over 6 years).
    - Come into compliance with the LGC's recommendation of increased fund balance to one year reserve of operating revenue.
    - Summary of the amount of staff and board training (including appointed boards).
    - Continuance of monthly mitigation aversion meetings with our attorney with minutes forwarded to the claims department.
    - Copies of the Town Manager's employment contract and Town policy on employee retention.
    - Appointment of a safety officer (done).
    - List of any potentially litigious matters that the Town has to its knowledge (already in minutes of monthly mitigation aversion meetings).
  - There was discussion regarding providing minutes of the mitigation aversion meetings and whether this conflicts with attorney client privilege. Mr. Foster said he would look into it and that maybe an agenda of the meeting would be sufficient.
  - Mayor Pro Tem Yawn indicated that he would like the requirements to be

provided to the Town in writing. He is concerned about the fund balance requirement.

IV. **PRELIMINARY BUDGET PRESENTATION & WORKSHOP:**

- Mr. Foster did a PowerPoint presentation on the highlights of the FY2011 budget.
- There was discussion on possibly adding merit pay for retention purposes.
- Mr. Foster discussed some items that he did not put in the budget that the Board could consider. Additional firefighter personnel, radios (a resolution to support a grant for radios was discussed), Town Christmas tree, organization donations, and fireworks were included in this discussion.
- The Board agreed to keep the contribution to the Chamber of Commerce at \$5,000 and for the money to come out of the beach fund.
- There was discussion about a 5 year commitment of \$1,000 a year to Onslow County Economic Development. Staff was directed to look into it.
- The Board did not want to contribute to Operation Topcat.
- Mr. Foster read the budget message.
- Mr. Foster provided the Board with information about the 6.1% increase in the cost of services from Waste Industries.
- There was discussion about offering assistance for family health care coverage for employees.
- There was consensus to keep the tax for the beach nourishment fund at one cent (instead of the proposed .0173).
- Mr. Smith made a presentation about the revenue neutral tax rate.
- Mr. Foster went over the revenues.
- There was discussion on the cable franchise revenue and whether those revenues may be skewed because of a back payment to the Town. Staff will look into it.
- There was discussion on Town's health insurance plan. Mr. Foster explained the health reserve plan and that this plan would save money for the Town.
- Mayor Pro Tem Yawn asked about domestic partner coverage. Mr. Foster said he would look into it.
- Mr. Foster stated that Staff has cut everything out of the budget that can be cut out.
- The Board discussed their salary. They decided to keep it the same because any change would affect the next Board.
- The Administration budget was discussed.
- The Fire budget was discussed. The salary line item went up. Mr. Foster said he would look into it.
- The Police budget was discussed. There was discussion about the number of cars and the take home policy.
- There was discussion on the State allowing the Town to cut the grass on the Sneads Ferry side of the bridge. Mr. Best will look into that.
- There was discussion on the Streets budget. Powell Bill funding continues to drop.
- There was discussion on the River Road Walk project that needs to be done. The existing walkway needs to be removed and replaced. The Board had consensus on funding the project at \$10,000 in order to do a "t" pier at the location.

- There was discussion on the Beautification fund. The Board had consensus on funding this line at \$7,500.
- There was discussion on the beach fund revenues.

V. **DISCUSSION OF BEACH NOURISHMENT ITEMS TO BE DISCUSSED AT THE MAY 6, 2010 BOA MEETING:**

- **Public Informational Meetings:** The committee discussed that if the Town is going to have these meetings that they need full approval of the slide presentation, letter and survey. Chairman Macartney said that he needs help with the slides. He said that the Board is giving the false impression that they are going to be doing phase one next year. Mayor Pro Tem Yawn said that he is interested in knowing what the public wants. He said he will help with the slides.
- **Letter:** There was discussion about the letter. The letter has the date of the first meeting as next Saturday and that is too soon. The Board agreed that the letter will indicate that the first meeting will be on Saturday, May 22<sup>nd</sup>.
- There was further discussion on the slides and including a calculator on the website for property owners to calculate their contribution to the beach fund. The Board had consensus to present the financial information as Oceanfront 80% and Non-Oceanfront 20%, with a \$10 million cost and \$1.3 million out of the beach fund.
- **Survey:** There was discussion about the survey and the Board decided to debate it during the regular meeting.

There was discussion about providing the Army Corps of Engineers letters indicating that the Town is committed to providing the required parking and public accesses that are required for the Federal project. The Board discussed the location of the parking lots and accesses.

- VII. **RECESS:** Alderman Swantek made a motion to recess this meeting. The motion passed unanimously. The meeting recessed at 1:17 p.m.

**APPROVED:**

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Daniel Tuman, Mayor

**ATTEST:**

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Carin Z. Faulkner, Town Clerk

Approved on: 6/3/2010

# *Town of North Topsail Beach*

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



Steven H. Foster  
Town Manager

Carin Z. Faulkner, MPA  
Town Clerk

## **Board of Aldermen Regular Meeting Thursday, May 6, 2010 7:00 P.M.**

**PRESENT:** Mayor Pro Tem Michael Yawn, Aldermen Richard Farley, Robert Swantek, Dick Macartney, Deborah Lanci, Justin Humphries (for 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 7:00 p.m. in the North Topsail Beach meeting room.
- II. **PLEDGE OF ALLEGIANCE:** Mayor Pro Tem Yawn led those present in the Pledge of Allegiance.
- III. **APPROVAL OF AGENDA:**
  - Alderman Macartney made a motion to approve the agenda as presented.
  - The agenda was approved unanimously.
- IV. **PUBLIC HEARINGS & PRESENTATIONS:**
  - A. **Public Hearing – Updates to Official Zoning Map (continued):**
    - Mr. McAlister reported that the necessary changes were made but that there was a recommendation to table the public hearing.
    - Mr. Humphries recommended that the Board not approve the map with the changes from CU R-10 to R-10 tonight as it was not advertised.
    - Alderman Swantek made a motion to table the public hearing. Alderman Farley seconded the motion.
    - The motion passed unanimously.
  - B. **Public Hearing – Rezoning Case # R10-01 & Request to Abandon a Portion of 17<sup>th</sup> Avenue:**
    - Mr. McAlister read the Staff report on this rezoning case and the request to abandon a portion of 17<sup>th</sup> Avenue.
    - The applicant will be applying for the R10 rezoning. The R10 zoning was not advertised for public hearing because they had originally asked for a MHR zoning. The Board will only be addressing the request to abandon.

- Mr. McAlister read the Staff report on the request to abandon a portion of 17<sup>th</sup> Avenue.
- Mr. McAlister took questions from the Board.
- Alderman Swantek made a motion to open the public hearing. Alderman Lanci seconded the motion. The motion passed unanimously.

The following residents made comment at the public hearing:

**Haven Chaisson of 5733 17<sup>th</sup> Avenue** - Ms. Chaisson explained that the reason she is asking for the Town to abandon the portion of 17<sup>th</sup> Avenue is because she has maintained the area for several years. She said that all of the streets to the north and south of her are abandoned at the end.

**Sammy Parker of 17<sup>th</sup> Avenue** - Mr. Parker owns land adjacent to the requested area and said that he would like to keep the property looking nice. He has been working on trying to get this done for a while. His family has owned the adjoining properties since the late 60's and would like it tied together.

**Rufus Murray of 5925 17<sup>th</sup> Avenue** – Mr. Murray spoke against abandoning the street. He said that years from now people may want to have access. The Town should keep all of the streets that they own. He said the access to the water is not good at the end of the street. He said that the CAMA Land Use Plan states that you do not abandon streets like that.

**Walt Strickland of 106 Phil Harris Lane** – Mr. Strickland spoke against the Chaisson's request for rezoning and abandoning the end of the street.

- Mr. McAlister addressed questions from the Board. He clarified that the Town is not addressing a request to abandon the street, just a portion of 17<sup>th</sup> Avenue. There was discussion on granting an easement or access as a compromise, but there was consensus not to do that since the Town would lose riparian rights.
- Alderman Swantek made a motion to close the public hearing. Alderman Farley seconded the motion. The motion passed unanimously.
- Alderman Lanci made a motion to deny the abandonment of a portion of 17<sup>th</sup> Avenue. There was discussion. The motion passed unanimously.

**C. Public Hearing – Proposed Amendment to Section 7-60 & 7-143 (Building Height Definition and Height Recommendation):**

- Mr. McAlister read the Staff report.
- Mr. McAlister took questions from the Board.
- Alderman Macartney made a motion to open the public hearing. The motion passed unanimously.

The following residents made comment at the public hearing:

**Paul Dorazio of 131 Old Village Lane** – Mr. Dorazio spoke in favor of establishing the height limit to at least 48 feet to help with the architectural features of homes in the Town. He also mentioned the petition of over 400 homeowners asking to keep it at the 50 foot limit that was done four years ago.

**Richard Peters of 602 New River Inlet Road** – Mr. Peters spoke against the 50 foot height limit and said he would rather it be 45 feet.

**Gary Rowland of 127 S. Permuda Wynd** – Mr. Rowland asked the Board to consider this carefully and said that there are many nonconforming homes because of the 5 foot difference.

**Thomas Leonard of 218 Coastal Drive** – Mr. Leonard said there are more important things the Town needs to be looking at.

**Ed Tennent of 149 Old Village Lane** – Mr. Tennant spoke in favor of the 50 foot height limit because it encourages variety and flexibility in the architecture.

- Alderman Macartney made a motion to close the public hearing. Alderman Farley seconded the motion. The motion passed unanimously.
- Alderman Macartney made a motion to approve the recommendation made by Staff in its entirety (50 foot height limit – measured from the top of the slab). Alderman Lanci seconded the motion.
- There was discussion by Alderman Lanci, Farley, Swantek and Mayor Pro Tem Yawn.
- The motion failed 3 to 2 with Aldermen Lanci and Macartney voting in favor.
- Alderman Swantek made a motion to approve a height limit of 48 feet and a measurement from the top of the lowest slab. Mayor Pro Tem Yawn seconded the motion for discussion.
- The motion passed 3 to 2 with Alderman Farley and Mayor Pro Tem Yawn voting against.

V. **MANAGERS REPORT:**

- A. **Update on Comprehensive Employee Classification & Pay Study:** Mr. Foster reported that Town Staff has received its first copy of the employee handbook prepared by MAPS and are reviewing it. Many of the changes made to the handbook were more modern definitions and FLSA updates. Pat Thomas from MAPS will be coming in June to make a presentation to the Board of Aldermen. Mayor Pro Tem Yawn requested an electronic copy of the manual.
- B. **Update on Debris Monitoring Contract:** Mr. Foster reported that proposals have been received from four contractors. Staff will analyze the proposals and will be bringing their recommendation to the Board at the June meeting.
- C. **Update on Status of Town Insurance:** Mr. Foster skipped this item.

- D. **Update on Application to Division of Water Resources:** Mr. Foster reported that application cycle for State funding of local projects begins in September. He is still working on the budgetary portion of the application, but will have it completed soon.
- E. **Discussion on Easements:** Mr. Foster said that he wanted to discuss this item with the Board because he did not have a clear direction on what to do. Mayor Pro Tem Yawn suggested that the Town put this on hold for a while. He would like to have a permit in hand before the Town starts working on this.
- F. **Reminder of Next Budget Meeting:** Mr. Foster indicated that the Board is in need of having another budget workshop to prepare the FY2010-2011 budget. There was discussion and the Board agreed that May 13<sup>th</sup> at 9:00 a.m. would be a good time to meet.
- G. **Schedule Meeting for Capital Improvement Plan Preparation:** Mr. Foster indicated that the Board still needs to meet to work on the preparation of a CIP. Mr. Foster suggested a date of June 15<sup>th</sup>. Alderman Macartney said that he would like some information from Mr. Foster on the CIP for the current budget preparation. Mr. Foster agreed that he would have some information for the BOA for this year's budget, but also indicated that the CIP is an involved process and that it will not be ready for implementation until next year.

Mayor Pro Tem Yawn stated that he felt the vendor situation in Town is resolved and that the Town is back to business as usual, with a return to normal issuance of privilege licenses starting in the new fiscal year on July 1<sup>st</sup>. The Town Manager agreed. Mayor Pro Tem Yawn thanked Town Staff for their hard work in resolving this.

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

VII. **CONSENT AGENDA**

- Alderman Macartney made a motion to approve the consent agenda as presented. Alderman Swantek seconded the motion.
- The Consent Agenda was approved unanimously.

**Consent Agenda items:**

- A. **Approval of Minutes:** April 1, 2010, April 16, 2010, and Closed Session Minutes (12/7, 12/15, 1/4, 1/5, 3/1)
- B. **Department Head Reports:** Finance Department, Fire Department, Inspections Department, Planning Department, Police Department
- C. **Committee Reports:** Planning Board, Board of Adjustment, TISPC, ONWASA
- D. **Call for Public Hearing: Rezoning Application (#R-10-02)**
- E. **Call for Public Hearing: Conditional Use Application (#CU-10-02)**



**VIII. OLD BUSINESS****A. Appointments to the Recreation and Appearance Committee:**

- Alderman Macartney made a motion to appoint Mr. Donald Martin and Ms. Emma Zak to the Recreation and Appearance Committee.
- The motion passed 4 to 1 with Alderman Farley voting against.

**IX. NEW BUSINESS:****A. Approval of Framework for Public Informational Meetings:**

- Alderman Macartney explained that the permit for the private phase of the Town's beach nourishment project is going to be issued soon (this summer). He said that if the Town is going to move forward with a project that property owners need to understand what needs to be paid. He said that the Town is going to open Town Hall and give presentations on where the Town is on the project and how the Town proposes to finance the project.
- Mayor Pro Tem Yawn read a letter that was drafted to be sent to property owners announcing the public informational meetings.
- Alderman Macartney made a motion to approve the letter. Alderman Swantek seconded the motion.
- The motion passed 4 to 1 with Alderman Farley voting against
- Staff and Mayor Pro Tem Yawn went through a slide show presentation which will be presented at the informational meetings.
- Alderman Macartney made a motion to approve the presentation.
- The motion passed 4 to 1 with Alderman Farley voting against.

**B. Approval to do a Web Based Survey on Beach Nourishment:**

- There was discussion about the survey and the Board had consensus on sending it to all property owners after the informational meetings.
- Alderman Macartney suggested that the survey be tabled for now.
- Alderman Swantek made a motion to direct staff to begin work on a survey. Alderman Lanci seconded the motion.
- The motion passed 4 to 1 with Alderman Farley voting against.

**C. Approval of a Letter to Phase One Property Owners**

- This item was discussed with Item A.

**D. Proposed Creation of a Lobbying Committee:**

- Mayor Pro Tem Yawn made the following motion:  
*"I move that North Topsail Beach expand our current CBRA Committee (currently composed of Don Martin and Gene Graziosi) to a standing committee known as the Government Advocacy Committee. This committee shall take specific direction from the Board of Aldermen as to issues and positions to take and would advocate via personal contact, organized letter-writing, organized email communications, and organized telephone calls.*

*This committee may advocate County, State, or Federal government agencies or private agencies as directed by the Board of Aldermen.”*

- Alderman Macartney seconded the motion.
- Mr. Humphries indicated that the Board needs to take into account conflicts of interest when they are appointing members to this committee. They need to ensure that members are not receiving a financial benefit from their activities.
- The motion passed 4 to 1 with Alderman Farley voting against.

**E. Proposed Adoption of NTB 20<sup>th</sup> Anniversary Resolution:**

- Mayor Pro Tem Yawn announced that May 2<sup>nd</sup> was the mark of the Town’s 20<sup>th</sup> Anniversary. He read the Resolution 2010-12 – A Resolution Commemorating the Town of North Topsail Beach’s 20<sup>th</sup> Anniversary.
- Alderman Swantek made a motion to adopt Resolution 2010-12. Alderman Lanci seconded the motion.
- The motion passed unanimously.

**F. Proposal to Pay off Fire Truck:**

- Alderman Swantek made a motion to table this item. Alderman Lanci seconded the motion.
- The motion passed unanimously.

**VIII. OPEN FORUM:**

**Richard Peters of 601 New River Inlet Road** – Mr. Peters commented on the committee reports portion of the BOA agenda getting moved to the consent agenda. He said that the citizens need to know what was conducted. He also feels that the reports add to citizen participation. He said it is extremely important that the Town people know about the issues.

**IX. ATTORNEY’S REPORT:** Mr. Humphries thanked everyone for having him come and participate in this meeting.

**X. MAYOR’S REPORT:** Mayor Pro Tem Yawn thanked everyone for coming out. He reminded everyone that the Beach Sweep is this weekend. He announced that on June 5<sup>th</sup> at Morris Landing in Holly Ridge there will be an environmental day. He thanked Town Staff for their hard work in preparing for this meeting.

**XI. ALDERMEN’S REPORT:**

**Alderman Lanci:** Ms. Lanci commented that this meeting was one of the best attended we’ve had and that the Board is getting there on meeting brevity. She reported that she, Mayor Pro Tem Yawn and Mr. Foster made a presentation to Topsail Reef HOA and that it went really well. She said that it would be good if the Board members could communicate to other large HOAs.

**Alderman Macartney:** Mr. Macartney commented that public input is important. He thinks the beach nourishment forums will be well attended. He reported that the Town had its first budget meeting and that there will be a revenue neutral budget. The next budget meeting will be on May 13<sup>th</sup> at 9:00 a.m. He encouraged everyone to come to the meeting and make their thoughts known. The Town is running pretty well.

**Alderman Swantek:** Mr. Swantek announced that the new Recreation and Appearance committee was formed with himself, Don Martin, and Ms. Zak serving and he hopes they can get some others to come on board. He said that the committee has a budget and that they will be reorganizing and getting the Town in shape for the tourists. He is looking forward to the Town run and the golf tournament which will be at North Shore in October. He said that a gentleman will be contacting him next week about doing a presentation on turbines.

The Board went into a two minute recess. Mayor Pro Tem Yawn announced that the Board will be meeting in Closed Session after the recess.

- XII. **CLOSED SESSION – Per G.S. 143-318.11(3)** To consult with attorney:  
Alderman Swantek made a motion to go into closed session. Alderman Lanci seconded the motion. The motion passed unanimously.

Alderman Macartney made a motion to go out of closed session. The motion passed unanimously. Alderman Macartney reported that no action was taken in closed session.

- XIII. **ADJOURNMENT:** Alderman Swantek made a motion to adjourn. The motion passed unanimously. The meeting adjourned at 9:29 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  
Dick Macartney  
Robert Swantek



Steven H. Foster  
Town Manager

Carin Z. Faulkner, MPA  
Town Clerk

## **Board of Aldermen Special Meeting (Recessed Meeting of May 4, 2010) Thursday, May 13, 2010 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. Mayor Tuman and Alderman Macartney arrived at approximately 9:30 a.m.

- I. **CALL TO ORDER:** Mayor Pro Tem Yawn called the recessed meeting to order at 9:04 a.m. in the North Topsail Beach meeting room.
- II. **APPROVAL OF AGENDA:**
  - Alderman Swantek made a motion to approve the agenda as presented. Alderman Farley seconded the motion.
  - The agenda was approved unanimously.
- III. **REMAND ZONING MAP TO THE PLANNING BOARD & STAFF:**
  - Alderman Swantek made a motion to remand the official zoning map to the planning board and Staff. Alderman Lanci seconded the motion.
  - There was discussion.
  - The motion passed unanimously.
- IV. **FOLLOW-UP BUDGET PRESENTATION & WORKSHOP:**
  - Mr. Foster went over the areas of the budget that the Board of Aldermen had inquired about previously: police car take home policy, family health payment assistance, garbage rate adjustment, merit increase costs, and interim capital budget.
  - **Police Car Take Home Policy:** Chief Fillinger answered questions from the Board. The Board had consensus on making the policy that police officers can take their cars home if they live within a 20 mile radius. There was consensus to keep this program in place. Alderman Swantek asked about getting a part time officer for the summer. Chief Fillinger explained that it was difficult for the department to hire a part time reserve officer.
  - **Family Health Insurance Assistance:** Mr. Smith made a report to the board. There was discussion about the needs of the employees. There was discussion about the HRA plan. Mayor Pro Tem Yawn explained that the Town looked into domestic partner coverage and that the Town would not be able to get it because

the Town has less than 50 employees. The Board directed Staff to survey the employees to determine their needs.

- **Garbage Rate Adjustment:** Mr. Foster explained that the initial adjustment from Waste Industries was 6.1 percent based on the CPI. They said they would reduce it to 3 percent if the Town extended the contract for two years. There was consensus from the Board to take the offer of 3 percent.
- **Interim Capital Budget:** Mr. Foster said that after interviewing the department heads to see what they would like he came up with an interim capital budget. He said that the Town is going to go through a full CIP over the next year. He explained that what the Board has in front of them is does not include parks, buildings, and does not take into account that the Town may be eligible for grants in some of these areas. He announced that Chief Fillinger was able to find the 800 MHz radios for cheaper than they thought. There was discussion about the new vehicles proposed in the budget. Alderman Farley said that he would like to donate the old fire vehicle to the volunteer fire department. There was consensus from the Board on holding off on purchasing a new fire department vehicle for another year.

There was discussion on the fire salaries and why they were over budget.

Alderman Lanci left the meeting at 10:24 a.m.

Mayor Tuman indicated that he would like to recover the costs the Town has incurred for transcribing the Board of Adjustment meetings.

There was discussion on fees.

- V. **RECESS:** Mayor Pro Tem Yan made a motion to recess this meeting to next Tuesday, May 18<sup>th</sup> at 9:00 a.m. Alderman Swantek seconded the motion. The motion passed unanimously. The meeting recessed at 10:33 a.m.

**APPROVED:**

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Daniel Tuman, Mayor

**ATTEST:**

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Carin Z. Faulkner, Town Clerk

Approved on: 6/3/2010

# *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 May 13, 2010) Tuesday, May 18, 2010 9:00 A.M**

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

**NOT PRESENT:** Alderman Deborah Lanci

- I. **CALL TO ORDER:** Mayor Tuman called the recessed meeting to order at 9:00 a.m. in the North Topsail Beach meeting room.
- II. **APPROVAL OF AGENDA:**
  - Alderman Swantek made a motion to approve the agenda as presented Mayor Pro Tem Yawn seconded the motion.
  - The agenda was approved unanimously.
- III. **REVIEW CHANGES FROM LAST MEETING:**
  - Mr. Foster indicated that Staff has revised the spreadsheets to reflect the changes and corrections made at the last meeting.
  - There was discussion about decreasing the tax rate.
  - All agreed to adopt the 3% option offered by Waste Industries at the last meeting. Mr. Foster reported that he clarified that that the 3% increase would last this year and next year and the contract would be extended two more years, totaling seven years. The Board agreed to go with the 6.1% increase. Mr. Best reported that the Town will be saving approximately \$12,000 on the compactors that were originally in the contract and are not being used. There was discussion on dropping the sanitation fee back to \$139.
  - Mayor Pro Tem Yawn asked if longevity pay was considered when preparing the budget. Mr. Foster explained that the amount is insignificant for budget consideration.

**IV. DISCUSSION ON FEE SCHEDULE:**

- The Board discussed the General Fee Schedule. Ms. Faulkner is going to look into prices for color copies and will notify the Board of her findings. The Board agreed to change the cart fees to \$139. There was discussion on extra carts and the fees for them. Alderman Macartney would rather the Town incentivize people who are responsible and purchase extra carts when needed. Mr. Foster said that he will discuss this issue with Mr. Burke and that part of the problem may be enforcement.
- There was discussion on parking ticket fees. Chief Fillinger said that the Town could raise the parking ticket fee to \$50. The Board agreed.
- There was discussion on sand dune violations and the leash law. The Board agreed to change the leash law to \$25.00.
- The Board agreed to change the civil Citations Fees from \$0-500 to \$25 - \$500.
- The Board agreed to change the Nuisance Trash Fee to \$50 a day plus clean up fee.
- Mr. Stoudt, the Building Inspector discussed the recommended changes to the inspections fees. The Board agreed to all of the recommended changes except for the addition of the fire inspections fee.
- There was discussion on the planning and zoning fees. The Board agreed to the recommended changes.

**V. ADDITIONAL INFORMATION ON SALARIES AND INCENTIVE PAY FOR FIRE DEPARTMENT:**

Fire Chief Best explained the difference in the salaries for the fire department budget. Chief Best and Assistant Chief Moore both agreed that the \$304,293 for the FY2011 budget is correct.

**VI. DISCUSSION ON POLICE RADIOS:**

This item was not discussed.

**VII. DISCUSSION ON EMPLOYEE FAMILY HEALTH COVERAGE:**

The Board of Aldermen received copies of the employee survey. There was discussion on the surveys. There was discussion about the amount needed on hand to cover the Town's liability. Mr. Foster indicated that the Town has to have 1/24 set aside at all times to cover the cost; it comes to around \$2,175. The Board agreed that the Town will cover the first \$1800 of the deductible (employees will be responsible for \$700).

**VIII. DISCUSSION ON CAPITAL RESERVE FUND:**

There was discussion on the letter received from the Department of State Treasurer about the creation of the capital reserve fund and the transfer of those funds into the general fund. Mayor Tuman said he would like this issue resolved before the budget is passed.

The Mayor requested that Mr. Foster prepare a budget message. Mayor Pro Tem Yawn requested that Staff provide the spreadsheet files of the budget.

- IX. **RECESS:** Mayor Pro Tem Yawn made a motion to recess this meeting. Alderman Farley seconded the motion. The motion passed unanimously. The meeting recessed at 12:17 p.m.

**APPROVED:**

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

**ATTEST:**

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

Approved on: 6/3/2010

DRAFT



# *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 May 18, 2010) Thursday, May 27, 2010 1:00 P.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.

**ALSO PRESENT:** Randy Reeves of Wells Insurance and Pat Thomas of MAPS.

- I. **CALL TO ORDER:** Mayor Tuman called the recessed meeting to order at 1:00 p.m. in the North Topsail Beach meeting room.
- II. **APPROVAL OF AGENDA:**
  - Alderman Swantek made a motion to approve the agenda as presented. Mayor Pro Tem Yawn seconded the motion.
  - Alderman Macartney said that he would like to add a three minute briefing on the Federal beach nourishment project to the end of the meeting. Alderman Swantek amended his motion to include discussion of the Federal beach project as number seven on the agenda.
  - The amended agenda was approved unanimously.
- III. **PROPOSAL FOR TOWN PROPERTY AND PUBLIC OFFICIALS LIABILITY INSURANCE:**
  - Mr. Randy Reeves of Wells Insurance presented to the Board a proposal for the Town to consider as it decides which type of property and public officials liability insurance to purchase.
  - He gave the background of his company.
  - He explained the benefits that the various policies have and compared them with what the League of Municipalities offers.
  - The Board discussed the costs, the coverage, and the risks involved.
  - Mr. Reeves took questions from the Board.
  - Mayor Pro Tem Yawn asked the Town Manager to have the Town Attorney look over the proposal.

**IV. PRESENTATION AND DISCUSSION ON TOWN PERSONNEL POLICY:**

- Ms. Thomas summarized what she accomplished with the personnel policy and the classification and pay study.
- Ms. Thomas did a more in-depth review of the classification and pay study.
- Ms. Thomas took questions from the Board about the study.
- There was discussion on the personnel policy. Mayor Pro Tem Yawn made several suggested changes to the personnel policy.
- Mayor Tuman called for a 5 minute recess at 3:40 p.m.

**V. CAPITAL FUND DISCUSSION:**

- Mayor Pro Tem Yawn gave a brief recap on the situation.
- Mayor Pro Tem Yawn said that he has had several email and phone conversations with Sharon Edmundson at the State. She had written a letter to the Town several months ago saying that she has an issue with one of the comments in the auditor's report that states that the Town made a transfer from the Capital Fund to the General Fund to cover general expenditures. He said that when you look back at the budget documentation, Mr. Luxem's budget letter specifically states that a \$203,955 transfer was to be done to cover capital. He thinks he has enough documentation to justify the transfer. He said he is waiting to hear back from her on her final ruling.
- Mayor Pro Tem Yawn said he will propose that the Town pays off the fire truck.
- There was discussion on the fund balance.

**VI. FINAL DISCUSSION OF FY2010-2011 BUDGET:**

- Mayor Pro Tem Yawn made a motion to do Option One from the MAPS implementation of pay plan recommendations which is to move the salary of any employee up to the recommended hiring rate of the recommended new grade (this would effect 9 of the 30 full-time employees and will be a 1.2% cost as percentage of annual payroll or \$14,700). He added that the Board had a consensus in the past to delay any additional merit pay until January. Alderman Macartney seconded the motion.
- There was discussion about doing Option Two (moving the salary of any employee who has completed probation up to the probationary rate – this would effect 12 employees and will be a 2.5% cost as percentage of annual payroll or \$30,900) in six months and to also make merit pay part of the implementation of this option.
- The motion passed unanimously.
- Mr. Foster provided the Board with some information which compared the costs of the two options for the Town's property and public officials' liability insurance. He indicated that the premium for the League is \$42,000 less, but reminded the Board that if the Town has one occurrence that the legal fees will make the difference.
- There was discussion on the pros and cons of each option.
- Mr. Foster indicated that the Town Attorney will look over the proposal.

- There was discussion about including the Wells Insurance cost for the FY2010-2011 budget.
- The Mayor announced that the decision will be postponed until after the Town Attorney looks at the proposal. Mayor Pro Tem Yawn said that he is okay with going with Wells as long as the attorney does not have any concerns. He still has concerns about the tail coverage.
- Mr. Foster indicated that Staff will finish up the budget document tomorrow and get it to the Board with the Board Packet so that the Board can pass the budget at the June 3<sup>rd</sup> meeting.
- Alderman Farley was excused from the meeting at 4:02 p.m.

**VII. DISCUSSION OF THE SURF CITY/NTB FEDERAL BEACH PROJECT:**

- Alderman Macartney gave an update on the status of the Federal project (Coastal Storm Damage Reduction Project – Surf City/N. Topsail Beach).
- He indicated that the Civil Works Review Board meeting is scheduled for August 26<sup>th</sup>. He said that D.C. had problems with the four year nourishment cycle, they would prefer a six year cycle. He said that the project may not get into WRDA, if there is a WRDA.
- Alderman Macartney said that the Town will need to provide the Army Corps of Engineers with letters in support of the project.

**VIII. RECESS:**

- Alderman Lanci made a motion to recess the meeting. Mayor Pro Tem Yawn seconded the motion. The motion passed unanimously. The meeting recessed at 4:07 p.m.

**APPROVED:**

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Daniel Tuman, Mayor

**ATTEST:**

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Carin Z. Faulkner, Town Clerk

Approved on: 7/1/2010

# *Town of North Topsail Beach*

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



Steven H. Foster  
Town Manager

Carin Z. Faulkner, MPA  
Town Clerk

## **Board of Aldermen Regular Meeting Thursday, June 3, 2010 7:00 P.M.**

**PRESENT:** Mayor Daniel Tuman, Mayor Pro Tem Michael Yawn, Aldermen Richard Farley, Robert Swantek, Dick Macartney, Deborah Lanci, Timothy Smith (for 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 7:00 p.m. in the North Topsail Beach meeting room.
- II. **PLEDGE OF ALLEGIANCE:** Mayor Tuman led those present in the Pledge of Allegiance.
- III. **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.
- IV. **PUBLIC HEARINGS & PRESENTATIONS:**
  - A. **Public Hearing – FY2010-2011 Budget:**
    - Mr. Foster thanked the Board and Staff for their hard work. He read the budget message aloud.
    - Alderman Swantek made a motion to open the public hearing. Mayor Pro Tem Yawn seconded the motion. The motion passed unanimously.

**Gary Rowland of 127 S. Permuda Wynd** – Mr. Rowland commented that there are areas of the budget that the Board needs to look at. He said that it has been a number of years since the employees had received pay increases and he thinks the Board should do that. He also pointed out that the Town is contributing less this year to the beach nourishment fund than last year because of the revaluation and he thinks the Board should make it revenue neutral.

**Larry Hardison of 533 Ocean Drive** – Mr. Hardison asked about the part of the budget message which indicates that there may be a pick up in the economy. Mr. Foster said that the Town hopes that there will be a pick up in the economy to help stimulate revenues. He asked about the paving of Gray Street. Mr. Foster indicated that it is Chestnut Street

that is scheduled to be paved. Mr. Hardison asked if the Ocean City association has been contacted about the paving. Mr. Foster said that they will be contacted before the work begins.

- Mayor Pro Tem Yawn made a motion to close the public hearing. Alderman Lanci seconded the motion. The motion passed unanimously.
- Mayor Pro Tem Yawn made a motion to adopt the FY2010-2011 budget with a few minor typos which he listed. Alderman Macartney added a few other minor edits.
- There was discussion about adopting the budget message.
- Mayor Pro Tem Yawn accepted Alderman Macartney’s edits.
- The motion was revised by Mayor Pro Tem Yawn to adopt the budget and in addition the corrected budget message.
- Alderman Macartney seconded the motion.
- Each Board member made comments and some had questions for the Town Manager.
- The Board adopted the FY2010-2011 budget unanimously.

**TOWN OF NORTH TOPSAIL BEACH  
BUDGET ORDINANCE  
FISCAL YEAR 2010-2011**

**BE IT ORDAINED** by the Governing Board of the Town of North Topsail Beach, North Carolina:

**GENERAL FUND**

**SECTION 1:** The following amounts are hereby appropriated in the General Fund for the operation of the Town government and its activities for the fiscal year beginning July 1, 2010, and ending June 30, 2011, in accordance with the chart of accounts heretofore established for this Town:

**Appropriations**

GOVERNING BODY	\$164,745
ADMINISTRATION	356,822
POLICE DEPARTMENT	865,116
PLANNING & ZONING	158,385
BUILDING INSPECTIONS	119,679
PUBLIC WORKS	233,057
STREETS	94,000
PUBLIC BUILDINGS & GROUNDS	139,900
SANITATION COLLECTIONS	411,518
RECREATION	39,750
ELECTIONS, SALES TAX PAYOUT & COMMITTEES	8,700
TRANSFER	0
CONTINGENCY	6,327
INSURANCE	223,759
FIRE DEPARTMENT	517,408
	<b>\$ 3,339,166</b>

**SECTION 2:** It is estimated that the following revenues will be available in the General Fund for the fiscal year July 1, 2010, and ending June 30, 2011:

**Revenues**

STATE	\$	982,703
TOWN		54,800
OUTSIDE SOURCES		0
PROPERTY TAX		1,903,186
REFUSE		382,654
INTEREST		10,000
TRANSFER IN		5,823
GRANTS		0
		<b>\$3,339,166</b>

**SECTION 3:**

There is hereby levied a tax at the rate of \$.2355 (\$.2255 General Fund and \$.01 Beach Nourishment Fund) per one hundred dollars (\$100) valuation of property as listed for taxes as of January 1, 2010, for the purpose of raising the revenue listed as "Ad Valorem Taxes" in the General Fund in Section 2 of this ordinance. This rate is based on a total estimated valuation of property for the purposes of taxation of \$834,228,998.00 and an estimated rate of collection of 95 percent. The estimated rate of collection is based on the fiscal year 2009-2010 collection rate of 95.62 percent.

**SECTION 4:** The Town Manager is hereby authorized to transfer appropriations as contained herein under the following conditions:

- (A) Town Manager may transfer amounts between line-item expenditures within a department without limitation and without a report being required.
- (B) Town Manager may transfer amounts up to \$500 between functional areas, within the same fund. He/she must make an official report on such transfers at the next regular meeting of the Governing Board.
- (C) Town Manager may not transfer any amounts between funds, except as approved by the Governing Board in the budget ordinance as amended.
- (D) Capital Purchases in excess of \$5,000 shall first be approved by Board of Aldermen, and registered as a fixed asset.

**SECTION 5:** The attached Schedule of Fees is hereby adopted for the fiscal year beginning July 1, 2010, and ending June 30, 2011. These fees may be amended during the fiscal year by Board action.

**SECTION 6:** Copies of the budget ordinance shall be furnished to the Clerk to the Governing Board and to the Town Manager and Finance Officer to be kept on file by them to be used in the execution of their duties regarding the disbursement of funds.

**ADOPTED THIS 3<sup>rd</sup> DAY OF JUNE, 2010.**

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

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

V. **MANAGERS REPORT:**

- A. **Employee Recognition- Planning Director Deborah Hill Received Certifications:** Mr. Foster announced that the Town's Planning Director Deborah Hill has received three certifications, she is now a certified flood manager (CFM), she also is a certified zoning officer (CZO), and she passed the written exam and is a certified planner according to the American Institute of Certified Planners (AICP).
- B. **Update on Local Beach Nourishment Project Permit:** Mr. Foster reported that he attended a meeting with the U.S. Marine Corps and the U.S. Army Corps of Engineers in order to discuss general concerns about the Town's beach nourishment project. The Mayor also attended and he said that he does not anticipate any real objections to the Town's plan but that they will be providing their comments in writing. Mr. Foster said that there may be some sub aquatic vegetation in the project area but that it will be taken care of in the next week or two but the permit for the project is on track.
- C. **Update on Capital Improvement Plan:** Mr. Foster indicated that he had originally scheduled a meeting about the CIP for June 15<sup>th</sup> and that he would like to move it to some time in July.
- D. **Update on Combining Planning & Zoning Department with Inspections Department:** Mr. Foster reported that he is planning on combining the planning and zoning department with the inspections department. He said one of the main reasons for doing it is to improve customer service. He thinks that combining the two departments will improve the process. He hopes to do this by the end of August. Alderman Farley indicated that he was not in support of this. Mr. Foster indicated that his final plans will go before the Board of Aldermen.
- E. **Update on Collection of Solid Waste Cart Fees:** Mr. Foster reported that there are quite a few solid waste carts that have not been paid for. He indicated that there are taxpayers out there who have not paid their taxes who are still getting garbage service. He said the Town is going to begin collecting solid waste carts in order to prompt property owners to pay.
- F. **Hurricane Season Announcement:** Mr. Foster reported that Town Staff will be meeting with the County at the Emergency Operations Center (EOC) on June 17<sup>th</sup> to discuss evacuation procedures, traffic, debris disposal and other hurricane related items. He announced that it is also an individual's personal responsibility to track the storms and prepare.
- G. **Minutes on Disk:** Mr. Foster reported that the Town has received disks from the NC Department of Archives which include scans of most of the Town's meeting minutes. He said the Town Clerk will be working on getting these posted to the website.

VI. **OPEN FORUM:**

**Richard Morrow of 1156 Henderson Road** – Mr. Morrow said he has owned property in Winterhaven since 1967. He said he wanted to express the concerns of the residents in that area about the Town's recent opinion that the Town owns the property at the sound end of Reeves Street. He said that the residents are concerned that they have lost rights to use this property and that they will not get it back. He said that what one Board may allow the next may deny. The overall consensus of the residents is to ask the Board not to do anything until the group of residents has the opportunity to get together. They want to make improvements to the area without cost to the Town. He said that they have always been able to go to this property and they fear that they will lose that right.

Mayor Tuman asked Mr. Morrow to contact the Town Manager if he has any questions about the Town's position on Reeves Street. He said that this is a public street just like any other street and the Town's responsibility is to promote fire and safety issues. The Town is not going out of its way to limit access to this street.

VII. **CONSENT AGENDA**

- 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 the Finance Department report and Budget Amendments 7, 8, and 9 taken out of the Consent Agenda and moved to New Business.
- Alderman Macartney moved to approve the Consent Agenda with Alderman Farley's amendments. Alderman Lanci seconded the motion.
- The motion passed unanimously.

**Consent Agenda items:**

- A. **Request to Approve Tax Refunds**
- B. **Request to Adopt Resolution 2010-13: A Resolution Authorizing Funding for the Assistance to Firefighters Grant Program**
- C. **Call for Public Hearing: Amend Sec. 7-132 (b) OUTDOOR SWIMMING POOLS, SPAS, AND HOT TUBS**
- D. ~~**Budget Amendment 7,8,9**~~
- E. **Approval of Minutes: May 4, 2010, May 6, 2010, May 13, 2010, May 18, 2010**
- F. **Department Head Reports : Finance, Fire, Inspections, Planning, Police**
- G. **Committee Reports: Planning Board, Board of Adjustment, TISPC, ONWASA, Government Advocacy Committee**



VIII. OLD BUSINESS

A. Request to Pay Off Fire Truck, Possible Purchase of 800 MHz Radios, and Justify Elimination of Capital Fund:

- Mayor Pro Tem Yawn made the following motion:  
 “I move that the town purchase thirteen 800 MHz portable radios and other necessary components as outlined in the low bid (of 3 bids received) from Com-Tech Electronics for a total cost of \$27,754.35. Further, the funding for this purchase shall be accomplished by reducing the contingency line item in our amended budget, which currently stands at \$492,157.03 due to the large transfer of funds from the Capital Fund earlier in FY2009-10. Finally, this transaction shall be completed before June 30, 2010 so that it is in FY2009-10.”
- Alderman Swantek seconded the motion.
- There was discussion about the need for getting the radios at this time.
- The motion passed unanimously.
- Mayor Pro Tem Yawn made the following motion:  
 “I move that the town pay off the last remaining loan on a fire truck, at a total expenditure of approximately \$234,000. This saves the town approximately \$33,689 in interest payments as we are paying a much higher interest rate on this loan than we are earning on our investments. Further, the funding for this transaction should be accomplished by reducing the contingency line item in our amended FY2009-10 budget, which stood before this meeting at \$492,157.03 due to the large transfer of funds from the Capital Fund earlier in FY2009-10. This transaction shall be completed before June 30, 2010 so that it is in FY2009-10. With the payoff of the fire truck, the purchase of 800MHz police radios, and other capital spending as detailed below, we will have spent a total of approximately \$906,261 on capital in FY2009-10.”

Account	Name	DEPT	Spent thru 5/26/2010
10-690-75	FCB Loan - Truck	Fire	38,241
10-690-75	Payoff FCB Loan	Fire	234,000
10-690-74	Capital Outlay	Fire	31,624
10-510-74	Capital Outlay	Police	74,805
10-510-xx	800 MHz Radios	Police	27,754
10-510-75	Lease Purchase Agreements	Police	15,481
10-560-74	Capital Outlay	Streets	82,500
10-620-74	Capital Outlay	Recreation	285,000
10-420-76	Lease Purchase Agreements	Administration	40,536
10-545-75	Lease Payments	Pub Works	76,320

906,261 TOTAL

- Mayor Pro Tem Yawn said that this total capital expenditure in FY2009-10 fully justifies the transfer of \$792,157 from the Capital Fund that occurred earlier this fiscal year, and keeps us within the rules of the LGC.

- Mayor Pro Tem Yawn further moved: “That the current Capital Fund be dissolved, as there is a zero balance in this fund, and there are no funds to be added to the Capital Fund in the FY2010-11 budget. This is in accordance with the original motion creating this Capital Fund, which stated: "This fund will remain operational until dissolved by the North Topsail Beach Board of Aldermen." If a Board of Aldermen wish to create a new Capital Fund at some point in the future, in full accordance with state statutes, that is possible.”
- Alderman Swantek seconded the motion. There was discussion.
- The motion passed 4 to 1 with Alderman Macartney voting against.

**B. Request to Award Audit Service Contract:**

- Mr. Foster reported that the current auditor is no longer going to do local government accounting. Mr. Breck Smith reported that he sent a Request for Proposals to twelve CPA firms and received proposals back from four firms. Mr. Smith requested that the Board award the contract to the lowest bidder, S. Preston Douglas & Associates. He explained that he checked the firms’ references and they were very good.
- Alderman Macartney made a motion to award the audit services contract to S. Preston Douglas & Associates. Alderman Lanci seconded the motion.
- There was discussion. Alderman Farley indicated that he would have liked to have interviewed the auditors since they would be working for the Board.
- Alderman Macartney withdrew his motion.
- Mayor Pro Tem Yawn made a motion to table this item to the next meeting which will be on June 14<sup>th</sup>. Alderman Lanci seconded the motion.
- The motion passed unanimously.

**C. Request to Approve Supplemental Mowing Contract:**

- Mr. Foster explained that this item came up during one of the budget workshops and that the Board was concerned about the appearance of the entrance to the Town on the Sneads Ferry side of the bridge. Public Works Director Thomas Best asked the DOT if the Town could mow the approximately 300-400 feet on the other side of the bridge on a more frequent basis than the DOT. The DOT agreed to let the Town do the work and this is a supplemental mowing contract which will be added to what the Town already does for DOT.
- Alderman Farley asked if there is a potential liability.
- Mr. Foster indicated that he spoke with the Public Works Director and he said that the truck follows behind the mower with a light bar.
- The attorney made comment and he and Mr. Edes believe that there are no new liability issues involved with the addition of the work as the town is already mowing other areas of the Town. He said that he looked at the contract.
- Alderman Swantek made a motion to approve the supplemental mowing contract with NCDOT. Alderman Lanci seconded the motion. The motion passed 4 to 1 with Alderman Farley voting against.

IX. **NEW BUSINESS:**A. **Request to Approve Letters of Agreement from the Army Corps of Engineers for Federal Project:**

- Alderman Macartney explained that the Federal project is moving ahead. As a condition of it moving forward the Town needs to provide three letters to the Army Corps of Engineers' Public Works Review Board in D.C. The date the project will go before the review board is August 26<sup>th</sup>.
- Draft letters were provided to the Board which indicate the Town understands the financial commitment necessary to do the project, that the Town will come up with the non-Federal share of the money, and that the Town will provide the required public accesses and parking spaces.
- There was discussion.
- Alderman Macartney moved that the Board approve the letters. Mayor Pro Tem Yawn seconded the motion.
- The motion passed 4 to 1 with Alderman Farley voting against.

B. **Budget Amendments 6,7,8:**

- Alderman Farley had questions about the salaries for the fire department. There was discussion on what happened with the line items.
- Alderman Macartney made a motion to approve budget amendments 6, 7, and 8. Alderman Lanci seconded the motion.
- The motion passed 4 to 1 with Alderman Farley voting against.

C. **Finance Report**

- Alderman Farley asked Mr. Smith how much money the Town has invested.
- There was discussion on investment options.
- Mr. Foster said that it can be looked into.
- Mayor Tuman suggested that Alderman Farley and Mr. Foster discuss the matter and come up with options that can go before the Board.
- Mayor Pro Tem Yawn made a motion to accept the finance report. Alderman Macartney seconded the motion.
- The motion passed unanimously.

VIII. **OPEN FORUM:**

**Richard Peters of 601 New River Inlet Road** – Mr. Peters described what the parking situation was like in his area of Town during the Memorial Day weekend. He said that there were 50 cars parked in front of his house and that there were several cars parked at the site where the old Baptist church was located. There are not public access entry points there. He wants the Town to reconsider purchasing this property.

- IX. **ATTORNEY'S REPORT:** Mr. Smith said he had nothing to report. He thanked the Town for having him. Alderman Macartney said that he had not heard the attorney's feedback on the Town's insurance. Mayor Pro Tem Yawn indicated that Mr. Edes had looked it over and that it was acceptable including tail coverage. The Mayor announced

that there will be a meeting with the Town Attorney on June 11<sup>th</sup> and asked the Board to submit any questions or agenda items prior to that meeting.

X. **MAYOR'S REPORT:** Mayor Tuman read the following report (with some editorial comments added and not included):

I want to reinforce what I asked Town Manager Foster to include in his report that you heard earlier. The experts, NOAA, the National Oceanic and Atmospheric Administration, is forecasting, based on scientific evidence, that we expect a bad hurricane season. The Town has plans it developed awhile ago to respond to such an emergency. I'm not here to alarm you but I am asking you to reexamine your personal situation and make necessary preparations to protect your property and make plans now as to where you might go should you need to evacuate.

In a matter related to Beach Nourishment, I was in Raleigh on Tuesday, along with many others from around Coastal Carolina. We were there to meet with Joe Hackney, the NC Speaker of the House, to request that SB832 come to the House Floor for debate. SB832 deals with terminal groins. This structure is very important to our inlet management plan here in NTB Beach. I, Steve Foster and Deb Lanci spoke and lobbied for this legislation. In the end, the Speaker said he couldn't say what action he will take for the future. Our comments addressed his concerns that beaches are indeed available to everyone, their continued existence is important to the local economies and that we don't advocate hardened structures on the beach. We and others stated that terminal groins are confined to inlets, probably no more than 4 are required in NC, and the CRC has said that they work. I also commented on the financial payouts and hardships that our town has already experienced and the potential financial destabilization that our town faces because of our inlet problem. I just don't know what Speaker Hackney will do. This bill has already passed the Senate and there is a high degree of confidence that it will pass the House if the Bill is allowed to come to the floor.

FYI, I have had internal communications with the Town's beach committee which is made up of the BOA. They understand that I don't like the information package and the plan that is being presented to you. I can assure that my concerns are valid and my only interest is that the town be presented a complete and competent package of information and options so that you, the citizens and property owners, can make an informed decision. I have recommended what more they need to do and strongly suggested that they get outside help. As your Mayor, I will have more to say later if things don't improve.

Finally, I just want to comment that the Town has put together a reasonable plan and budget for the coming year. A lot of work goes into preparing a town plan and budget. I am disappointed that this budget again has a further cut in the amount of money going to the beach fund. This distinguishes us from the other towns on Topsail that have held the line on their respective contributions over the years. To me, this arouses further skepticism about the real motives of this board and town. I'm concerned and also should you.

XI. **ALDERMEN'S REPORT:**

**Alderman Lanci:** Ms. Lanci added to the Mayor's comments and said that Harry Simmons said that the meeting with Speaker Hackney went better than he had anticipated. The Speaker was willing to listen and a smaller group of people will be meeting with him again next week. She indicated that only certain inlets would be getting a terminal groin and that NTB is number three in line to get one. She said it is a large initial investment but less than the cost of the NTB phase one project. She said it holds the sand in place and would be a viable option in the Town's toolbox and worth lobbying for.

**Alderman Macartney:** Mr. Macartney resonated with Mr. Peters’ statement about parking. He said that he met a vendor at the Mayor’s meeting in Richlands that did parking for several large events and works with Wilmington, Emerald Isle, and Carolina Beach. He said that the Town needs to look into this option and he will give the vendor’s information to the Town Manager.

**Mayor Pro Tem Yawn:** Mr. Yawn said that he was asked to attend the Ocean City HOA meeting the Saturday before Memorial Day. He said they were appreciative that he came. They were appreciative and supportive of the Board’s direction on beach nourishment. They want tourists and visitors to pay more of the share of beach nourishment. He said they were concerned about the BP oil spill and said that the Town needs an action plan. The discussion also focused on trash, parking, and dune ordinances. He recommended that they attend the beach nourishment informational meetings and to volunteer on the Town’s new committees. He announced an NC Coastal Federation event that was taking place that Saturday. He congratulated Ms. Hill for her certifications.

**Alderman Swantek:** Mr. Swantek said that he thinks the Mayor has a different attitude than this Board has and that the slide presentation on Beach Nourishment was a lot of work and that the Board approved it. He asked the Mayor to stop broadcasting his own opinion.

**Alderman Farley:** Mr. Farley followed up on Alderman Swantek’s statement and indicated that if the project is expensive and ineffective the people need to know. He said that the roads in the Town are getting increasingly dangerous because of the traffic; he advised people to pay attention and said that there may need to be more signage. He congratulated the local girls soccer teams for winning the State championships (Swansboro and Southwest).

XII. **ADJOURNMENT:** Mayor Pro Tem Yawn made a motion to adjourn. Alderman Lanci seconded the motion. The motion passed unanimously. The meeting adjourned at 8:59 p.m.

**APPROVED:**

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

**ATTEST:**

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

Approved on: 7/1/2010

# *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 Monday, June 14, 2010 1:00 P.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.

**NOT PRESENT:** Town Attorney Brian Edes

- I. **CALL TO ORDER:** Mayor Tuman called the meeting to order at 1:00 p.m. in the North Topsail Beach meeting room.
- II. **APPROVAL OF AGENDA:**
  - Mayor Pro Tem Yawn made a motion to move items five and six in front of number three. Alderman Lanci seconded the motion.
  - The amended agenda was approved unanimously.
- III. **ADJUSTMENT TO ORIGINAL AMENDMENT TO PAY OFF FIRE TRUCK DUE TO BANK ERROR & PER DIEM INTEREST:**
  - Mr. Foster reported that this is a result of the Board action to pay off the fire truck. Mr. Foster reported that before the Board action, Mr. Smith was told that the payoff would be approximately \$234,000. After the Board action Mr. Smith spoke with BB&T and found out the pay off amount was higher than estimated (\$238,982.44).
  - Mr. Foster asked the Board to amend the original motion to include the figure of \$238,982.44 plus whatever interest per day that would be when this is paid off at \$25.67 per day through June 15<sup>th</sup>.
  - Mayor Pro Tem Yawn made a motion modifying the previous motion to update the figures. Alderman Swantek seconded the motion.
  - There was discussion about the capital reserve fund.
  - The motion passed 4 to 1 with Alderman Macartney voting against.

**IV. BUDGET AMENDMENTS:**

- Mr. Smith explained each of the amendments which he provided to the Board in memo form. Budget Amendments 9 and 10 were to use the appropriated fund balance to pay off the fire truck and pay for the police radios. Budget Amendment number 11 is to take the \$477,157.03 from Contingency to the Appropriated Fund Balance.
- Mayor Pro Tem Yawn made a motion to approve Budget Amendments 9, 10, and 11. Alderman Swantek seconded the motion.
- The motion passed unanimously.

**V. PUBLIC HEARING – Rezoning Case #R-10-02 – Request to Rezone Property Located at 1156 New River Inlet Road from R-20 to R-10:**

- There was discussion about not having an attorney present.
- Mayor Tuman announced that the attorney will not be joining the meeting. He asked what the Board would like to do.
- Mayor Pro Tem Yawn suggested having the attorney on the phone on standby if needed. Mr. Foster left to contact the attorney to verify.
- Mayor Tuman opened the public hearing.
- Ms. Hill (Planning Director) read the Staff report.
- There was discussion about whether this rezoning is in the general public interest.
- Mr. Foster reported that the Town Attorney is not available.
- There was further discussion on the surrounding properties and the impact on the environment.
- Mayor Tuman said that the Board will now open the public hearing for comments from the citizens. He asked the Town Clerk if anyone had signed in to speak at the hearing. The clerk indicated that no one had signed up to speak. Mayor Tuman asked if anyone in the audience would like to address the Board on this request for rezoning. No one came forward.
- Mayor Pro Tem Yawn made a motion to close the public hearing. Alderman Macartney seconded the motion.
- Alderman Swantek made a motion to table this item to the July meeting. Alderman Macartney seconded the motion.
- The motion passed unanimously.

**VI. PUBLIC HEARING – Conditional Use Permit #CU-10-01 – Request for Conditional Use Permit to Operate a Convenience Store and to Extend Operations to Include Beach Equipment Rentals at 2181 New River Inlet Road:**

- Ms. Hill read the Staff Report.
- The Town Clerk swore in Deborah Hill, Planning Director, Mr. Sean Cook, and Mr. James Campbell.
- Ms. Hill continued reading the Staff Report.

- Mayor Tuman asked that since this is a quasi-judicial hearing if it will take a super-majority to approve it. Ms. Hill indicated that yes it would. Mayor Tuman asked why this request requires a conditional use permit because this is not a different business.
- Ms. Hill explained that because this is not the same owner and the new owner will be expanding operations that requires a conditional use permit. She said this also gives the Town the opportunity to bring it into conformity and to meet the conditions of the current zoning ordinance. She explained that two issues required the conditional use permit, beach rentals and the sale of alcohol.
- There was discussion about the allowed uses at this location.
- Alderman Macartney made a motion to open the public hearing. Mayor Pro Tem Yawn seconded the motion. The motion passed unanimously.

**James Campbell of 2181 New River Inlet Road** – Mr. Campbell is the current owner of the property. He spoke in favor of the expanded operations. He said he thinks that it would be great to add rentals. He said that a beer garden has been at this location since 2005. There have been no ALE complaints and only two general complaints since it has been open. He thanked everyone for their emails in support of issuing the permit.

**Sean Cook** – (Mr. Cook is the person who will be expanding the business) Mr. Cook said that the expansion has been a long time in the making. He thanked Ms. Hill for going by the book. He discussed some of the other allowed businesses on the property. He accepted questions from the Board. Mayor Tuman asked Mr. Cook how he would handle nuisances. He indicated that he has built rapport with the Town Police and that they patrol the area frequently. He said that he and another male will be present. He described what he would be doing with the building. He said he would like to make it a local favorite. Alderman Swantek asked about the hours of the beer garden and Mr. Cook said that he will be closing at 2:00. He said that he will comply with the Town's ordinances. He indicated that there will not be liquor. There was discussion about what on premises and off premises license means. Mr. Cook described what he needs to do in order to open as soon as possible.

**Tom Leonard of 218 Coastal Drive** – Mr. Leonard expressed his support for the beer garden and rental operation. He asked the Board to approve the conditional use permit without delay.

- Alderman Swantek made a motion to close the public hearing. Mayor Pro Tem Yawn seconded the motion. The motion passed unanimously.
- Mayor Pro Tem Yawn read the suggested motion: "That after consideration of each of the policy guidelines outlined in Section 7-163, the Board of Aldermen approves the conditional use application by Sean Cook to operate a convenience store ("Palm Tree Market"), located at 2181 New River Inlet Road (Tax ID #778C-169 and 779C-169.24) to include an outside bar and beach equipment rentals."
- Alderman Lanci seconded the motion.



- Alderman Farley expressed his concerns about whether the neighbors were notified about the public hearing. He said he would like to have heard from other neighbors surrounding the market. He said he was concerned about having portable toilets there, proper lighting, and noise.
- Ms. Hill indicated that proper notification was given, there was a sign on the property and it was advertised. Adjacent property owners (within 100 feet) were notified even though this was not a requirement. She said there were several comments emailed to the Town.
- Mayor Pro Tem Yawn said that he was going to vote in favor of the permit but wanted to express that the Town needs to ensure that the Town ordinances and General Statutes are being adhered to.
- The motion passed 4 to 1 with Alderman Farley voting against.

**VII. ADJOURNMENT:**

- Mayor Pro Tem Yawn made a motion to adjourn the meeting. Alderman Swantek seconded the motion. The motion passed unanimously. The meeting adjourned at 2:21 p.m.

**APPROVED:**

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

**ATTEST:**

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

Approved on: 7/1/2010

# *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 Monday, June 21, 2010 9:00 A.M.**

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

**NOT PRESENT:** Town Attorney Brian Edes

- I. **CALL TO ORDER:** Mayor Tuman called the meeting to order at 9:03 a.m. in the North Topsail Beach meeting room.
- 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 AUDIT SERVICES CONTRACT FOR FY09/10 THROUGH FY11/12:**
  - Mr. Smith reported that he sent out twelve requests for proposal and received four back. He said that all four firms are qualified and have done governmental audits before.
  - There was discussion about the previous auditors and how they did not pick up on the Town's error with retirement contributions.
  - Mr. Smith took questions from the Board.
  - Mr. Foster indicated the he had interviewed the two lowest bidding firms with Mr. Smith and Alderman Farley over the telephone. He emphasized the importance of keeping the same auditor for at least three years.
  - Alderman Farley said that he prefers a larger firm and moved to award the contract to Pittard, Perry, and Crone Inc. Alderman Swantek seconded the motion.
  - Mayor Pro Tem Yawn said that he will vote no because he would rather award the contract to the lowest bidder.

- The motion was voted on 2 to 1 with Mayor Pro Tem Yawn voting against. The motion did not pass because contracts require three affirmative votes from this Board for approval (N.C.G.S. 160A-75).

**IV. ADJOURNMENT:**

- Mayor Pro Tem Yawn made a motion to adjourn the meeting. Alderman Farley seconded the motion. The motion passed unanimously. The meeting adjourned at 9:09 a.m.

**APPROVED:**

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Daniel Tuman, Mayor

**ATTEST:**

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Carin Z. Faulkner, Town Clerk

Approved on: 7/1/2010

# *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 1, 2010 7:00 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 7:00 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 the agenda as presented. Mayor Pro Tem Yawn seconded the motion.
  - The motion passed unanimously.
- IV. **PUBLIC HEARINGS & PRESENTATIONS:**
  - A. **Public Hearing: Amend Section 7-132 (b) Outdoor Swimming Pools, Spas, and Hot Tubs:**
    - Mayor Pro Tem Yawn made a motion to open the public hearing. Alderman Swantek seconded the motion. The motion passed unanimously.
    - Ms. Hill (Planning Director) read the Staff report.
    - Mr. Stoudt (Building Codes Administrator) went over the original ordinance and explained that this amendment would bring the Town in compliance with the State building code.
    - Mr. Stoudt took questions from the Board.
    - No one from the public came forward to speak during the hearing.
    - Mayor Pro Tem Yawn made a motion to close the public hearing. Alderman Swantek seconded the motion. The motion passed unanimously.
    - Alderman Swantek made a motion to approve the proposed amendment to Section 7-132 Accessory Uses (Outdoor swimming pools, spas and hot

tubs) as recommended by the Planning Board. Mayor Pro Tem Yawn seconded the motion. There was discussion.

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

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

- A. **Update on Debris Monitoring:** Mr. Foster said that he would like to postpone this item for another thirty days. He indicated that the Town may be able to piggy back on Onslow County's contract with Beck Disaster Recovery. He has a follow up meeting with County Manager Jeff Hudson on July 8<sup>th</sup>.
- B. **Update on CBRS Change Application:** Mr. Foster reported that he had spoken with Katie Niemi with U.S. Fish and Wildlife Service. Ms. Niemi said that the Service is still reviewing and modifying comments. He said that the oil spill in the gulf has put it somewhat in the background for the Service and that it will be at least six months until the report makes it to Congress. Ms. Niemi did not indicate that there are any red flags. The report will need to go through a variety of different agencies before it makes it to Congress.
- C. **County-wide Disaster Training Sessions for Town Officials:** Mr. Foster reported that the County Manager had discussed a potential training session for Town officials for emergency planning.
- D. **NC DOT Request for Crosswalk Across Hwy 210 at Roger's Bay:** Mr. Foster reported that the NCDOT had requested the Town's approval for a putting a crosswalk at Roger's Bay. They are asking to install flashing signs and paint on the road. Mr. Foster asked for the Board's comments. There was discussion on the need for a crosswalk at this location and at the Town Park. There was no strong opposition to the request. The Board indicated that they would like the Town Manager to see if DOT would be willing to do the same at the Town Park.
- E. **Topsail Island Managers' Communication Coordination:** Mr. Foster reported that Mayor Tuman initiated a meeting with the Mayors and Town Managers of NTB, Topsail Beach and Surf City to discuss re-entry, communication, and assets should there be an emergency event. The Town officials met last week and went over a variety of items and decided to get the Town Managers and appropriate staff from the three Towns to meet on July 13<sup>th</sup> at the Welcome Center at Surf City. Mr. Foster said that the NTB police chief, fire chief, and building inspector will be attending.
- F. **Draft UDO:** Mr. Foster reported that Ms. Hill has completed a draft UDO (Unified Development Ordinance) and that the Board has received a copy for inspection. He indicated that additional edits are needed and that the Town Attorney has not completely looked it over. It has been looked over by the Planning Board.

G. **Parking:** Mr. Foster reported that he spoke with someone from Lanier Parking. They had made a presentation at an Onslow County Mayor's Meeting earlier in the year. Mr. Diggs from Lanier indicated that their company had already started working with Onslow County on parking here at North Topsail Beach and that they will be meeting with the County in September. Mr. Foster said that there are a variety of options and this will mean some revenues going back to the Town.

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

VII. **CONSENT AGENDA:**

~~A. Unseal Closed Session Minutes~~

B. Call for Public Hearing Case #R-10-03

C. Call for Public Hearing Case #R-10-04

D. Call for Public Hearing Case #R-10-05

E. Approval of Minutes: May 27, 2010, June 14, 2010, June 3, 2010, June 21, 2010

F. Department Head Reports: Finance, Fire, Inspections, Planning, Police Department

G. Committee Reports: Planning Board, Board of Adjustment, TISPC, ONWASA,  
Government Advocacy Committee

- Mayor Pro Tem Yawn made a motion to approve the consent agenda as presented. Alderman Lanci seconded the motion.
- Ms. Faulkner indicated that the closed session minutes were not ready to be unsealed. Mr. Edes agreed.
- Mayor Pro Tem Yawn amended the motion removing the unsealing of closed session minutes from the Consent Agenda. Alderman Lanci seconded the motion.
- The motion passed unanimously.

VIII. **OLD BUSINESS:**

A. **Request to Award Audit Services Contract for FY09/10 through FY11/12:**

- Alderman Farley made a motion to award the FY09/10 through FY11/12 auditing services contract to Pittard, Perry, and Crone, Inc. Alderman Macartney seconded the motion.
- There was discussion. Mayor Pro Tem Yawn indicated he preferred S. Preston Douglas and Associates since they were over \$3,000 less; because he felt Pittard, Perry, and Crone had negatives in their peer reviews; and he felt another branch of Pittard, Perry, and Crone had missed issues with the Town's retirement plan funding.
- The motion passed 4 to 1 with Mayor Pro Tem Yawn voting against.

B. **Request to Approve Town of North Topsail Beach Personnel Policy:**

- Mayor Pro Tem Yawn said that there are a few changes that Board members would like to make to this policy.

- Mayor Pro Tem Yawn made a motion to table this item. He said he would like the Board to have a fully edited and completed policy. Alderman Farley seconded the motion.
- There was discussion. Mr. Edes indicated that he would like to have a definition of a public record included in the policy. He said that he would be able to provide the Board with text that can be added to the policy or separate from it.
- The motion passed unanimously.

**C. Request to Rezone Property Located at 1156 New River Inlet Road from R-20 to R-10** (Public Hearing was held on 6/14):

- Ms. Hill indicated that a representative (Linwood Jones) is present if the Board would like to ask questions.
- Mr. Edes indicated that if the public hearing was closed that the Board could not hear more from the public. Mr. Edes was told that no one came forward at the public hearing on June 14<sup>th</sup>. Mr. Edes said that if the Board has questions for the representative that he would be allowed to answer them.
- Alderman Farley made a motion to deny the request for rezoning. He indicated that this is a very small property and it does not benefit the Town and feels that it is better suited for R-20. Mayor Pro Tem Yawn seconded the motion.
- Mr. Jones described the plans that his client has for the property. He indicated that the R-10 designation would allow his client to do what he would like on that property also allow the neighbor access to the easement, currently used as a driveway to access their house.
- The motion to deny the rezoning passed 4 to 1 with Alderman Lanci voting against.

**D. Amend Army Corps of Engineers Letters of Agreement for Federal Project:**

- Alderman Macartney explained that the letters are in preparation for the Public Works Review Board which is scheduled for August 26<sup>th</sup>. The letter needs to be amended to include the change in cost. It went from \$121 million to \$123 million because the Army Corps of Engineers went from a four year nourishment schedule to a six year one. He explained that the less frequent nourishments will end up costing less down the road.
- Alderman Macartney made a motion to approve the amended letter. Mayor Pro Tem Yawn seconded the motion.
- The motion passed 4 to 1 with Alderman Farley voting against.

**IX. NEW BUSINESS:**

**A. Proposal to Transfer Property/Walkway to the Town:**

- Ms. Hill indicated that Mr. Emmett Smith is present representing Padgett Properties.
- Ms. Hill read the Staff report.

- There was discussion about the existing walkway and that it was in need of repair or replacement. Mr. Foster indicated that the Town would rather remove the decking and create a sand path with the crossover.
- There were no conditions on the proposal, it is donated “as is” and the Town is notified that the walkway is in need of repair or replacement.
- Mr. Foster indicated that this is in a Federal area and this access would count toward the requirement.
- There was discussion on if this is a recorded easement for Calinda Cay.
- Mayor Pro Tem Yawn made a motion to table this item in order for the Town Attorney to determine if there is a recorded easement. Mr. Edes said that he would do that and will make sure there are no liens. Alderman Lanci seconded the motion.
- The motion to table this item passed unanimously.

**B. Proposal to Donate Land at the End of 23rd Ave.:**

- Ms. Hill read the Staff report.
- Mr. Foster explained that Mr. d’Ambrosi changed his offer. Mr. Foster said that the original proposal required the town to install a viewing deck and boardwalk on the property. Mr. Foster asked Mr. d’Ambrosi if they could simply donate the land as conservation property with no restrictions.
- He said they came back without the viewing deck and boardwalk proposal and the deed will include that they are donating the property to the Town as a conservation area with the potential of providing pedestrian access in the future. He said the proposal also included that the Town and owner split the cost survey 50/50.
- There was discussion on the benefits to the Town.
- Mayor Pro Tem Yawn made a motion to accept the donation with their terms and conditions provided that the owner pays the full cost of the survey. Alderman Lanci seconded the motion.
- The motion passed 4 to 1 with Alderman Farley voting against.

**C. Approval of Application to NC Division of Water Resources:**

- Mr. Foster explained that the application is for Phase One of the Town’s beach nourishment project in order to get financial support from the State. He had spoken with Darrin England with the State and he said that the Town should request 25 percent.
- He said that he followed the NC Division of Water Resources specific directions for applying and that the Board needs to pass the resolution and approve the application.
- Alderman Macartney moved that the Board approve the application and authorize Resolution 2010-14 to send it forward. Alderman Lanci seconded.
- Mayor Pro Tem Yawn asked to reword the resolution. Alderman Macartney accepted the changes. Alderman Lanci seconded the amended motion.
- The motion passed 4 to 1 with Alderman Farley voting against.



**D. Request to Approve Interlocal Agreement for Building Inspection Services:**

- Mr. Foster reported that Mr. Stoudt pursued this agreement on his own and worked out the agreement with Onslow County and that this agreement would offset the Town's costs. He reported that the Town Attorney has looked over the contract.
- There was discussion on reimbursement for fuel costs. Mr. Stoudt indicated that his reimbursement is determined by time spent (administrative and travel time). He pointed out that the contract includes a 60 day kick out. He also agreed to provide the Board with a separate report for the work he does for the County.
- Alderman Farley made a motion to approve the contract with Onslow County for building inspections services. Alderman Swantek seconded the motion.
- The motion passed unanimously.

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

XI. **ATTORNEY'S REPORT:** Mr. Edes said that he was glad to be back. He reported that he and the Town Manager had a meeting to discuss potential insurance claims. All department heads provided input and there are no potential claims that the Town is not aware of. He reported that he is still having a monthly meeting with Town Staff. He reported that he had begun deposing Mr. Evans yesterday. Mayor Pro Tem Yawn asked about the tail coverage. Mr. Edes indicated that what he and the Staff accomplished was exhaustive. Mr. Foster reported that the insurance company said that they may be able to save the Town money on the wind and hail coverage.

XII. **MAYOR'S REPORT:** Mayor Tuman said that he had nothing specific to report on. He told everyone to enjoy the holiday weekend and prepare for the traffic.

XIII. **ALDERMEN'S REPORT:**

**Alderman Farley:** Mr. Farley said that he is satisfied with the accounting firm the Town chose. He said "Happy Birthday America."

**Alderman Swantek:** Mr. Swantek reported on behalf of the Recreation and Appearance Committee and announced that the Mayor's Cup (golf tournament) will be on September 19<sup>th</sup>. He announced that the first meeting of the committee will be at Town Hall on Tuesday, July 6<sup>th</sup> at 7:00 p.m. He said that he received two proposals on the palm trees that he would like to have planted in front of Town Hall.

**Mayor Pro Tem Yawn:** Mr. Yawn thanked everyone for coming out. He said that the meetings have become congenial and he thanked Town Staff for getting ready for tonight.

**Alderman Macartney:** Mr. Macartney said that he is impressed with Ms. Hills' work on the UDO and that he has been looking for something like this for a while. He announced that the next public informational meeting on beach nourishment will be on July 24<sup>th</sup>. He announced that the NTB Shoreline Protection Committee met yesterday and that they are

working on survey questions and that each Board member was asked to provide 3 questions of their own to be considered. He will send a follow-up e-mail.

**Alderman Lanci:** Ms. Lanci wished everyone a happy Fourth of July and reminded everyone to celebrate safely.

XIV. **ADJOURNMENT:** Alderman Farley made a motion to adjourn. Mayor Pro Tem Yawn seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 9:00 p.m.

**APPROVED:**

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Daniel Tuman, Mayor

**ATTEST:**

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Carin Z. Faulkner, Town Clerk

Approved on: 8/5/2010

# *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, July 13, 2010 2:00 P.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.

**ALSO PRESENT:** Police Chief Casey Fillinger, Fire Chief Thomas Best, and Assistant Fire Chief George Moore.

- I. **CALL TO ORDER:** Mayor Tuman called the meeting to order at 2:00 p.m. in the North Topsail Beach meeting room.
- II. **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.
- III. **DISCUSSION AND/OR CONSIDERATION OF HIRING PART-TIME PERSONNEL TO PATROL THE BEACH:**
  - Alderman Swantek said that there have been several incidents in the area and described some instances where the Town's ordinances are not being followed on the beach. He said that these things have been brought to his attention and he recommended that the Town hire two people to patrol the beach.
  - Mr. Foster presented the Board with a rough cost estimate of what it would take to pay these individuals.
  - Police Chief Fillinger explained that he has had personnel on the beach on ATVs throughout the summer on the weekends and that he plans to continue having them out there the rest of the season.
  - Mr. Foster was asked what it would take to implement the plan.
  - Mr. Foster indicated that the funds to pay the employees would come from the beach fund. He said that the Board needs to decide if it is necessary to have the personnel. He also said that the Board can consider how much the police department staff could be used to fill in to cut costs. He said that the Board can look into it for a new budget year or decide to start this season.

- Mr. Foster said that he asked the Town Attorney about the liability issues and that the attorney indicated that as long as the Town does not advertise the positions as lifeguard positions and the capabilities for water safety are secondary functions that the Town will have less liability. Mr. Foster said that if the Town chooses to use existing water rescue personnel that the liability would be diminished.
- There was discussion on who would hire and train the personnel. There was consensus that these positions would fall under the Police Department.
- There was discussion about the police department and staffing issues with reserve officers. Chief Fillinger explained that the reserve officers help so that he can put personnel on the beach. He said that he is having a hard time filling the six reserve officer positions the department has and explained the reasons for the shortage.
- There was discussion about the emergency calls that have come in during this season.
- Alderman Swantek made a motion for the Town to hire two individuals to patrol the beach as outlined in the Town Manager's proposal.
- Alderman Farley seconded the motion.
- The motion failed 3 to 2 with Aldermen Farley and Swantek voting in favor.

IV. **ADJOURNMENT:**

- Mayor Pro Tem Yawn made a motion to adjourn the meeting. Alderman Lanci seconded the motion. The motion passed unanimously. The meeting adjourned at 2:30 p.m.

**APPROVED:**

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Daniel Tuman, Mayor

**ATTEST:**

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Carin Z. Faulkner, Town Clerk

Approved on: 8/5/2010

# *Town of North Topsail Beach*

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



Steven H. Foster  
Town Manager

Carin Z. Faulkner, MPA  
Town Clerk

## **Board of Aldermen Special Meeting Tuesday, July 20, 2010 6:30 P.M.**

**PRESENT:** Mayor Daniel Tuman, Mayor Pro Tem Michael Yawn, Aldermen Richard Farley (arrived late in the meeting), Robert Swantek, Dick Macartney, Deborah Lanci, Town Manager Steve Foster and Town Clerk Carin Faulkner.

**ALSO PRESENT:** Kara Millonzi, UNC School of Government

- I. **CALL TO ORDER:** Mayor Tuman called the meeting to order at 6:30 p.m. in the North Topsail Beach meeting room.
- II. **APPROVAL OF AGENDA:**
  - Mayor Tuman entertained a motion to approve the agenda with consideration for modifying it.
  - Mayor Pro Tem Yawn made a motion to approve the agenda with the modification of having item number six before item five and the Board will see how it is doing on time.
  - The motion was seconded by Alderman Macartney. The motion passed unanimously.
- III. **INTRODUCTIONS:**
  - Mayor Tuman said that he had already introduced the Board and Town Staff to our speaker prior to the start of the meeting.
  - Mayor Tuman introduced Ms. Millonzi and gave a brief statement on her background and areas of expertise.
- IV. **PRESENTATION ON SPECIAL ASSESSMENT IMPROVEMENT DISTRICTS (Kara Millonzi – UNC School of Government):**
  - Ms. Millonzi said that she came to explain this new authority, the special assessment bond authority for the state of North Carolina. In order to explain the new authority she provided the context for it. She provided the Board with a handout which has four funding options for beach nourishment (the new special assessment bond authority was one of them).
  - Ms. Millonzi explained the new assessment authority in more detail. One of the requirements is that the municipality must receive a petition from at least 50 percent of property owners in the specific designated area, representing at least 66 percent of the value in that area.
  - Ms. Millonzi explained that the assessment districts must be designated based on the benefit received by the property owners by doing the project and that the basis

of assessment must be applied uniformly (ex. number of feet from the beach, feasibility of building, etc.). She said you can exclude some properties but they can only be excluded if they do not receive benefit from the project. The districts will be drawn prior to the petition and assessment process.

- Ms. Millonzi explained that nobody in the state of N.C. has used this new special assessment authority.
- Ms. Millonzi took several questions from the Board.
- There was discussion on the petition and the Town's role in facilitating the petition.
- There was discussion on the collection of the money and bonds.
- Ms. Millonzi instructed the Town to meet with the bond council early in the process so that they can make sure everything is done properly.
- There was discussion on the "what ifs" (ex. hurricanes).
- There was discussion on whether the Town should do the whole Town at once or in pieces.
- The Mayor and Board decided to suspend this item so that they can move on to item number five.

V. **LETTERS OF SUPPORT FOR ARMY CORPS OF ENGINEERS FOR FEDERAL PROJECT:**

- Alderman Macartney made a motion to approve the Federal project letter as written with the new cost estimates.
- Mayor Pro Tem Yawn seconded the motion. The motion passed unanimously.
- Alderman Lanci was excused.

VI. **PRESENTATION ON SPECIAL ASSESSMENT IMPROVEMENT DISTRICTS (CONTINUED):**

- The Board of Aldermen continued to discuss the positives and negatives of this type of financing with Ms. Millonzi.
- Ms. Millonzi highlighted the difficulties and said that the issues are more practical than legal. She said the most difficulty is with the definition of the areas and the basis for assessment which guides who will be for or against it.
- The Board continued to ask questions.
- Mayor Tuman and the Board thanked Ms. Millonzi for coming. Ms. Millonzi offered to answer further questions via email.

VII. **DISCUSSION AND POSSIBLE ACTION – INTERLOCAL AGREEMENT WITH SURF CITY FOR FEDERAL PROJECT:** The Board continued this meeting and this item will be on the agenda for the next Board of Aldermen meeting (August 5, 2010).

VIII. **LETTERS OF SUPPORT FOR ARMY CORPS OF ENGINEERS FOR FEDERAL PROJECT:** The Board continued this meeting and this item will be on the agenda for the next Board of Aldermen meeting (August 5, 2010).

- IX. **DISCUSSION ON JOINT MEETING WITH COUNTY COMMISSIONERS:** The Board continued this meeting and this item will be on the agenda for the next Board of Aldermen meeting (August 5, 2010).
- X. **DISCUSSION ON PRESENTATION FOR CIVIL WORKS REVIEW BOARD:** The Board continued this meeting and this item will be on the agenda for the next Board of Aldermen meeting (August 5, 2010).
- XI. **DISCUSSION AND POSSIBLE ACTION – BEACH NOURISHMENT SURVEY AND PHASE ONE MAP:** The Board continued this meeting and this item will be on the agenda for the next Board of Aldermen meeting (August 5, 2010).
- XII. **ADJOURNMENT:** Mayor Tuman entertained a motion to continue this meeting until the next regular meeting which will be on August 5, 2010. Mayor Pro Tem Yawn carried the motion. Alderman Macartney seconded the motion. The motion passed unanimously. The meeting adjourned at 7:35 p.m.

**APPROVED:**

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Daniel Tuman, Mayor

**ATTEST:**

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Carin Z. Faulkner, Town Clerk

Approved on: 8/5/2010

# *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 5, 2010 7:00 P.M.**

**PRESENT:** Mayor Daniel Tuman, Mayor Pro Tem Michael Yawn, Aldermen Richard Farley, Robert Swantek, Dick Macartney, Deborah Lanci, Justin Humphries for 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 7:00 p.m.
- II. **PLEDGE OF ALLEGIANCE:** Mayor Tuman led those present in the Pledge of Allegiance.
- III. **APPROVAL OF AGENDA:**
  - Alderman Lanci made a motion to approve the agenda as presented. Mayor Pro Tem Yawn seconded the motion.
  - The motion passed unanimously.
- IV. **PUBLIC HEARINGS & PRESENTATIONS:**
  - A. **Presentation of 20 Year Service Plaque to Thomas Best:**
    - Mayor Tuman presented Mr. Thomas Best, Jr. with a plaque in appreciation of his 20 years of service to the Town.
  - B. **Public Hearing- Rezoning Case #R-10-03:**
    - Ms. Hill (Planning Director) read the Staff report.
    - No one from the public came forward to speak during the hearing.
    - Mayor Pro Tem Yawn made a motion to close the public hearing. Alderman Lanci seconded the motion. The motion passed unanimously.
    - Alderman Macartney read the motion as written in the Staff report. He moved to rezone Dolphin Shores, including Tax Parcel Id 778D-112 (L44 DOLPHIN SHORES) owned by Donald & Helen Quenzer, from CUR-10 to R-10 district with allowed uses pursuant to NTB Town Code Chapter 7. Tax Parcel 778D-111 designated as Conservation District (Con-D) to remain as Con-D.
    - Alderman Lanci seconded the motion.



- There was discussion on the history of the zoning and why this change is being made. Ms. Hill indicated that all property owners were notified.
- The motion passed 4 to 1 with Aldermen Farley voting against.

**ORDINANCE R-10-03**

**AN ORDINANCE AMENDING THE ZONING MAP OF THE TOWN OF NORTH TOPSAIL BEACH TO REZONE DOLPHIN SHORES SUBDIVISION TO INCLUDE THE FOLLOWING TAX PARCELS:**

**778D-68, 778D-69, 778D-70, 778D-71, 778D-72, 778D-73, 778D-74, 778D-75, 778D-76, 778D-77, 778D-78, 778D-79, 778D-80, 778D-81, 778D-83, 778D-84, 778D-85, 778D-86, 778D-87, 778D-88, 778D-89, 778D-90, 778D-91, 778D-92, 778D-93, 778D-94, 778D-95, 778D-96, 778D-97, 778D-98, 778D-99, 778D-100, 778D-101, 778D-102, 778D-103, 778D-104, 778D-105, 778D-106, 778D-107, 778D-108, 778D-109, 778D-110 AND 778D-112 (L44 DOLPHIN SHORES) OWNED BY DONALD & HELEN QUENZER, FROM CU-R10 TO R-10 DISTRICT, NORTH TOPSAIL BEACH, STUMP SOUND TOWNSHIP, ONSLOW COUNTY, NC**

**WHEREAS**, the Board of Aldermen of the Town of North Topsail Beach has considered the recommendation of the Planning Board to *approve* the Zoning Map amendment to rezone property described above from Conditional Use R-10 (CU-R10) to R-10 (Residential District) and finds that:

- A. The proposal will place all property similarly situated in the area in the same category, or in appropriate complementary categories.
- B. There is convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group.
- C. There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change.
- D. There is convincing demonstration that the character of the neighborhood would not be materially and adversely affected by any use permitted in the proposed change.
- E. The proposed change is in accord with any land use plan and sound planning principles.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Aldermen of the Town of North Topsail Beach that the Board *approves* the rezoning of Dolphin Shores Subdivision including Tax Parcel Id 778D-112 (L44 DOLPHIN SHORES) owned by Donald & Helen Quenzer, from CU-R10 to R-10 District, North Topsail Beach, Stump Sound Township, Onslow County, NC and Tax Parcel 778D-111 designated as Conservation District (Con-D) to remain as Con-D.

This the 5<sup>h</sup> day of August, 2010.

**C. Public Hearing- Rezoning Case #R-10-04:**

- Ms. Hill read the Staff report. She provided the Board with comments that were provided by Mr. Haines who wanted his comments to be included in the record.
- Ms. Hill said that she explained to Mr. Haines that this rezoning is a correction. She said that most of his concern is that he had made requests to prior staff and did not receive the information that he requested.
- No one from the public came forward to speak during the hearing.

- Mayor Pro Tem Yawn moved to rezone Tax Parcels 813-7.11, 813-7.12, 813-7.13 and 813-7.14 from CUR-10 to R-10.
- Alderman Lanci seconded the motion.
- There was discussion about the procedures of previous Town staff and lot conformity.
- The motion passed unanimously.

**ORDINANCE R-10-04**

**AN ORDINANCE AMENDING THE ZONING MAP OF THE TOWN OF NORTH TOPSAIL BEACH TO REZONE NORTH TOPSAIL PARTNERS SUBDIVISION (3721 ISLAND DRIVE, 3723 ISLAND DRIVE, 3125 ISLAND DRIVE, 3127 ISLAND DRIVE, NORTH TOPSAIL BEACH, STUMP SOUND TOWNSHIP, ONSLOW COUNTY, N.C. IDENTIFIED AS TAX PARCEL 813-7.11, 813-7.12, 813-7.13 AND 813-7.14) FROM CU-R10 TO R-10 DISTRICT, NORTH TOPSAIL BEACH, STUMP SOUND TOWNSHIP, ONSLOW COUNTY, NC.**

**WHEREAS**, the Board of Aldermen of the Town of North Topsail Beach has considered the recommendation of the Planning Board to *approve* the Zoning Map amendment to rezone property described above from Conditional Use R-10 (CU-R10) to R-10 (Residential District) and finds that:

- A. The proposal will place all property similarly situated in the area in the same category, or in appropriate complementary categories.
- B. There is convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group.
- C. There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change.
- D. There is convincing demonstration that the character of the neighborhood would not be materially and adversely affected by any use permitted in the proposed change.
- E. The proposed change is in accord with any land use plan and sound planning principles.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Aldermen of the Town of North Topsail Beach that the Board *approves* the rezoning of North Topsail Partners Subdivision from CU-R10 to R-10 District, North Topsail Beach, Stump Sound Township, Onslow County, NC.

This the 5<sup>h</sup> day of August, 2010.

**D. Public Hearing- Rezoning Case #R-10-05:**

- Ms. Hill read the Staff report.
- No one from the public came forward to speak during the hearing.
- Mayor Tuman closed the public hearing.
- Alderman Swantek made a motion to rezone the Stacy Grant Heirs Subdivision (2068 New River Inlet Road, 2070 New River Inlet Road, and 2072 New River Inlet Road North Topsail Beach, Stump Sound Township, Onslow County, N.C. Identified as Tax Parcel 778-4.4, 778-4.5, 778-4.6, 778-4.7 and 778-4.11, 778-4.10) from R-20 to R-10.
- Mayor Pro Tem Yawn seconded the motion.

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

**ORDINANCE R-10-05**

**AN ORDINANCE AMENDING THE ZONING MAP OF THE TOWN OF NORTH TOPSAIL BEACH TO REZONE FROM R-20 TO R-10 DISTRICT OF STACY GRANT HEIRS SUBDIVISION 2068 NEW RIVER INLET ROAD, 2070 NEW RIVER INLET ROAD, AND 2072 NEW RIVER INLET ROAD NORTH TOPSAIL BEACH, STUMP SOUND TOWNSHIP, ONSLOW COUNTY, N.C. IDENTIFIED AS TAX PARCEL 778-4.4, 778-4.5, 778-4.6, 778-4.7 AND 778-4.11, 778-4.10**

**WHEREAS**, the Board of Aldermen of the Town of North Topsail Beach has considered the recommendation of the Planning Board to *approve* the Zoning Map amendment to rezone property described above from Conditional Use R-20 to R-10 (Residential District) and finds that:

- A. The proposal will place all property similarly situated in the area in the same category, or in appropriate complementary categories.
- B. There is convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group.
- C. There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change.
- D. There is convincing demonstration that the character of the neighborhood would not be materially and adversely affected by any use permitted in the proposed change.
- E. The proposed change is in accord with any land use plan and sound planning principles.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Aldermen of the Town of North Topsail Beach that the Board *approves* the rezoning of Stacy Grant Heirs Subdivision from CU-R10 to R-10 District, North Topsail Beach, Stump Sound Township, Onslow County, NC.

This the 5<sup>h</sup> day of August, 2010.

**V. MANAGER'S REPORT:**

- A. Report on Topsail Island Hurricane Coordination Meeting:** Mr. Foster reported that the Topsail Island towns are currently in the process of holding a series of hurricane coordination meetings that include town staff such as police chiefs, fire chiefs, emergency medical staff, and town managers. The purpose of which is to discuss evacuation coordination, re-entry coordination, and communication coordination. The first meeting was very successful.
- B. Report on Debris Monitoring:** Mr. Foster reported that the Town has not acted on this yet because shortly after the Town submitted requests for proposal on this contract the County had selected a company to do this work. NTB and the other municipalities in Onslow County are working on coordinating with the County and using Beck Debris Removal. He reported that Beck had made a very good presentation to the group of County and municipal officials and that it looks like

the company can get the towns and County reimbursed by FEMA rather quickly. Mr. Foster also reported that there has been discussion on having a meeting for elected officials on their role in emergency preparedness.

- C. **Report on Onslow County Hazard Mitigation Plan:** Mr. Foster reported that the County's Hazard Mitigation Plan has been approved by FEMA thanks to the efforts of County and NTB Staff. This will ensure that the County and municipalities are eligible for FEMA funds. It needs to be updated every five years.
- D. **Update on Bike Path:** Mr. Foster reported that a major CAMA permit was necessary before work began on the bike path. The agency review for the CAMA permit should be completed by the end of August. Barring any other delays, the bike path project should begin in September. This would extend the current bike path south to the Town to the Surf City line.
- E. **Update on Condemned Structures Ordinance:** Mr. Foster reported that the building inspector has started working with the Town Attorney on a new condemned structures ordinance. He said that they should have something ready for the Board to look at in the next 60 days. This should provide a step by step approach in conjunction with existing statutes.
- F. **Report on National Flood Insurance Program's Community Rating System:** Mr. Foster referred to a letter from FEMA congratulating the Town on maintaining its Class 7 rating. The best rating is a Class 5. This will benefit property owners by giving them a discount on their flood insurance.

#### VI. **OPEN FORUM:**

**Mary Kathryn White of 110 Sandlin Lane** – Ms. White spoke about the area at the end of Reeves Street. She was concerned about public access of that area and requested that the Town makes sure that public access signs are posted. She also had concerns about parking in the area.

**Thomas Leonard of 218 Coastal Drive** – Mr. Leonard said that he is concerned about the safety hazard that occurs when people parallel park on New River Inlet Road. He said visitors park cars very close to the roadway and that someone is going to get hurt getting out of their car if they do not look. He said that Town needs to look into it.

Mr. Foster indicated that the Town is currently speaking with a parking company and that they will be providing the Town with a complete parking plan. Mayor Tuman said that the police have been taking action when people are parking in no parking areas.

VII. **CONSENT AGENDA:**

- A. Approval of Budget Amendment #1: Reimbursement for Firefighting Material
- B. Approval of Proclamation 2010-1 – A Proclamation in Support of Lyme Disease Awareness
- ~~C. Approval of Memorandum of Agreement Between NTB and NCDOT for the Emergency Removal of Debris~~
- D. Approval of NC Statewide Emergency Management Mutual Aid and Assistance Agreement
- ~~E. Approval of Recycling Services Agreement~~
- F. Approval of Minutes: July 1, 2010, July 13, 2010, July 20, 2010
- 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

- Mayor Pro Tem Yawn made a motion to pull items C and E from the Consent Agenda and to approve the Consent Agenda as amended. Alderman Macartney seconded the motion.
- The motion passed unanimously.

VIII. **OLD BUSINESS:**

**A. Request to Approve Town of North Topsail Beach Personnel Policy:**

- Mayor Pro Tem Yawn made a motion to approve the policy with the Town Attorney's changes and the additional email retention guidelines as a supplemental document.
- Alderman Lanci seconded the motion.
- The motion passed unanimously.

**B. Proposal to Transfer Property/Walkway to the Town:**

- Mr. Humphries stated that his firm researched and found that there were not any liens on this property, all liens were extinguished. He said that there is currently an easement in favor of Calinda Cay subdivision over this property and that this easement is not restricted. He said it can be used as a public walkway so long as the Town does not obstruct the Calinda Cay property owners' access to the beach through that easement.
- There was discussion about upkeep of the walkway and who is responsible.
- The owner of the property explained that it was her intention to have kept this walkway accessible to the public and that she does not want it to become a private walkway, and that is why she approached the Town.
- Alderman Swantek made a motion to decline the transfer of the property to the Town. Mayor Pro Tem Yawn seconded the motion.
- The motion passed unanimously.

**C. Discussion on Joint Meeting with County Commissioners:**

- Mr. Foster explained that the Town is going to be having a Joint Meeting with the Onslow County Commissioners on August 18<sup>th</sup> to explore the potential of the County participating in beach nourishment and preservation activities. He said he has prepared a draft agenda for this meeting.
- Mr. Foster went over the agenda.
- There was discussion about having Spencer Rogers present at this meeting and who should present. Alderman Swantek spoke against having Rogers present because he does not want to overburden the Commissioners and aggravate them.
- Mr. Foster said that he will share the PowerPoint presentation with the Board beforehand. He said that the County Manager has allowed the Town to run this meeting any way we wish.

**D. Status of the Presentation for Civil Works Review Board:**

- Mr. Foster explained that there is going to be a joint presentation with the Town of Surf City. He said that the presentation will take place on August 26<sup>th</sup> in D.C.
- He said that there will be several meetings prior to the 26<sup>th</sup> meeting to go over the content of the presentation.
- There was discussion on which Board members will be able to attend the meetings and the final presentation.
- The Board made a few suggestions on the draft presentation that Mr. Foster provided. Mr. Foster said that he will make the changes and will send the final document on Monday. Mayor Tuman suggested that Board members send any further suggestions to Mr. Foster by the end of the day Friday.

**E. RFP for Beach Nourishment Survey:**

- Mr. Foster explained that his recommendation is that the Town pursues getting someone from the outside to help with the survey on beach nourishment. This would be an impartial fair broker, someone who can come up with pertinent questions that are worded correctly.
- There was discussion on how long this would take, who the requests for proposal/qualifications would go out to and that the Town may want to hold a workshop and bring in the agencies or firms.
- Mayor Pro Tem Yawn made a motion directing the Town Manager to present the current information the Board has compiled for the survey which is in the Board Packet to several places such as the School of Government, Eastern Carolina Council and Holland and Associates, and have them submit a proposal to the Town.
- Alderman Lanci seconded the motion.
- The motion passed 3 to 2 with Aldermen Farley and Swantek voting against.

**F. Decision on Phase One Map**

- Mayor Pro Tem Yawn explained that he would like to clear up some inconsistencies with the map that the Town has been using to designate oceanfront and non-oceanfront properties.
- Mayor Pro Tem Yawn made the following motion:  
*“That properties 778C-10, 10.1, 12, 12.1, 14, 14.1, 16, 16.1, 18, 18.1, 20, 20.1, 22.1, 24, 24.1, 26, 26.1, 28, 28.1, 30, 30.1, 32, and 32.1 be changed from non-oceanfront to oceanfront. Note 778C-22 should remain non-oceanfront; it is the landward half of a front/back duplex. Changing these lots makes our designation of oceanfront more consistent within Phase 1.”*
- Alderman Lanci seconded the motion.
- There was discussion about the definition of oceanfront and the status of lots changing with a beach nourishment project and what the Town could do to rectify it. The Town Attorney mentioned that there could be a rebate system in place.
- The motion passed 4 to 1 with Alderman Farley voting against.
- Mayor Pro Tem Yawn made the following motion:  
*“That properties 778-11, 12, 13, 15, and 18 be changed from undesignated (white) to non-oceanfront. These have values ranging from \$310 to \$1,380. Designating these 5 lots as non-oceanfront is consistent with adjacent and nearby lots with similar values.”*
- Alderman Macartney seconded the motion.
- The motion passed unanimously.

**IX. NEW BUSINESS****A. CAMA Permit for the Propose Shoreline Protection Project:**

- Mayor Pro Tem Yawn said that he was delighted that the Town received its CAMA permit for the beach nourishment project. He explained that there are many restrictions on it and that if the Town has to get a modification every four years that it would add to the costs of the project.
- He explained that there are many things to weigh in as the project proceeds, such as terminal groins and CBRA designation.
- Mayor Pro Tem Yawn made a motion to request that the Town Manager avoid pursuing any modifications to the CAMA permit at this time and that he contact CP&E and request that they also avoid pursuing any modifications to the CAMA permit at this time.
- Alderman Macartney seconded the motion.
- The motion passed unanimously.

**B. Approval of Memorandum of Agreement Between NTB and NCDOT for the Emergency Removal of Debris:**

- Mayor Pro Tem Yawn explained that the Town Attorney had suggested some changes to this contract and he said he would like to make those changes clear before the Board approves the contracts.
- Mayor Pro Tem Yawn made a motion to approve the Memorandum of Agreement between NTB and NCDOT for the Emergency Removal of Debris with the Town Attorney's changes.
- The motion passed unanimously.

**C. Approval of Recycling Services Agreement:**

- Mayor Pro Tem Yawn made a motion to approve the Recycling Services Agreement with the Town Attorney's suggested change to add "reasonable attorney's fees" on paragraph 16 on page 4.
- Alderman Lanci seconded the motion.
- The motion passed 4 to 1 with Alderman Farley voting against.

**X. OPEN FORUM:**

**Thomas Leonard of 218 Coastal Drive** – Mr. Leonard said that he attended the last beach nourishment informational meeting in July and that he felt that it was well attended and that there was some good discussion afterward. He said he left with the understanding that property owners would be surveyed by phase. He recommended that the Town needs to decide what it constitutes as a win or lose/pass or fail for this survey before it goes out.

**Gene Graziosi of 2392 New River Inlet Road** – Mr. Graziosi said that he owns a few properties like Alderman Farley's and that the Town needs to be consistent and to think creatively on how to treat properties that may end up benefitting from the nourishment program.

**Bob Fox of 4710 23<sup>rd</sup> Avenue** – Mr. Fox said that if the Town is going to be serious about beach nourishment that it needs to put a moratorium on building. He thought that the survey would be going out immediately following the three informational meetings. He is concerned that Phase Five property owners will be voting against Phase One property owners. He wished the Town good luck on the survey.

**XI. ATTORNEY'S REPORT:** Mr. Humphries said that he had three items to report on. He said that there were a few legislative changes from the State that the Town may be concerned with. He said that the Permit Extension Act has been extended for another year but that it is optional. He said that that Town needs to decide if it wants to opt in and if it does, it needs to have an implementation plan.

Mr. Humphries reported that the sweepstakes software is to be shut down effective December 31<sup>st</sup>. He said there is still some discussion about it.



Mr. Humphries said that he has some more to report on pending litigation and that he would like to discuss that in Closed Session.

XII. **MAYOR'S REPORT:** No report.

XIII. **ALDERMEN'S REPORT:**

**Alderman Farley:** Mr. Farley said that he agrees with Mr. Fox and that he has been complaining about people building in harm's way for years. He reported that he has followed up on Mayor Pro Tem Yawn's request to have ONWASA investigate the water pressure issues in the South end of town. He said that he met with ONWASA director Jeff Pearson and that ONWASA will be doing some testing on various parts of the island during peak season. He said that Mr. Pearson would like to know the names of those who are having issues.

**Alderman Swantek:** Mr. Swantek said that the plans for the Mayor's Cup Golf Tournament are moving ahead. He said that the committee has found several sponsors and golfers to participate in the event, that he already has 5 or 6 teams and 9 to 10 sponsors signed up. He announced that Pluris has offered to sponsor the tournament and has said they will help purchase the palm trees.

**Mayor Pro Tem Yawn:** Mr. Yawn announced that the First Annual Jazz Festival for Ocean City will be taking place the first weekend in September. He thanked everyone for coming.

**Alderman Macartney:** Mr. Macartney did not have anything to report. He thanked everyone for coming.

**Alderman Lanci:** Ms. Lanci did not have anything to report. She thanked everyone for coming.

XIV. **CLOSED SESSION** - Per N.C.G.S. 143-318.11 Section (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 **AND** Section (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 made a motion to go into Closed Session.
- Alderman Macartney seconded the motion.
- The motion passed unanimously.

**XV. OPEN SESSION:**

- Alderman Swantek made a motion to come out of Closed Session. Alderman Macartney seconded the motion.
- The motion passed unanimously.
- Alderman Macartney made a motion to authorize the Town Manager to expend up to \$4,000 in order to contract with an auditor to audit Tetterton Enterprises in an effort to recover occupancy taxes. Mayor Pro Tem Yawn seconded the motion.
- The motion passed unanimously.
- Mayor Pro Tem Yawn made a motion for the Town Attorney to investigate the ownership of the beach access located at Myrtle Avenue. Alderman Swantek seconded the motion.
- The motion passed unanimously.

**XVI. ADJOURNMENT:** Alderman Macartney made a motion to adjourn. Alderman Swantek seconded the motion. The motion passed unanimously. The meeting adjourned at 10:52 p.m.

**APPROVED:**

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Daniel Tuman, Mayor

**ATTEST:**

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Carin Z. Faulkner, Town Clerk

Approved on: 9/2/2010

# *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 2, 2010 7:00 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 7:00 p.m.
- II. **PLEDGE OF ALLEGIANCE:** Mayor Tuman led those present in the Pledge of Allegiance.
- III. **APPROVAL OF AGENDA:**
  - Mr. Foster asked the Board to consider adding a request to pass a state of emergency proclamation to the agenda due to the approach of Hurricane Earl. The passage of the proclamation will help make the Town eligible for FEMA reimbursement if it is required.
  - There was discussion about taking the discussion of the PowerPoint presentation for the joint meeting with the County off of the agenda.
  - Alderman Lanci made a motion to add the state of emergency proclamation to the agenda. Mayor Pro Tem Yawn seconded the motion.
  - The motion passed unanimously.
  - Alderman Swantek made a motion to remove the discussion of the PowerPoint presentation from the agenda.
  - The motion failed 3 to 2 with Aldermen Farley and Swantek voting in favor.
  - Alderman Macartney made a motion to pass the agenda as amended. Alderman Lanci seconded the motion.
  - The motion passed unanimously.
- IV. **MANAGER'S REPORT:**
  - A. **Report on Planning Department:** Mr. Foster reported that the planning department is working on our Community Rating System survey which is due in October. The planning department is also working on a survey of repetitive loss

properties which are due in October. There are 207 properties that will be surveyed.

- B. **Report on Town Clerk's Office:** Mr. Foster reported that Ms. Faulkner has completed the process of converting the Town's minutes into a searchable format. She has completed this for minutes from 1995 forward and hopes to have all of the minutes back to 1990 posted on the website.

He also reported that Ms. Faulkner has been accepted to the UNC School of Government's Municipal and County Administration Course. She will be attending classes in Chapel Hill periodically from September 14<sup>th</sup> through April 30<sup>th</sup>.

- C. **Report on Insurance Savings:** Mr. Foster reported that Town's insurance carrier, Wells Insurance, had notified the Town that they have been able to save \$2,800 on our insurance costs.

- D. **Update on the Coastal Storm Damage Reduction Project for Surf City and North Topsail Beach, NC (Federal Project):** Mr. Foster reported that the Civil Works Review Board passed the project unanimously. He thanked the Board members who traveled with him to D.C. for the presentation.

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

VI. **CONSENT AGENDA:**

- A. Approval of Minutes: August 5, 2010  
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

- Mayor Pro Tem Yawn made a motion to approve the Consent Agenda as presented. Alderman Lanci seconded the motion.
- The motion passed unanimously.

VII. **OLD BUSINESS:**

A. **Review of RFQs for Beach Nourishment Survey:**

- Alderman Macartney explained that the Board had decided to direct Staff to send out a request for qualifications in order to assist the Town with the administration of a beach nourishment survey.
- Mr. Foster indicated that the Town received two proposals, one from Eastern Carolina Council and one from Holland and Associates.
- Alderman Macartney made a motion to award the contract to Eastern Carolina Council and authorized the Town Manager and Town Clerk to represent the

Board and the Town in getting the contract signed. Alderman Yawn seconded the motion.

- There was discussion about the need to do a survey and the need to meet with Ms. Hills from ECC to work on the details that she missed in her proposal. It was suggested that the Board may have this meeting at the same time it works on the UDO and CIP.
- Alderman Macartney amended his motion to include authorizing the Town Manager and Town Clerk to work out the contract plus any subsequent meetings and timeline. Alderman Yawn seconded the amended motion.
- The motion passed 3 to 2 with Aldermen Farley and Swantek voting against.

**B. Request to Approve Debris Monitoring Contract:**

- Mr. Foster explained that the Town had put out a request for proposals earlier in the year and that he had checked on the lowest bidders' references and they did not match. He tried unsuccessfully to investigate.
- He said in the meantime in meetings with the County he discovered that the County had awarded a contract with Beck Disaster Recovery and that other Onslow municipalities were considering using Beck as well. He said that Beck had made a presentation at a meeting that several had attended and that they made a good case for using their services.
- He explained that there is no payment for services unless there is an incident. If there is a declared disaster, the contract will be activated.
- There was discussion on what the bids were that the Town had received and the bids that the County received. There was discussion about the concerns that the Town Attorney had with the contract, he had suggested many changes.
- Alderman Yawn made a motion to table this item to the next meeting and asked that the Town Manager do the following: Provide the Board with the bids that NTB and the County received, figure out the issues in the contract that the Mr. Edes identified, and investigate whether Beck will be charging several municipalities the same hourly charge for an employee that will be doing the same task at that same time for all of the Towns and the County.
- Alderman Macartney seconded the motion.
- The motion passed unanimously.

**VIII. NEW BUSINESS**

**A. Request to Suspend No Parking Ordinance on Ocean Drive:**

- Mr. Foster explained that Mr. Dewey Brown, the organizer of the Ocean City Jazz Festival had come to the Town with concerns about adequate parking for the event.
- Chief Fillinger suggested that the Town suspend the no parking ordinance for the period of time needed on Ocean Drive to accommodate the parking needs.
- Alderman Yawn made a motion to suspend the no parking ordinance on Ocean Drive from Saturday, September 4<sup>th</sup> at 8:00 a.m. through Monday

September 6<sup>th</sup> at 8:00 a.m. for the first annual Ocean City Jazz Festival.  
Alderman Lanci seconded the motion.

- There was discussion about how narrow the street is and possibly only allowing parking on the side opposite the dunes. There was discussion on allowing it for this event and then having to allow it for others.
- Mr. Foster indicated that there was an alternative parking plan to the one that has been proposed.
- Alderman Yawn amended his motion to prohibit parking on the dune side of the road. Alderman Lanci seconded the amendment.
- Town Attorney Edes indicated that if the Town suspends the ordinance for this event that it does not have to do it for anyone else in the future.
- The motion failed 3 to 2 with Aldermen Lanci and Yawn voting in favor.
- Alderman Macartney announced that the Board is very much in favor of the event and that the Board's decision should not reflect that they are not supportive of the event.

**B. Request to Schedule Workshops for Unified Development Ordinance (UDO) and Capital Improvement Plan (CIP):**

- Ms. Hill explained that the Board had received a working draft of the UDO that had been prepared by the Planning Board for approval by the Board of Aldermen. She indicated that Staff's recommendation is to have a series of workshops in order for the Board to familiarize itself with the document before they adopt it.
- Ms. Hill explained what a UDO is and the purpose of a UDO.
- Mr. Foster explained what a CIP is and the advantages to the Town should it prepare one.
- There was discussion about how the workshops will be scheduled and how many there should be.
- Mayor Pro Tem Yawn made a motion to have a workshop meeting to work on the UDO, CIP and to have Ms. Hills come to work with her on the beach nourishment survey on September 22<sup>nd</sup> at 9:00 a.m. Alderman Macartney seconded the motion.
- The motion passed unanimously.

**C. Review of Slide Presentation for Joint Meeting with the County Commissioners:**

- Mayor Tuman indicated that the Board had received an information packet on the presentation for the joint meeting with the County Commissioners.
- Mayor Pro Tem Yawn said that he had issues with two items in the slides. One was the slides from the CP&E presentation on the Bogue Inlet Project and the other was that he thinks the Town should nail down an amount to ask the County for and that it is stated differently on different slides. He suggested a change to the summary slide which takes out "Equal share?"
- Mayor Pro Tem Yawn made a motion to approve the slide presentation with the deletion for "Equal share?" from the summary slide and to move the

Bogue Inlet slides to the Appendix section of the presentation. Alderman Macartney seconded the motion.

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

**D. Request to Pass State of Emergency Proclamation :**

- There was discussion about the need for this proclamation.
- No action was taken.

**IX. OPEN FORUM:**

**Donald Martin of 207 Oyster Lane** – Mr. Martin reported that the planning for the golf tournament is going great. He thanked the press for reporting on the event. He announced that it will be taking place on September 19<sup>th</sup>. He urged those who do not golf to attend the barbeque dinner at 5:30 p.m.

**Thomas Leonard of 218 Coastal Drive** – Mr. Leonard reminded that Board that he requests that they indicate a pass/fail percentage for the survey before it goes out. He feels that this needs to be established, ground rules need to be in place. He indicated the importance of the three beach nourishment informational meetings to the Town and its elected officials.

- X. **ATTORNEY'S REPORT:** Mr. Edes indicated that he has a report for the Closed Session regarding legislation. Mayor Tuman asked him about the response to the letter regarding Reeves Street. Mr. Edes said that he had spoken to the attorney that had written the letter and that he has prepared a follow up letter.

- XI. **MAYOR'S REPORT:** No report.

**XII. ALDERMEN'S REPORT:**

**Alderman Farley:** Mr. Farley discussed his concerns with the nonconformity of duplexes that are in inlet hazard areas because of the Town's current land use plan. He does not believe that the Board intended it to be that way. There was discussion. Mr. Foster said he will follow up.

**Alderman Swantek:** Mr. Swantek announced that he is still working on the golf tournament and he urges people to come out and join the fun.

**Mayor Pro Tem Yawn:** Mr. Yawn thanked everyone who came out in the inclement weather. He thanked Mr. Farley for working on the water pressure issues with ONWASA. He urged people to come out to the Ocean City Jazz Festival this weekend.

**Alderman Macartney:** Mr. Macartney thanked the Town Staff and Town Manager for how they prepared for Hurricane Earl.

**Alderman Lanci:** Ms. Lanci said that the Town is lucky that it dodged this storm and that there are others out there, so be safe. She thanked Mr. Foster and Mr. Yawn for going to D.C. to meet with the Civil Works Review Board.

XIII. **CLOSED SESSION** - Per N.C.G.S. 143-318.11 Section (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 made a motion to go into Closed Session. Alderman Lanci seconded the motion.
- The motion passed unanimously.
- Alderman Macartney made a motion to come out of Closed Session. Alderman Lanci seconded the motion.
- The motion passed unanimously.
- No action was taken.

XIV. **ADJOURNMENT:** Mayor Pro Tem Yawn made a motion to adjourn. Alderman Farley seconded the motion. The motion passed unanimously. The meeting adjourned at 9:00 p.m.

**APPROVED:**

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Daniel Tuman, Mayor

**ATTEST:**

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Carin Z. Faulkner, Town Clerk

Approved on: 10/7/2010



# *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, September 22, 2010 9:00 A.M.**

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

**ALSO PRESENT:** Judy Hills of Eastern Carolina Council and Planning Director Deborah Hill

**NOT PRESENT:** Alderman Deborah Lanci

- I. **CALL TO ORDER:** Mayor Tuman called the meeting to order at 9:00 a.m. in the North Topsail Beach meeting room.
- II. **APPROVAL OF AGENDA:**
  - Alderman Yawn made a motion to approve the agenda as presented.
  - The motion passed unanimously.
- III. **DISCUSSION OF BEACH NOURISHMENT SURVEY:**
  - Mr. Foster gave a brief history of the development of the survey.
  - Ms. Hills explained her approach to developing the questions for the Board.
  - Each Board member made comments on the questions.
  - Mayor Pro Tem Yawn made a motion to reject the four questions for Phase One property owners that were submitted by Ms. Hills. Alderman Swantek seconded the motion.
  - The motion passed 3 to 1 with Alderman Macartney voting against.
  - Mayor Pro Tem Yawn made a motion to ask the following two questions in a survey to each property in phase 1 of NTB; that if a property has multiple owners that only one survey is sent for that property; if a person or entity owns multiple properties in phase 1 then that person will receive a survey for each property. He also moved that the content below the questions is included verbatim in the cover letter for the survey:
    - 1) For your property, at the address indicated on the sticker you must attach to this response, are you willing to pay taxes or assessments for each year for four years at the amount indicated on the sticker to pay for the construction (**but not re-**

**nourishment**) of the beach nourishment project, as documented on the town website, for phase 1 of the NTB beach nourishment project? Choose YES or NO ONLY.

YES NO

2) What is the maximum percentage in addition to the amount on the sticker you are willing to pay each year for 4 years for construction of phase 1 of our beach nourishment project? Choose ONLY ONE answer.

- a) I am not willing to pay the amount on the sticker.
- b) 0% more
- c) 10% more
- d) 20% more
- e) 30% more
- f) 40% more
- g) 50% more
- h) 75% more
- i) 100% more

- Mayor Pro Tem Yawn indicated in his motion that he acknowledged that Ms. Hills would have to add more info to the cover letter (regarding process).
- After further discussion the Board agreed to take the Mayor's name off of the signature line and to use North Topsail Beach Board of Aldermen. They also added (**but not re-nourishment**) to indicate that this is for initial construction only and not future re-nourishments that may be needed in the future.
- Mayor Pro Tem Yawn made sure that Ms. Hills received the changes to the Oceanfront/Non-oceanfront map and made sure that the Board agreed that the Town properties and zero value properties would be excluded from the survey.
- Mr. Foster indicated that he would assist Ms. Hills with the information she needs from Onslow GIS (the address field).
- The motion passed unanimously.
- Mayor Pro Tem Yawn indicated that he would not like to use the voters' survey that he had previously proposed.
- Alderman Farley made a motion to survey the voters in Phase One. Alderman Swantek seconded the motion.
- There was discussion as to whether or not that demographic information was available. Ms. Hills indicated that she would not be able to obtain it.
- The Board members present voted 2 to 2 on Alderman Farley's motion. Mayor Tuman broke the tie with a dissenting vote. The motion failed.
- Mr. Foster confirmed with the Board that the 80/20 formula will be used in calculating the tax amounts for the survey.
- Mayor Tuman called for a five minute recess.

IV. WORKSHOP ON UNIFIED DEVELOPMENT ORDINANCE:

- Ms. Hill explained the process and directed the Board to the schedule she created for the workshops. She indicated that she may not be able to answer all of the questions that come up, that she may have to contact the School of Government or do other research, but that she and the Board will get back to the questions and have them taken care of. She thanked the Board for their time.
- The Board went through Article 1 and part of Article 2. The following are the changes and follow up instructions that were made by the Board:

Sec. 1.09 RELATIONSHIP TO CAMA LAND USE PLAN

The administration, enforcement and amendment of this Ordinance shall be carried out consistently with plans and documents comprising the Town of North Topsail Beach CAMA Core Land Use Plan as adopted by the Board of Aldermen on July 2, 2009 and certified by the Coastal Resources Commission on August 27, 2009, as amended.

Comment [boa5]: Specify policies of CAMA LUP apply and are enforceable. The more restrictive prevails. TA to review draft language.

Sec. 1.12 CHANGES AND AMENDMENTS

The Board of Aldermen may, on its own motion, upon recommendation of the Planning Board, or upon petition by any interested person, amend, supplement, change, modify or repeal the regulations or district boundaries established by this Ordinance. A petition by an interested person shall be submitted to the Board of Aldermen through and reviewed by the Planning Board, which shall consider its merit and make a recommendation to the Board of Aldermen. In no case shall final action by the Board of Aldermen be taken on amending, changing, supplementing, modifying or repealing the regulations or district boundaries hereby established until a public hearing has been held by the Board of Aldermen at which parties in interest and citizens shall have an opportunity to be heard. (Ord. 7-6-06)

Comment [djh8]: 7-90

Comment [boa9]: DM: no requirement for PB public hearing? Specify in process, keep consistent.

From Sec. 2.0.02 Composition

- (2) If a primary member of the Planning Board is absent from a meeting, the first alternate shall, for the duration of the meeting, function as a primary member of the Planning Board, with full voting responsibilities. If a second primary member is absent, the second alternate shall, for the duration of the meeting, function as a primary member of the Planning Board, with full voting responsibilities.

Comment [boa13]: Deb make sure listed on roster.

From Sec. 2.01.03 Appointments

Members of the Planning Board and successors in office to the Planning Board shall be appointed by the Board of Aldermen. Appointments of any non-Planning Board member to any subcommittee or advisory committee of the Planning Board must first be approved by the Board of Aldermen.

Comment [boa16]:

(Ord. of 3-5-92, § III)

Sec. 2.01.04 **Terms**

(A) The initial Planning Board members, under this article, shall be appointed in the following manner: three (3) members shall be appointed for a one-year term; two (2) members shall be appointed for two-year terms and two (2) members shall be appointed for three-year terms. Thereafter the successors shall be appointed for terms of three (3) years at the expiration of the initial terms in order that members' terms of office are staggered and will not expire contemporaneously.

(B) Vacancies occurring for reasons other than expiration of terms shall be filled by the Board of Aldermen; as such vacancies occur, for the period of the unexpired term. At the discretion of the Board of Aldermen, a vacancy may exist on the Planning Board if a member is absent from one third (1/3) or more of the Planning Board's regularly scheduled monthly meetings within a one (1) year period.

Comment [djh17]: 7-4

Comment [boa18]: DF term limits. TC to research past adoptions.

Comment [boa19]: MY: Planning Board members shall be appointed starting May 1 for a term of 3 years, not more than 3 to expire contemporaneously. DEB TO CLEANUP.

Comment [boa20]: Clarify staggered

Deleted: shall

Deleted: twenty-five (25) percent

Sec. 2.01.08 **Voting and Conflict of Interest**

There shall be a quorum of four (4) members for the purpose of taking action. No member of the Planning Board shall vote on any recommendation regarding any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

(Ord. of 3-5-92, § VII, Ord. of 12-2-04)

Sec. 2.01.09 **Duties and Responsibilities**

(A) **Review Amendments to Zoning Map and Text**

(1) The Planning Board shall review all proposed amendments to the UDO and Zoning Map and shall provide a written recommendation to the Board of Aldermen as to whether a proposed zoning amendment is consistent with the CAMA Land Use Plan or any other officially adopted plan and any other matter deemed appropriate by the Planning Board.

(2) The Planning Board shall have 60 days, or up to 90 days, if requested and granted by the Board of Aldermen, in which to review and make a recommendation on any proposed amendment to the zoning map or text. If no written report is received from the Planning Board within 60 days of referral, or 90 days if an extension is granted, the Board of Aldermen may proceed in its consideration of the amendment without the Planning Board report. The governing board is not bound by the recommendations, if any, of the Planning Board.

(B) **Oversee Development of CAMA Land Use Plan and Other Special Studies**

(1) The Planning Board is responsible for supervising development of the CAMA Land Use Plan. It may arrange for and supervise preparation of special studies, land use plans and policies, and drafts of Ordinances. It may recommend Ordinances and methods of carrying out plans.

Comment [boa24]: DEB TO RESEARCH

Deleted: Any action taken by the Planning Board shall be advisory only and the final action on any submittal to the Planning Board may be taken only by the Board of Aldermen.

Comment [boa25]: Town Attorney comments.

Comment [boa26]: DEB TO CHECK STATUTORY REQUIREMENTS.

Deleted: <#>The Planning Board shall expeditiously review any applications or submittals made to it by any person or firm in connection with any matter of zoning, subdivision requirements, location of public structures and facilities, building lines or any other proposal and shall forthwith make its recommendation to the Board of Aldermen. In the absence of a report or recommendation from the Planning Board, the Board of Aldermen may, after the expiration of sixty (60) days from the date on which the question has been submitted in writing to the Planning Board for review and recommendation, take final action.¶ <#>(Ord. of 3-5-92, § VII, Ord. of 12-2-04)¶

Deleted: comprehensive

Deleted: p

Deleted: 30

Deleted: 60

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Deleted: 60

Deleted: Comprehensive

Deleted: comprehensive

Deleted: p

- (2) In the preparation of the CAMA Land Use Plan, modified plan or parts thereof, the Planning Board shall assure that the plan incorporates careful and comprehensive surveys and studies of present conditions and future growth of the Town and with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the Town and its environs which will, in accordance with present and future needs, best promote health, safety, orders, convenience, prosperity and the general welfare, as well as efficiency and economy and protection of natural resources in the process of development, including among other things, adequate provisions for traffic; the promotion of the healthful and convenient distribution of population; the promotion of good civic design and arrangement; wise and efficient expenditure of public funds; and the adequate provision of public utilities and other public requirements.

Review Special Use Permit Applications

Deleted: morals,

Comment [boa27]: END 9/22. START NEXT WITH GENERAL DISCUSSION ON SPECIAL USE PERMIT.

Deleted: <#>(Ord. of 3-5-92, § X)¶

Deleted: comprehensive

Deleted: CAMA Land UseP

Comment [djh28]: 7-12

Deleted: <#>Master plan for town.¶  
<#>In addition to the duties and powers set forth in the General Statutes of North Carolina and the duties assigned to it from time to time by the board of aldermen, it shall be the function and duty of the planning board to make and maintain a suggested master plan for the physical development of the town or modified parts of such plan as the planning board and board of aldermen may deem best. Such plan, with accompanying maps, plats, charts and descriptive matter, may show the planning board's recommendations for the development

V. **INTRODUCTORY WORKSHOP ON CAPITAL IMPROVEMENT PLAN:**

- The Board did discuss this item. The meeting was recessed.

VI. **RECESS:**

- Mayor Tuman called for a recess. He requested that the Town Clerk work with the Board members' schedules to schedule a date and time to meet again, it was suggested that the Board meet in approximately two weeks. The meeting recessed at 12:07 p.m.

**APPROVED:**

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

**ATTEST:**

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

Approved on: 10/7/2010

# *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 7, 2010 7:00 P.M.**

**PRESENT:** 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:** Mayor Daniel Tuman and Alderman Deborah Lanci

- I. **CALL TO ORDER:** Mayor Pro Tem Yawn called the meeting to order at 7:00 p.m.
- II. **PLEDGE OF ALLEGIANCE:** Alderman Swantek led those present in the Pledge of Allegiance.
- III. **APPROVAL OF AGENDA:**
  - Alderman Farley made a motion to pass the agenda as presented. Alderman Macartney seconded the motion.
  - The motion passed unanimously.
- IV. **PUBLIC HEARINGS/PRESENTATIONS:**
  - A. **Update on Pluris LLC – Michael Gallant, PE:** Mr. Gallant reported that the permitting and design is complete for the membrane bioreactor plant. He announced that bids have been taken and analyzed for the project's construction and that Pluris will be announcing the contractor on Monday morning. He said that tours can be arranged during construction. He was asked to let the Town know that Pluris is glad to help with Town events and to let them know if they can do anything else for the Town. He also said that the customer service representatives at the Pluris office are available to answer questions or come to the Board meetings. Mr. Gallant took questions from the Board about capacity, fee increases and the impact of future development.
  - B. **Road Flooding – Robert Vause, NC DOT:** Mr. Foster introduced Mr. Vause who he had asked to come to this meeting prior to the recent flooding. Mr. Vause brought the County maintenance engineer for Onslow to help answer any of the questions. He said the flooding on 210 has been a continuous problem. There are no defined outlets in the flooding locations and there is nowhere for the water to

go. He said that DOT has put in some infiltration chambers in various locations along 1568 and 210 and there are some old systems, the one at the fire station is an older system, the ones they are doing now are larger. He said that he has been in discussions with the Town Manager about the options. He has arranged for someone out of the hydrographic office in Raleigh who deals with storm water to come down on November 2<sup>nd</sup> to explore the alternatives available. He said once the options are found he would then look into funding. Mr. Vause took questions from the Board.

V. **MANAGER'S REPORT:**

- A. **Update on Posting Minutes Online:** Mr. Foster reported that the Town Clerk has posted the entire Town minutes back to 1990 online.
- B. **Employee Evaluations:** Mr. Foster reported that the process of getting employee evaluations completed will begin next week. He will be meeting with department heads to go over the procedure.
- C. **Paving of Sandpiper Drive:** Mr. Foster reported that the paving of Sandpiper Drive is going to be delayed until spring. He will be meeting with ONWASA next Thursday about the possibility of moving it up. He said that the Town is trying to coordinate the paving project with water service construction.
- D. **Investment Committee:** Mr. Foster reported that Alderman Farley, Mayor Pro Tem Yawn, and staff have worked on improving the Town's investments options. He said the Town received very little response from the banks that staff contacted. Staff is working on an RFP.
- E. **Dredging Project:** Mr. Foster announced that the US Army Corps of Engineers let a contract for a company to do dredging of the Atlantic Intracoastal Waterway. One of the disposal sites will be North Topsail Beach. There will be a preconstruction meeting with Town Staff on or around October 20<sup>th</sup>. This project will begin in January or February 2011.
- F. **Joint Meeting with Onslow County Commissioners:** Mr. Foster announced that the Board of Aldermen will be having a joint meeting with the Onslow County Board of Commissioners on Tuesday, October 12<sup>th</sup> at 3:00 p.m. at the Onslow County multipurpose complex. Ms. Faulkner will be sending a copy of the final presentation slides to the Board on Friday.
- G. **Parking:** Mr. Foster reported that Staff met with Lanier Parking and had asked them to submit a proposal for a paid parking system for the Town. He said that Onslow County is also discussing their options with Lanier. The proposal should be coming to the Town in the next 2 to 3 weeks and will serve as a basis for Board discussion.
- H. **Town Staff Recognition:** Mr. Foster thanked the Police Department and Fire Department staff for spending last Thursday night directing traffic around the flooding on Highway 210.



- I. **Bike Lane:** Mr. Foster reported that the bike lane project was supposed to begin this week but will be delayed another 2 to 3 weeks. He reported that a letter went out to property owners who had landscaping items and other objects in the project area.
- J. **Correction on Inspections Report:** Mr. Foster indicated that the inspections department collected \$1,900 in inspections fees doing inspections for Onslow County last month.

VI. **OPEN FORUM:**

**Thomas Leonard of 218 Coastal Drive** – Mr. Leonard shared an experience he had in which Police Department staff went above and beyond to protect his home and notify him of the event. He thanked them for a job well done.

VII. **CONSENT AGENDA:**

- A. Request to Approve Tax Refunds
- B. Approval of Minutes: September 2, 2010 and September 22, 2010
- C. Department Head Reports: Finance (revised), Fire, Inspections, Planning, Police Department
- D. Committee Reports: Planning Board, Board of Adjustment, TISPC, ONWASA, Beautification and Recreation Committee, Government Advocacy Committee
  - Mayor Pro Tem Yawn announced that the Finance Report has been revised.
  - Alderman Swantek made a motion to approve the Consent Agenda with the revised Finance Report. Alderman Macartney seconded the motion.
  - The motion passed unanimously.

VII. **OLD BUSINESS:**

- A. **Request to Approve Debris Monitoring Contract:**
  - Alderman Swantek made a motion to award the contract to Beck Disaster Recovery. Mayor Pro Tem Yawn seconded the motion.
  - There was discussion.
  - The motion failed for lack of majority with Alderman Swantek and Mayor Tem voting in favor and Aldermen Macartney and Farley voting against.
  - Alderman Swantek made a motion to award the contract to Malcolm Pirnie subject to Town Attorney's approval of a contract. Mayor Pro Tem Yawn seconded the motion.
  - There was discussion on what the Town Manager would do if there was a storm event and the Town did not have a contract. Mr. Foster stated that he would go back to Beck Disaster and have them attend an emergency meeting of the NTB Board of Aldermen to talk to the Board.
  - The motion failed for lack of majority with Alderman Swantek and Mayor Tem voting in favor and Aldermen Macartney and Farley voting against.



- Mayor Pro Tem requested that Mr. Foster talk to FEMA and possibly have someone from FEMA come talk to the Town. He also asked if he can find out if the Town can piggyback on Onslow County's contract.

## VIII. NEW BUSINESS

### A. Request to Approve Resolution 2010-16: A Resolution Adopting a Code of Ethics for the Governing Body of the Town of North Topsail Beach:

- Alderman Macartney made a motion to adopt Resolution 2010-16: A Resolution Adopting a Code of Ethics for the Governing Body of the Town of North Topsail Beach. Alderman Swantek seconded the motion.
- Alderman Yawn suggested the following changes:  
Change the word *administrator* to *manager* in Item C.4. under Section 4, he felt that Item 3 under Section 6 reading "*Board of Aldermen members should manage their personal financial interests to minimize the number of cases in which they must abstain from voting on matters coming before the Board,*" is too restrictive so he recommended striking it, and he suggested removing the words *and should* from Section 7 Item 1 as it was written the first two times in that section.
- Attorney Edes said that a fair reading of Item 3 under Section 6 is that it suggests that Board members not deliberately insert themselves in things that will come before the Board.
- There was further discussion and the Board agreed on all of Mayor Pro Tem Yawn's suggestions plus removing the third *and should* from Section 7 Item 1.
- Alderman Macartney amended his motion to reflect the changes. Alderman Swantek seconded the amended motion.
- The motion passed unanimously.

### B. Request to Approve Lease Agreement for Copier Equipment:

- Mr. Foster recommended that the Board approve the lease agreement with Advanced Office Solutions for copier equipment for the Town offices. He indicated that Town Staff received quotes from three different companies and that Advanced Office Solutions' references were checked and their customers were very pleased. He asked the Board to decide whether the Town should do a 36 or 48 month lease.
- Alderman Swantek made a motion to approve the lease agreement with Advanced Office Solutions for the leasing of copier equipment for Town Hall, Fire Department, and Police Department for the term of 48 months. Alderman Macartney seconded the motion.
- The motion passed unanimously.

## IX. OPEN FORUM:

**Donald Martin of 207 Oyster Lane** – Mr. Martin thanked the golfers, sponsors and volunteers who made the Mayor's Cup Golf Tournament a great success. He also thanked Alderman Swantek for his hard work as Chairman of the Beautification and Recreation Committee.

- X. **ATTORNEY'S REPORT:** Mr. Edes said he had a report prepared but would like to report at another time based on new information.
- XI. **MAYOR'S REPORT:** Mayor Pro Tem Yawn thanked the Beautification and Recreation Committee for the great job they did with the Mayor's Cup Golf Tournament. He said that they laid a beautiful framework for an ongoing event for the Town. He reminded everyone that a survey will be going out to Phase One property owners in the next couple of weeks. It is a very important survey and he wants to make sure the Town receives a lot of response. He also thanked the police and fire departments and Town Staff for their hard work during the storm event.
- XII. **ALDERMEN'S REPORT:**
  - Alderman Macartney:** Mr. Macartney complimented the staff on making a professional meeting presentation.
  - Alderman Swantek:** Mr. Swantek thanked everyone who helped with the Mayor's Cup. He thanked Pluris for their donation which purchased the palm trees for Town Hall. His neighbor, Gene Gunter donated the plants that surround the trees. He reported that the Beautification and Recreation Committee will start doing "yard of the month" again soon. He announced that there will be a Big Sweep Beach Cleanup this Saturday starting at 9:00 a.m. and there will be a picnic afterward for volunteers.
  - Alderman Farley:** Mr. Farley said that he would like the Board to consider the possibility of pushing sand again this year. He said he would like to push the dunes on the north end before the Corps project sand get places there.
- XIII. **ADJOURNMENT:** Alderman Swantek made a motion to adjourn. Alderman Macartney seconded the motion. The motion passed unanimously. The meeting adjourned at 8:24 p.m.

**APPROVED:**

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

**ATTEST:**

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

Approved on: 11/4/2010

**Onslow County Board of Commissioners Regular Workshop  
and  
North Topsail Beach Board of Aldermen Special Meeting  
on Beach Nourishment**

**October 12, 2010**

**3:00 P.M.**

**MINUTES**

**PRESENT:** Chairman W.C. Jarman, Vice Chairman Paul Buchanan, Commissioners Barbara Ilkner, William H. Keller III, and Lionell Midgett, County Manager Jeffrey Hudson, County Attorney Leslie Moxley, Chief Operations Officer Angela Cole, Finance Officer Alvin Barrett, Planning & Development Director Scott Shuford, Tax Administrator Harry Smith, Recorder Mironda Nash, Mayor Daniel Tuman, Mayor Pro Tem Michael Yawn, Aldermen Robert Swantek and Dick Macartney, Town Manager Steve Foster, Town Clerk Carin Faulkner, and Finance Officer Breck Smith.

**ALSO PRESENT:** Colonel Jefferson Ryscavage, Commander U.S Army Corps of Engineers Wilmington District (and Staff) and Ken Willson, Project Manager/Coastal Geologist Coastal Planning and Engineering

1. **CALL TO ORDER:** The Onslow County Board of Commissioners was called to order by Chairman W.C. Jarman and the North Topsail Board of Aldermen was called to order by the Mayor Daniel Tuman at 3:00 p.m.
2. **INVOCATION:** County Finance Officer Alvin Barrett gave the invocation.
3. **PLEDGE OF ALLEGIANCE:** Commissioner Buchanan led those present in the Pledge of Allegiance.
4. **COUNTY INTRODUCTIONS:** Chairman Jarman introduced the Board of Commissioners and Staff.
5. **TOWN INTRODUCTIONS:** Mayor Tuman introduced the Board of Aldermen, Town Staff, and guest speakers and their staff.
6. **OPENING REMARKS:** Mayor Tuman gave his opening remarks which included going through the meeting agenda.
7. **PRESENTATION - Coastal Storm Damage Reduction Project, Surf City and North Topsail Beach:** Colonel Ryscavage gave a presentation which was an overview of the Federal project that has been proposed for the southern end of the Town of North Topsail Beach. He indicated that this project has received unanimous approval from the U.S. Army Corps of Engineers Civil Works Review Board.
8. **PRESENTATION – CBRA and How it Impacts NTB:** Mayor Tuman gave a presentation on the Coastal Barrier Resources Act. He gave the background on the legislation, how it currently impacts NTB and what NTB has accomplished to try to change the designation.
9. **PRESENTATION – North Topsail Beach Shoreline Protection Project:** Ken Willson of Coastal Engineering and Planning gave a presentation which described the five-phased plan CP&E engineered for the northern portion of the Town.

- 10. PRESENTATION – What North Topsail Beach has Done for Beach Nourishment and What is Ahead:** Alderman Dick Macartney gave a presentation on the history of the beach nourishment efforts made by the Town and described the next steps the Town needs to take in the process.
- 11. PRESENTATION – What North Topsail Beach Means Financially to Onslow County and What Other NC Coastal Counties are Doing to Support Beach Nourishment:** Town Manager Steve Foster gave a presentation outlining the revenues that the Town generates for Onslow County. He also gave a report on the funds that other NC coastal counties are contributing to the beach nourishment efforts of their coastal communities.
- 12. MEETING SUMMARY & FOLLOW UP:** Mayor Tuman summarized where the Town stands on its beach nourishment projects and highlighted the reasons that funds should be re-invested into beach nourishment projects.
- 13. OPEN DISCUSSION:** The County Commissioners asked North Topsail Beach Board members and representatives questions. There was discussion about CBRA, State funding for beach nourishment, and the Town’s survey of Phase One property owners.
- 14. COUNTY CLOSING REMARKS:** Chairman Jarman thanked the Board of Aldermen, Colonel Ryscavage, Ken Willson, and Town Staff for giving a comprehensive presentation.
- 15. TOWN CLOSING REMARKS:** Mayor Tuman indicated that he had already made his closing remarks during his presentation.
- 16. COUNTY ADJOURNMENT:** A motion was made to adjourn. The motion passed unanimously.
- 17. TOWN ADJOURNMENT:** Alderman Swantek made a motion to adjourn. Alderman Macartney seconded the motion. The motion passed unanimously.

**APPROVED:**

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Daniel Tuman, Mayor

**ATTEST:**

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Carin Z. Faulkner, Town Clerk

Approved on: 11/4/10

# *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 4, 2010 7:00 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 7:00 p.m.
- II. **PLEDGE OF ALLEGIANCE:** Alderman Swantek led those present in the Pledge of Allegiance.
- III. **APPROVAL OF AGENDA:**
  - Alderman Swantek made a motion to pass the agenda as presented. Mayor Pro Tem Yawn seconded the motion.
  - Mayor Pro Tem Yawn indicated that he would like to make a slight change to New Business Item A: Discussion of Board Policy on Duplexes in the Hazard Zone. He said that he would like it to say “Discussion and Possible Action” instead of “Discussion and Recommendation.”
  - Alderman Swantek agreed with Mayor Pro Tem Yawn’s amendment.
  - The amended agenda was approved unanimously.
- IV. **MANAGER’S REPORT:**
  - A. **Sandpiper Repaving Project:** Mr. Foster reported that due to a delay in the bidding process with ONWASA, in the replacement of water lines with construction starting in January 2011, paving Sandpiper Drive will be delayed until spring. Asphalt plants do not operate during the winter, so paving will not be done until late March at the earliest.
  - B. **Customer Service and Permitting Software:** Mr. Foster reported that the staff has been in the process of evaluating a variety of software in tracking work orders and customer service issues for this past month. So far staff has not identified a system that works better than the paper system that the Town is currently using. Staff will continue to look into a few others.

He reported that the Town will be upgrading our building permitting software. The Town is currently using Kelly software, which a number of other local government units use, but it has not been web based. Staff has evaluated a number of other systems, but due to data base concerns, we have elected to stay with Kelly. When staff told them that we were evaluating other systems, they offered to upgrade to a web based system at no charge.

- C. **Solid Waste Meeting with Rental Agencies in January:** Mr. Foster reported that the staff and representatives from Waste Industries will be holding a work session in order to improve our solid waste collection procedures for the summer tourist season. While the system has been working reasonably well, staff feels that there is room for improvement. The Town will contact Onslow County Solid Waste Representatives to see if there is any way the land fill could adjust Saturday hours so as to make customer pickups at a later time, which would result, hopefully, in renters getting their trash out to the street in a timely manner, resulting less garbage on the side of the road for a longer length of time.
- D. **Beach Survey:** Mr. Foster reported that the “Beach Nourishment Survey” has been mailed. He said that 446 responses have been received by the contractor. The surveys are due in by November 19<sup>th</sup>.
- E. **Parking Acquisition for the Federal Project:** Mr. Foster reported that Staff is currently reviewing possible alternatives to meet the parking requirements for the Federal nourishment project. Deb Hill has been looking into street parking in the two mandated areas. It is hopeful that we will be able to meet this requirement with little cost to the Town
- F. **Capital Improvement Program:** Mr. Foster reported that due to the scheduling of the UDO workshops, and the delay of addressing the CIP program, staff has had a meeting on the preparation of CIB for the 5 year planning period. These forms will back in the Manager’s office in mid November, at which time they will be processed and consolidated for Board review in either December or January.
- G. **Employee Evaluations:** Mr. Foster reported that the employee evaluation process has begun. In a department head meeting each department head received the necessary forms, rating system explanation, and how to go about evaluating their employees. These forms are due back in early December. He said that department heads have also been asked to speak with employees about establishing departmental goals.
- H. **Attorney Work Deadline Established:** Mr. Foster reported that in order to expedite the workflow, staff met with the Town Attorney and established a “Seven Day Turnaround” deadline. Work submitted to the Attorney will be either completed or extension for more complex issues within 7 days.
- I. **Bike Lane:** Mr. Foster reported that the contractors, Barnhill Construction, have completed the bike lane. They will still be reseeding some areas along the side of the path. There were some comments about the dirt that has been left on the side

of the road. Mr. Foster indicated that DOT is leveling out the shoulders of the road and that crews will be coming back to rake the dirt and put down grass seed.

- J. **Mobile Lidar Scanning:** Mr. Foster reported that the Town has been offered a service from McKim and Creed Engineering and it is called “mobil lidar scanning”. He reported that it has quite a few applications among those scanning beach profiles and dunes to provide quantitative data of escarpment to FEMA for reimbursement.
- K. **Meeting with Dr. Jeff Warren with the CRC - Proposed Expansion of the “Inlet Hazard Area”:** Mr. Foster reported that Dr. Warren met with staff to discuss the details surrounding the proposed expansion of the “Inlet Hazard Areas”. He said that this is an item that the Board may want to discuss further. Mayor Tuman said that he was at the meeting and has written his comments and concerns and they have been distributed to several people who are familiar with this topic. He said that he received an email stating that they are going in a different direction on this now. Mr. Foster said that Dr. Warren plans on meeting with elected officials at some time. He indicated that this will affect \$1.5 billion worth of coastal property.
- L. **UDO Meetings:** Mr. Foster asked the Board when they would be available to meet to work on the Unified Development Ordinance with the Planning Director. The Board agreed to begin meeting on Thursdays from 3:00 p.m. to 5:00 p.m. beginning on November 18<sup>th</sup>. They agreed that they would not meet on the Thursdays of the regular Board of Aldermen meetings.
- M. **Board Retreat:** Mr. Foster asked the Board where they would like to hold the board retreat. He said that he would like to have it in January or February. The Board indicated that they were fine with holding it at the Town Hall meeting room.
- N. **Newsletter:** Mr. Foster announced that the latest Town newsletter is out. He thanked the Town Clerk and the Planning Director for their hard work on the publication.
- O. **Street Flooding:** Mr. Foster announced that he and Town Staff met with the NCDOT hydrologist from Raleigh this past week to discuss solutions to the flooding issues in Town, primarily the flooding near the south-end fire station. He indicated that they proposed the installation of a catch basin with a drain pipe that would divert the water to the property behind the fire station. This would require the installation of new grade and a drainage easement from a nearby property owner. If this remedy does not work, the Town has looked into the purchase or rental of a pump.

V. **OPEN FORUM:**

**Thomas Leonard of 218 Coastal Drive** – Mr. Leonard announced the 235<sup>th</sup> birthday of the United States Marine Corps. He also said “Happy Veteran’s Day” to our veterans. He announced that today is the 5<sup>th</sup> anniversary of Gunnery Sergeant Darrell W. Boatman’s death. A street in North Topsail Beach is named after Gunny Boatman. He died as a result of wounds sustained during combat operations near Habbaniyah Iraq.

**Jean Miller of 4452 Island Drive** – Mrs. Miller indicated that where she lives she has a gully nearby and she does not have standing water there even though she is across from wetlands. She said she knows a lot more people had them but that they had disappeared during the hurricanes. She offered this as a solution to the Town’s current flooding problems.

**Donald Martin of 207 Oyster Lane** – Mr. Martin said he would like to end the rumors going around that CBRA is dead. He said that it is not dead and that the Government Advocacy Committee is still working on this issue. He said that he spoke with Walter Jones on Saturday and his staff is constantly keeping an eye on this issue. He made comments on the recent election and indicated that NC State Senator, Harry Brown is seeking a leadership position and has indicated that he would like to pass the terminal groin legislation. He reported that Phil Shepard is also in support of beach nourishment for the Town.

VI. **CONSENT AGENDA:**

~~A. Request to Approve Tax Refunds~~

B. Approval of Minutes: October 7, 2010 and October 12, 2010

C. Department Head Reports: Finance, Fire, Inspections, Planning, Police Department

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

E. Call for Public Hearing: Proposed Amendment to Town Code Section 7-123 Zoning Map

- Mayor Pro Tem Yawn made a motion to approve the Consent Agenda as presented. Alderman Swantek seconded the motion.
- Alderman Farley indicated that he would like to pull Item A - Request to Approve Tax Refunds.
- Mayor Pro Tem Yawn amended his motion to place Item A under New Business F. Alderman Swantek seconded the amended motion.
- The motion passed unanimously.

VII. **OLD BUSINESS:**

**A. Request to Approve Amendment to the NTB Personnel Policy:**

- Alderman Farley made the following motion: *“That the NTB Board of Aldermen make the following amendments to the NTB Personnel Policy: Remove Article VI Section 13 from the Table of Contents and change the required number of hours worked per week in order to qualify for the option*



*to purchase group health insurance for themselves and qualified dependents from 20 hours to 30 hours.”*

- Mayor Pro Tem Yawn seconded the motion.
- Alderman Macartney asked the Town Manager if this change would impose a hardship for any of the Town employees. Mr. Foster indicated that it would not.
- The motion passed unanimously.

## VIII. NEW BUSINESS

### A. Discussion of Board Policy on Duplexes in the Inlet Hazard Zone:

- Alderman Farley indicated that he did not believe that the intent of this policy was to keep people living in existing structures in the inlet hazard area from making adjustments or alterations to their property that would otherwise conform with the Town’s zoning ordinance, building codes, and land use plan.
- There was discussion between the Board and Town Attorney on how best to make sure that the intent of the Board is known. They considered making a recommendation to the Planning Board to make a text amendment to Section 7-150 of the town code clarifying the intent instead of changing the land use plan. They also considered giving direction to the Town Manager to make the intent clear to Town Staff.
- After further discussion, Alderman Macartney made the following motion: *“It is the intent of this Board that no **existing** multifamily dwellings will be denied permits because they are in the inlet hazard area referred to in the land use plan.”* He added, they cannot be denied a permit just because they are in the inlet hazard area. He later added the word existing.
- Alderman Yawn seconded the motion.
- Town Attorney Edes wanted to emphasize that this action is stating the Board’s intent and that it is not a legislative action, or directing the staff to do anything, it is a statement of policy.
- The motion passed unanimously.

### B. Progress Report on Condemned Structures Ordinance:

- Mr. Foster reported that the Board had indicated interest in completing an updated condemned structures ordinance last year at their retreat. He said that he had assigned this task to David Stoudt, Building Codes Administrator and Town Attorney Edes and they have been working on it. Mr. Stoudt had asked Mr. Foster if he could present what he has been working on so far to the Board to make sure that he was on the right path.
- Mr. Stoudt gave his report on the draft of the condemned structures ordinance and explained the ordinance flowchart that he had created.
- The Board made comments and suggestions.
- There was discussion on whether the Board should go ahead and pass this ordinance in December instead of waiting to add it into the UDO (Unified Development Ordinance).

- Mr. Stoudt and Mr. Edes agreed that the current code is sufficient at this time and that the Board can wait and approve it as part of the UDO.

**C. Report on Municipal Investments:**

- Mr. Foster indicated that he, Breck Smith, Finance Officer, and the Investment Committee (Mayor Pro Tem Yawn and Alderman Farley) have been looking at the options for investing the Town's money.
- Mr. Smith gave a report on his findings.
- Mr. Smith indicated that he and the Town Manager would like to layer some CDs and that he wanted Board direction before they moved ahead.
- Mr. Smith announced that the audit report is complete and has been submitted to the Local Government Commission (LGC). The accounting firm will be at the December BOA meeting to present the audit. Mr. Smith said it looked good.
- Mr. Smith announced that he has created revenue accounts for the Mayor's Cup, County inspection fees, and One Tree Hill.
- Alderman Farley asked for a list of places towns are permitted to invest their money.
- Mayor Pro Tem Yawn said he agreed with Alderman Swantek that the Town should close the Waccamaw Bank and Finistar accounts.

**D. Discussion Regarding Retention of Consulting Services for TISPC:**

- Alderman Swantek reported that the Topsail Island Shoreline Protection Commission met last Thursday and that they discussed hiring Connie Wilson of Connie Wilson Consulting.
- Alderman Swantek explained that Ms. Wilson's proposal for consulting services to lobby at the state level would be \$48,000 annually and that this amount would be split between the three towns (the counties may also contribute, but this is not certain). He explained that she would be working on terminal groin legislation, state appropriation and match percentage, and pre-legislation work on long term funding sources. He said the funds to pay for these services would come out of the beach fund.
- Alderman Swantek made a motion to hire Connie Wilson for the Town's share of \$16,000 in consulting services which may be less if the counties contribute, with the funds coming out of the beach fund.
- Alderman Lanci seconded the motion.
- There was discussion.
- The motion passed 3 to 2. Alderman Macartney abstained and he was counted as having an affirmative vote. Aldermen Farley and Yawn voted against.

**E. Discussion of Beach Nourishment Survey Recipient Questions:**

- Mr. Foster indicated that there was some discussion about providing more information to Phase One property owners who had questions about the survey questions and beach nourishment. He reported that Ms. Faulkner has posted some frequently asked questions and answers on the website.

- There was further discussion about the survey. No action or direction to Staff was made by the Board.

**F. Request to Approve Tax Refunds:**

- Alderman Farley indicated that he had concerns that the Town is not able to levy a privilege tax on a business unless it has a headquarters in our Town.
- Ms. Faulkner explained that the N.C. General Statute only applies to businesses that sell or install elevators and automatic sprinkler systems.
- Alderman Farley made a motion to approve the tax refunds. Mayor Pro Tem Yawn seconded the motion.
- The motion passed unanimously.

**IX. OPEN FORUM:**

**Jerry Toner of 1866 New River Inlet Road** - Mr. Toner indicated that he has been a 20 year resident of NTB. He said that he would like to know what terminal groins are. He also asked for the Board's rationale on the 80% oceanfront 20% non-oceanfront amounts for funding the beach nourishment project. Mayor Tuman indicated that Mr. Foster would be able to answer his questions after the meeting.

**Thomas Leonard of 218 Coastal Drive** – Mr. Leonard made comments about how the Board had treated the BEST team and its report and indicated that Board members should get over their biases about beach nourishment.

**X. ATTORNEY'S REPORT:** Mr. Edes did not have a report.

**XI. MAYOR'S REPORT:** Mayor Tuman did not have a report. He indicated that the Town Manager had sufficiently covered the Town's activities.

**XII. ALDERMEN'S REPORT:**

**Alderman Lanci:** Ms. Lanci said "Happy Veteran's Day and Happy Anniversary to the Marine Corps."

**Alderman Macartney:** Mr. Macartney explained how he felt about abstaining from the vote on the hiring of Connie Wilson for consulting services. He said the good news is that the contract will be month to month and can be modified.

**Mayor Pro Tem Yawn:** Mr. Yawn urged Mr. Macartney to go back to TISPC and let the commission know about his concerns about the contract for consulting services. He said he would prefer the Town go through NCBIWA (North Carolina Beach, Inlet and Waterway Association). He thanked the Staff and everyone who worked on getting the bike path. He urged Phase One property owners to get their surveys in. He thanked Town Staff for their work. He said "Happy Veterans Day." He said that the actions this Board is taking right now go along pretty close with what the BEST report recommended.

**Alderman Swantek:** Mr. Swantek reported that the Beautification and Recreation Committee will be starting the “Yard of the Month” program December 1<sup>st</sup>. He said that the committee will be awarding a \$100 gift certificate for the nicest holiday display. He said that the committee will be going to the HOAs for donations. He reported that the palm trees will be lighted for the holidays and that the committee is working on purchasing flags for the poles.

**Alderman Farley:** Mr. Farley said “Happy Thanksgiving.” He said that he has not intention of changing how he makes his decisions.

XIII. **ADJOURNMENT:** Mayor Pro Tem Yawn made a motion to adjourn. Alderman Swantek seconded the motion. The motion passed unanimously. The meeting adjourned at 9:05 p.m.

**APPROVED:**

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Daniel Tuman, Mayor

**ATTEST:**

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Carin Z. Faulkner, Town Clerk

Approved on: 12/2/2010

# 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 Thursday, November 18, 2010 10:00 A.M.

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

**NOT PRESENT:** Mayor Daniel Tuman and Alderman Robert Swantek

- I. **CALL TO ORDER:** Mayor Pro Tem Yawn called the meeting to order at 10:00 a.m. in the North Topsail Beach meeting room.
- II. **APPROVAL OF AGENDA:**
  - Alderman Macartney made a motion to approve the agenda as presented. Alderman Lanci seconded the motion.
  - The motion passed unanimously.
- III. **DISCUSSION ON HOW TO PROCEED WITH UDO WORKSHOPS:**
  - Mayor Pro Tem Yawn indicated that Mayor Tuman had suggested that the Board of Aldermen form a committee to work on the UDO. He suggested that Mayor Pro Tem Yawn lead this committee.
  - There was discussion and no action was taken at that time. The Board asked the Town Clerk to look into the rules for quorum.
- IV. **WORKSHOP ON UNIFIED DEVELOPMENT ORDINANCE:**
  - The Board of Aldermen went through Article 2.04 through Article 2.06.02.
  - The following are the changes and follow up instructions that were made by the Board:
    - (A) Content

All notice required under this Ordinance shall comply with North Carolina General Statutes. In addition, all notices shall, unless otherwise specified in this Ordinance:

      - (1) Identify the date, time and place of the public hearing;
      - (2) Describe the land involved by street address or by legal description and nearest cross street (if applicable);
      - (3) Describe the nature, scope and purpose of the proposed action;

- (4) Indicate that interested parties may appear at the hearing and speak on the matter; and
- (5) Indicate where additional information on the matter may be obtained.

There was discussion on the term “interested parties.”

Sec. 2.05.05 Conditions of Approval

(A) General

When a review body or the Planning Director approves development application with conditions, such body or the Planning Director may impose restrictions and conditions on the approval. The conditions may be crafted to:

- (1) Ensure compliance with the general goals and policies of this Ordinance or with particular standards of this Ordinance;
- (2) Prevent or minimize adverse effects from the proposed development on surrounding lands;
- (3) Protect the health, safety and welfare of workers and residents of the community; or
- (4) Protect the value, use and enjoyment of property in the general neighborhood.

Comment [7OCT10BOA33]: Ask Town Attorney on "conditions."

Sec. 2.06.01 Text and Map Amendment

Unless superseded by consistent provisions of subsections below, the following terms and provisions shall apply.

(A) Procedure

A petition for a zoning amendment may be initiated by the Board of Aldermen, the Planning Board, Town Staff or the owner or holder of any interest in the real property that is the subject of the rezoning petition within the zoning jurisdiction of the Town. Once a petition for a zoning amendment has been initiated, the Board of Aldermen may amend, supplement, change modify or repeal the zoning regulations established in this Ordinance after public notice and hearing and upon a recommendation by the Planning Board. No regulation or map shall be amended, supplemented, changed, modified or repealed until after a public hearing has been held by the Board of Aldermen on the proposed change, at which interested parties and citizens shall have an opportunity to be heard.

Comment [18NOVBOA34]: TA to make consistent with State Law.

Deleted:

- Ms. Faulkner indicated that if the Board would like to continue working on the UDO as a full Board that a majority of its members must attend in order to have a public meeting. That if they choose to meet as a different body that they could determine the number of members.
- Alderman Farley made a motion to create a subcommittee made up of five members of the Board of Aldermen with the purpose of having workshops on the Town’s UDO. Alderman Lanci seconded the motion.
- The motion passed 3 to 1 with Alderman Macartney voting against.

V. **ADJOURNMENT:**

- Alderman Farley made a motion to adjourn. Alderman Lanci seconded the motion.
- The motion passed unanimously. The meeting adjourned at 12:06 p.m.

**APPROVED:**

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Daniel Tuman, Mayor

**ATTEST:**

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Carin Z. Faulkner, Town Clerk

Approved on: 12/2/2010

# *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, December 2, 2010 7:00 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 7:00 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 the agenda. He indicated that he would like to change the order of the presentations to allow the auditor to present before Ms. Hills. Mayor Pro Tem Yawn seconded the motion.
  - The amended agenda was approved unanimously.
- IV. **PUBLIC HEARINGS/PRESENTATIONS:**
  - A. **Presentation: FY10 Audit Report – Chris Burton, Pittard, Perry & Crone, Inc.:** Mr. Burton took questions from the Board. He indicated that corrective actions have been taken on the three deficiencies that were identified and that those have been discussed with the Finance Officer. He said that the Town is in strong fiscal health.
  - B. **Presentation: Beach Nourishment Survey Results – Judy Hills, ECC: Ms. Hills gave the following presentation:**  
  
(see next page)



# North Topsail Beach Beach Nourishment Survey

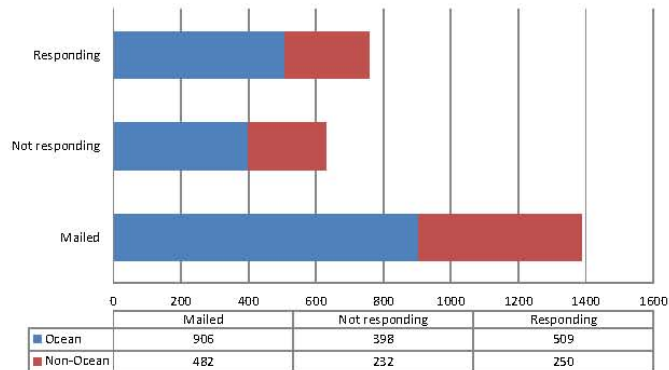


Conducted by Eastern Carolina Council

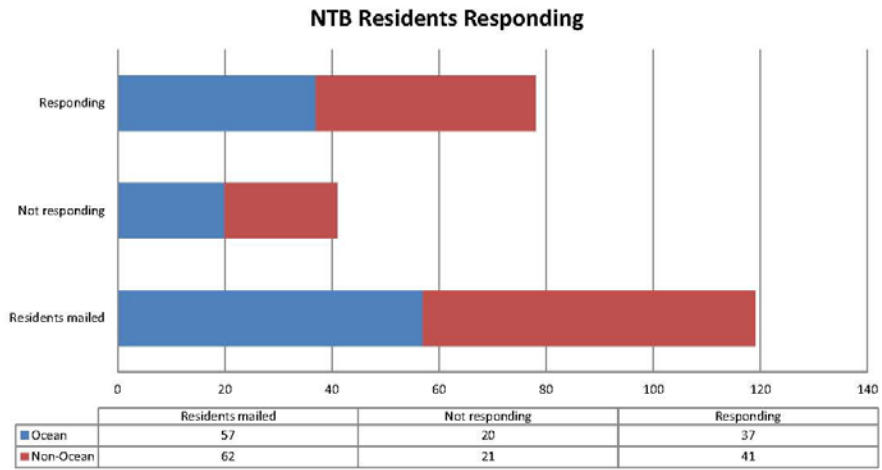


## Responding to survey

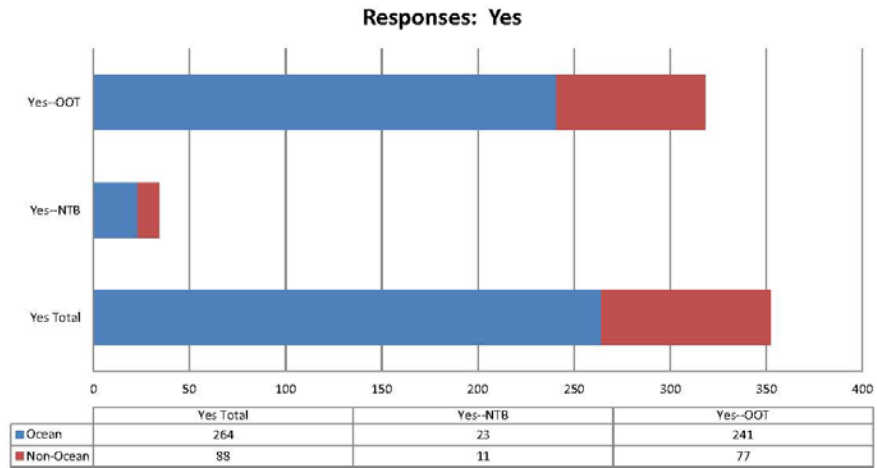
Responses



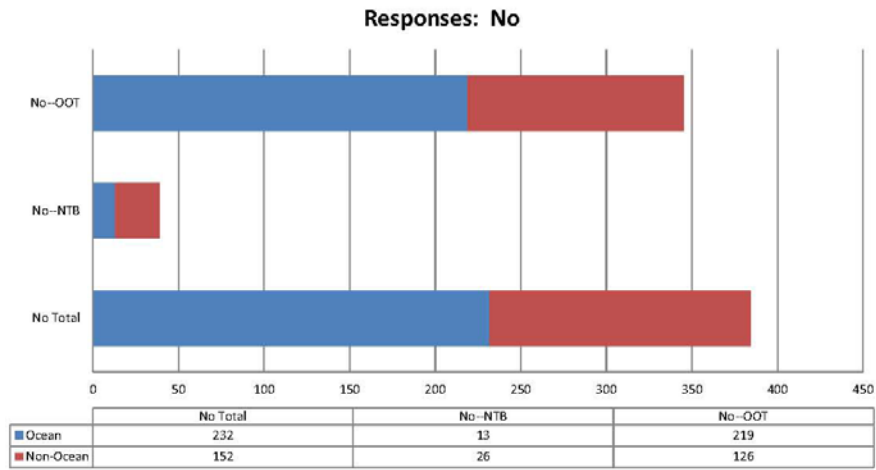
## NTB resident responses



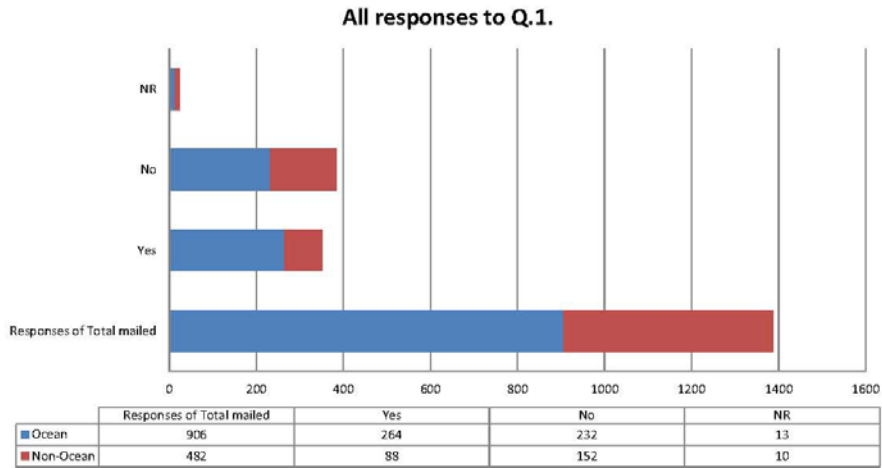
## YES responses



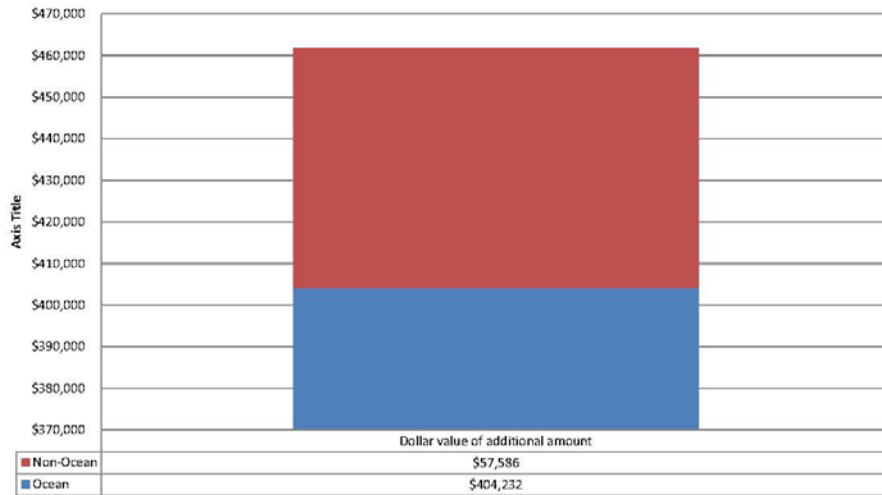
## NO responses



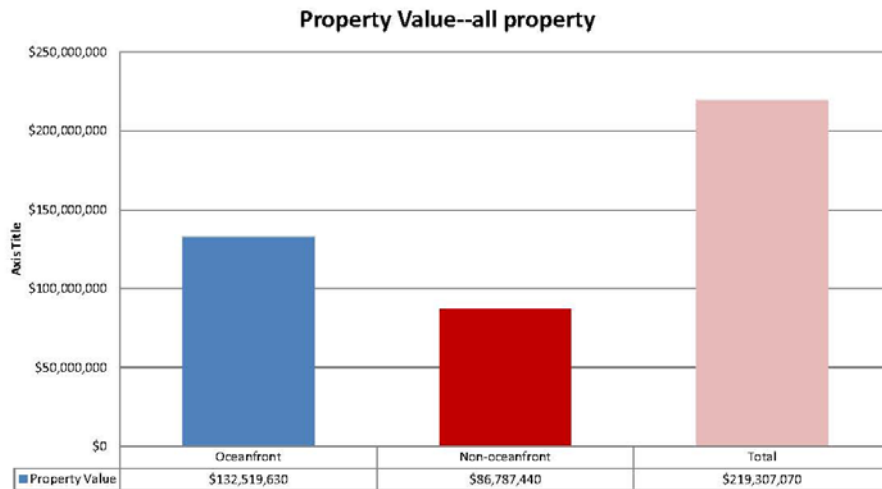
## All responses to question 1



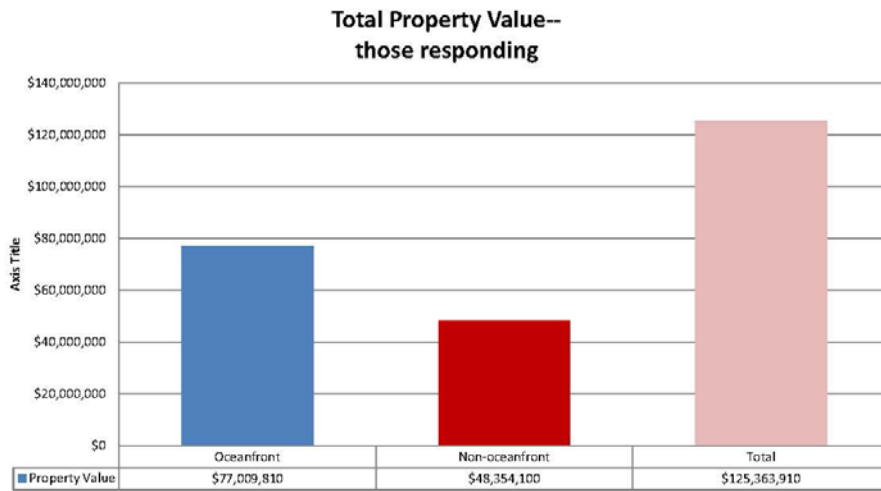
### Owners willing to pay additional tax— additional tax amount



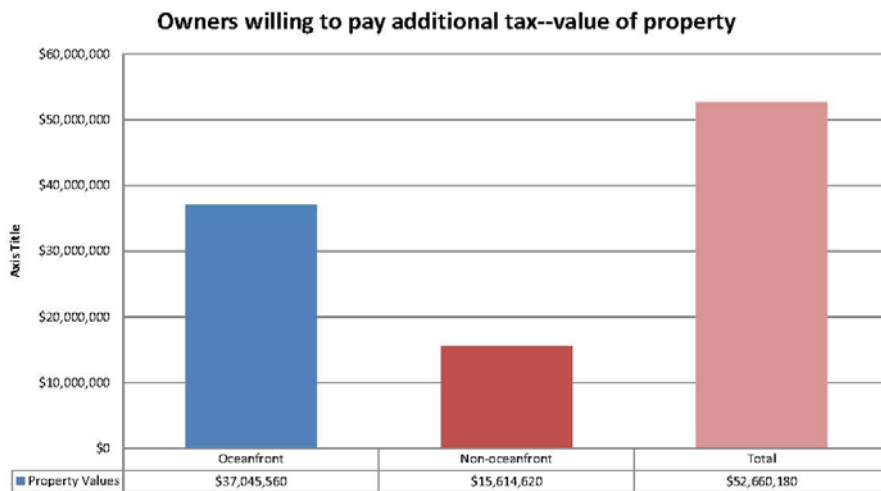
### Property value of all property



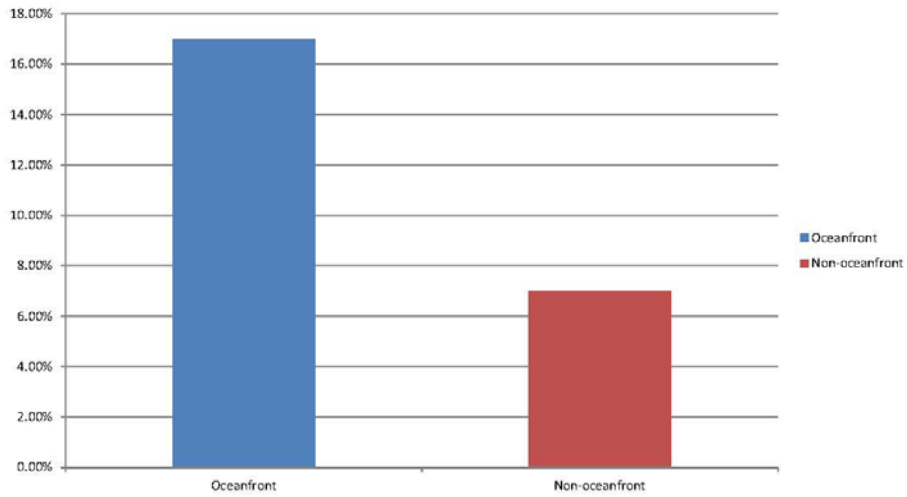
## Total property value of those responding



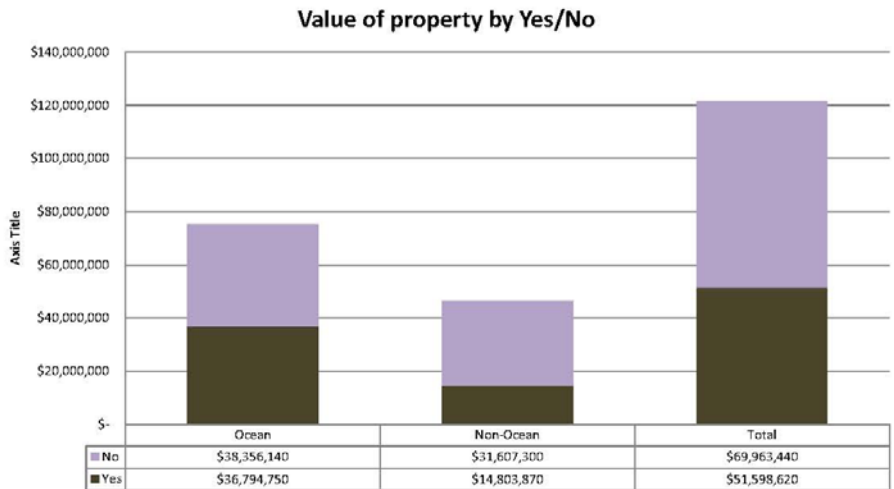
## Owners willing to pay additional tax— value of property



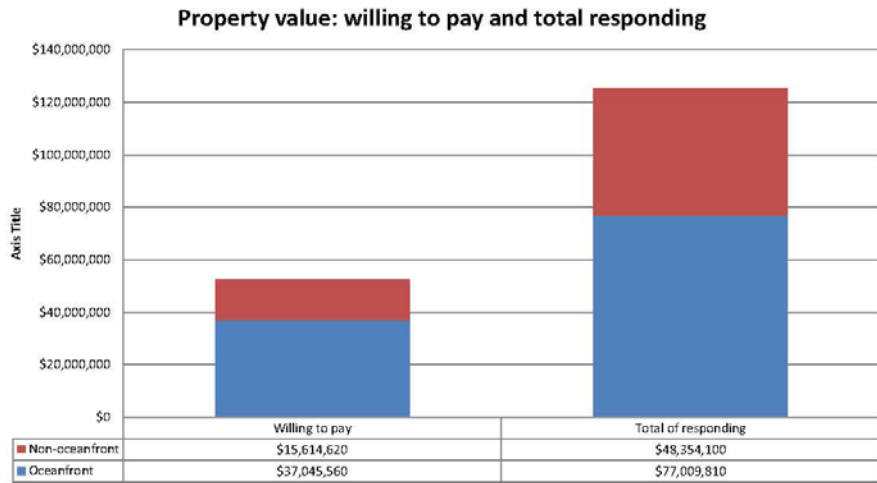
### Percent of total value—owners willing to pay additional tax



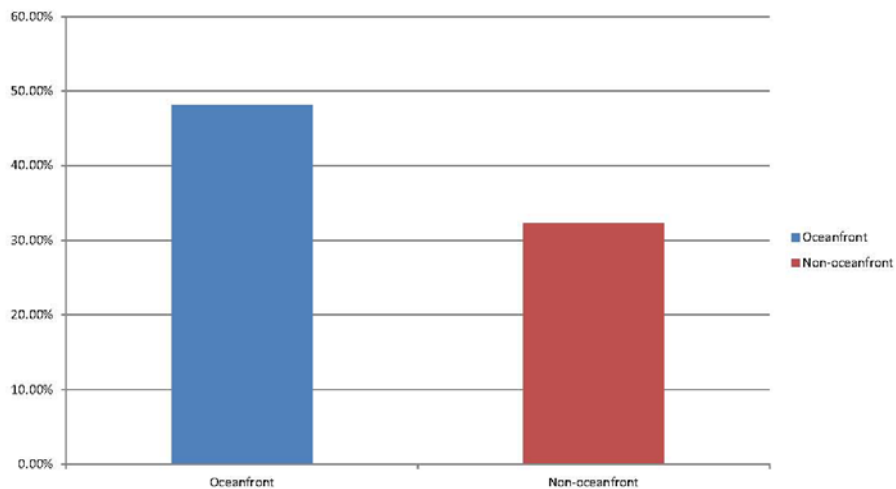
### Value of property by Yes/No



## Property Values: willing to pay and total value of those responding

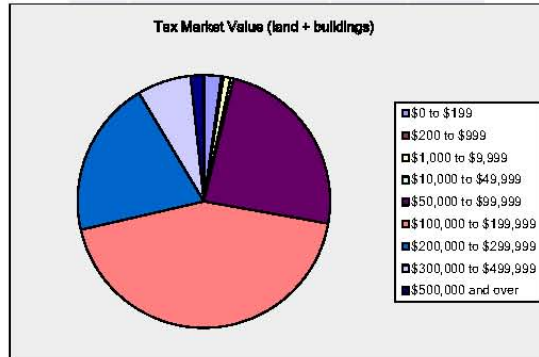


## Property value percentages: willing to pay and total value of those responding

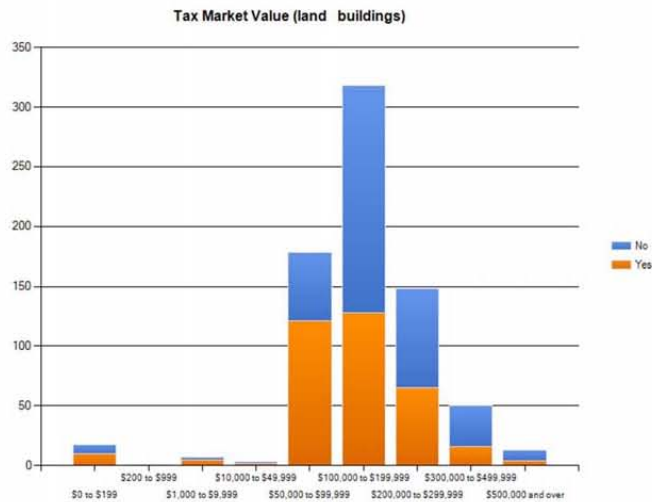


## Tax Value--Respondents

Tax Market Value (land + buildings)		
Answer Options	Response Percent	Response Count
\$0 to \$199	2.2%	17
\$200 to \$999	0.3%	2
\$1,000 to \$9,999	0.9%	7
\$10,000 to \$49,999	0.4%	3
\$50,000 to \$99,999	24.0%	182
\$100,000 to \$199,999	48.8%	351
\$200,000 to \$299,999	20.0%	152
\$300,000 to \$499,999	6.9%	52
\$500,000 and over	1.7%	13
	answered question	759
	skipped question	0

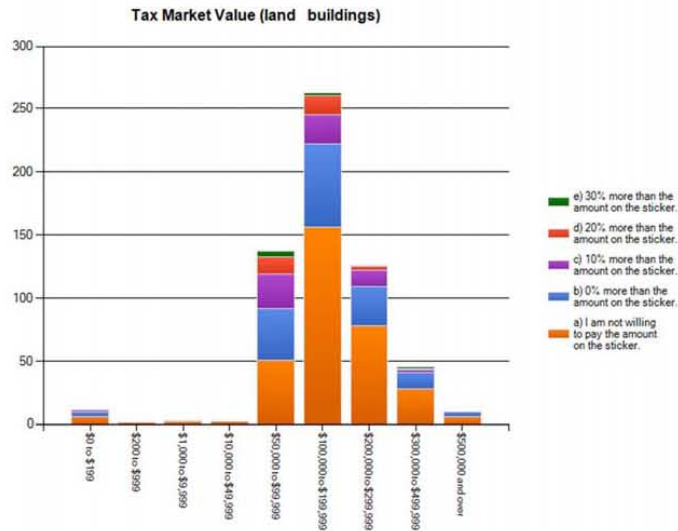


## Yes/No response by value

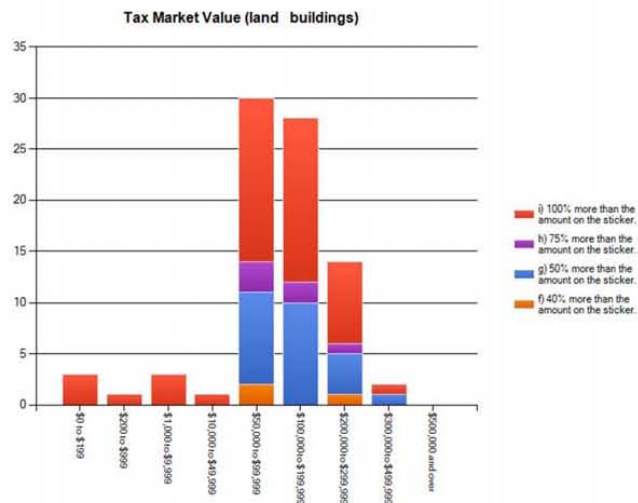




### Tax Value by willingness to pay additional taxes (none to 30%)



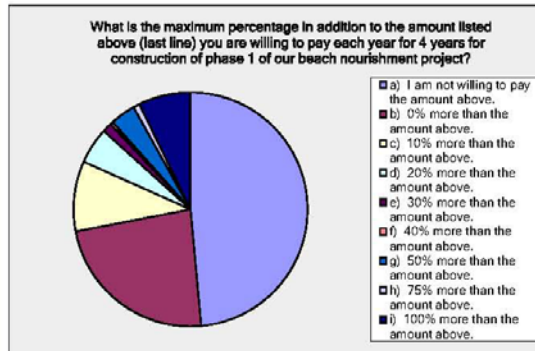
### Tax Value by willingness to pay additional taxes (40% to 100%)



## Responses Q 2

What is the maximum percentage in addition to the amount listed above (last line) you are willing to pay each year for 4 years for construction of phase 1 of our beach nourishment project?

Answer Options	Response Percent	Response Count
a) I am not willing to pay the amount above.	48.5%	330
b) 0% more than the amount above.	23.4%	159
c) 10% more than the amount above.	9.7%	66
d) 20% more than the amount above.	5.0%	34
e) 30% more than the amount above.	1.3%	9
f) 40% more than the amount above.	0.4%	3
g) 50% more than the amount above.	3.5%	24
h) 75% more than the amount above.	0.9%	6
i) 100% more than the amount above.	7.2%	49
answered question		680
skipped question		79



## Analysis

- 55% rate of return
  - 46% Yes
  - 51% No
  - 3% Did not answer question
- 46% respondents agreed to additional tax in amount of \$461,818
- Total tax value of property in Phase I \$219,307,070
  - Oceanfront \$132,519,630
  - Non-oceanfront \$86,787,440

- Ms. Hills took questions from the Board.
- Board members made comments on the results.
- No action was taken.

**C. Public Hearing and Board Action – Proposed Amendment to North Topsail Beach Town Code Sec. 7-123 Zoning Map:**

- Ms. Hill directed the audience's attention to the maps on the wall. She indicated that the map on the bottom was the map that was previously presented and it shows the areas where there were questions and there have since been public hearings and rezonings to correct the map. Ms. Hill indicated that the top map is a reflection of the current zoning.
- Ms. Hill read the staff report.
- Mayor Pro Tem Yawn made a motion to open the public hearing on the proposed amendment to the North Topsail Beach Town Code Section 7-123 Zoning Map. Alderman Swantek seconded the motion. The motion passed unanimously.
- No one came forward to speak.
- Mayor Pro Tem Yawn made a motion to close the public hearing. Alderman Farley seconded the motion. The motion passed unanimously.
- Mayor Pro Tem Yawn made a motion to adopt the paper version of the proposed zoning map. Alderman Farley seconded the motion.
- The motion was approved unanimously.
- There was discussion about doing some initial zoning on some property that is currently not zoned, at a later date.
- There was discussion on approving the digital version of the zoning map.
- There was discussion on map control procedures.
- Mayor Tuman entertained a motion for the Board of Aldermen to direct the Planning Board to look into the map control procedures.
- Alderman Swantek made a motion for the Board of Aldermen to table the decision to adopt the digital version of the zoning map and to direct the Planning Board to go over Section 7-123 and to come up with a procedure. Alderman Macartney seconded the motion.
- The motion passed unanimously.

**V. MANAGER'S REPORT:**

- A. Parking Acquisition for the Federal Project:** Mr. Foster reported that Staff is currently reviewing possible alternatives to meet the parking requirements for the Federal nourishment project. Deb Hill has been looking into street parking in the two mandated areas. It is hopeful that the Town will be able to meet this requirement with little cost to the Town.
- B. Thanks to the DOT District Office for their Assistance in the Resurfacing of NRIR and the Bike Path Extension:** Mr. Foster said that the Town would like to

thank Mr. Robert Vause, District Engineer, for his and the State's assistance in the most recent work on the resurfacing of New River Inlet Road and the bike path extension. It came in on time and on budget, and is certainly a nice improvement for the Town. There is some grading and shoulder work that still needs to be completed. Board members commented on a few problems they had with the resurfacing and Mr. Foster indicated that he would follow up with DOT.

- C. **“Inlet Hazard Area Expansion” to be Reevaluated:** Mr. Foster reported that the Coastal Resource Commission has decided to reevaluate the concept at their November meeting. All eleven affected towns’ staff submitted comments, most expressing concerns about the expansion. The Commission asked Dr. Warren to instead to establish erosion rates in the inlet areas, and to come back to the Commission with his findings, and then review alternatives with a final review and decision by the CRC in June of 2012.
- D. **Capital Improvement Program:** Mr. Foster reported that due to the scheduling of the UDO workshops, and in the delay of addressing the CIP program, staff has had a meeting on the preparation of CIB (Capital Improvement Budget) for the 5 year planning period. These forms were due back in the Manager's office by the end of November.
- E. **Update on Employee Evaluations:** Mr. Foster reported that the employee evaluation process has begun. He thanked the department heads for completing their evaluations.
- F. **CRS Community Rating System Recertification:** Mr. Foster reported that on November 11<sup>th</sup> the Town received verification of Community Rating System (CRS) Recertification for 2010. Additionally, the Insurance Services Office (ISO) confirmed that the requested updates for NFIP Repetitive Loss records have been completed reducing the number from 205 to 160 properties.

Mr. Foster said that each year the Town must certify that activities credited by the CRS are continuing. The Town's voluntary participation in CRS provides lower insurance premiums under the National Flood Insurance Program. He said that the rating was renewed at a level seven.

- G. **Presentation on Underground Power Line Placement by JOEMC at the January Regular Board Meeting:** Mr. Foster reported that he has asked Mr. Richard Maready of Jones Onslow Electric Membership Corporation to make a presentation to the Board on the potential of that organization to place the Town's electric service underground. He and his Chief Utility Engineering Officer Mr. Thomas Pritchard, P.E. will address the Board on this matter. They will be addressing logistical, placement, and funding questions.
- H. **Board of Aldermen Retreat:** Mr. Foster reported that the Board needs to establish a date for the next Board retreat. Mayor Tuman suggested mid January or February. The Town Clerk will survey the Board and schedule a date.

- I. **Federal Project:** Mr. Foster reported that he will be meeting with Jan Brodmerkel from the Army Corps of Engineers to discuss the cost share with the Federal government for undeveloped property. He reported that Mickey Suggs said that the record of decision for the permit should be ready before Christmas.

VI. **OPEN FORUM:**

**Thomas Leonard of 218 Coastal Drive** – Mr. Leonard made comments about the beach nourishment survey. He indicated that beach nourishment will always be an issue and said that he hopes the Town continues to work on the alternatives. He asked that the survey results be posted on the Town website. He said that the white lines along New River Inlet Road stop at the Topsail Reef. He said Merry Christmas and told everyone not to forget about Toys for Tots.

VII. **CONSENT AGENDA:**

- A. Request to Approve Tax Refunds
- B. Request to Approve Budget Amendments #2, 3, 4
- C. Request to Approve Revised Supplemental Mowing Agreement with NCDOT
- D. Approval of Minutes: November 4, 2010 and November 18, 2010
- 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
  - Alderman Swantek made a motion to approve the Consent Agenda as presented. Alderman Macartney seconded the motion.
  - Mayor Pro Tem Yawn asked the Town Clerk if his suggested change was made to the 11/18/2010 minutes. The clerk indicated that the minutes were corrected.
  - The motion passed unanimously.

VIII. **NEW BUSINESS:**

- A. **Resolution to Adopt the Regular Meeting Schedule for 2011:**
  - Alderman Swantek made a motion to approve the proposed regular meeting schedule indicating that the meetings will start at 6:30 p.m. instead of 7:00 p.m.
  - Mayor Pro Tem Yawn seconded the motion.
  - There was discussion
  - The motion passed 4 to 1 with Alderman Farley voting against.
- B. **Renewal of Marlowe & Company Contract with TISPC:**
  - Mayor Tuman indicated that the Topsail Island Shoreline Protection Commission adopted the renewal of the Marlowe contract and has asked the three town boards to adopt it as well.

- Mayor Pro Tem Yawn made the following motion: *“Since the draft Marlowe contract is written to the advantage of Marlowe, contains no specific deliverables, and has a condition that disputes between TISPC and Marlowe will be adjudicated and arbitrated in Washington, D.C. and will fall under D.C. laws, we reject the draft contract and request that the TISPC reject the draft contract and re-negotiate a more proper contract.”*
- Alderman Farley seconded the motion.
- There was discussion on Mayor Pro Tem Yawn’s suggested changes to the contract.
- The motion passed 4 to 1 with Alderman Lanci voting against and Alderman Macartney abstaining (his vote was counted as an affirmative vote).
- The Board discussed who would be communicating their decision to the TIPSC. Alderman Macartney said that he would tell the TISPC.

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

X. **ATTORNEY'S REPORT:** Mr. Edes did not have a report.

XI. **MAYOR’S REPORT:** Mayor Tuman reminded the audience that the Town is having its annual Christmas party on December 17<sup>th</sup> for the employees and volunteers of the Town. He said that his concern is that there is a place for an improved beach in this Town and that it is important that the Town Staff, elected officials, and mayor come up with a proposal that all of us can support.

XII. **ALDERMEN’S REPORT:**

**Alderman Farley:** Mr. Farley wished everyone a blessed Christmas. He said that the people have spoken three different times on beach nourishment and have said that this is not something they want to pay for.

**Alderman Swantek:** Mr. Swantek said, “Happy Holidays.” He said that he hopes that the Town can get some more volunteers this year for positions on its boards.

**Mayor Pro Tem Yawn:** Mr. Yawn wished everyone a Merry Christmas. He said that the Board is going to try to have a UDO meeting on Wednesday the 8<sup>th</sup> from 3:00 to 5:00. He asked those that cannot attend to please send in their comments and he hopes that they continue to progress on it.

**Alderman Macartney:** Mr. Macartney said that he is tired and saddened by the fact that the beach will not be renourished but that he is also a strong supporter of the people’s will. He said he feels that it will be a chilling decision for our Town and for the TISPC as well as a statement that property owners do not see the current beach nourishment strategy for the state as a workable alternative. He said that it may bear fruit in that public officials will try to find other ways to solve the problem. Dredging offshore for

sand does not seem to be an economically viable plan for this Town, he said he is saddened, but he understands.

**Alderman Lanci:** Ms. Lanci said that she hopes everyone had a great Thanksgiving and that she knows it has been a tough year for a lot of us but that we still have a lot to be thankful for. She thanked those that responded to the survey. She said that the answer to beach nourishment might be a “no” for now but that may change in the future. She urged everyone to lobby our legislators on the alternatives, terminal groins, and the CBRA zone. She wished everyone a Merry Christmas.

XIII. **ADJOURNMENT:** Mayor Pro Tem Yawn made a motion to adjourn. Alderman Lanci seconded the motion. The motion passed unanimously. The meeting adjourned at 8:52 p.m.

**APPROVED:**

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Daniel Tuman, Mayor

**ATTEST:**

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Carin Z. Faulkner, Town Clerk

Approved on: 1/6/2011