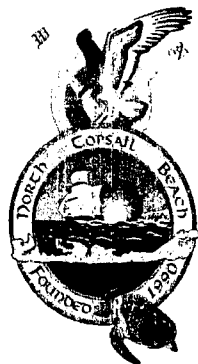


Town of North Topsail Beach

177

W. Rodney Knowles, Mayor
Larry Hardison, Mayor Pro Tem
Aldermen:
Fred Handy
Daniel Tuman
Richard Farley
Richard Peters



Thomas S. Taylor
Interim Town Manager
Kathleen Lennon Clough
Town Clerk

North Topsail Beach Board of Aldermen

MINUTES

3 January 2008, 7:00 P.M.

The meeting of the North Topsail Board of Aldermen was called to order at 7:03 P.M. by Mayor W. Rodney Knowles, who declared a quorum.

Present were Mayor Knowles, Aldermen Fred Handy, Richard Peters and Richard Farley, Interim Town Manager Thomas Taylor, Town Clerk Kathleen Clough, Town Attorney Robert Kilroy and Planning Officer Deborah Hills. Mayor Pro Tem Larry Hardison and Alderman Dan Tuman were absent.

The Invocation was given by the Reverend Dwayne Collins, Pastor of North Topsail Shores Baptist Church. Mayor W. Rodney Knowles led those present in the Pledge of Allegiance.

Alderman Richard Peters moved to approve the Agenda and Alderman Fred Handy seconded the motion. The agenda was approved unanimously.

COMMITTEE REPORTS

Beach Preservation

Chairman Dick Macartney reported that "the committee met on Dec 12th. The bulk of the meeting time was spent reviewing and discussing the Draft Environmental Impact Statement prepared by town consultants, Coastal Planning & Engineering which has been reviewed and accepted by the regulatory branch of the Army Corps of Engineers.

As you all know Mickey Sugg of the Wilmington Branch, the project manger for our private beach nourishment project, has scheduled a public hearing on our project for January 9th at 6:30 PM right here in town hall.

This is a requirement before the Environmental Impact Statement is final. The EIS then acts as the application for state and federal permits for our town to do any beach nourishment project. So no matter how bad erosion is or gets there is not a way to put sand on our beach which is the only legal way to combat the erosion without submitting a plan for what is proposed and the likely effect of what is planned on the environmental resources that may be impacted.

In addition to being a legal requirement the public hearing is a good chance for all interested to learn all there is to know about our proposed beach nourishment plan, including the timing, cost, methods, and impact. Those facts are included in two large three ring binders available for the public here at town hall. I am also very impressed that Kathleen has placed the full report including appendices on the town website.

I encourage all in the audience to peruse this information and to formulate any concerns or questions which I am fairly certain can be addressed next Wednesday night.

178

Once the hearing is concluded any concerns will be addressed by the Corps and the town through its consultants, and the final EIS will be submitted CAMA who is responsible for getting approval from the various state agencies who have interests. I seem to recall that once this report is seen the review process from CAMA takes approximately 90 days.

So it is possible that all permits will be issued before fall of 2008. Once permitted the plan must be implemented and will require actions of this board including hiring a project manger, letting contacts and so on. Needless to say this process which has been underway since 2000 is far from complete and will require attention from town staff and especially the board of alderman.

The other project for beach nourishment is the Federal Project. There was good news on this front as the Congressional budget included \$197,000 for work to get the DEIS for this project completed. In this case the work is done by Corps of Engineers not a consultant. The latest report on their progress is that they intend to have contract divers to examine near shore hard bottoms this month, but warned that this may be delayed.

The current schedule remains as follows:

US Fish and Wildlife Coordination Act Report - February 2008

Draft report ready for sponsor review - late February 2008

Independent Technical Review - finish mid April 2008

Submit Draft Feasibility Report / EIS to SAD - late June 2008

45 day public review, answer comments, etc.

Submit Final Feasibility Report / EIS to SAD - February 2009

Civil Works Review Board - March 2009

Report ready to go to Congress - January 2010

The next meeting of the Beach Preservation Committee will be Wednesday January 16 at 6:30 PM. The agenda will include a review of the Public Hearing and election of leadership for the coming year. We could use some new blood on the committee and I would encourage new people to apply to the committee as it is apparent that the subject of beach nourishment will continue to be of extreme interest to citizens of North Topsail Beach."

Alderman Richard Farley asked if a plan had ever been presented to this Board. Mr. Macartney responded that the contract was approved by the Board; the plan was briefed to the Board by Mr. Jarrett. The Funding paragraph was prepared by the Mayor's task force, but this Board has not approved anything other than the consultant's contract.

Planning Board

Chairman Mike Yawn reported as follows.

"The Planning Board held our scheduled meeting on 12/13/2007. Actions:

- 1) Delayed electing new officers for the Planning Board until the town elections are resolved.
- 2) Since the wetlands delineation has not been surveyed, and may not be surveyed until after our January 2008 meeting, we postponed reopening the public hearing and making a recommendation on rezoning case R-07-10 until our February 2008 meeting.

A couple of notes:

- 1) The scheduled 1/23/2008 joint meeting to discuss the Land Use Plan conflicts with 3 of the 4 usual members of the Land Use Committee. It would be a blessing to us to reschedule.
- 2) We are currently short 2 alternates, and once the elections are resolved will likely be short 1 or 2 full members as well. I encourage interested citizens to apply."

The Planning Board will cancel their next meeting.

Board of Adjustment

Chairman Jerry Convy reported that the Committee did not meet and there are no pending issues.

Interim Manager's Report

Interim Town Manager Thomas S. Taylor presented his report to the Board.

1. Three Aldermen have submitted their list of the top four candidates for Manager and these have been forwarded to Judy Hills. Interviews will be scheduled the latter part of January.
2. Congratulations to Randall Moudy for completion of the Standard Code Courses Instructor Workshop. He is now permitted and approved as an instructor to teach the Codes in the NC Community College System.
3. Reminder, the work session for the Zoning Ordinance review is scheduled for 6:30 Wednesday, January 30th.
4. Each of you has received the Draft CAMA Land Use Plan. Our work session was scheduled for January 23rd. However, one Alderman and four members of the Land Use Planning Committee can not meet at that time. I suggest that the work session be rescheduled for February 6th (Wednesday) at 6:30.
5. I attended the following meetings in December: Chamber of Commerce, Eastern Carolina Council meeting on Disposal Options for Treated Wastewater (Coastal) and two meetings with the District Engineer, NCDOT and staff.
6. Over the past 30 days we have experienced a great deal of beach and dune erosion which has caused some damage to a number of Beach Access walkways. As of this week we have completed repairs/rebuilt the walkways at Green Street, Topsail Reef, and Oyster Lane.

Alderman Farley asked if we can slowly start to implement lower crossovers for senior citizens.

Mr. Taylor said he would look into it, and we would start that.

Alderman Handy said that a 6" to 8" riser can make a big difference.

7. The Public hearing on the Draft EIS for the Local Project is scheduled for January 9, 2008 at 6:30 PM in Town Hall. This hearing will be conducted by Mickey Suggs, US Army Corps of Engineers.
8. As of now the Board of Aldermen is scheduled to attend the NCLM Essentials of Municipal Government in Greenville on February 5-7, 2008. This is an excellent time for the Board to spend time as a group. The agenda for this conference has been emailed to you.
9. Under item 10 A. is a letter from Mr John Sutherland, PE, Chief, Water Projects Section, NC DENR again inviting the Town and the County to participate in the cost of dredging the New River Inlet Crossing. The Corps has revised the cost of the project to be considerably less than was estimated last October and has agreed to place the sand as designated by the Town. The resolution of agreement is for your consideration.
10. At the meeting (only two Aldermen attended) on December 11th one Alderman asked if staff could do the agendas on power point. We do have the capability and expertise to do power point. However, I would suggest that the Board direct the staff in this direction if that is your desire.

Alderman Farley stated that the agenda in and of itself can be passed out. The only complaint he has ever heard is about hearing. Mayor Knowles asked if there was a consensus. Alderman Fred Handy suggested that they could try it and see how it worked and if it didn't the Board could stop it. Alderman Hardison agreed.

Discussion points included that the budget would still be too difficult for the audience to see, it was overkill for the size of the room, and in the event pictures needed to be displayed it could be used on an as-needed basis. The consensus, by 2-1 was not to have staff project the agenda by Powerpoint.

11. Congratulations and thanks to Deputy Fire Chief/Fire Marshal George Moore. The NTB rescue squad received their notification of being awarded the 2007 Rescue Grant. Chief Moore applied for a \$23,379.00 matching grant and has been awarded this grant to purchase the following equipment:
- 5 Portable Hand Held Radios with associated gear
 - 1 Portable Rescue Saw kit
 - 4 Night vision binoculars
 - 2 GPS hand held units
 - 2 Waterproof radio packs w/ headset and adapter
- The state will pay for 11,689.50 and the Rescue Squad pays the other half using the \$10,000.00 donation from the Town and the \$1,689.50 remainder will come from NTB Rescue Squad Funds.
12. Update on the WAMIF (Water Access Marine Industry Fund) grant application. NTB and Onslow County submitted pre-applications for the same Tax Parcel. The Dept of Marine Fisheries has asked for us to submit a joint application. Ms Cox has scheduled a meeting with the County for next Tuesday, January 8th at 9:30 to begin that process. The deadline for the application is February 15th.
13. Update on discussion of Grants for Beach Access (from your Dec meeting). The staff will meet on this next week and begin to put together possible alternatives. It is our hope to have a Public work session during January.
14. Interviews for the Manger position are tentatively scheduled for January 24th and 25th. There will be three interviews, two on Thursday the 24th and one on the morning of Friday the 25th.
15. 2008 State Fire Matching Grant. The State has recently changed the regulations for applying for this grant and the Town is now eligible. This is a matching grant of up to \$60,000 for fire equipment. We last received this grant in 1993 and were last eligible to apply in 2004. I recommend that you authorize the staff apply for \$30,000 (\$15,000 from the State and \$15,000 from the Town) to be used primarily for Hoses and equipment for new engine 2405 and to replace Self contained breathing apparatus that will age out this year due to its 15 yr life cycle. If approved we will do a budget amendment of \$30,000 in your February Agenda. The Grant is under New Business, Item 11. A. for your consideration.

Alderman Farley stated that he believed interviews should be held by new Board.

Consent Agenda

Alderman Peters noted that there were several larcenies in the Police Report and stated that the Board needs to know what is going on. The interim manager will ask the Chief to let the Board know, and, unless they are still under investigation, we will let the public know what is going on. Alderman Handy noted that they are published in the Topsail Advertiser every week.

Motion: Alderman Peters moved to accept the Consent Agenda; Alderman Handy seconded.

Action: Consent Agenda approved by unanimous vote.

Open Forum

Mike Yawn of 207 Tamaricks Court – “regarding the hiring of a new town manager, the meeting called for the Board to narrow the list but not to interview candidates. Election – we can’t proceed until the election is certified and the votes have been certified, but Ms. Tuman is not contesting the Mayoral election so why can’t we swear in the Mayor-elect?”

Mayor Knowles said the entire election is being contested and asked for the interim town manager to inquire whether we can inaugurate Mr. Martin. Mayor Knowles said the interim town manager has been keeping up with it each day.

Mayor Knowles announced that the Public Forum was closed.

Alderman Peters made a motion to go into Public Hearing, which was seconded and approved unanimously. Mayor Knowles called on Ms. Hill, who presented the case.

Public Hearing

CASE # CU-07-03 Conditional Use Application submitted by Kent and Marianne Phillips, and Wayne and Linda L. Raiford, for a swimming pool at 3724-3726 Island Drive.

RECOMMENDATIONS: By a vote of 3 to 2, the Planning Board recommends approval to the Board of Aldermen of the Conditional Use application #CU-07-03 submitted by KENT & MARIANNE PHILLIPS AND WAYNE & LINDA L. RAIFORD for a swimming pool at 3724-3726 ISLAND DR.

In response to Alderman Handy's questions, Ms. Hill stated that the pool is 12x24; the lot is 60 feet. Alderman Peters asked how this fits into our storm water runoff plan for the parcel. Ms. Hill said that has not been a requirement for lots under an acre. Alderman Peters said that he didn't think that was correct, and asked if there is a storm water plan for the home construction plan itself. Ms. Hill did not review it from that point of view but from a Zoning/CAMA/Flood standpoint; and stated that Trex decking would be appropriate. Alderman Farley asked if this extends beyond the first line of vegetation. Ms. Hill stated she would have to go back and recalculate it.

Mr. Kent Phillips – 2207 South Shore Drive – stated that he went to the neighbors and offered to let them be part of the design and landscaping plan, he would still like to have a pool; they did all of their setbacks to accommodate a pool so as not to have a problem, and wants to make his investment better and what he is trying to do is within the guidelines.

Alderman Handy asked if it was his home; Mr. Phillips said it is a rental and if he was offered the right price he would sell.

Mike Yawn – 207 Tamaricks Court, NTB, stated that these are non conforming lots each 30 feet wide less than 7,000 square feet. Based on our ordinance, non conforming use of land shall not be expanded, and according to our ordinance you are not supposed to expand non-conformance. They could rejoin their lots, or they can go to the Board of Adjustment.

Mr. Yawn, Chairman of the Planning Board, stated that he didn't think the Board should approve this, and said that even though CAMA says pools are water and are pervious, we were going to treat them as impervious for situations like this.

Kent Phillips stated that he doesn't understand all these things, some of them you have to about be an attorney to understand them. He stated that he believed he is being singled out – all those other people could have pools but he can't. Mr. Phillips said he understands small town politics, but if the Board could explain to him why the others can have a pool but he can't then he would feel a little bit better if he could understand it.

Mayor Knowles asked if there are any more non-conforming lots. Ms. Hill stated that prior to her coming here she did not know what had been done, and that she has tried to follow the letter of the Ordinance since she got here, but she doesn't know what was done in the past, and she would have to go back and take a look at it and see if mistakes had been made in the past. Alderman Farley asked if in the last 6 months or year that it has come to light that a pool on a duplex lot has required a conditional use permit and if that has been our policy, and if we have not waived from that position. Ms. Hill responded that was correct. Alderman Farley said that he recalled the Board had a meeting, and asked Ms. Hill if this was the procedure discussed at that meeting. Ms Hill responded it was and he was correct.

Motion

Mr. Peters moved that the public hearing be closed; Alderman Handy seconded the motion.

Action

Unanimous vote to close the public hearing.

182

Old Business

Inlet Dredging

The Interim Town Manager received a letter from DENR offering reduced cost for inlet dredging. Mr. Taylor then displayed maps showing where sand was placed last year in front of Topsail Reef. If the Topsail Reef was to get into the situation as the condemned houses, it would be a loss to the Town's tax base.

Alderman Peters asked about participation.

Mrs. Paula Hoyle is the president of the HOA of Topsail Reef and asked to address the Board, stating that the homeowners may participate in funding.

The Inlet Dredging Resolution asks \$179,000 of North Topsail Beach and the County, and \$358,000 from the State of North Carolina. The County manager is holding off taking action until he sees what the North Topsail Beach Board does. Alderman Farley stated that the Board rejected a motion at their last meeting that would call for North Topsail Beach contributing \$100,000 and that was turned down and asked why we are revisiting this when the sand was gone in less than a year.

Paula Hoyle of Unit 240 Topsail Reef stated that as a HOA they have spent over \$25,000 this year with no assistance doing sand pushes. It seems wasteful, but this past week we had our Winter Solstice, our Lunar Tide, and our Nor'easter, and nothing is going to beat that. What sand we have pushed repeatedly hasn't lasted, but we have had something wash away other than our electrical, sod and everything else we have attached. I have unofficially spoken with members of the Board and other homeowners and they are very willing to go in on this.

We also lost a pool this week that we will be forced to remove from the beach. That is why we are here again. We have had substantial increases in our taxes; my unit went up over 200% in taxes and in the good faith effort that we were going to have some of this excess tax money going for beach nourishment and rechanneling of the inlet. I don't believe in saving property itself, but the inlet does need to be addressed so we don't lose it. It is a lot of tax money for this town. So far, since Ophelia we have not had one piece of property sold in Topsail Reef for tax value, much less anywhere over tax value, and we are still paying those taxes. We are willing to contribute but we expect the town to contribute.

We will go in with this funding for \$179,000 at some percentage and we will be happy and grateful to have some assistance.

Alderman Handy said that a lot of homeowners have had the same problem and have had to pay for their own and have not come to the Town for help.

Mrs. Hoyle stated that Topsail Reef is a huge tax base for this town and it is worth it.

Mary Convy, Dolphin Shores, adjacent to the Topsail Reef, stated that her concern is that last year we did more damage to ourselves than it was worth. When the Army Corps of Engineers placed sand, they did it in a cork formation rather than in an equal placement. That cork of sand did not stop the force of the water; it moved it slightly south. Mrs. Convy asked the town to please not do more damage to us in the future; but to be objective and take a scientific view.

Interim Town Manager Tom Taylor stated that the Corps has agreed to place the sand at the Reef and down as far as it will go and build the beach right where it is, not create an island that would cause wave action further down. We can get an engineer and tell us what we can do and when and how. The Corps has already let the contract and the bulldozer is already in place to start the dredging.

Alderman Peters asked when the dredging is scheduled. Mr. Taylor stated that they are already staging. Mayor Knowles directed the Interim Town Manager to get an engineer in here in the next week or as soon as possible and see where they are going with this.

Alderman Farley stated that he is not supportive of all this at all; it isn't much different than the last time. Mayor Knowles said that if it was his house he knows how he would feel.

Motion

Alderman Peters made a motion to get an engineer and have the HOA have a meeting to come to agreement for cost sharing and have Paula come to a meeting with the Town Board of Aldermen and postpone the issue until February. Seconded by Alderman Handy.

Vote

Aldermen Peters and Handy voted yea; Alderman Farley voted nay.

Action

The motion passed.

Alderman Farley stated that a 2-1 vote is not official; you need to have the majority of the Board.

Mr. Kilroy, Town Attorney, stated that if you have a quorum, you can take a vote.
Mr. Farley said he disputes that.

New Business

CASE # CU-07-03 Conditional Use Application submitted by Kent and Marianne Phillips, and Wayne and Linda L. Raiford, for a swimming pool at 3724-3726 Island Drive.

Action

Died, for lack of a motion.

2008 State Fire Matching Grant of \$15,000

Motion

Alderman Handy moved approval, Alderman Peters seconded.

Discussion

Mr. Handy stated that this would save the Town money next year; whatever we can replace now with this money would not have to be purchased next year.

Alderman Farley asked where the money would come from and the Interim Town Manager replied that some of it would come from the Fire Department budget and some perhaps from the fund balance.

Vote

Aldermen Handy and Peters – yea; Alderman Farley - nay

Action

Motion passed to approve application for the 2008 State Fire Matching grant of \$15,000.

Applications for Planning Board Vacancies

Motion

Alderman Handy moved to make Carol Evans an permanent alternate member on the Planning Board. Alderman Peters seconded the motion.

Action

Motion passed unanimously, appointing Carol Evans as an alternate member of the Planning Board.

Discussion of IRS rules regarding reporting Town Attorney appropriations and status

Town Attorney Robert Kilroy confirmed that he is, in his legal opinion, an Independent Contractor and not an employee of the Town and he will submit a letter to the Interim Town Manager to that effect.

1033

Public Forum

Mike Yawn of 207 Tamaricks Court stated that he concurs with Alderman Farley that a 2-1 vote is not a passing vote and Mr. Tuman had done some earlier research on the subject. The laws of 2006 may have changed the quorum requirements.

Attorney's Report

Nothing back from Judge Knowles on Litvak decision, so it is still hanging in the air. Finally got the record on appeal for the attorney fee application for those condemned houses; but was unable to agree with Litvak on what the record of appeal was, so Mr. Kilroy went to Judge Alford and the Judge decided the record of appeal over Mr. Kilroy's objection. Regarding Joe Stroud – we have three things going with Mark Evans and will meet with him next week and if he isn't going to do something then Mr. Kilroy suggested the Town move them off the stove and move on to something else.

Alderman Farley asked Mr. Kilroy to explain the term "Record of Appeal." Mr. Kilroy said that it is a statement of what happened in the lower court.

Von Lembke submitted 14 four page affidavits – but when he put in the record of appeal, he tried to insert over 350 pages into his affidavit, so Judge Alford had to settle the record; the Judge accepted it and included all of those pages, so we have to appeal that.

Mayor's Report

Mayor Knowles said that he is sorry we are in this situation with the election, but he has been a part of this community for seventeen years, and he took the Oath of Office and he will serve until this is settled. There was applause from the citizens present. Mayor Knowles wished everyone a Merry Christmas and a Happy New Year.

Aldermen's Report

Alderman Farley said that he is glad it's a new year, and asked the Interim Town Manager to look at the 2-1 vote and whether it cannot pass without a majority of the board voting.

Alderman Handy thanked everyone for coming tonight and hopes everyone has a Happy New Year.

Alderman Peters stated that he wished to reiterate what the Interim Manager said about the grants we applied for – turning this island into a park - we did get through the first elimination process so he will need to schedule a meeting to get public input, staff input and make something the town can be proud of. Another water access grant is due the end of February and we need public input, there were no dollar limitations; this is a golden opportunity to do some projects that everyone could utilize and it would benefit everyone. He then thanked everyone for coming.

Mayor Knowles asked if Mr. Phillips can bring up his pool at the next meeting, and reiterated that his application died because of a lack of a motion and he has no option of going back to the Board of Adjustment. He can come back to BOA, but he needs to start the process over. Ms. Hill needs to inform the Phillips of the decision.

Adjournment

Mayor Knowles adjourned the meeting at 8:29 P.M.

Minutes prepared by Kathleen L. Clough, Town Clerk

Approved:

Date:



W. Rodney Knowles, Mayor

February 7, 2008

Town of North Topsail Beach

W. Rodney Knowles, Mayor
Larry Hardison, Mayor Pro Tem
Aldermen:
Fred Handy
Daniel Tuman
Richard Farley
Richard Peters



Thomas S. Taylor
Interim Town Manager

Kathleen Lennon Clough
Town Clerk

North Topsail Beach Retiring and New Board of Aldermen

Minutes

7 February 2008, 7:00 P.M.

The meeting of the North Topsail Board of Aldermen was called to order at 7:00 P.M. on February 7, 2008 in the Meeting Room of the North Topsail Beach Town Hall by Mayor W. Rodney Knowles, who declared a quorum.

Present were Mayor W. Rodney Knowles, Mayor Pro Tem Larry Hardison, Aldermen Fred Handy, Richard Peters and Richard Farley, Interim Town Manager Thomas Taylor, Town Clerk Kathleen Clough, Town Attorney Robert Kilroy. Alderman Dan Tuman was absent.

The Invocation was given by the Reverend Dwayne Collins, Pastor of North Topsail Shores Baptist Church, after which Mayor W. Rodney Knowles led those present in the Pledge of Allegiance.

Mayor Knowles recognized the distinguished guests, including Senator Harry Brown; Representative W. Robert Grady; Major General Robert Dickerson; Howard Braxton, Mayor of Topsail Beach; Zander Guy, Mayor of Surf City; Scott Chadwick, Mayor of Swansboro; Marvin Trott, Mayor of Richlands; Sammy Phillips, new Mayor of Jacksonville; Elmer Padgett, Mayor of Holly Ridge; and Jim Allen, the new Chairman of ONWASA.

Alderman Richard Peters moved to approve the Agenda and **Alderman Fred Handy** seconded the motion and it was approved unanimously.

Mayor W. Rodney Knowles presented a certificate to Mr. William Horstmann, in recognition of his extraordinary dedication, generosity, and tireless efforts to enhance the Town of North Topsail Beach as Chairman of the Recreation & Beautification; and to Mr. and Mrs. James Milligan, in recognition of their extraordinary generosity and heartfelt contribution for local children through the Town of North Topsail Beach Toys for Tots Campaign that is administered annually by Finance Officer Mrs. Lydia G. King.

Old Business

Alderman Richard Peters moved to approve a Capital Reserve Funds Transfer Resolution for Air Conditioning Repair. **Alderman Fred Handy** seconded the motion and it was approved unanimously.

Capital Reserve Funds Transfer Resolution for Air Conditioning Repair

Revenues

<u>Account</u>	<u>Name</u>	<u>Budgeted</u>	<u>Increase Decrease</u>	<u>Amended Budget</u>
10-399-01	Transfer in Capital Reserve Fund Air Conditioning Repairs	12,490.00	23,700.00	36,190.00

Expenditures

<u>Account</u>	<u>Name</u>	<u>Budgeted</u>	<u>Increase Decrease</u>	<u>Amended Budget</u>
10-500-15	Maintenance and Repair of Buildings and Grounds	29,490.00	23,700.00	53,190.00

Certification of Election

The November 2007 Town of North Topsail Beach Municipal Election was certified by Town Clerk, Kathleen L. Clough, who announced that the duly elected and certified Mayor of the Town of North Topsail Beach is Mr. Donald Martin, and elected Aldermen are Mr. Richard Farley and Mr. Robert G. Swantek.

Mayor W. Rodney Knowles announced that Representative Robert Grady would administer the Oaths of Office and that he and Alderman Fred Handy would have a seat with the audience.

Induction of Mayor and Aldermen

North Carolina State Representative W. Robert Grady administered the Oath of Office to Mayor-Elect Donald Martin and to Aldermen-Elect Robert Swantek and Richard Farley.

Special Presentations

North Carolina State Senator Harry Brown made a special presentation to Alderman Frederick C. Handy III in recognition and appreciation for his steadfast commitment and laudable dedication to the Town of North Topsail Beach.

Senator Brown then presented Mayor W. Rodney Knowles with a crystal plaque similar to Alderman Handy's that read "In recognition of your extraordinary perseverance, stalwart determination, and selfless dedication to the founding and continued progress of the Town of North Topsail Beach, and for your sincere and knowledgeable leadership and heartfelt guardianship of our Town as Mayor of North Topsail Beach, North Carolina." Senator Brown expressed his appreciation to Mayor Knowles for how well they had been able to work together during all of his years as Mayor.

Mayor Knowles said that he appreciated the opportunity to serve the Town of North Topsail Beach, and said that the town is better off than it was four years ago when he came aboard, and reminded the new Board that they represent all of the people, not just the ones that voted for them, and thanked everyone for the opportunity to serve.

Interim Town Manager Thomas S. Taylor then made a presentation from the Town Staff of a ceremonial gavel to Mayor W. Rodney Knowles, thanking him for his service to the Town for his many years of community activism and Statewide leadership on behalf of North Topsail Beach and all North Carolina Coastal Communities.

Mayor Donald Martin then took over the meeting and thanked all of those who voted for them, and those who came. The Honorable Howard Braxton, Mayor of Topsail Beach, thanked our fire department for helping with the fire in their town that afternoon. Without the support of the neighboring fire departments, they would not have been able to contain the fire.

Reception

Mayor Martin recessed the meeting for a small reception.

Organizational Meeting of the New Board of Aldermen

Mayor Donald Martin called the Reorganization Meeting of the New Board to order. As their first act of business, Alderman Larry Hardison was re-elected as Mayor Pro Tem.

Committee Reports

Beach Preservation

Becky Bowman, Chair

On January 23, the committee elected new officers. Dick Macartney is now Vice-chairman and Becky Bowman is the new Chairperson.

Update on the federal project

The Corps has received \$197,000 this year for our project. I'm sure you already know this since the Corps has asked for our matching funds. The Diving contract was not awarded as quickly as expected so the project has slipped about two months. The diving contract should be completed by March.

We learned at January TISPC that Topsail Beach's Preliminary Evaluation and Development Report should be completed soon. Once submitted, it will take 18 months to get through all levels of the Corp review. It certainly should be ready for the 2010 WRDA in which the government will fund beach projects. The Surf City/North Topsail project is considered one year behind Topsail Beach so there is some speculation that ours can be a part of the 2010 WRDA. This is not at all a certainty yet.

In addition, the Corps has agreed to pump sand to the inlet area from dredging of the AIWW. The Corp has found additional funds that will allow the sand to be placed on the north beach.

Update on the CPE project

Release of the Final EIS and the Public Notice for the permit request is expected in mid May, 2008. There is a comment period and a Major CAMA permit application. If granted by mid November 2008, in December 2008, and January 2009, the contract could be advertised and issued. Early March 2009 construction can begin (24 hour, 7 days/week) and Phase I will be completed in late March 2009. This is the latest schedule CPE has given us. Whether NTB actually follows this depends upon decisions yet to be made by our Aldermen.

The Beach committee has received numerous emails and comments from citizens requesting a plan and/or suggesting various plans for funding the CPE project; however, a committee cannot make the decisions now necessary to start his process. This is up to our Board. The BP committee wishes to advise our Aldermen that, if construction for Phase 1 is to start by early March 2009, the Town should start making decisions now to advance the project. Is the project to be constructed in phases; will there be special districts in each phase; are any of the current town monies the town has set aside for beach nourishment to be used for one or all phases and how much? Do our Aldermen want the Mayor's funding committee to devise a plan, do they want funding input from our committee, or would the aldermen wish to make these plans themselves? The BP committee would like guidance as to how you wish us to proceed or if you wish us to proceed.

The Beach committee would like more citizens to join our committee. The committee should have a more diverse membership with new ideas. We do not want to be one-minded but instead wish to consider differing opinions. Come join.

Finally, would the board reconsider the current rule and allow an Alderman to become a Beach Preservation committee member? The current members feel this would help make us more effective by understanding the board's positions regarding beach nourishment.

Respectfully Submitted, Becky Bowman, Chair

Mayor Martin said he would research whether an Alderman could participate on the Beach Preservation Committee. Alderman Swantek asked how many households are in the first phase; what it would cost to straighten the inlet; how much sand would be used; and what if we shortened the distance to one and half miles and see how far the sand would go. Alderman

Peters stated the sand available from the dredging would allow them to go down to the Baptist Church. There was further discussion regarding the Corps of Engineers' estimates. Interim Town Manager Taylor asked Mayor Martin if a joint meeting would help, and he agreed they could do that.

Interim Town Manager's Report

Thomas S. Taylor

1. Reminder, the work session for the Draft CAMA Land Use Plan is scheduled for February 6th at 6:30 PM.
2. I attended the following meetings in January: Chamber of Commerce, East Carolina Council of Governments, Four Towns, the Mayors' Meeting, Beach Preservation, Topsail Island Shoreline Protection, and the North Carolina City and County Managers Meeting in RTP.
3. Mayor Knowles, Alderman Farley, I and several others met with the Engineers from the Corps in regards to the proposed New River Inlet dredging on February 4th. Made them aware of where we would like them to start. They will start mid-March, and get back to let us know if they can comply with our wishes.

Alderman Farley stated that they were told that the Corps would not start at any place but the Reef, and that is not what they said the other day. He also said that the Corps had the impression we would not approve it because we wanted more say in where the sand goes. That was not the reason we didn't approve it. We didn't approve it because it was too expensive for the minimal benefit you get.

The Corps said, rightly, that there is a trench and that they couldn't lay their pipe without filling that trench first and that the minimal amount of sand that they are providing would almost fill that in. Mr. Taylor said he was told they would start at the Reef. Mr. Farley stated that his understanding was that the Corps would spread 100 cubic yards per linear foot – so 600 or 700 feet. There are a lot of questions but not a lot of sand. Mayor Martin asked Mr. Taylor to get with the engineers and get clarification.

4. Over the past 60 days we have experienced a great deal of beach and dune erosion which has exposed some old structure foundations in the area of Green Street. The foundations will require an outside contractor to remove. This is an item on your agenda for approval under new business.
5. I have received the transcript of the Public Hearing on the Draft EIS for the Local Project held January 9th and have forwarded it on the Mr Mickey Suggs, US Army Corps. If any of you would like a copy please let me know. It is also on the Corps website.
6. Update on the WAMIF (Water Access Marine Industry Fund) grant application. The staff, along with Alderman Peters and Mr Bill Horstmann, have had several meetings with the County and will have the application ready by February 15th. The grant does include an aspect of commercial as it relates to water access as well as recreation for the citizens of NTB. At this time we will combine the Beach Access grant with this grant.

Mr. Bill Horstmann presented an update on the Water Access Marine Industry Fund.

7. Ms Cox has informed me that we have received a check from NCDOT in the amount of \$48,512.00 as final reimbursement for Project #E-4913, Bike Lanes on NC 210. This will go into revenues for fund 60. The project was completed under budget.
8. I had earlier reported that the Training for New Councils would be in Greenville. Because of the Election we have rescheduled this for March 26-28 at Hilton Garden Inn in Nags Head, NC. Mayor Martin has requested that all Aldermen plan to attend. Additional information will be sent to you.
9. It is time for your yearly retreat. I would suggest that it be later in Feb or early in March. Please check you calendars for a two day retreat; either a Friday/Saturday or a Saturday/Sunday. At the meeting Feb 7th I will need you to confirm a date so Staff can make plans.
Consensus was to hold it to get started on the budget process, working toward the 7th & 8th of March.
10. The interviews for Manager went very well. I believe the Town is very fortunate to have three very good final applicants. My thanks to each of you for your time and participation in the Manager Search process. There was discussion regarding the hiring of the new manager and the process. Mayor Martin asked Mr. Taylor to bring in the candidate to meet Alderman Swantek and himself before they continue with the hiring process.

Open Forum

Tom Leonard, 218 Coastal Drive. Regarding the North End and the houses sitting in the water - we are rapidly approaching tourist season and they will be detrimental to renters and they are a safety hazard.

Mayor Martin asked the Town Attorney for comment and Mr. Kilroy stated that the homeowners sued the Town to prevent the condemnation and the Town is now tied up in litigation and unable to take action; the only thing he could suggest would be for private citizens to sue them as a private nuisance. Mr. Kilroy stated that you can get things done a lot quicker as private citizens than you can as a Town. The Town is scheduled for trial in July. As a private individual you have a lot more remedies.

Consent Agenda

The Consent Agenda contained the January 3, 2008 Board Minutes, Department Head Reports, and a Resolution to designate Public Works Director Thomas D. Best as the Town of North Topsail's designated official empowered to sign and execute all papers and documents necessary for aid in control of mosquitoes.

Alderman Peters moved to approve the Consent Agenda, seconded by **Alderman Swantek**, and the motion carried unanimously.

New Business

Resolution to Adopt the Regular Meeting Schedule

Alderman Swantek moved, and **Alderman Peters** seconded a motion to approve a Resolution to Adopt the Regular Meeting Schedule of the Board of Aldermen for the Town of North Topsail Beach for 2008. The motion passed unanimously.

Appointment of Town Attorney

In accordance with G.S. 160A-173 and Article III, Section 2-50 of the North Topsail Beach Ordinance, **Alderman Farley** moved, seconded by **Alderman Swantek** that the Board appoint **Robert Kilroy as their Town Attorney** on a month to month basis. The motion passed unanimously and Mr. Kilroy accepted the appointment.

Appointment of Board of Aldermen Designees to sign checks

Alderman Farley moved, seconded by **Mayor Pro Tem Hardison**, to appoint **Mayor Donald Martin, Alderman Robert Swantek, and Alderman Richard Peters** as the Board's designees for signing Town checks; to rotate on a quarterly basis. The vote was unanimous to approve the motion.

Budget Amendment # 3

Alderman Peters moved to approve **Budget Amendment Number Three**. The motion was seconded by **Alderman Swantek** and, after discussion of various line items, Budget Amendment Number Three passed unanimously.

Budget Amendment # 3

<u>Account</u>	<u>Name</u>	<u>Budgeted</u>	<u>Increase Decrease</u>	<u>Amended Budget</u>
10-301-01	Prior Year Taxes	10,000.00	6,700.00	16,700.00
10-335-00	Miscellaneous	500.00	13,013.00	13,513.00
10-335-10	Misc Permits & Fines	5,000.00	500.00	5,500.00
10-355-15	Misc Insurance Payments	0.00	174.00	174.00
	Donations- Recreation &			
10-336-06	Appearance	100.00	330.00	430.00
10-336-07	Snowflake Donations	0.00	350.00	350.00
10-336-08	NTB Holiday (Toys For Tots)	0.00	1,550.00	1,550.00
10-350-00	Recreation Fees	200.00	150.00	350.00
10-355-07	Re-inspection Fee	500.00	210.00	710.00
10-359-01	Refuse Prior Year	1,000.00	2,000.00	3,000.00
10-359-51	Additional Cart SWF	7,590.00	7,200.00	14,790.00
10-368-00	Other State Revenue	100.00	91.00	191.00
(1) 10-399-00	Appropriated Fund Balance	0.00	6,897.00	6,897.00
		24,990.00	39,165.00	64,155.00

Revenues Increased by: 39,165.00

(1) Monies that were designated in 2006-2007 Fiscal Year Budget:

\$774 Recreation & Appearance Donations

\$6123 Planning and Zoning Ordinance Consulting with Ginger Booker

<u>Account</u>	<u>Name</u>	<u>Budgeted</u>	<u>Increase Decrease</u>	<u>Amended Budget</u>
(1) 10-410-04	Professional Services -Govern Body	22,000.00	11,000.00	33,000.00
10-410-43	Auditor	18,000.00	(198.00)	17,802.00
10-410-51	NTB Holiday (Toys For Tots)	0.00	1,550.00	1,550.00
10-410-53	Dues & Subscriptions- Govern Body	1,700.00	198.00	1,898.00
10-410-58	Tax Refunds	700.00	5,445.00	6,145.00
(1) 10-410-61	Litigation	15,000.00	12,000.00	27,000.00
(2) 10-410-63	Town Manager Search	0.00	7,532.00	7,532.00
10-420-31	Gas, Oil & Tires	1,500.00	700.00	2,200.00
10-420-53	Dues & Subscriptions- Admin	1,000.00	364.00	1,364.00
10-420-54	Insurance & Bonds	35,000.00	(2,000.00)	33,000.00
10-420-57	Miscellaneous - Admin	150.00	5,120.00	5,270.00
10-420-93	Employment Security	5,000.00	(5,000.00)	0.00
(3) 10-430-57	Election Expenses	2,000.00	5,359.00	7,359.00
10-490-02	Salaries - Planning	56,519.00	(15,500.00)	41,019.00
(4) 10-620-12	Snowflake (Donation)	4,200.00	350.00	4,550.00
	Contracted Services-Planning			
(5) 10-695-45	Ordinance	0.00	7,623.00	7,623.00
	Recreation & Appearance			
(6) 10-695-93	Committee	300.00	1,104.00	1,404.00
10-999-01	Contingency	18,655.00	3,518.00	22,173.00
		181,724.00	39,165.00	181,724.00

(1) Increased due to Litigation Town in which town is involved

(2) Expenditures associated with Search for new Manager

(3) Expenditures associated with additional election expenses

(4) Donation was received to purchase 1 additional snowflake

(5) Monies brought forward from FY 06-07 plus additional expenses to complete project(6123 + 1500)

(6) Monies brought forward from FY 06-07 plus additional donations to date (774+330)

New Business, continued

Appointment to Eastern Carolina Council

Upon motion by **Alderman Swantek**, seconded by **Mayor Pro Tem Hardison**, the vote was unanimous to reappoint **Alderman Richard Peters** as the Board's Representative to the **Eastern Carolina Council of Governments**.

Appointment of Board Representative to ONWASA

Alderman Swantek nominated **Alderman Richard Farley** to represent the Board as their representative to **ONWASA**. **Mayor Pro Tem Hardison** seconded the motion and the motion was carried.

Appointment to the Topsail Island Shoreline Protection Committee (TISPC)

Alderman Farley nominated **Dr. Duncan Heron** as the Town's representative on the Topsail Island Shoreline Protection Committee. **Alderman Swantek** seconded the motion.

Discussion

Mayor Pro Tem Hardison asked what the qualifications were, as he is not up to date on the latest guidelines, and while he has met the gentleman and he is knowledgeable, Mayor Pro Tem Hardison wants to make sure the Board does things the right way as they start out as a new Board. Mr. Farley stated that he didn't know that there were any qualifications. He is a geologist, he owns in our town, but is not a resident.

Alderman Peters stated that he objected strenuously.

Mayor Pro Tem Hardison stated that he felt that it was important for the Board to ensure that the nominee fulfill the qualifications before they take action, and if he is a contender, then we can hold off and make a decision later on.

Vote

Alderman Farley and Swantek voted aye;

Alderman Peters voted nay;

Mayor Pro Tem Hardison abstained, saying this was not an urgent matter and he would prefer the Board wait.

Mayor Martin stated "The Mayor abstains so it dies for lack of interest. And we'll bring this up at the next meeting."

Alderman Farley questioned the result. Mayor Martin asked Attorney Kilroy if the Mayor had to vote. Mr. Kilroy stated that if an Alderman abstains it is an affirmative vote, and the motion passes 3-1.

Action

Dr. Duncan Heron appointed to the Topsail Island Shoreline Protection Committee.

Authorization for Staff to Contract for Removal of Structural Debris from Beach

Mayor Pro Tem Hardison made a motion to authorize staff to contract for removal of structural debris on the beach. **Alderman Peters** seconded the motion and the motion carried.

Alderman Farley made a motion to amend the previous motion, that the contract not exceed \$5,000.

Alderman Swantek seconded the motion and the motion carried unanimously.

Applicant June Doherty for Appointment to the Planning Board

Alderman Peters made a motion to appoint **June Doherty** to the **Planning Board** as an alternate, and promote **Carol Evans** to a permanent member of the **Planning Board**. The motion was seconded by **Alderman Swantek** and the motion passed unanimously.

New Business, continued

Resolution supporting Senate Bill 599

Alderman Swantek moved that the Board adopt a Resolution supporting Senate Bill 599, authorizing the Coastal Resources Commission to implement a pilot project to study the use of terminal groins for inlet stabilization. **Alderman Peters** seconded the motion. After discussion, the motion passed with Mayor Pro Tem Hardison, Aldermen Peters and Swantek voting aye and Alderman Farley voting nay.

Open Forum

Lennie DeNittis, 128 North Permuda Wynd, asked if all planned meetings for following week can be put on the website on Fridays.

Asked if debris at southern end of island is a hardened structure that holds the sand and if we need a CAMA permit to take it out.

Mike Yawn, 127 Tamarax Court, in response to preceding remarks, said that the dune is on private property.

Regarding water access, he will try to pull together information.

Remarks about appointment of Duncan Heron to the TISPC.

Tom Leonard, 218 Coastal Drive, stated that if we are going to remove debris from private property, let's get rid of those houses at the north end.

Interim Town Manager stated that if the debris is on private property, we will order them to remove it.

Robert Kilroy, Town Attorney, stated that we have received an amended complaint on the Jackson property, naming two additional defendants, Mr. and Mrs. Tuman and Mayor Knowles. Before he answers the complaint, he would like to meet with the Board at the retreat to explain in detail and give an update on all of the cases.

Mayor's Report

Mayor Martin stated that we are working with the engineers to put sand in front of Reef; it is a need of our town right now. Regarding our project to the south, with Surf City, we hope to go full steam with that federal project and we will try to stay on track to do that.

Aldermen's Report

Mayor Pro Tem Hardison congratulated new members of the Board, and said that it was a nice ceremony, and we are getting out at a reasonable time and he looks forward to working with everyone.

Alderman Peters thanked the staff for their efforts for the evening – it was very well done, and he expressed his appreciation for the folks in the audience.

Alderman Swantek thanked everybody for supporting them and staying behind them and now we are ready to get to work and as far as he is concerned, it is the Town of the people and the people will be involved.


Alderman Farley thanked everyone for coming out.

Adjournment

Mayor Martin adjourned the meeting at 9:15 P.M.

Minutes prepared by Kathleen L. Clough, Town Clerk

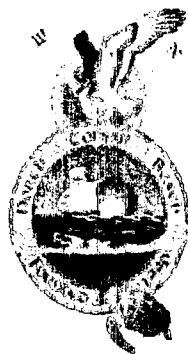
Approved March 6, 2008


Donald Martin, Mayor

Town of North Topsail Beach

193

Donald Martin, Mayor
Larry Hardison, Mayor Pro Tem
Aldermen:
Richard Farley
Richard Peters
Robert Swantek
Daniel Tuman



Thomas S. Taylor
Interim Town Manager

Kathleen Lennon Clough
Town Clerk

North Topsail Beach Board of Aldermen Regular Meeting Minutes

6 March 2008, 6:00 P.M.

The meeting of the North Topsail Board of Aldermen was called to order at 6:03 P.M. in the meeting room of the Town Hall by Mayor Donald Martin. A quorum was present, including Mayor Martin, Mayor Pro Tem Larry Hardison, Aldermen Robert Swantek, Richard Peters, and Richard Farley. Also present were Interim Town Manager Thomas Taylor, Town Clerk Kathleen Clough, Town Attorney Robert Kilroy, and Brian Edes, attorney from the North Carolina League of Municipalities.

North Carolina League of Municipalities Brian Edes gave the Aldermen an update on legal matters that have been settled.

Town Attorney Robert Kilroy updated the Board on pending legal matters, and explained older lawsuits to the newly elected Board members.

Public Forum

Tom Leonard, of 218 Coastal Drive, asked if the public could see a copy of Mr. Kilroy's letter to the Board. He also asked the Town Attorney when was the last time he visited the north end of the Town, and Mr. Kilroy stated he had been there during the past month.

Lenny Denittis asked questions about the settlement of the Litvak case and Mr. Kilroy explained the details to him, and explained that the Town's insurance is part of a municipal risk pool that looks at all of the losses throughout the State and then that loss is distributed throughout the towns on a per capita basis. Mr. Kilroy further explained that if someone got hurt by falling debris from one of the houses, the Town is not liable; just as with the concrete at the south end of the island – both are private property. Mr. Kilroy once again stated to the citizens that they have many more remedies available to them as property owners and could sue the property owners of the condemned houses as a public nuisance.

Mayor Martin called for a five minute recess at 6:58 P.M.

Mayor Martin reconvened the Board of Aldermen at 7:05 P.M.

The Invocation was given by the Father Terry Collins, Pastor of St. Mary, Gate of Heaven Church, in Surf City. Mayor Martin asked Alderman Robert Swantek to lead the citizens in the Pledge of Allegiance.

Approval of Agenda

Alderman Dan Tuman made a motion to delete from the agenda, under new Business, number 14 i., the Resolution for the Reclamation and Restoration of the Beach Nourishment Committee. Alderman Richard Peters seconded the motion.

194

Discussion

Alderman Peters asked if there was an alternative action the Board might take; perhaps revamp the Beach Preservation Committee rather than dissolve it.

Vote

Aye – Alderman Tuman and Alderman Peters

Nay – Mayor Pro Tem Hardison, Aldermen Farley and Swantek

Motion failed 2-3

Mayor Pro Tem Hardison moved to approve the Agenda and Alderman Swantek seconded the motion.

Mayor Pro Tem Hardison and Aldermen Farley and Swantek voted aye.

Aldermen Tuman and Peters voted nay.

The vote was 3-2 to approve the Agenda.

Committee Reports

Beach Preservation

Becky Bowman Chair

“Richard Peters and I attended the 2008 Coastal Summit in Washington, DC, last week. We met with Congressmen Jones’ assistant, Congressman McIntyre, Senators Burr and Dole. We emphasized the importance of including the \$400,000 needed for the SC/ NTB Corps of Engineers’ project in the new budget.

The Topsail Island Shoreline Protections Commission set a tentative date to inspect the erosion on the north end of North Topsail, We are to meet in The Reef’s parking lot on Tuesday, March 11, at 4:30 to inspect the area.

The Board of Aldermen plans a special meeting on March 19 at 6:30 pm here in town hall. The tentative workshop will evaluate prospects for implementing and funding of the proposed CBRS Inlet / phase 1 project.

Tom Jarrett, CPE, will be on hand to answer any questions the Aldermen may have and to clarify aspects of the beach construction. Tom Campbell, President of CPE, will give us a presentation on similar projects and the implications of FEMA storm damage reimbursements for engineered beaches.

Let me emphasize again that the North end is eroding away. There have been pictures in the news and pictures emailed to you. You all know what the situation is. Approximately three miles on the north end of town will be inaccessible within the next 15 years. The town could lose 1/3 of its tax base and create enormous economic hardships for the property owners.

The multi-family structures that will be impacted are:

Topsail Dunes

Ship Watch Villas

St Regis

Topsail Reefs

Villa Capriani will be impacted within the 30-year window.

This town must start making plans now to prevent this horrible outcome. You, our aldermen, need to stand up for the people of this town. You have taken an oath to protect this town and its infrastructure. You cannot delay.

On a different note, the Beach committee members discussed our town’s substantial problem with Beach Vitex. We suggest that the Board consider an ordinance with associative penalties thereby putting more teeth into the town’s ban.”

Respectfully Submitted,
Zubecca Bowman

Beach Preservation Committee

Planning Board

Mike Yawn, Chair

The Planning Board held our normal meeting on February 14, 2008. Note that it was Valentine's evening and we had full attendance.

Key actions:

1) On rezoning case R-07-10, the Army Corps of Engineers has not yet certified the wetlands delineation, so we tabled action on this until our March meeting. We did re-open the public hearing to hear commentary from any citizens that might have traveled to comment, and we will re-open that public hearing at our March meeting.

2) We elected officers for the remainder of 2008. Mike Yawn continues as Chairman and Paul DeFazio as Vice Chairman.

3) We voted to hold a public hearing in March on potentially changing our ordinances on Pools, to possibly:

* Change the Table of Permitted and Conditional Uses: Single Family Pools from Permitted use to Conditional uses.

* Change so that pools not be allowed within the setback both Ocean and Estuarine side.

* Discuss whether the vessel of the pool itself should be treated as pervious or impervious.

4) We also discussed a request from Alderman Peters to look at requiring all the homes to line up on the oceanfront.

Mike Yawn

Alderman Peters asked Mr. Yawn if he had a specific instance that precipitated the need for a water tap for an R-5. Mr. Yawn responded that it is not just R-5, there are 5 or 6 zoning areas; the discussion is "what is the definition of available?"

Interim Manager's Report

Mr. Thomas S. Taylor informed the Board that they had received a letter from Dr. Karl Chiang, tendering his resignation from the Beach preservation Committee. Dr. Chiang had requested that his letter become part of the record.

"March 6, 2006

Board of Aldermen

Town of North Topsail Beach

Dear Board Members:

After careful consideration and reflection, I believe my membership on the Beach Preservation Committee is not mutually beneficial. Therefore, I am resigning from the Committee effective immediately. I thank you for the opportunity to have been of service to the town of North Topsail Beach. Thank you very much,
Karl Chiang"

1. McGladrey & Pullen, CPA, has notified the Town that they will no longer be able to do the Town's yearly audit. After consulting with Alderman Farley we have started the process to find a new audit firm. The selection process should be completed in time for the Board to select a firm at your April Board meeting.
2. I attended the following meetings in February: Chamber of Commerce, Planning Board, Four Towns, the Mayors' Meeting, Beach Preservation, Topsail Island Shoreline Protection, and ONWASA (2).
3. Mayor Martin, Aldermen Swantek and Peters, Chief Fillinger, and I attended the Ribbon Cutting for Surf City's new Police building February 21st.

4. Mitch Hall, US Army Corps informed me late last week that the dredging of the New River Inlet crossing would begin around the middle of March and would be completed in about three weeks. Most of the sand (70,000 cy) will be needed to fill the trench near the end of the island and the balance would be used to rebuild the berm between the structures in the ocean and the second row. Mr. Hall doubted that there would be any sand placed on the beach at Topsail Reef.
5. Update on building debris on the beach near Green Street. Mayor Pro-tem Hardison, Randall Moudy and I walked over the area and it appears the debris is scattered over four privately owned lots. The Town will not remove this debris and the property owners have been notified of the problem by letter.
6. Update on the WAMIF (Water Access Marine Industry Fund) grant application. Shelia Cox and Doug Freeman along with Alderman Peters and Bill Horstmann completed and timely filed the grant for development of the spoil island under the high-rise bridge. This is a joint application between NTB and Onslow County. The grant does include an aspect of commercial as it relates to water access as well as recreation for the citizens of NTB. Two Pre-applications for Beach Access grants have been filed. One is in concert with the WAMIF grant and the other is for additional parking at the beach access just south of the St Moritz.
7. Reminder, please mark your calendars for the Training for New Councils March 26-28 at Hilton Garden Inn in Kitty Hawk, NC. Mayor Martin has requested that all Aldermen plan to attend.
8. Your yearly retreat has been scheduled for April 11 and 12 at North Shore CC.
9. As instructed I have re-opened the Manager Search and at this time have five applicants interested. I have tentatively scheduled interviews for Wednesday and Thursday, March 19 & 20. Please remember that all applicant names are still confidential information.
10. Closing Sneads Ferry office of North Topsail Utilities.

Transportation Planning for Topsail Island Update

Tyler Bray, NCDOT

Tyler Bray of the North Carolina Department of transportation shared information for decision making regarding infrastructure and existing land use, projecting out thirty years to project traffic to see where the deficiencies are, adding bike lanes, greenways, parking. He told the Board that this is the Town's plan, and it includes a Goals & Objectives Survey.

He informed the Board that the plan includes Strategic Highway Corridors, and US 17 will become a freeway.

Alderman Tuman said that we have state roads; some are imminently at risk because of erosion. He asked what the State plans to do to keep those roads open.

Mr. Bray said that Robert Vause is in charge of District Two and he can help answer those questions. He also informed the Board that Allen Pope heads up District Three and he also can help the Town.

Mr. Bray said that they have received a great deal of information from North Topsail Beach from the Town's committee member, Public Works Director Mr. Thomas Best, and thanked the Town for his invaluable assistance. Mr. Best has been on the committee since the beginning.

Alderman Peters asked if there were any other significant improvements in this area, and Mr. Bray stated that the bridge at Surf City is being studied, but nothing is decided. They are conducting a feasibility study for NC 210 to that Surf City Bridge.

Report and Update on North Topsail Utilities, Inc.

Mr. Danny Lassiter, Regional Mgr., gave a report to the Board of Aldermen, stating that North Topsail Utilities will be able to accommodate everyone on the list for taps. He stated that there are 400 names on the list, they will be given the number of taps they requested, and there is no other waiting list.

In response to questions from **Aldermen Farley and Swantek**, Mr. Lassiter stated that the number of gallons per household flow is based on number of habitable rooms on barrier islands, on the mainland it is based on number of bedrooms. Their capacity rating is 873 gallons per day.

Daily flows are much less, and they are not utilizing the plant to its full capacity.

The Lift Station is part of a future lift station expansion project, and it has nothing to do with flow increase.

Alderman Tuman stated that there were plans to increase waste water capacity at the site, but had a constraint at the pump station. Alderman Tuman had questions about the money part, and asked if, regarding the \$16 million cost, was that \$10 million higher than expected.

Alderman Farley asked "How do you cut the cost of ten million? Then you have to go through permitting process again."

Alderman Tuman said they are two different things. \$16 million is for total plant.

** Alderman Tuman discussed the consent agreement. Alderman Farley asked where the capital budgets are approved and if this project has been approved? Mr. Lassiter said there is a hold on the project.

Alderman Farley asked if we are in competition with other facilities throughout the country, and Mr. Lassiter said that we are, and there are facilities in seventeen states.

Alderman Tuman said that there is no expansion of NTU this fiscal year and it is unknown for the future.

Alderman Farley asked what it is that they are going to do it, when and how? Mr. Lassiter said it will be decided in Illinois.

Information on DENR actions regarding determination of new Inlet Hazard Areas boundaries and proposed rules, the Beach and Inlet Management Program (BIMP), and Ocean Policy Steering Committee (OPSC) and their potential impact for TNTB. Steve Coggins

Mr. Coggins stated that there are matters that are looming on the horizon regardless of what Board does. Inlet areas are too small, and there is a move to expand the area. These are the largest proposed expansions in the state.

Significant amount of infrastructure of the town, roads, buildings, tax base of Town,

Erosion rates are also under consideration. 2ft /year across the inlet is 12 ft/year.

Ocean erosion setbacks. Inlet Dominant Dynamics. Saying that inlet hazard area will expand to the end of St Regis. Greater setback & density requirements for structures roads and sewage facilities.

What would the dynamic be if there were no man made activities going on.

Storm Dominant vs. Inlet Dominant

Stop lines According to where parcels are – if inlet is one foot in to parcel, they take the whole parcel.

1999 Study – net accretion of 65 feet since 1945.

BIMP Beach Inlet and Management Program – authorized by 2001 legislation - just got appropriations.

It is on the fast track to define the inlet hazard area. The Ocean Planning Steering Committee has come up with a new concept of regional sand management. There isn't a lot of sand, especially for re-nourishment.

Conference in SC – the map is unmistakable and demonstrates that the ocean is rising. That is a fact.

Mr. Coggins warned the Board that the CRC policies are of such magnitude they should be monitoring it.

Open Forum

Becky Bowman

The Proposed Resolution to Disband the Beach Preservation Committee is an embarrassment to the Town and everyone involved.

Gary Rowland 127 South Permuda Wynd

I want the BOA to know that I agree with them, the Beach Preservation Committee should be disbanded.

I do however think that to loose the tremendous knowledge and expertise on beach nourishment of Buddy Godwin, Becky Bowman, and Dick Macartney smacks of being vindictive.

I recently even read an email suggesting that you appoint a more balanced committee of pro and con and Oceanfront and non-oceanfront members. This while being a great idea and one that all members of the current beach committee would also agree with, the problem is nobody volunteers. By the way isn't there a personal policy that only residents

can be appointed to committees? If not, why weren't the scientist, state and county representatives you are suggesting being appointed before this?

In addition, I thought it to be absolutely ironic that the suggestion of the diversification came from a committee head whose committee consists of 8 members 6 of which are residents of the first mile of the South end of 14 miles of our town. That's 75% of the members from 7% of the town and ignoring 93% of the town and its representation. I would like to think that is a result of volunteers and not just political favors.

I guess it really doesn't matter that volunteers are very scarce in this town, but that may have something to do with the lack of direction coming from the BOA. On the other hand it may just be easier for an appointed committee to parrot back whatever answers the BOA wants in the first place. It would save an enormous amount of time if the BOA would tell the committees what they should say and what the BOA deem acceptable in a report to begin with.

In the Draft EIS report you received a proposed financing plan from the Beach Preservation Committee that you have refused to even discuss, yet you ignore that it even was submitted. You have hired a well-respected and well-recognized engineering firm who has worked effectively with the Corp of Engineers to come up with a plan that you are also choosing to ignore. What is it that you want???

Since all of the recently sworn in members of the board have publicly stated they are for beach nourishment and one even stated that he has a plan, I can only hope this is not just another delaying tactic to allow destruction of even more personal property to take place before you take some affirmative action.

As representatives of less than 50% of the voters, whatever you do needs to be done with responsibility and haste.

Mike Yawn 127 Tamarix Court

Regarding the Resolution about Ad Valorem taxes - We should get back sales tax - go to Onslow County because we and people who rent on this beach pay in this money.

Consent Agenda

Alderman **Tuman** moved to approve the Consent Agenda; Alderman **Peters** seconded the motion, and the motion carried.

Old Business

There was no old business conducted.

New Business

Discussion and consideration of Spring Litter Sweep 2008

Motion

Alderman **Swantek** moved to refer the Spring Litter Sweep project to the Recreation and Beautification Committee Chaired by Bill Horstmann. Alderman **Peters** seconded the motion.

Vote

Unanimous approval.

Discussion and consideration of AFG grant application for fire equipment not to exceed \$30,000.00 with NTB share of \$1500.00 to be appropriated in the 2008/2009 budget.

Motion

Alderman **Tuman** made a motion to have the Town apply for the grant.
Mayor Pro Tem Hardison seconded the motion.

Vote

Unanimous approval.

Discussion and consideration of request by State of NC to participate (with the State and Onslow County) in dredging Range 1 of the New River channel going from AIWW to Jacksonville.

The expected amount of sand for NTB ranges from 70,000 to 91,000 cy at a cost of \$125,000 to \$150,000. The dredging will be this March/April.

Motion

Alderman Tuman made a motion to cooperate with State & County with the stipulation that the sand comes to this town.

The motion was seconded by Alderman Peters.

Discussion

Alderman Tuman stated that this is a bargain with the availability of sand and could alleviate issues at northern end of sand with the objective of placing it at Topsail Reef; \$1.00 – \$1.50 per cubic foot is cheap sand and it is good sense, it is helpful and should be done.

Alderman Swantek suggest that someone talk to folks at Topsail Reef and see if they will chip in – it would behoove the people of 200 units to chip in – at \$500.00 a piece it would be paid for and a way to alleviate the problem.

We agree to enter in an agreement with the county and with the state for purposed of dredging the new river inlet would be helpful and authorize the town administration to authorize the negotiate the cost. Farley not very effective

Not much value or longevity.

State may come in and pay for it since they benefit from fishing.

Hardison – equivalent of the movement of debris as far as private property Tom – not public sand on public beach.

Problem negotiating with private entity,

Corps says we can't do that. Hardison – Tom – the county is waiting on us.

if its going to be dredged this town would benefit from getting this sand.

Second Peters.

Vote

Aldermen Tuman and Peters - aye

Mayor Pro Tem Hardison, Aldermen Farley and Swantek – nay

Motion failed

Discussion and consideration of Proposed Resolution of the Town of North Topsail Beach Supporting Beach Nourishment and the Ad Valorem Distribution of North Carolina Sales Taxes

"Whereas, beach nourishment is a program vital to the welfare and safety of the residents of North Topsail Beach; and

Whereas, beach nourishment is the best program available today to combat erosion and protect property; and

Whereas, the costs for combating beach erosion are high; and

Whereas, the ad valorem method of distribution for North Carolina sales taxes is a vital source of dollars to fund a beach nourishment program in North Topsail Beach; and

Now, therefore be it resolved, that, on this day, March 6, 2008, the Town of North Topsail Beach affirms its commitment to implement a beach nourishment program and reaffirms that an ad valorem method of distribution for North Carolina sales taxes is vital to fund a beach nourishment program in North Topsail Beach. "

Alderman Tuman made a motion to adopt the proposed Resolution of the Town of North Topsail Beach Supporting Beach Nourishment and the Ad Valorem Distribution of North Carolina Sales Taxes. The motion was seconded by Alderman Peters.

Discussion

Vote

Aldermen **Tuman** and **Peters** – **aye**

Mayor Pro Tem **Hardison**, Aldermen **Farley** and **Swantek** – **nay**

Motion failed by a vote of 2-3

Alderman **Swantek** made a motion to adopt the resolution with amended language:

"Whereas, beach nourishment is a program vital to the welfare and safety of the residents of North Topsail Beach; and
Whereas, beach nourishment is the best program available today to combat erosion and protect property; and
Whereas, the costs for combating beach erosion are high; and
Whereas, the ad valorem method of distribution for North Carolina sales taxes help fund beach nourishment program in North Topsail Beach; and
Now, therefore be it resolved, that, on this day, March 6, 2008, the Town of North Topsail Beach affirms its commitment to implement a beach nourishment program and reaffirms that an ad valorem method of distribution for North Carolina sales taxes helps fund a beach nourishment program in North Topsail Beach. "

Alderman **Tuman** seconded the motion.

Vote

Aldermen **Tuman**, **Swantek**, **Peters** - **aye**

Mayor Pro Tem **Hardison** and Alderman **Farley** – **nay**

Resolution adopted by a vote of 3-2

Payment of federal funds to the Army Corps of Engineers

Interim Town Manager Taylor reported that this payment had been made.

Proposed Resolution Regarding ONWASA

Resolution in Support of Onslow Water and Sewer Authority (ONWASA) Offer to Enter into Discussions concerning the Onslow County Facilities of Utilities Inc./North Topsail Utilities

Whereas, The Town of North Topsail Beach is an incorporated municipality in Onslow County, North Carolina and is a member of Onslow Water and Sewer Authority (ONWASA); and

Whereas, ONWASA is a public utility created by the State of North Carolina and provides water distribution and wastewater collection systems in Onslow County and to its member municipal governments; and

Whereas, Utilities Inc./North Topsail Utilities is a private company authorized to provide a wastewater collection system to the Town of North Topsail Beach; and

Whereas, ONWASA, by letter dated February 22, 2008, has offered to enter discussions concerning the Onslow County facilities of Utilities Inc./North Topsail Utilities; now

Therefore Be It Resolved that the Town of North Topsail Beach Board of Aldermen does support and encourage ONWASA in its endeavor to open discussion/negotiations with Utilities Inc./North Topsail Utilities for the purposes of solving the present and future customer demand for sewer service in the North Topsail Utilities service area.

Adopted this 6th day of March 2008.

Alderman Tuman moved to adopt the Resolution. Alderman Peters seconded the motion. Approved by unanimous vote.

- a. Appointments to Board of Adjustment
Discussion and consideration to appoint a permanent member to the Board of Adjustment and appoint applicant Debra Swantek as an Alternate member.

Alderman Swantek made a motion to approve Mrs. Swantek to be an alternate member and move up another member to permanent status. Alderman Tuman seconded the motion and the motion carried unanimously.

New Business continued

Proposed Resolution Regarding Beach Preservation Committee

Motion

Mayor Pro Tem **Hardison** made a motion to adopt "A RESOLUTION FOR THE RECLAMATION AND RESTORATION OF THE BEACH NOURISHMENT COMMITTEE OF THE TOWN OF NORTH TOPSAIL BEACH."

The motion was seconded by Alderman **Swantek**.

Discussion

Alderman **Tuman** read a prepared statement which he asked be made part of the minutes. "RE: Proposed Beach Nourishment Resolution to Dissolve the Beach Committee"

A new resolution before the North Topsail Board of Alderman proposes dissolving the present beach committee for alleged failures that the committee has never been charged to perform.

Furthermore the language of the resolution is harshly worded, monstrous in its child-like effrontery and it is insulting to the volunteers of this Town and its citizens.

This town has a beach committee of appointed civic-minded people, who took the time and made the effort to:

- (1) track and monitor the work of the Corps of Engineers and the firm of CP&E,
- (2) keep this Board and this Town aware of the progress of these projects and
- (3) inform the Town Manager, Board of Alderman and the Mayor of their responsibilities necessary to implement this program.

In advance of a scheduled March 19 meeting, a workshop between the Town and the beach nourishment committee to discuss how the Town proposes to implement the impending beach project, this resolution cancels this meeting and dodges this Town's, this Board's and this Mayor's responsibility for work that it has never performed and places the blame for the Town's ineptitude and incompetence on the beach committee. This proposed resolution is vindictive, malicious and incompetent.

202

I am particularly disappointed by our Mayor's lack of leadership by failing to recognize that this resolution is mean spirited and would not be on tonight's agenda but for his personal support of it.

Overall this resolution is reason for general concern. Some members of this Board may claim that they support beach nourishment. I believe that this is just lip service and untrue. Realistically we should have little confidence that the Mayor and this Board are sufficiently capable or conscientious in addressing the town's efforts for a beach program. Perhaps a new Town Manager or some future Board will provide the necessary leadership and competence.

Finally, I apologize to all for the invective in this communication. On the other hand, the ad hominem attack on the collective membership of the beach nourishment committee is unfair, insulting and an injustice. I ask that this new board just *grow-up* and to abandon this senseless *reign of terror*."

Dan Tuman 3/6/2008

Mayor Pro Tem Hardison then read the following remarks for the record:

"The purpose of this resolution is to put in place a new Beach Management Team. The team will consist of members from a broad spectrum of the community. This is a new effort to broaden membership and move in a new direction for shoreline management. Of course, the time spent on beach nourishment issues by the current committee is very much appreciated; however, since the bond referendum, no acceptable plan has been presented to the Board for discussion or approval; and the Town's constituency is more divided on beach nourishment now than before.

There have been ample opportunities for the current committee to acknowledge the results of the referendum and reconnect with the voting citizens for input and support; yet, there has been little or no serious effort made to make this community whole again. We have already experienced the sad results of a divided town. Our town continues to be polarized and things must be change before beach nourishment or any major town effort can move forward with success. We need to restore the trust of the voters. We need positive movement in a new direction; and this can only be done with a new committee."

Vote

Mayor Pro Tem Hardison, Aldermen Farley and Swantek – aye
Aldermen Tuman and Peters – nay

Action

Resolution adopted by a vote of 3-2.

15. Open Forum

Becky Bowman

From what I've seen here tonight and what I've seen from this Board, you will not see me having anything to do with Beach Nourishment on a volunteer basis.

Tom Leonard

218 North Coastal Drive

I love this Town. I'm retiring after his month after 29 years in the marine Corps and I plan to call this home. We have got to fix "THIS" – we've got to get together, stop the agendas, figure out what is best for this town; not for the people that live on the ocean front, or those who aren't; not for the north end or the south end, but for this Town. I will conclude with one last thing: United we stand divided, we, as a Town, will fall.

Eric Emerick

Regarding New Business 14 Charlie, discussion of the dredging further up and getting that sand. March to April is a short window and we could lose that opportunity. Whether the Town is paying, the County is paying or Topsail Reef is paying exclusively, we just need to make sure we get that sand. I would like a timeline when we will know the county's decision on paying for this. Because if they are not paying, then we will know something else needs to be done. The placement of the March sand later this month is unclear how placement was determined – Town Manager said it would be in the trench just south of the inlet right by Alderman's Farley's dunes. Alderman Farley said that it starts at the north end. The Corps is required to put it at the place of least cost to the Corps; approximately 1500 feet from inlet will be the designated starting spot and they will go south as far as it goes.

Alderman Tuman reminded the Interim Town Manager to make sure to get permission of homeowners. After Ophelia there was concern that we had violated their property because of the placement of the sand.

The question was asked as to what sort of decision making ability we have where that sand goes, and Alderman Tuman said the Corps has to have our permission to put it in our Town.

Lenny Denittis

126 North Permuda

Questions about Beach Preservation Committee and the auditors dropping us. The Resolution says that we have no more Beach Nourishment Committee. So we have a committee, but no members. Who heads up rebuilding the team that we just said Mayor Don Martin said he is in charge of rebuilding the team, and is working with CP&E.

Mayor Martin instructed the Interim Town Manager to send a letter to all committee members saying the Town no longer needs their service.

Mike Yawn

207 Tamarix Court

Wanted to remark on Alderman Tuman's remarks and actions taken by the Mayor.

Attorney's Report

Mr. Robert Kilroy said he couldn't think of a thing to add.

Mayor's Report

Mayor Martin said that he plans to be in Raleigh next week and talking to Onslow County Commissioners regarding taxes as the spokesman for the Town to get the money we deserve.

Aldermen's Report

Mayor Pro Tem Hardison informed the Board that Mr. Leland Nusan died after an extended illness on Monday – he had served as an original Town Aldermen of North Topsail Beach and was a longtime resident of Ocean City.

The Board instructed the Interim Town Manager to send flowers and condolences to the family from the Board of Aldermen. -

Alderman Peters had no comment.


Alderman Tuman wanted to explain his criticism of the Mayor and said it was based on his vote in the workshop and the ad hominem attack on the committee and he felt that as Mayor he should be more sensitive toward the people that serve this Town and perhaps another Resolution may have been more appropriate.

Aldermen Swantek challenged the people of Town to get with the committee and be part of the town, don't just sit in the back.

Alderman Farley commented on Alderman Tuman's statement. And that he felt it is one thing to express your concern for the Resolution but not to make it personal.

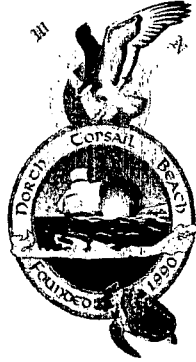
Adjournment

The meeting was adjourned at 9:40 P.M.



Donald Martin, Mayor

Town of North Topsail Beach



Donald Martin, Mayor
Larry Hardison, Mayor Pro Tem
Aldermen:
Richard Farley
Richard Peters
Robert Swantek
Daniel Tuman

Thomas S. Taylor
Interim Town Manager

Kathleen Lennon Clough
Town Clerk

TOWN OF NORTH TOPSAIL BEACH BOARD OF ALDERMEN MINUTES APRIL 3, 2008

7:00 P.M.

PRESENT: DON MARTIN-MAYOR, LARRY HARDISON-MAYOR PRO TEM, DANIEL TUMAN, ROBERT SWANTEK, RICHARD FARLEY, RICHARD PETERS, THOMAS TAYLOR-INTERIM TOWN MANAGER, ATTORNEY ROBERT KILROY

I. CALL TO ORDER: Mayor Martin called the meeting to order at 7:02 p.m. in the North Topsail Beach meeting room.

II. INVOCATION: Deacon Homer Prince, North Topsail Shores Baptist Church

III. PLEDGE OF ALLEGIANCE: Alderman Swantek led those present in the Pledge of Allegiance.

IV. APPROVAL OF AGENDA: Alderman Peters suggested adding the Resignation of the Chairman of the Recreation and Appearance Committee. Alderman Peters made a request to amend the agenda accordingly. Alderman Tuman seconded the motion, motion passed with Alderman Farley voting against. Alderman Tuman recommended modifying (9) New Business and swap (E) with (D). Mayor Pro Tem Hardison suggested adding three names under (F) New Business which are Mary Convy, Deborah Swantek and Will Evans as new members to the BEST Committee. Alderman Peters made a motion to approve the agenda as submitted and amended. Alderman Tuman seconded the motion, motion passed unanimously.

V. COMMITTEE REPORTS: Mike Yawn-Chairman for the Planning Board came forward to speak. He stated that the Planning Board met at their normal time on 3/13/2008. Key actions were: 1) Held a Public Hearing on rezoning case R-07-10, and voted 5-1 to recommend that the Board of Aldermen approve this rezoning. He urged the Board to vote tonight to hold a Public Hearing on this at their May meeting. 2) Held a Public Hearing on a single family home permit in CU R-5 zone, case CU-08-01. They voted unanimously to recommend approval, but since their meeting Ms. Hill has done further research. Per that research, as long as the applicant meets the requirements of this conditional use zoning (single family homes, no mobile homes, and lots greater than 4000 sq ft) the matter does not require Board of Aldermen action. 3) They were scheduled to hold a Public Hearing on changing their

Ordinances on pools: however, no one showed up to give us input so they continued the Public Hearing to their next meeting.

VI. INTERIM MANAGER'S REPORT:

1. Mr. Taylor stated in the place of the report from the Recreation and Appearance Committee He has received the resignation from Mr. Bill Hortsmann stating this is to inform the Town that he has made the decision to resign from the Recreation and Appearance Committee, his decision was made mainly on his disappointment of the outcome of some of the decisions of the Board of Aldermen, it is his feeling that some of the decision makers do not have the best interest of the Town and it's people as their top priority. He assured the Board that he is still very much interested in working with the Board of Aldermen via a business relationship to make the Town of North Topsail Beach a proud place to live; it is his commitment to continue to provide the same level of service as in the past.

Alderman Tuman wanted to extend his personal thank you to Bill Hortsmann; he served this Town well and took his responsibilities very seriously. Alderman Tuman is disappointed and feels badly that he chose to resign and it works as a disadvantage to the Town. He hopes his thanks represent the sentiments of the rest of the Board.

Mr. Taylor read his report as follows: 1) I have opened and Mrs. King and I have reviewed the bids for Audit service and Non-Audit service. This is an item for your consideration under New Business. 2) I attended the following meetings in March: Chamber of Commerce, Planning, and Onslow County Commissioners' meeting (Mayor Martin, Alderman Swantek and Mrs. King also attended). 3) Mayor Martin, Alderman Peters, Ms. Cox, and I attended a meeting with CP&E Engineers. 4) Mrs. King and I attended a meeting of Onslow County Managers and Finance Officers on the distribution of sales tax. 5) The beach walk sponsored by TISPC was held at Topsail Reef March 11th approximately 35 people attended. 6) Mayor Martin and I, along with a number of other Town and County representatives attended a meeting with Camp Lejeune Base Commander. 7) The Port Drive beach access that was closed earlier due to beach erosion was repaired and opened for the Easter weekend. 8) The surplus fire truck was sold on GovDeals Auction on March 20 for \$6,011.00

VII. OPEN FORUM: Becky Bowman 106 North Permuda Wynd came forward to speak, she said Aldermen, my fellow citizens, North Topsail Beach must revisit the contract with CP&E, where do we stand in our negotiations with them? If there are objections with some of the items in the recent invoice let's negotiate. Never say no, Mickey Suggs our Coordinator for the permit process from the Corps of Engineers is preparing to notify the Town that we have thirty days to relate our intent regarding the project. It is critical North Topsail Beach can not afford to let this contract die.

A suggestion was made by one of our citizens that the Town either contract with another engineering firm or perform the task in house. Where can we find another firm, one that is qualified as CP&E who would step into an ongoing project just to do a few months of clean up, I suspect we can't. Another contract alone would take six months to negotiate; we have no

209

engineers in house. Jeff Warren of the DCM is requiring 5 additional vibracores of the inlet due to the new composite grain size standards in our area requirements.

The Town of North Topsail Beach has no employees who can perform such tasks, we need the permits, and nothing can be done until we have them. No beach project, not one phase not an inlet project. On page five of the draft EIS, there is a discussion on a no action alternative, a typical thirty year study was prepared, the results show that the average annual economic impact of doing nothing or no project was determined to be \$33.3 million in damages in the north and central sections and \$1 million dollars annual losses in tax revenues, can we afford those losses.

Aside from beach nourishment, sand from the borrow sites can be used to nourish the beach after a hurricane. If we have the permits borrow site sand can be dredged onto the beach to nourish the dunes at an enormous savings to our Town. After hurricane Ophelia truck hauled material cost the Town \$22.00 a cubic yard with increase in gas prices cost would be now \$35.00 or more in the future. That is compared with \$5.00 a cubic yard for dredge sand, using post Ophelia data of \$47,300 cubic yards of trucked in sand required. Dredged sand from the borrow site would cost us \$236,500.00 as opposed to \$1,656,000.00 for truck hauled material, this alone would pay for the \$88,000 sixteen times over. North Topsail Beach can not afford to let this contract die; this is the future of North Topsail. A no vote by our Aldermen is saying no to the future of North Topsail Beach; get the permits, show wisdom and a keen understanding of the situation confronting this Town.

Russell Proctor from North Topsail Beach came forward to speak. He addressed the Board of Aldermen and stated enough is enough. He has been a property owner here since August 1984, longer than any of the Aldermen. Duration doesn't necessarily mean anything except he has seen a lot and weathered a lot during this time period. He can not remember a period when he has been more frustrated with politics then now. The central question is, who do you represent, do you represent the voters that elected you or the property owners that all pay property taxes to North Topsail Beach.

He hopes all of us recognize there are a number of us that can not vote in local elections, we pay a large percentage of the property tax receipts assuming you have all read the e-mail since your last meeting, there is something to be said for the phrase taxation without representation. You have a major issue on your plate called beach nourishment, the north end and other sections of the island are eroding away please don't look at him and tell him he should have known what he was buying in August 1984. Back then even the national flood program in Maryland couldn't get him the right map for his homeowners insurance. He bought property on the second row and provided each of the Aldermen a picture of what the beach looked like 21 years ago to the week, we are at a cross roads with beach nourishment he truly does not think anyone of the Aldermen is against beach nourishment, he gives each of them credit for understanding the economic vitality of having sand in front of our houses. The sand is what attracts tourism to our properties even though he is not a renter. Tourism increases the value of all the properties which in turn increases the tax receipts which you the Aldermen use to provide public services. He would like to see by a show of hands from the Aldermen, which of them in the last couple weeks have put

forth a concrete suggestion of a resolution to funding or resolving beach nourishment. He is asking the Aldermen to work towards solutions, please put aside any differences among your selves, please represent all tax paying property owners and find a solution, he is tired of reading about the Town in the Paper, and tired of seeing the Town on TV. He stated that all of the Aldermen have a responsibility to represent the economic interest of North Topsail Beach, there is no question that part of economic interest is beach nourishment, look at each other and find a common ground and please get it done.

Dick McCartney 1214 New River Inlet Road came forward to speak. He stated this Town is about 18 years old and back in 1999 that they first decided to do something about beach nourishment, that is about the time they started making inquires about the federal project. This is now 9 years later and the federal project has had a rough road, there hasn't been any money for some time but with the association with Topsail Beach, Surf City. They have engaged a lobbying firm and they have gotten enough to get by, they now have a new project manager who reported in the last month who thinks there is enough money in the Corps budget to complete all of the necessary steps to get an engineers report from the Corps in about a year from now. After that there is only one hurdle and that is getting the \$75 or so million dollars that they need to do that portion with Surf City.

He stated that this year the President hasn't put any money for beach nourishment in his budget but they still think with some money they will get through that part. Back in 1999 they didn't necessarily think that the federal project for the 3.85 miles was going to satisfy all of the needs at North Topsail Beach so the people then said let's look at what we can do for the rest of the Island, that is where they got the CP&E project, their contract was signed in 2004 and they said it would cost about 1.6 million to get to the point where they would have a document that would allow them to get the permits and go ahead and get the permits. A couple of years ago they thought that the federal government was not going to get there, and wondered what they are going to do to get the federal money. They asked them to adjust their scope of work to include the federal project area just in case and that was another \$495,000. 00 on the CP&E contract.

He stated the contract with CP&E for the Town of North Topsail Beach was about \$2.2 million. A few years ago he said we have this project now how are we going to pay for it? He went to work and came up with a plan and when the Aldermen voted it down, he took all of the blame for rushing into an ill-conceived plan. That doesn't mean they said no beach nourishment, it meant that plan for 80-20 for \$34 million was more than the voters could stomach on the first pass.

They are now at the point where CP&E said they have \$700,000.00 left out of the \$2.2 million. It will cost about \$400,000.00 to get the permits so the Board last April passed a resolution to say they authorize up to \$400,000.00 to get the permits, they came here last month and now can't do it for that price, and they wanted \$88,000.00 of what they authorized. The vote as he understood it was they got blindsided and they are not going to do that, he is not sure if this Board meant to cancel the contract with CP&E but they certainly didn't like the approach of being blackmailed for \$88,000.00 and he thinks that is fair.

He stated that they have to go back and get the permits because it is important. Have they spent anymore money than they originally said they did, no they haven't. Is there any money for beach nourishment, Lord knows they have a lot of problems but if it is money they have time to look at it. In his opinion after looking at some of the returns from the Public Hearing on the Private Project, if CP&E gets the permits for \$88,000.00 they will sweat blood to get it and earn their money because there are a lot of hurdles to overcome with the agencies. There is a lot of work and he hates to say this but he doesn't think there will be sand on the beach by next March. If they have the permits by next March if the right thing is done then the Town will be ok. Should there be a vote for how they pay for beach nourishment? Of course we should but the Town has got to come together as a Town and hammer out the details and within the year that we have and the new leadership on Beach Nourishment Committee comments of people in the meeting room, there is enough talent and enough desire in the meeting room that they can figure out a way to save the beach.

Permella Sobb 2224 New River Inlet Road came forward to speak. She wanted to know how the Board can justify by saying no to beach nourishment and putting in a parking lot. How much revenue is the Town going to get from a parking lot compared to having a nice beach where people want to come and stay a week, and pay rent and pay taxes on and go out to eat. She is not a registered voter yet but she is switching over and so is her husband. If some Alderman has second row property and list it for sell, how could they let the real estate company put a comment in there soon to be first row? That is horrid, how can you do that. Alderman Farley stated that he assumes she is talking about him and he stated that was not his house.

Rick Bumgardner came forward to speak. He stated that he lives in Sneads Ferry but he does pay a few taxes in North Topsail Beach. There has been a lot of negative stuff going on and that needs to stop. The Aldermen say they are here to represent the voters of North Topsail Beach, if you look at the recent election we had, the vote was pretty close none of you got in by a majority for sure. You have to remember they are all tax payers, are you here for all of the tax payers or just the ones that put you in office. If you really want to do what is best for this Town you need to consider everyone that pays taxes here because everyone that pays taxes here cares deeply about the beach. The people that can't afford to live here shouldn't be punished because they can't afford to live here. Most of the people he deals with here invest in property with the intention and hopes that someday they can live here. That is what he and his wife did before they were able to move here. He and a small group of people are trying to put together an organization here to work with the Aldermen and to help them.

VIII. CONSENT AGENDA: Alderman Tuman stated that they are approving minutes for three different meetings- Town workshop for March 4, 2008, Town meeting for March 6, 2008 and Town workshop for April 1, 2008. Alderman Peters requested postponing the approval of the minutes because he hasn't read the minutes yet.

Alderman Peters made a motion to approve the Consent Agenda with the exclusion of the minutes. Alderman Tuman seconded the motion, motion passed unanimously.

IX. NEW BUSINESS

A. Discussion of CP&E letter to the Town of North Topsail Beach.

Mayor Martin stated that this is a very important issue for the Town. He appointed a committee to get all the details and come back to the Board of Aldermen to approve or disapprove it based on the Aldermen's suggestions. He appointed Mayor Pro Tem Hardison, Alderman Peters and Alderman Swantek as a committee for CP&E to work with and get back to the Board of Alderman. Alderman Peters stated that he will have no part of such a committee as long as it does not include the accessibility of everyone in the community wanting to join it without any animosity associated with those appointments as people have stated in the audience, let's let bygones be bygones and anyone who expresses an interest in being a member should be a member. Mr. Taylor stated this is an internal committee of the Board of Aldermen because with those three members they will be required to hold their meeting in an open forum so the public can be involved. He stated that the three of them can research this they will not be making decisions; they will be making recommendations back to the full Board.

Alderman Tuman stated that this is a committee specifically to address the request from CP&E for additional funds to continue the contract between CP&E and the Town of North Topsail Beach in pursuit of the draft EIS and necessary to achieve permits for this Town.

B. APPOINTMENT OF LEAD PERSON FOR ESTABLISHING THE BEACH

NOURISHMENT COMMITTEE: Mr. Taylor stated that he, the Mayor and Mayor Pro Tem Hardison met with Mr. Doherty and discussed with him the tasks that they would like to see for him to do and put together a new membership of the Beach Nourishment Committee. He has agreed to step into that roll subject to the Boards appointment, his basic charge would be to recruit members to serve on the committee that are a true sample of the North Topsail Beach community, all applicants will be appointed by the Board of Aldermen following the process of established by a resolution adopted by the Board. He is to report monthly to the Board of Aldermen or as otherwise directed.

Alderman Peters stated that this needs to be brought up at the next Board meeting to determine what the committee is going to be doing. Mayor Pro Tem Hardison stated that the committee would be chaired by an elected official appointed by the Board but also the Town Manager would designate a knowledgeable Town employee to assist the committee chair.

Mayor Pro Tem Hardison made a motion to appoint Ed Doherty to head the Beach Nourishment Committee. Alderman Swantek seconded the motion.

Discussion: Alderman Tuman stated that they had a workshop on Monday and one of the requirements made was to go ahead and recruit a new Beach Nourishment Team. He stated if they are going to do that let's make sure the person they have doing this has a Charter that basically says what this Beach Nourishment Team is going to do.

Alderman Swantek disagreed with Alderman Tuman, he stated that the fact is they need to get the team moving, everyone knows that. He stated they can go to the Charter and they could change it while getting the committee established, by the time the committee is established they will have a full fledged Charter.

Mayor Pro Tem Hardison stated that he continues to hear comments on this position being narrowed down and even toyed with and that is not the case. He stated there was a dissolvent of committee members, that doesn't mean the Town doesn't have Beach Nourishment. Someone assumed because of that there is no beach nourishment, the committee structure is there, it was the dissolvent of the membership that was done and there is nothing different.

Alderman Peters stated they want to reestablish a beach preservation committee again without a Charter, without objectives, without goals. Mayor Pro Tem Hardison asked if that is what Alderman Peters wants to go back to. Alderman Peters stated that they had a workshop last week and they discussed the Charter of this meeting and no one wanted to do that. Now you are coming before us with an old Charter and requesting approval of a Chairman to head an unknown committee. He stated get this done right and he will not have a problem with it.

Alderman Farley stated that he thinks they can appoint Mr. Doherty and ask him to come up with a Charter.

Mayor Pro Tem Hardison stated that he has talked to Mr. Doherty and since Mr. Doherty is not here Mayor Pro Tem Hardison would like to read a few statements as follows: The committee should be comprised of a wide cross section of North Topsail Beach citizens, both ocean front and non ocean front property owners. Voting members of the committee must be eligible to vote in North Topsail Beach elections, others who can not vote in local election may be included as non voting advisors to the committee and that is optional depending on the Boards discussion on that. The committee is charged with recommending actions North Topsail Beach should take to address beach erosion and submit recommendations in time to put on the November 2008 election ballot if North Topsail Beach decides to do so, include funding and technical alternatives including opinions of desirability of using hardened structures, identify locations and contacts where recommended solutions have been implemented, the committee should not make comments to the media without approval from either the Mayor or Advisors Hardison and Peters. The committee can not commit funds without approval from North Topsail Beach's Board of Aldermen.

Alderman Tuman stated there are a lot of problems with that. If Mr. Doherty was involved with beach nourishment and never took the time or made the effort to clearly understand and participate in all the activities associated with the beach nourishment project and program in this Town, attend meetings and conferences involving the State and Federal activities regarding these programs and the technical issues there. He does not think that should be Charter for this Town. If we had a proposed Charter at the workshop we might have been able to work something out that could be the satisfaction of this Board.

Alderman Tuman stated that this Board has no discretion of ballot initiatives, there are certain things in the law that says automatically that go on the ballot once they are passed by this Board in a timely fashion. Ballot questions require the approval of the State Legislature and someone needs to lobby people and introduce bills and this committee in any way in this short session is going to be able to do anything like that and he really doubt that the Legislature would even be receptive to that kind of initiative.

Motion passed 4-1 with Alderman Tuman voted against.

**C. DISCUSSION AND CONSIDERATION OF ALDERRMEN SWANTEK'S
ADMENDMENT TO RESOLUTIN ON THE AD VALOREM TAX DISTRIBUTION:**

Alderman Swantek stated the reason he is making a recommendation to amend the resolution Alderman Tuman did because he felt that his resolution was too restrictive. He stated that beach nourishment is throwing sand; beach erosion means they can do many other things.

Resolution:

Whereas, A solution to beach erosion is vital to the welfare and safety of the residents of
North Topsail Beach, and

Whereas, North Topsail Beach must determine the best solution to combat beach erosion and
protect property, and

Whereas, The cost for combating beach erosion are high, and

Whereas, The Ad Valorem method of distribution for North Carolina sales taxes can
help fund a solution to beach erosion in North Topsail Beach

Now, Therefore, Be it resolved that, on this day, April 3, 2008, the Town of North Topsail
Beach affirms it's commitment to implement a solution to beach erosion and
Reaffirms that an ad valorem method of distribution for North Carolina sales taxes
helps fund a solution to beach erosion in North Topsail Beach.

Adopted on this, the 3rd day of April, 2008

Donald Martin, Mayor

ATTEST:

Clerk

Alderman Swantek made a motion for this amendment to be adopted. Mayor Pro Tem Hardison seconded the motion.

Discussion: Alderman Peters questioned the change from the old resolution to the new as to the only thing changing is where it says Whereas, Beach Nourishment is the best program available today to combat erosion and protect property and they are changing it to Whereas, North Topsail Beach must determine the best solution to combat beach erosion and protect property. He asked if there was an alternative. Alderman Swantek stated at this moment no but a year from now we may.

Alderman Tuman stated that he agreed with Alderman Peters. He stated that you can't argue on this resolution. The other resolution was harmless.

Motion passed 4-1 with Alderman Tuman voting against.

D. APPOINTMENT OF TOWN MANAGER:

Mayor Martin made a motion to appoint Henry Luxem as Town Manager of North Topsail Beach effective 21st of April. Alderman Peters seconded the motion.

Discussion: Alderman Farley stated that he can not accept the contract.

Motion passed 3-2 with Alderman Farley and Alderman Tuman voting against.

E. CONSIDERATION OF APPOINTMENT OF INTERIM TOWN MANAGER:

Alderman Tuman made a motion to appoint the Town Clerk Kathleen Clough as Interim Town Manager effective April 9, since Mr. Taylor's last day will be April 8th until the arrival of Mr. Luxem April 21st. Alderman Swantek seconded the motion, motion passed unanimously.

F. APPOINTMENT OF 3 CITIZENS TO THE BEACH NOURISHMENT COMMITTEE: Mary Convy, Deborah Swantek, Will Evans

Mayor Pro Tem made a motion to appoint Mrs. Convy, Mr. Evans and Mrs. Swantek to the Beach Nourishment Committee. Alderman Farley seconded the motion.

DISCUSSION: Alderman Tuman requested in the future when the subject comes up to appoint particular committees that the supporting information be provided to the Town Board as has been our practice.

Alderman Peters stated that there is a list of citizens; Dick McCartney, Deborah Swantek, Mary Convy, Ed Doherty, Eric Emrich, Joseph Dorfeld and Duncan Herring, Will Evans. It so stated that three individuals they are considering citizens, he sees that Dick McCartney is a citizen, Eric Emrich is a citizen, Will Evans is a citizen. His comment is what is the Board

trying to accomplish here. We have two or three other citizens that have expressed interest in being on the committee; we may as well appoint them all. He stated there is a citizen who was at the seminar and asked to participate in a panel discussing beach nourishment and you do not think he has the merit to be on this committee. He thinks that is totally unacceptable and he will have nothing to do with a committee that doesn't include all eligible citizens.

Mrs. Clough stated that she didn't know that this was going to be on the Agenda tonight and there are other applicants, so the Board does not have a complete list of the citizens that have applied. Mayor stated that next month they will appoint three more members.

Motion passed 3-2 with Alderman Peters and Alderman Tuman voting against.

Alderman Tuman stated that if the motion is introduced on the day of the meeting requires a Super majority.

Attorney Kilroy stated that in 160A-75 it says an affirmative vote equals to a majority to all members of the council not excused from voting on the question in issue (Including the mayor's vote in the case of an equal division) shall be required to adopt an ordinance, take any action having the effect of an ordinance, authorize or commit the expenditure of public funds, or make ratify, or authorize any contract on behalf of the city.

- X. OPEN FORUM:** Wade Wright 1409 New River Inlet Road and 1411 New River inlet Road Has a unit at Shipwatch, he stated that he saw somewhere that there is 4000 property owners and about 400 people that voted. He stated that the Board of Aldermen are losing a great opportunity by not working with some of this pool of talent, out of 3,600 people we would have some really good talented people that would have the best interest in North Topsail. He stated that he would like to review the Charter as well. He would like to see six Aldermen added to the Board that are property owners.

Dick McCartney came forward to speak, he stated to Alderman Swantek and Alderman Farley that he does not recall making any comment that he would not work with them, he hereby publicly state that he has the up most respect for the position of the elected Aldermen. He aspired to it himself, he certainly knows the responsibility of the position and it is a heavy one. He has offered to work with the Board. He stated to Mayor Pro Tem Hardison that he has personally tried to keep him as Beach Liaison he knows that they have had an issue in the past he publicly apologizes to him also. Mr. McCartney stated that he does have some back ground in beach nourishment; he is perfectly willing to walk away if it is the will of this Board that he doesn't have anything to offer. He stated if the Board doesn't want him that is ok. He publicly stated that he has nothing against the Board, the election is over, he fought as hard as he could and he will fight as hard as he can to keep the Aldermen for the next 4 years that you are entitled to be.

Russell Proctor came forward to speak. He stated that it is kind of funny for the Board to ask Ed Doherty to figure out what the Charter should be for beach nourishment. He stated that the Board of Aldermen need to do it and he suspects that if the Board took it upon themselves to

establish what the Charter of the Beach Nourishment Committee should be then maybe together would find a common ground on about how you all feel about beach nourishment. He stated don't ask someone else to do it, do it yourself. How can you ask Ed to recruit a committee when you don't even know what you are asking the committee members to do.

Mayor Pro Tem Hardison stated that Mr. Proctor is right and it should be coming from the Board but Ed didn't start out with this, he stated that this is going to be his Charter, it was just ideas that Ed spoke to him about.

Lenny Denittis 126 North Permuda Wynd came forward to speak. He wanted to clarify that they appointed Ed as the Chairman and the Board just appointed three members that are going to work for him, without any input from Ed on those members. Don't you think the Chairman should have something to say on these members? He's getting three members like it or not and what is the most important thing to this Town right now is beach renourishment so why are we not meeting once a week as a Town because this is our biggest crucial time of what we need to do for this Town. This is the biggest issue let's have a meeting once a week. He is willing to push his own sand; he'll pay for the bull dozer. All he needs is help with the permitting process, let him buy a bull dozer and push every two weeks. He was told he could only push every year or once every three years. He's not asking the Town to pay for it; he is just asking permission to do it.

Gene Graziosi 2392 New River Inlet Road came forward to speak, he stated he didn't have a problem with Alderman Swantek resolution but he does think that Mayor Pro Tem Hardison made a good point, you have to try and get people together even though you are plowing the same ground again but sometimes you just have to go forward and let it be rehashed a little bit. He stated that a lot of people don't understand we have a federal project that everyone is paying for, the whole Town is paying for the continuation of the Federal project, the lobbying of a federal project and there seems to be a disconnect on the Town willing to pay for a southern project but not at least going forward with the permitting of the northern project. He stated maybe there is a reason for that but that is a point he is not clear on.

He stated with the new beach committee, he does not have a problem with balancing it but he has heard their names before but are they southern, central, northern, ocean front or non ocean front. Mayor Martin stated they are a mixture of all.

Sue Tuman 3944 River Road came forward to speak, she stated that the Mayor appointed three Aldermen which means that you will have to advertise the meeting. She said the Board needs to set a schedule of meetings so they can get this done soon and once a week is not a bad idea and anyone who wants to show up at the meeting that these three Aldermen are going to be holding, it needs to be done now at this meeting.

21

XI. ATTORNEY'S REPORT: Attorney Kilroy stated last month they had scheduled two Motions for judgment for Lacosta and Sea Side Development in Onslow Superior Court and he understands that Joe Stroud put it back on for July 14th, 2008 and as soon as he gets that information he will let the Board know. He stated that he will not be here next month and Attorney Brian Edes will be here.

Alderman Peters asked Attorney Kilroy regarding what he thinks the Judge is going to do regarding the Sea Side Development. Attorney Kilroy stated that it will be up to the Superior Court to review the record of that hearing and make a decision whether the Board committed errors of Law or whether they are arbitrary and capricious in making their findings.

Alderman Peters asked if the Attorney was here during the Board of Adjustment Meeting. Attorney Kilroy stated that he was here for the first one. Alderman Peters stated that he does not understand what would have occurred that would seemingly give that kind of result, did the Town do something out of order. Attorney stated no sir, the meeting was recorded like usual, but unfortunately the recordings were difficult for any court reporter to transcribe. Alderman Peters said having said that then why would a judge rule, and not just remand it back to the Board of Adjustment for a rehearing. Attorney Kilroy stated that is what he is asking him to do. He has a choice; he can remand it or review what record we can provide him. He has to have a record to review. Alderman Peters stated that he doesn't understand why the Judge would rule something contrary to the ruling of the Board of Adjustments without cause. Just because we don't have a record of it why would he reverse the action of the Board of Adjustment?

Attorney Kilroy stated that they are entitled to review by the Superior Court and the Superior court reviews it errors of Law and the errors as far as the findings of fact. Alderman Peters asked if it was the fact that our tapes are illegible. Attorney stated no sir, it is a procedural problem and hopefully with this new system the Town has it will work out a little better but as he recommends when there is a Board of Adjustment meeting we should get a certified voice recorder here to record the whole thing and then if anyone wants to appeal they can just write her a letter and say send us a transcript and she'll make them a transcript and send them a bill.

Alderman Peters stated his take on this is accepting that the Judge would rule that way. Why would he not just render it back to the Board of Adjustment for another hearing?

XII. MAYOR'S REPORT: Mayor Martin stated that he went to the North Carolina League of Government to train. This week he went to the North Carolina Beach's, Inlet's and waterways association conference in Pine Knoll Shores. He stated that the Lt. Governor will be here tomorrow at 2:15 to see if she can help us with the homes at the north end.

Mayor Pro Tem Hardison thanked everyone for coming out.

XIII. ALDERMEN'S REPORT: Alderman Peters stated that Aldermen and co-elected officials have been receiving numerous e-mail messages from you as our Citizens and owners on the Island. He thought at first this is not good PR, but after he thought, these letters are important and getting the message out to our other political officials who indeed need help on this Island. He commended the citizens for their passionate messages to them, he has been impressed with how many are well written and he thinks the message is on target.

Alderman Tuman stated he likewise have been receiving numerous e-mails regarding the importance of efforts on beach nourishment. This program is important to the Citizens and he is sensitive to it and he will do what he can do.

He is also concerned and has an interest in the new Beach Nourishment Committee, two reasons and one of them is that the formation of the committee in no ways hampers or delays any efforts by virtue of it's formative stages. He implores this Board to consider sincerely and genuinely, everyone that has volunteered to participate in that committee should not be excluded for any reason or classified as ones who are eligible for voting and others only for advisory. He advised all of the citizens when the meetings are called and they are public that they come and be heard. If they want to have an active participation submit the application and he stated speaking for himself he will take their application very seriously.

Alderman Swantek stated he wasn't here for the Tuesday meeting, he was in the hospital. He stated they he received numerous e-mail some good and a lot bad. If the citizens would put their efforts in writing to their Senators, Governors and Congressman and everyone else. There are only five people in the Board, they only deal with so much money, and they need more money. He stated this is an election year and the perfect opportunity to for you to get your word to those people.

Alderman Farley stated that Alderman Tuman is the only Alderman since Mr. Farley has been on the Board who has every opposed anyone on the Beach Nourishment and now Alderman Tuman is taking a stand that is self serving. He stated as a Citizen said earlier a number of years ago his neighbors house was for sale and on the sign it said soon to be ocean front. His house has never been for sale and is not for sale now; it would probably be washed away like a lot of other houses.

Alderman Farley stated one of the issues with beach nourishment is that the numbers were wrong, they were quoted that the Town would lose a million dollars in taxes if they didn't do beach nourishment. He stated right out of the feasibility study that was done a number of years ago, the Ad Valorem taxes would be 160-170 on average per year with some sales tax and occupancy tax. He stated the cost to do the project is approximately three million dollars a year as they have said and the taxes they would lose would be \$500,000.00 that is more accurate.

Alderman Tuman stated before tonight where he did not support Mr. Doherty's appointment for reasons in his Charter he has never objected to the appointment of anyone, he did express a concern on one candidate whom he subsequently voted for and his concern was that he questioned his motives and he implored him to be helpful and not hurtful because he thought his whole objective was to obstruct but he voted for him anyway. He stated he did oppose Mr. Doherty's appointment and primarily to send Mr. Doherty a message that in fact that this is important job and we need to get it along and we don't need someone to deny other people's participation and getting their in put and creating some kind of class system where certain people are allowed to come and other might be considered.

XIII. ADJOURNMENT: Mayor Martin adjourned the meeting at 9:01 p.m.

Minutes prepared by Terrie Woodle- Recording Secretary.



Mayor Donald Martin

Date: 4 - 3 - 08

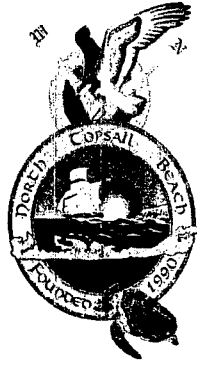
2010 Onslow County Mayor's Meetings

Date	Host Municipality
January 27, 2010	North Topsail Beach
February 2010	No Meeting
March 24, 2010	Onslow County
April 2010	No Meeting
May 26, 2010	Richlands
June 2010	No Meeting
July 28, 2010	Surf City
August 2010	No Meeting
September 22, 2010	Swansboro
October 2010	No Meeting
November 24, 2010	Holly Ridge
December 2010	No Meeting

Each host town should send a reminder out the month they are to host the meeting noting the event location and time and any payment arrangements if required.

*Host Towns are listed in alphabetical order. Jacksonville has a bye in 2010.

Town of North Topsail Beach



May 1, 2008
6:00 P.M.

Board of Aldermen
Closed Session

AGENDA

Legal Issues

Town of North Topsail Beach



Donald Martin, Mayor
Larry Hardison, Mayor Pro Tem
Aldermen:
Richard Farley
Richard Peters
Robert Swantek
Daniel Tuman

Henry Luxem
Town Manager

Kathleen Clough
Town Clerk

North Topsail Beach Board of Aldermen Regular Meeting

1 May 2008, 7:00 P.M.

The meeting of the North Topsail Board of Aldermen was called to order at 7:18 P.M. by Mayor Donald Martin, who declared a quorum.

Present were Mayor Martin, Aldermen Robert Swantek, and Richard Farley, Town Manager Henry Luxem, Town Clerk Kathleen Clough, Brian Edes, Acting Town Attorney, and Planning Officer Deborah Hill. Alderman Richard Peters was not in attendance.

The Invocation was given by Mr. Jerry Davis, followed by Alderman Robert Swantek leading those present in the Pledge of Allegiance.

Alderman Farley made a motion to add item (I) under the consent agenda: The approval of the Settlement as recommended by the League of Municipalities. Alderman Swantek seconded the motion; motion passed unanimously.

Committee Reports

- Planning Board Mike Yawn, Chair
Thursday April 10, 2008
He stated they held their Public Hearing on Pools. He Stated that the Planning Board had three different recommendations for the Board of Aldermen 1) By 4-1 vote the Planning Board did not recommend private pools for single family homes require a Conditional Use Permit. 2) By 3-2 vote the Planning Board recommends that pools not be allowed in the ocean set back area. 3) By 3-2 vote the Planning Board recommends that pools remain being counted as pervious and the coverage percentage calculations.

Mr. Yawn stated that the Planning Board discussed whether they were required to hold a Public Hearing and make a recommendation on a proposed change to the Town's Flood Damage Prevention Ordinance. He stated since it was not in Chapter 7 Planning and Zoning Section and was in Chapter 8, they felt this to be most expedient to go straight to the Board of Aldermen meaning that no hearing or recommendation from the Planning Board is required.

- Board of Adjustment Jerry Convy, Chair
Thursday April 17, 2008
1: Case # V-08-01
Mr. Buckton requested a variance from section 7-129 Dimensional requirements to permit construction of an addition to a single family residence located at 303 Seashore drive. The variance was granted by a 4 to 1 vote.
Seashore Drive 6,000 sq ft long before town was formed so they were grandfathered in and the variance was granted.

2: Case # V-07-02

This case was heard last year and a variance was granted. Since there was no request for a building permit within six months this variance is declared null and void and a letter has been sent to the property holder advising him of this action.

3. Seaside Development

Received letter from Mr. Kilroy stating that the Judge ruled in favor of Seaside Development. We'd like his definition of errors; it appears we just did not defend ourselves. The Board has no basis because we did not produce the minutes and it sounds like we were not represented there.

Manager's Report

Having completed my first week in service to the Town of North Topsail Beach, we (Jane and I) are delighted to have been afforded the opportunity to become a part of this wonderful community! To the citizens and residents of North Topsail Beach, and especially to the Board of Aldermen of North Topsail Beach who have entrusted me with the duties and responsibilities of town manager, I say "Thank you. I will work diligently to earn your trust as together we strive to make our community simply "The very best."

On Monday April 21st, Mayor Pro Tem Hardison, representing Mayor Martin who was away, addressed the Onslow County Board on the vital issue to NTB of retaining ad valorem as the method of distributing county sales tax. Representing NTB were Aldermen Farley and Swantek. Also in attendance were Finance Director King and myself. On their third try, the county board, by a narrow 3-2 margin, chose to continue the ad valorem formula for distribution. Stakes were very high for NTB as payments to NTB would have been reduced by more than \$1,000,000 per year if a return to the per capita distribution formula was chosen. The motion by Board Chairman Midgett, as adopted, includes the provision for town finance directors to meet and provide to the county board by May 15th a recommendation for mitigating any adverse impacts upon the City of Jacksonville resulting from continuing the ad valorem distribution methodology. (This information provided as background in support of the agenda item - Town Finance Officer negotiation)

Also on Monday, Alderman Farley, Peters and I interviewed the accounting firm of Hardison, Chamberlin and Thomas for the purpose of choosing vendors for town accounting services. On Tuesday we interviewed the firm of Goodson and Taylor. The previous Friday, Alderman Farley interviewed the firm of Carter, Williams and Scarborough. Alderman Farley, who interviewed all three of the firms, will provide further information/recommendations on the agenda item of audit and non-audit services.

On Tuesday evening, Alderman Peters chaired the regular meeting of the Topsail Island Beach Protection Commission held at Topsail Beach Town Hall. Mayor Pro Tem Hardison and I attended and Ms. Cox served as recording clerk of the meeting. The next scheduled meeting is May 27th at North Topsail Beach.

On Wednesday, Mayor Pro Tem Hardison (representing Mayor Martin), Alderman Farley and Alderman Swantek and I, assisted by Attorney Brian Edes met on legal issues.

I have received information from the North Carolina Water Resources Congress regarding their annual meeting to be held in Raleigh on May 21, 2008. If any Aldermen would like to attend please let me know.

These were some of the more noteworthy events occurring during my first week. Many other lesser note items filled the week, making for a good, busy start for me at NTB!

Agenda Items:

Potential fines for violation of NTB Ordinance- time of placement and rollback of trash receptacles- The ordinance regulating trash containers curbside is not working as the problem of unsightliness, nuisance and potential hazards of receptacles left at curbside continues. Staff recommends consideration of establishing a

fine of at least \$50.00 for noncompliance with our ordinance pertaining to the time of placement and rollback of trash receptacles (a fine of \$50.00 or more allows us to involve the county should non-payment become a problem). At the agenda workshop it was recommended that there be two warnings before the fine.

Budget Amendment- (Finance Director Lydia King will be taking the 4-part Certified Finance Officer Exam and thus is unavailable for the Thursday Board of Aldermen Meeting.)

Spending over budget has been adjusted for:
Professional services (\$27,000)
Litigation (\$12,000)
Contracted services (\$11,000)

Board travel/training: \$7,000
Extended town manager search: \$7,500

Note:

The \$9,000 spending over budget in the areas of police "M&R equipment" and "uniforms" is fully offset by \$9,000 grant money.

Recommendation (per spread sheet data) is to balance budget through the following:

- Apply unspent monies of unfilled planning position (\$20,500, \$4,100, \$1,550)
- Apply contingency fund monies of \$22,173

Answers to questions posed at Agenda Meeting on 4-29-08:

Finance Department

- **Cable Franchise Fees:** State sends all Utilities Franchise Fees together. The Cable Franchise Fees journal entry has not been made. This entry will be made with the next set of journal entries posted. Budget amount is \$42,500 it is anticipated this will be met.

Result: Amount collected \$ 37,812.96

- **Sales of Fixed Assets:** Budget \$31,000 for sale of @ 2 police cars & 1 fire truck
The Board Accepted the Fire truck to be sold for \$6,011
(according to former Interim Manager Taylor)

The 2 Police Cars sold for a total of \$ 3,000

Result: Budgeted revenues will not be realized, reduction needs to be made.

- **Accommodation Tax County:** Onslow County Board of Commissioners did not budget Tourism Funds requested by the Town of North Topsail Beach to be appropriated.

Result: Collection for that line item is zero.

- **Mush Pot Bay:** is the area located beside the high-rise bridge where proposed boat ramp and docking facilities were considered. This proposal (WAMI; Water Access and Marine Industry Funds) was referenced as Loggerhead Landing and is no longer viable due to Corp of Engineers holding this property as an active disposal site for the Atlantic Intracoastal Waterway.

Moneys were expended for engineering on required site plans, and title search

Result: Contracted services were increased to cover the cost; however the Town will be billing Onslow County for half of the expenses incurred.

Respectfully submitted
Henry Luxem

Brian Edes introduced by Mayor Martin.

Open Forum

Bob Fox 4710 23rd Avenue

Stated his comments will be reserved for the Public Hearing. These other gentlemen are the shell fishermen and are also here for the public hearing.

Rick Bumgardner
4476 Island Drive

Representing NTB Property Owners Association came forward to speak. He stated that they got together when the Town decided not to grant CP&E the additional funds to continue with the project. He would like for the Board of Aldermen to consider that the Army Corps will not contract with individuals they will only contract with the Town to continue. He would like to have an answer from the Board of Aldermen tonight if they get a chance as to whether or not if the NTB Property Owners Association comes up with the additional funds will the Board be willing to accept them. He stated it will be the Board of Aldermen's decision.

Tom Leonard
218 Coastal Drive, North Topsail Beach

What's going on with the houses at the end of the beach, they are falling apart and they are still there. Alderman Swantek stated that there will be something on the agenda tonight.

Eric Emerich
2250 New River Inlet Road, North Topsail Beach

Wanted to publicly thank Mayor Martin, Mr. Swantek, Mayor Pro Tem Hardison, Alderman Tuman, and others who so successfully lobbied on our behalf for the ad valorem issue. You are all to be commended.

Joe Blasi
1213 Topsail Dunes, North Topsail Beach

Question regarding choosing members for the Beach Nourishment Committee. My question is Beach Nourishment is an issue for all property owners. Property owners are paying significantly more in taxes and why shouldn't we have representation for all people who are affected by beach nourishment.

Alderman Tuman stated that it has been the policy of this Town to hear comments from the citizens, not necessarily for the Board to respond. During the course of this meeting the Board hears comments. You can let this board know how you feel, but it's not a debate, we are here to listen. You are not being ignored when you don't get a response.

Consent Agenda:

By Attachment

- Approval of Minutes:
Held over from April 3rd Board of Aldermen Meeting:
March 4, 2008 Agenda Workshop

March 6, 2008 Board Meeting
April 1, 2008 Agenda Workshop

April 29, 2008 Agenda Workshop meeting

- Department Head Reports
- Proclamation Honoring North Topsail Beach Municipal Clerk Kathleen Clough and Deputy Municipal Clerk Terrie Woodle and all Municipal Clerks of Onslow County, during Municipal Clerks' Week, May 4th through May 10th, 2008
- Business Property Audit MOU- Revised Agreement
- Call for Public Hearing Case #A-08-02

CASE # A-08-02: Appeal by Joseph E. Stroud, Jr., Attorney for Endodent Resource Management, LLC of a final order and notice of violation dated March 26, 2008 for 104 Bay Court, North Topsail Beach, NC 28460. An inspection of the property conducted on February 22, 2008, revealed work performed without permit, resulting in the issuance of a Stop Work Order. The unauthorized work performed is in violation of Chapter 8, Section 8-52(5)(c) *The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose storage areas.*

➤ Action Requested: Hold hearing on June 5, 2008 to approve or disapprove appeal.

(Items listed under Consent are generally of a routine nature. The Board may take action to approve/disapprove all items in a single vote. Any item may be withheld from a general action, to be discussed and voted upon separately at the discretion of the Board.)

Alderman Farley asked why is it going to the Board of Aldermen instead of the Board of Adjustment and wondered maybe we should change the ordinance so that in the future it does go to the Board of Adjustment. Alderman Tuman stated that in that particular Ordinance which is the Town's Flood Control Ordinance, states that appeals to the decision on this Ordinance go to the Board of Aldermen.

Ms. Hill stated that as the ordinance specifies – one issue of whether simple majority vs. 4/5 vote – both are quasi-judicial hearings.

Alderman Farley asked what distinguishes this appeal from anything else. For future reference why would we want a simple majority rather than 4/5 vote? Ms. Hill stated that it does matter whether it is heard by the Board of Aldermen.

It's just the one distinction that the Board needs to be aware of.

Alderman Tuman commented that the quasi judicial procedure hearing for this particular matter will be conducted by this Board chaired by Mayor Martin and he strongly recommends that he get some training from the Town Attorney since he has never been through this process before. He stated whatever the Boards decision is, it is appealable to the courts and there are the same risks in the same way as with the Board of Adjustment and there has been a recent judgment and probably not to the satisfaction of the Board of Adjustment.

Alderman Tuman made a motion to approve the consent agenda. Alderman Farley seconded the motion, motion passed unanimously.

9. Old Business

- A. Audit Services and Non-Audit Services Contracts
Action Requested: Approve contract for auditing service.

Auditing Service Bids:

Carter, Williams and Scarboro, LLC \$15,425

Hardison, Chamberlin and Thomas, PA \$17,000

Goodson and Taylor \$8,850

Recommendation: *Accept the low bid of Goodson and Taylor for a one-year engagement for the quoted cost of \$8,850.00*

NOTE: Goodson and Taylor auditing accounts have included the towns of Carolina Beach (21 years), Surf City (15 years), Holly Ridge (12 years) and Sandy Creek (10 years), interviewed well and checks of clients found no remarkable issues.

Alderman Tuman moved to approve the contract for auditing service with the Firm of Goodson and Taylor with the stipulation that the Town manager pursue an extended multi-year contract to be brought back to the Board. Mayor Pro Tem Hardison seconded the motion, motion passed unanimously.

Non-Audit Services Bids:

Jason C. Keller, CPA, PLLC \$5,040

Carter Williams and Scarboro, LLC \$4,040

Recommendation: *Accept the low bid of Carter, Williams and Scarboro, LLC for a one-year engagement for the quoted cost of \$4,040.00*

NOTE: Carter, Williams and Scarboro, LLC interviewed well. They have local experience auditing the towns of Swansboro, Bridgeton and for the past 18 years, Richlands.

Alderman Swantek moved to approve the bid of Carter, Williams and Scarboro for the non audit services. Alderman Farley seconded the motion, motion passed unanimously.

B. Update on Mayor's CP&E Contract Task Force

Action Requested: Decision on contract.

The mayor and others met with CP&E and they agreed to take the \$5360.00 for a trip that the Town took to Emerald Isle off of the Town's bill.

Alderman Tuman moved to approve the contract for \$118,240.00 to have CP&E continue our services for our engineering. Alderman Swantek seconded the motion.

Discussion:

Mayor Pro Tem Hardison stated that he is a little concerned about the approach and the Town should be careful about jumping back into this. He believes the Town should have an attorney get involved at least to the extent of finding out where we are and how we got to this situation and maybe with the advice of the attorney maybe there are things we should be asking CP&E. He stated maybe they are being negligent by walking off without our getting the permits. He feels that the Town has paid for the permits and he doesn't think they can walk away without giving the Town their permits. He stated whatever extension was added or the initial commitments – that's a different issue. He thinks the Town should think seriously before moving forward.

Alderman Farley stated that the issue is not the money; the question is what they are proposing, is it going to be effective and he doesn't necessarily believe it is. He stated that Emerald isle is not successful; they have more homes now with sandbags than they did before the project. If we are not going to get the end result, he's not sure the Town should be committing millions of dollars. He stated that the only way to find out is to let the new beach nourishment committee do its work. He stated that the Town can take a little more time to take a different perspective.

Alderman Swantek stated that he talked to Tom Jarrett and he answered all of his questions he had about the contract and the Town did get the money taken off, he is voting yes at this point because the Town has too much money involved into it now not to get at least the permits. He stated that it doesn't mean that he agrees but the Town has a lot of money involved and \$118,000.00 is a drop in the bucket of what the Town has already paid. He stated if the Town decides to do it at least the Town will have the permits in hand.

Alderman Tuman, Swantek and the Mayor voted for. Mayor Pro Tem Hardison and Alderman Farley voted against. Vote passes 3-2

- C. Discussion of Letter from Mr. Keith Harris, Chief, Wilmington Regulatory Field Office, Department of the Army, Corps of Engineers regarding intent to continue with the Environmental Impact Statement (EIS) procedures and future permit application for the Town's proposal to relocate the New River Channel and to nourish approximately eleven miles of North Topsail Beach.

Action Requested: Provide direction for the Town Manager.

Alderman Farley asked if becomes moot at this point? Mr. Luxem stated No, it's worth while to discuss.

Mayor Martin stated that the Town had thirty days to comply.

Alderman Tuman stated that the Corps asked us if the Town is going to continue with pursuing the EIS and the permits at the consequence of prior action of withholding funds from CP&E. He stated basically the decision of the Board is that they will now in fact give CP&E the funds that are necessary.

Alderman Farley stated that the vote was to spend the money, is there a distinction between the money and the permit? Mr. Luxem stated with this final amount of monies going to CP&E it provides for the process to be completed which will result in the completion of the EIS. He stated that has been done and he will draft a letter to them to make them aware of the very action of this Board.

Mayor Martin stated once the Town gets the permits the Beach Committee can decide when and if the Town moves forward.

Alderman Tuman stated the purpose of the EIS basically means can the Town satisfy all of the requirements for the project at the time by CP&E for all the governmental agencies that must approve and if there are conditions what to do to execute the CP&E engineering design what they are. He stated that the question that came from CORPS was that they got a signal from the town and they believe the Town is suspending work on Beach Nourishment and if so let them know but if the Town is going to continue let them know that also; so basically the Town has let them know that they are continuing.

Alderman Tuman stated that no action is required other than the fact that the Town Manager will notify the CORPS that the Town is preceding. Mr. Luxem stated that is correct he will make them aware of the action taken tonight.

- C. Discussion, consideration, and approval of fines for violations of North Topsail Beach Ordinance dealing with the time of placement and roll back of the Trash Receptacles.
(The Board agreed that the further issue of recycling be taken up at their retreat.)

Action Required: Approve Ordinance Amendment.

Mr. Luxem stated that the placement and more to the point taking the trash containers back away from the road has been a problem and there really hasn't been the ability to enforce the ordinance to require residents to pull back trash totes so they don't remain out for long periods of times and it is a hazard issue as well in times of high winds. It makes our community not look so good and it can be better. Mr. Luxem stated that the Town had in the Ordinance previously was the location of containers and all it said was that the containers shall be placed adjacent to the street or sidewalk on days that garbage is to be collected.

Mr. Luxem stated that they are proposing changing this section of the Town's Ordinance Section 13-7 placement of containers, timing and requirement to remove containers. Containers shall be placed adjacent to the street or sidewalk not earlier than 6 p.m. on the day preceding collection and shall not remain in said area between 9 a.m. the day after collection. Containers allowed to remain adjacent to the street or sidewalk beyond said time are in violation of this Ordinance. Those in violation of this Ordinance shall receive two warnings in writing subsequent violations shall be punishable by a fine of \$100.00.

Mr. Luxem stated the Town will have to have a Public Hearing on this issue. He will need the direction of the Board of Aldermen.

Alderman Farley stated that the Town already has an Ordinance and the only issue that needed to come before the Board again was whether there was going to be a penalty. Mr. Luxem stated that he could not find anything in the minutes.

Alderman Swantek made a motion to table this issue. Alderman Farley seconded the motion, motion passed unanimously.

- E. Discussion of Bird Monitoring Agreement

Mr. Luxem stated that During the Project Delivery Team (PDT) meetings, various agencies make comments and requests they would like incorporated within the Environmental Impact Statement. This EIS document is ultimately submitted to obtain permits for a "Shoreline Protection Project". In anticipation of such request the Board appropriated \$150,000 for Pre-Construction Monitoring. The NC Wildlife Resource Commission requested that a bird monitoring plan be developed in support of the EIS. The plan is to provide one-year of pre-construction baseline data on piping plover and various other birds that utilize the New River Inlet complex.

The bird monitoring was halted by Coastal Planning and Engineering (CP&E) as of March 19, 2008. March 1st to April 30th of each year is the spring migration period for piping plover. Important data is being missed and town staff would like to bring this matter before the Board of Aldermen for direction. To reiterate, the bird monitoring will be a requirement of the permit. The town has spent \$27,599.20 on this effort to date. If the monitoring does not continue then the town would have to duplicate efforts and expenses made to date.

Action requested: To continue with bird monitoring efforts that have been budgeted for by the Board and to complete the plan as requested from the NC Wildlife Resource Commission.

Alderman Tuman moved to continue bird monitoring efforts as budgeted to the Board and is consistent with the CP&E plan and the arrangements further requested from NC wildlife resources. Alderman Swantek seconded the

224

motion, Alderman Tuman, Alderman Swantek and the Mayor voted for. Alderman Farley and Mayor Pro Tem Hardison voted against. Motion passes 3-2

9. New Business

A. Public Hearing

CASE # R-07-10: rezoning application for 3.495 acres identified as tax parcel id 763-1.3, 809-60 and 809-61, owned by CCAM Land Associates and located at the end of 23rd Avenue in STUMP SOUND Township. The Planning Board recommends approval to the Board of Aldermen of Ordinance R-07-10, rezoning Tax Parcel ID 763-1.3, 809-60 and 809-61 to Con-D with the uplands rezoned to R-20, as indicated on the preliminary plat for CCAM Land Associates by Charles F. Riggs dated February 8, 2008 indicating wetland delineation performed by Environmental Services, Inc (verified by USACE 3/13/08).

Brian Edes, Acting Town Attorney, informed the Board that a protest petition has been filed and has been deemed valid.

Planning & Zoning Officer Deborah Hill came forward and gave her staff report. She stated that this is a staff initiated request for a zoning amendment.

Alderman Farley made a motion to open the Public Hearing. Alderman Swantek seconded the motion, motion passed unanimously.

Douglas Mayer, Shell Fisherman

Mr. Mayer from Hampstead came forward to speak. He stated that he came to Topsail Island in 1970 and has maintained a commercial fishing license since that time. He stated that a small residence would put a big impact on the small estuarine. He stated that he owns twenty two acres of oyster gardens there and it will affect him tremendously. He stated that his first garden is right behind lot 23, which belongs to Mrs. Rice; in 2000 her husband almost drowned being waked by a large boat. If they build a large house as on the plot plan they throw their trash around or change the oil in their car and leave it in a bucket and when it rains it floods the oil back out. He asked how they could maintain their houses without destroying that wetland.

George Lowe, Sneads Ferry

He has been on the water since 1959; he has spent the last four years putting seed oysters down, and is just starting to get a return and by letting these people build these houses, the first time it rains we will be out of business. He sees that this is a threat to his existence and he objects to putting houses here.

Bob Fox, 4710 23rd Avenue

He came forward to speak, he submitted a DVD about the property, and he stated that he was not trespassing on the property. He had pictures of the property with all of the vegetation along the property. He stated that these Shell Fisherman are going to be directly impacted by any type of development back there. Mr. Fox stated that Mr. Swantek spoke at a Planning Board meeting stating that stump sound is very clean. Mr. Fox stated that they want to keep it that way. He stated that the public has spoken tonight and on the Land Use Plan Survey results, he stated the number one item states that North Topsail Beach should encourage Conservation the maritime forest by 81%, North Topsail Beach should encourage the retention of lands designated Con-D and prevent these lands from rezoning by 79%. He stated that evidence has been displayed that the public is against this.

J.M. Moseley

126 Big Hammock Point Road 327-1972

Came forward to speak, he stated that there are plenty of homes out there that people are having trouble selling, we don't need anymore homes at the moment. He has a oyster garden and a business in Surf City and he is affected every day by the restrictions from Marine Fisheries, they will close it if it rains. He stated that Stump Sound oysters are an excellent oyster. He stated people need to think about eating local fresh seafood and development has a direct impact on that.

Kevin Coyne
4714 23rd Street North Topsail Beach

Mr. Coyne stated that he and his wife feel very strongly about protecting the area and to conserve the Con-D and limit the negative impacts to that area. He is concerned about the storm water runoff and the back flush from heavy storms. He stated there has been a lot of talk about Beach re-nourishment, he stated that you can put all the sand you want on the front of the beach but if you don't take care of the back side of the island that is not money well spent for anyone. He stated we did not inherit this environment from our parents, we are really borrowing from our children and a vote tonight will show how we are dealing with it for the future.

Karen Seabert
32 Bermuda Landing, North Topsail Beach

She stated that she used to live on 23rd Ave and feels that the Town is setting a very bad precedent if the Town starts rezoning all of this Con-D there will be no more Con-D.

Elwood Pierce

Came forward to speak, he stated that he has been here for 69 years of his life and what these people have just told the Board of Aldermen is the truth. He stated he is not above people buying land and building on it so charge them on what they put in the water.

Danny Moseley
126 Big Hammock Point Road, Sneads Ferry

We need to think about eating local fresh seafood and the development has a direct impact on that.

Steve Coggins

He stated that he is the Attorney for the Protestors. He stated that the burden is on the Town of North Topsail Beach to make a convincing demonstration as of each of the five factors. He stated there is heightened scrutiny in this matter because of the super majority requirement. He stated that the Town of North Topsail Beach owns a tract of land immediately next door to the subject property of the rezoning. In 1998 the Town of North Topsail Beach had conveyed the property from Mr. Minsue for no money what so ever at least by what is indicated by the revenue service. He asked if the Town was going to rezone Con-D to where development can occur but otherwise can not occur and then how is it going to affect the future of North Topsail Beach and the entire Island including the waters.

Mr. Coggins stated in the Town's official record that a protest petition was submitted before the vote. He stated it is in the official record that even without the protest petition that a vote of 2-1 was annulable. He stated that the Board needs to be concerned with a fulfillment of the requirements as it exists today and not back in 1993.

Mr. Coggins stated that one must look at all allowable uses, a golf course is a use that is unique to R-20 and is not shared by MHR and that is something that the Board must have clear and convincing evidence of demonstration on because of the fact is this piece of property if it is rezoned R-20 can be turned into a golf course. He stated that we all know that a golf course is environmentally damaging to the outstanding resource water operations that can be conceived. If 23rd Ave is the entrance to a golf course for instance, the trucks, the restaurant, the traffic which none of them are residence and the increasing burden that is on there in that particular situation. He stated that the Board should consider all of the other uses of R-20 with respect to just that piece of property, there must be a convincing demonstration of all the uses allowed in R-20. He stated it goes from swimming pools, water towers, agricultural uses.

Mr. Coggins stated before the Board is a report from the Division of Water Quality on how stump sound in particular is losing the war with respect to the shell fishing and other environmental habitats to any form of development. He stated that the Planning Board's recommendation did not address these factors; he stated that the five factors have not been addressed. He stated it is incumbent upon the Board of Aldermen to make appropriate legislative findings as to whether or not there has been convincing demonstration as to each one of the facts. He strenuously disagrees with staff's recommendation that this is in conformance with the Town of North Topsail Beach current Land Use Plan.

Mr. Coggins stated that he has a copy of the Land Use Plan where the protestors have demonstrated to the Town that it is not compatible with the Land Use Plan. He stated on page 10 of his memo he went over each one of the particular policies that it is absolute incompatible with the Town's current Land Use Plan. He stated that one can not take any action that is contrary to the Land Use Plan, it is in fact a violation of law.

Mr. Coggins stated that he did not see the actual map that was before the Planning Board, the Planning Board meeting was held on March 13, 2008, the map before the Board of Aldermen of the delineation is signed off by Mr. Riggs on April 2, 2008 after the March 13, 2008 Planning Board meeting, it was certified on April 10, 2008 almost a month after the Planning Board's meeting. He stated that he does not know how this map compares to the map that the Planning Board looked at and regardless there are no findings from the Planning Board on the five factors.

Mr. Coggins stated if the Board reviews their own minutes the intention was to achieve an independent variable wet land delineation, he failed to understand how a survey of the wetlands delineation by a surveyor who owns property close by and hires an environmental consulting firm that frequently does work with him and now there is no clue of the methodology of what was followed in the wetland delineation, no one observed it, no one saw how the staking was done, no one knows what the criteria is in determining what is wetlands, there has been no evidence what so ever that the Board of Aldermen accomplished or would want it in the first place and that is a demonstrably independent and verifiable wetlands delineation instead, what the Town has is a delineation that he regrets to tell the Board is submitted to them by charitably interested parties and we all know that the Corps of Engineers are not in the surveying delineation business.

Mr. Coggins stated as he understood the Ordinance talks about the notice to adjoining property owners, he stated that the State Statute reads differently and the shell fishermen are in fact adjoining property owners.

Mr. Edes -Attorney asked Mr. Coggins that Alderman Peters is not with us and it is his understanding that he has not been excused from this meeting; under 160A-135 will he be counted in computing supermajority. He stated since he has not been excused, under 160A-75 his failure to vote would be deemed affirmative vote. Mr. Coggins stated that in this particular case there must be a favorable vote of 3/4 of the members of the council other than those that have been excused from voting. Mr. Edes stated that his concern is since Alderman Peters has not been excused from voting, his failure to vote is deemed to be affirmative vote. Mr. Coggins stated that was only if he was present and don't vote it is deemed affirmative. Mr. Edes stated that he is concerned since Alderman Peters has not been excused, he has a duty to vote and without being excused is his non vote considered affirmative vote so he recommends to the Board of Aldermen that they Table this until next month and allow him to do some additional research.

Alderman Swantek made a motion to close the Public Hearing. Alderman Tuman seconded the motion, motion passed unanimously.

Alderman Tuman moved that the Board of Aldermen Table any further action until their regular meeting in June. Mayor Pro Tem Hardison seconded the motion.

Discussion:

Alderman Farley stated that he would like to settle it today; he stated that a lot of things the Board probably should have tabled and maybe this is one of them.

Mr. Edes stated if he has known that any Alderman would not have been here tonight he would have certainly done some research prior to coming to the meeting and he apologized to all concerned.

The motion passed unanimously to Table the Public Hearing until their Regular Board Meeting in June.

B. Board Approval of Terry Leonard as a permanent member of the Board of Adjustment.
Action requested: Approve Terry Leonard as a permanent member of the Board of Adjustment.

Alderman Tuman made a motion to approve Terry Leonard as a permanent member of the Board of Adjustment. Alderman Swantek seconded the motion, motion passed unanimously.

C. Board Approval of Gary Miller's application to continue on the Zoning Board of Adjustment (Term expires May 8, 2008).
Action requested: Approve Gary Miller to continue as a member of the Zoning Board of Adjustment.

Alderman Tuman made a motion to approve Gary Miller to continue as a member of the Board of Adjustment. Alderman Swantek seconded the motion, motion passed unanimously.

D. Discussion and Consideration of County Sales Tax Rebate Issue, (See below) including direction for Finance Officer to enter into negotiations with neighboring Towns as requested by County Commission President Lionel Midgett to develop a compromise on sales tax rebates for the purpose of minimizing loss to the City of Jacksonville.
Action requested: Provide direction for Town Manager on Board's position.

Mr. Luxem stated that the County Board voted on the measure choosing ad volorem. He stated that the issue should go back to the finance director to see if there is a formula to be worked out that would provide greater equity to the City of Jacksonville. He stated a meeting was held on April 28 there were various issues, now there is a Board Meeting to be held at 3 p.m. tomorrow in Jacksonville. He stated there is the opportunity now to discuss the merits of the issue to provide some resemblance of guidance going into the meeting tomorrow.

Alderman Swantek asked Mr. Luxem if the County is requesting a half million dollars back. Mr. Luxem stated that is correct.

Brian Edes stated there is nothing in the statute that allows for any hybrid. He cautioned the Council to observe what is going on.

Alderman Tuman stated that the County has by law only one option. Their only choice is to change to per capita not per capita with caveats.

Alderman Farley stated that the motion that was passed was somewhat confusing. The Chairmen asked the Finance Officer to get together to see if they could come up with some other redistribution.

Mayor Pro Tem Hardison stated that part of the idea behind the finance officers working together to prepare some kind of legislation for next year.

Mayor Martin stated they are having a meeting tomorrow afternoon at 3 p.m., the Mayor and Manager will go and they will report back to the Board of Aldermen.

Mr. Edes stated that he would ask them to show legal authority to do this hybrid method.

Mr. Luxem stated that the implicit fact is if there is not a compromise this year; look out next year because there might be a lot of pressure to go back to per capita.

232

Alderman Tuman stated the point is well taken. If we cannot find a useful use for those dollars, it has been an issue in the past and the position of the County was to go to per capita which works to the disadvantage to North Topsail Beach because the only use they have for those tax dollars is to reduce their tax burden whereas city of Jacksonville has an enormous demand on their financial resources.

E. Budget Amendment

attached

Action requested: Approve Budget Amendment

Mr. Luxem stated there has been increased expenditures on professional services.

F. Discussion, consideration, and approval of Joint Meeting of the Board of Aldermen with the Beach Nourishment Committee on May 14, 2008 for the purpose of discussing the mission of the newly formed Beach Nourishment Committee as established during the Board Retreat; and inviting Mr. P Peter Ravella to inform citizens on what other communities have done to successfully bring their towns to consensus on beach nourishment issues.

Action requested: Approval of joint meeting with the Board of Aldermen and the Beach Nourishment committee on May 14, 2008.

After much discussion Mayor Martin stated that the Board will eliminate council on the Boards Agenda. There were no objections.

Mr. Luxem stated he would keep the Board apprised to any meaningful decision making that will occur.

G. Discussion and Consideration of Proposal to amend membership requirements for the Town of North Topsail Beach to include property owners who may not meet residency or voter registration requirements to participate as non-voting by Mr. Edmund Doherty, Chairman of the Beach Nourishment Committee, members of the Beach Nourishment Committee.

Action requested: Approve an exception to membership rules for the Beach Nourishment Committee only, to allow property owners who are not eligible to vote in North Topsail Beach, to serve as non-voting members of the newly formed Beach Nourishment Committee.

Alderman Tuman made a motion to amend membership requirements for the Town of North Topsail Beach to include property owners who may not meet residency or voter registration requirements without the restriction that they be non-voting. Mayor Pro Tem Hardison seconded the motion, motion passed unanimously.

H. Discussion, Consideration and Appointment of new members to the Town of North Topsail Beach Committee.

Action requested: Appoint new members to Beach Nourishment Committee.

Mr. Luxem stated that there is a List of eight new members to the Beach Nourishment Committee.

Alderman Swantek made a motion to appoint Joseph Dorfeld as a non-voting member. Mayor Pro Tem Hardison seconded the motion, motion passed unanimously

Alderman Swantek made a motion to appoint Tom Leonard as a non-voting member until he registers to vote. Alderman Tuman seconded the motion, motion passed unanimously.

Mayor Pro Tem Hardison made a motion to appoint Duncan Heron as a non-voting member. Alderman Swantek seconded the motion, motion passed unanimously.

Alderman Farley made a motion to appoint Susan Rider as a member. Mayor Pro Tem Hardison seconded the motion, motion passed unanimously.

Mayor Pro Tem Hardison made a motion to appoint Mary Riggelman as a voting member. Alderman Tuman seconded the motion, motion passed unanimously.

Alderman Tuman made a motion to appoint Dick McCartney as a voting member. Motion died for lack of a second.

Alderman Tuman made a motion to appoint Eric Emerich as a voting member. Motion died for lack of a second.

Alderman Tuman made a motion to appoint Deborah Lanci as a voting member. Mayor Pro Tem seconded the motion, motion passed unanimously.

Alderman Swantek made a motion to appoint Jerry Heid as a non-voting member. Alderman Tuman seconded the motion, motion passed unanimously.

Mr. Luxem stated there are seven new members added to the committee.

Alderman Tuman stated that it was unfair and unjust that Mr. McCartney and Mr. Emerich were disqualified for reasons of prejudice.

I. Approval of the Settlement as recommended by the League of Municipalities.

Eric Emerich

Mayor Pro Tem Hardison made a motion to accept the recommendation of the Town's Attorney and the League of Municipalities to move forward with negotiation to try to find a settlement. Alderman Swantek seconded the motion, motion passed 3-1 with Alderman Tuman voted against and stated that there were serious legal issues before this Town with the prospects of substantial financial damages leading to the financial ruin of this Town.

10. Open Forum

Tom Leonard
218 Coastal Dr.

He stated that he sat through the Old Business and the New Business and have not heard one word about what the Town is going to do about the houses that are about to fall into the ocean at the North End of Island.

Brian Edes stated that the Town is close to it being resolved.

Bob Fox ask about the trash cans, if the contract is going to be due in a couple of months why can't you stipulate in the contract when you put this out for bids instead of having curb side pickup since it is such a big issue here on NTB why not have the trash man pick it up in back yard?

Joe Blasi

Resident of Topsail Beach for 28 years and a tax payer, he wanted to thank the Board members and Alderman Tuman for explaining why you couldn't answer my question. Reprimand those Aldermen who do not want non-registered voters to have a say on that committee.

He stated that commonsense would dictate that the majority of ownership of a beach front municipality would be non residential, we are a beach community of summer residents. He stated in the spirit of prevention of taxation without representation, he would urge the Town to allow the voting membership in the

234

committee by all property owners in NTB. He stated that the Town Aldermen would have a moral responsibility to represent all property owners and not just the minority who elected you. He stated that the only industry in North Topsail Beach is the Beach; this industry is supported by non resident owners. He asked who is going to buy these \$300,000.00 condos and \$1,000,000.00 homes if you don't support the people who are buying them. He is urging the Aldermen to reconsider the decision that only allows for non-voting representation of non registered voters.

Steve Coggins stated that the clarification of procedures with respect to rezoning request is unclear, will there be more public comment or is the Board simply going to have time for the attorney or get more information Attorney's report addresses that.

Gary Rowland
127 South Permuda Wynd

Came forward to thank the Board of Aldermen for passing the funds necessary for the permitting process, the permitting process is of course the first step. He stated that he wanted to express his disappointment that it wasn't unanimous because it should have been. He also would suggest that there was some prejudiced that was displayed on a couple of the candidates for the Beach Nourishment Committee, that is very disappointing. He stated there are three people in this Town that are extremely knowledgeable about beach nourishment Dick McCartney, Becky Bowman and Buddy Godwin, you missed putting one of them on the committee which does a disservice to this Town and yourselves.

Gene Grazisosi 2322 New River Inlet Road came forward to speak he stated per the discussion about giving equity to Jacksonville for the sales tax revenues. He stated that the property tax that is paid by Topsail is about 30-40% of the County revenue. If we could get some equity in that it would be appreciated.

Jack Solak owns property at the Villa Capriani and lives in Surf City, he stated that he is really happy with a lot of the work the Board of Aldermen do but he is sick of some of the work they do and it is embarrassing. He stated there a couple of people that have worked hard on the Beach Nourishment Committee for years and the Board turned them down cold and that is very embarrassing.

Eric Emrich 2250 New River Inlet Road took a moment to thank the Board Members for continuing giving the proper amount of funds to CP&E to continue the permitting process. He stated regarding membership in the Beach Nourishment Committee obviously he would like to serve, he put in an application ensuring diversity in Board membership.

He stated that he is part of the Topsail Reef community close to over 400-500 people, he thinks it would go a long way toward increasing diversity as one of the stated goals and give credibility to the Beach Nourishment Committee and showing the community that you are actually committed to a membership. He asked that the Board reconsider Mr. McCartney because of all of his institutional knowledge he has would be a great service to this Board he asked that the Board of Aldermen reconsider them this evening as well.

Karen Seabert

32 Bermuda Landing, North Topsail Beach came forward to speak; she wanted to mention the trash pickup. About 1/3 of the people at Bermuda Landing live there year around and 2/3 rent their properties out and the rental schedule generally runs Saturday to Saturday so unless the Town is going to have garbage pick up on Saturday at a certain time she does not think this is going to work. She stated that her trash is picked up on Tuesday and after Memorial Day it is picked up Tuesdays and Fridays. If you look at her garbage can the Town could put some sort of a red sticker on the can if it has trash and a green sticker if it does, it really needs to be settled with Waste Management since we are paying them already.

Attorney's Report: Mr. Edes responded to Mr. Coggins, he stated that it is a novel issue and he was hoping that he and Mr. Coggins could come to an agreement tonight as to how to handle the situation on the Public hearing that has been closed however if Mr. Peters does show up next month he did not have the benefit of the Public Hearing so he would recommend that if he shows up the Board should open the Public Hearing to anyone who wants to present anything for his benefit if nothing else.

Mayor's Report: Mayor Martin thanked all of the Aldermen who worked very hard for ad valorem taxes. He stated that sand is being pumped at Topsail Reef and they are half way there. He is glad CP&E is back on board and he hopes to work with the new Beach Nourishment Committee so that everyone knows in this State that North Topsail Beach is back on track

Aldermen's Report:

Alderman Tuman warned the Town to hold on to your seat, expect some bad news in terms of litigation in this Town and expect letters in the News Paper.

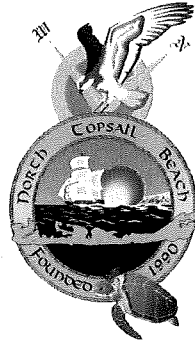
Adjournment: Alderman Swantek made a motion to adjourn. Mayor Pro Tem Hardison seconded the motion, motion passed unanimously.

The Board of Aldermen Meeting adjourned at 10:46 p.m.



Mayor Donald Martin

Town of North Topsail Beach



MAY 9, 2008 – MAY 10, 2008
9:00 A.M. – 3:00 P.M.

BOARD OF ALDERMEN RETREAT

MINUTES

The North Topsail Board of Aldermen Annual Retreat was held at the North Shores Country Club Meeting Room. Present were Mayor Martin, Aldermen Robert Swantek, Richard Peters and Richard Farley, Town Manager Henry Luxem, Town Clerk Kathleen Clough, and Facilitator Glenn Harbeck.

ROLES AND EXPECTATIONS

A review of expectations of Board of Aldermen and Mayor

The Board Members discussed their expectations of each to allow them to work together as a team.

They then expressed their expectations of the new Town manager as it relates to how the Board can function better as a team.

Some of the expectations included the following comments:

Communicate, communicate, communicate. Recognize the Board's needs for information and that there should be no privileged information for individual members.

"Independence – make independent decisions but not separate from the Board, and guard against influence from individual members.

Efficiency – make the Town run smoother.

Pull the Board together so all are on the same page; no hidden agendas.

Don't procrastinate.

Fairness, impartiality, get very acquainted with staff and their job, role and capability.

The buck stops there. Avoid interference with the Board. Challenge the Board to make decisions that are best for the Town. Make recommendations to the Board for making changes and improvements to the Town.

Research – sophisticated and comprehensive information.

Keep the Board updated on new, pending, and proposed legislation.

Advise the Board on legislation that impacts the Town.

Be prepared – provide alternatives.

Separation of duties – the Board makes and drives policy; execution and implementation is the manager's responsibility.

The will of the Board vs micro-management. Board should not go directly to Department Heads.

BUDGET DISCUSSION

Alderman Farley stated that he would like the town manager to present the budget with a reduced tax rate and work with resources.

Henry Luxem said there are many pressures – gas is going up, there are efficiencies, funding sources, capital funding, and there is a rigorous amount coming in; there is a possibility of lowering tax rate.

It is vital that he hears from department heads and what is making the town run and what are the perceived needs then we put all of that together and then we get it all together then look at it and how it impacts the tax rate and then look at the results.

Alderman Farley said he would like to see the rate come down.

Henry Luxem said this is how the process is going to work to come to those decision points.

Alderman Farley said he wants the rates to come down.

Alderman Tuman said that those tax rates impact our revenues.

Alderman Farley said that he doesn't buy that argument - that raising the tax is equal to the sales tax implication.

Alderman Swantek said get the tax rate down – look at trash - it can be paid for by the town they don't count for the sales tax but \$115 out of the peoples pockets can help.

Henry Luxem said that goes against reducing the tax rate.

Alderman Farley said you don't charge people for the trash can.

Henry – infusion from Capital fund

Alderman Swantek suggested the permits – do away with those fees for a year.

Alderman Tuman said that we'll still look at ideas we can improve and the benefit that could be captured in the budget; setting goals for town

Henry Luxem said that this is just a first cut and we have an amalgam of two things – the retreat and the budget workshop.

LGC Recommendation for balance fund is 8% by statute

League recommends a different level based on risk, location and in comparison with similar sized towns.

Tax Rate

Alderman Peters said it is premature to talk about a rate until we know what the requests and needs of the town are for improvements, facilities, litigation, beach nourishment - the ever-overriding issue, parking needs - in his perspective we either stagnate the town or we react to the needs of the town and become proactive.

Mayor Martin said he wants taxes cut – not 5 or 8 cents, but not 16 cents.

Henry Luxem said we need a strategy – we will get this done but it is a matter of setting priorities and what do we want to accomplish for NTB. You tell us the Board's priorities and we will crunch the numbers.

Alderman Tuman asked what is the position of the Town manager.

Henry said he needs to hear what is important to the Board.
It's a big pot of stuff and we are going to stir it and something good will come out of it.

Mayor Pro Tem Hardison said there is a lot the Board needs to think about - we are planning not just for the next year – every department has to engage in it as well as the Board. Right now we are just throwing things out and it's just an introduction.

Henry Luxem said you have a good bunch of people and you are fortunate and we need to work well with that valuable resource. What I found from proposed budgets - they are responsible budgets - there is a lot in the budgets to keep the lid on but now we have to face the reality if some things – gas is going up – we know that – for next year the gas is based on – especially for the police they are using 3.75 for the bench mark – no – we are going to use \$4.00 – we don't know what it will be.

Lydia King, Finance Officer, presented a budget calendar, and said that in general it has been said that the issues we have to talk about are related to the tax rate and what is expected of the tax rate, the capital fund.

Alderman Tuman asked her what it is she hopes to accomplish May 21st?

Lydia said it is a workshop.

Alderman Tuman asked if she would present the budget expecting the Board to endorse it and she will then have a finished project.

Mrs. King said that these are benchmark dates –we have time to rework these numbers if we have to.

Henry Luxem said that here is a proposal of what we hope to do and here is the impact on the tax rate, however if we do that, this is what the impact will be. We'll do the events as a consensus of the Board

Lydia worries about the date that this needs to be done. It's compacted.

Alderman Swantek said he'd like to see us go a little greener – for a start use recycled paper.

Henry Luxem said we are looking at the trash contract pickup and we will be going out for RFPs and asked if the Board wants to go to recycling.

Alderman Tuman said we should have it in our goals, but we have to understand the budgetary impact.

That won't be fixed so we might have to have a strategy.

Thomas Best, Public Works Director and Fire Marshal, said that by 2010 there will be no plastics accepted at the landfill.

Alderman Peters said that instead of the last week before June 30 we might move it up, so let's be flexible there.

Alderman Tuman said the goal might be to adopt it at the June meeting.

Alderman Farley asked what if the sales tax thing isn't settled by then.

DISCUSSION OF BUDGET RELATED ISSUES WITH TOWN STAFF

POLICE DEPARTMENT

Police Chief Casey Fillinger addressed the Board and gave an overview of the Police Department. The main issues he found were our liability exposure due to lack of training in certain areas, driving, emergency, pursuit, response. We met the state standards but we weren't exceeding those. Secondly, legal updates. Most of the training is now web-based; what we try to do is utilize our money to mitigate exposure. We started with driver training through the League; we completed defensive driving training. On the issue of use of force – there is a predominate amount of case law – failure to train puts us in a position to be found liable.

30 round course, divided into two separate qualifications; Combat courses to put them on the range three times a year; we don't have to practice with high grade ammo.

TRAINING

We have to add more training each year – we have kept overtime down by using comp time and we consolidate training.

CAPITAL PROJECTS

Recommend we develop County land we own to develop an EOC and training ground/classroom to save us money in liability later on.

Officers have taken a Course on the 4th and 6th Amendments - civil rights.

We been successful in dealing with the amount of people in the summer due to partnerships
Codifying certain ordinances to see what helps.

How will the Base affect us regarding staff? A lot is true; some is propaganda – yes they pay more, and offer a twenty year retirement – I have tried to do a better job of recruiting – looking for young candidates with no military background; it serves us better with lower turnover and saves us money to do better recruiting – we have a few officers with military backgrounds that are not interested in leaving, we have one that is interested in a GS7.

FUEL is a big issue. The increase will be significant – recommend the Town go back to two car rotation.

Henry Luxem stated that the Board must make sure the pay structure is competitive.

CARS

Training – status quo

Alderman Swantek asked about mental health training.

Chief Casey said it is primarily Web-based.

Alderman Swantek said that Mental health training is mandated in NY - you have to take an eight hour course to understand mentally ill people. You never know what you are going to run into. What about self defense? Hand to hand?

Chief Casey said they use only Commission approved training.

There are a number of agencies starting to freelance.

Physically taking someone down

Some individuals are more concerning, the younger population, and increasingly more aggressive actions, property crimes of young males coming into houses not understanding where they are through a pyramid of alcohol and other things.

LONG RANGE CAPITAL PLANS

We are deal with shortcomings of present facility – code-wise, it is not operant in this budget but it does not meet criteria of Statutes

Alderman Tuman said that there needs to be enforcement of the North End wetlands; it's a safety issue.

Alderman Farley asked what he is doing to recruit minority candidates in our force.

Chief Casey responded he is actively looking but there just are not candidates to increase our pool. Alderman Swantek asked if there is there a website where you can put your needs that could go throughout the whole United States.

Chief Fillingner said that this year we would like an overall website redesign.

FIRE DEPARTMENT/PUBLIC WORKS

THOMAS BEST, FIRE MARSHAL/PUBLIC WORKS DIRECTOR

June 1st it will be 17 years I have been with the Town

CAPITAL NEEDS

FIRE Department – reserve \$100,000 for three years to work toward a new fire department
Radio matrix – county going to 800mghz Jacksonville is working on a grant
We need \$146,000 we'll get back 75%
Change all radios

Earmark in Capital Project side – if it doesn't happen, the money is still in the fund.

Future fire department service company – 1992 model F 350 does not meet our requirements – then we are done until 2018, other than my vehicle and Deputy Chief vehicle.

The new Fire Truck will cost \$80,000.

There is nothing in budget regarding a fence – it needs to go into the budget. Mr. Best said that a fence is not going to cure the problem.

It was remarked that at least it would hide the facility from the homes and road.

Alderman Peters said he has had this conversation with Mr. Best – the septic system area has a lot of junk that should be cleaned up and fenced off.

Alderman Farley suggested that the Town consider every way of doing it

INSPECTIONS

RANDALL MOUDY, BUILDING INSPECTOR

\$22,000 in permits income July 07 through May 7 2008
Electrical, plumbing, mechanical, gas permits, insulation, and re-inspections amount to \$1600
Numbers get better as we enforce the code
1300 inspections July 07 through May 7 2008 - that's a fair amount for this area
People are learning what they're not supposed to be doing.

\$1000 for occupancy without a CO - fines escalate quickly, but direction is by Town Ordinance. I cannot deviate without direction from the Board, so everybody gets treated equally in NTB. Insurance regulations, liability issues, and protecting people and the town. Inspection is directly tied to sewer and water availability, so trends go with that and everybody is familiar with the utility problem; it may be 2010 to resolve that issue. They have shut down the local office; NTB should use whatever means so we can control what happens in this town.

Alderman Tuman asked if Mr. Moudy inspects the work of licensed plumbers electricians? Yes
Do you ever find violations?

Mr. Moudy responded that he does, over and over. He has more problems with unlicensed people doing work they should not be doing. The handy man doing the work is not correct. Under the \$30,000 mark there is a lot the homeowner can do. The last question is "do you intend to occupy the residence?" \$600 on inspection fees, double permit fees, and in a short time a \$50 permit becomes a \$300 permit if they work without a permit. That is all defined by the fee schedule and Town ordinance.

The budget is in line with what we need; revenue is very big for the Seaside Inn – there is a major issue that we're going to have to deal with. Development needs to be within State law – we have an issue of height that needs to be addressed – that building can go 11 stories and 160 feet by State law but what we're talking about is local ordinance and it can't go above 45 feet. There is \$23,000 worth of revenue that we won't take in if we can't overcome this issue. We've got to come to terms with Town Attorney regarding the height.

Alderman Farley asked if we are budgeting for that \$23,000.

Henry Luxem said we have to protect the Town and we have our lawyer working on that.

Alderman Farley asked if it is in the new budget.

Lydia King said it is part of the new adjustment – our building permit flow has stopped – our revenues are extremely low so we had to lower our estimates. This will offset the loss of the revenue shortages.

Mr. Moudy said that unless remodels and renovations pick up our projected permit revenue stream will be less than projected for this year's budget. Within 60 days once they get their flow they have to get their building permit.

Alderman Farley said that its not all sewer related – people are putting in septic tanks.

Mr. Moudy reported that he has no Work Program priorities for this year's budget. In 3-5 days someone should be able to get a permit. Customer contact is the most important thing.

PLANNING DEPARTMENT
DEBORAH HILL, PLANNING & ZONING OFFICER
CAMA, FLOOD ADMINISTRATOR

There is Legislation re pervious surfaces for parking lots and storm water regs effective August 2008; it is necessary for Town to work together and take a proactive approach especially considering restraints of staff.

PLANNING, ZONING, FLOOD, CAMA

Ms. Hill said that when something's broken and there is a spotlight, that things become an issue. We don't talk about the responsibilities of flood but they are significant as a potential source of liability for the town so we have to make sure we are mitigating those issues. It takes time to do the research and put information together.

Henry Luxem said there was a full planner position in the budget but because of manager turn over it was never filled. It's a busy office.

Alderman Farley asked about storm water regulations -
Is this a phase three or bringing us in line with phase two?

Ms. Hill said DENR has been working on this for three years and the State is looking to disburse the responsibilities to the local governments which strains the towns because you have to have the staff that is qualified.

One issue was to reduce the one acre trigger to 10,000 sq feet. It was approved by ERC and anticipated to go into effect in August 2008.

Alderman Farley said that it's not going to stop development its just going to be more costly and restrictive.

Ms. Hill said one of the driving factors is to reduce pervious surfaces. Studies by NC State and other universities and study groups say you are not making an impact until you get to the 10% area from the standard 30%.

Mayor Pro Tem Larry Hardison asked about the houses on Route 210 and New River – what system is in place to stop runoff from driveways?

Ms. Hill said they have to submit engineered driveway plans. Coastal Mgt considers gravel impervious. They only have that requirement on the estuarine side.
French drains along side driveways to filter water on property – we are strict on that now – it had not been being enforced.

Mayor Pro Tem Larry Hardison said we haven't had any heavy rainstorms in recent years but there have been times when Route 210 is dangerous and he can imagine someone hitting one of those puddles at 45 mph and hydroplaning.

Ms. Hill said that Robert Vause said they can't get into digging ditches but if the Town wants to, they can go to NCDOT and file an appeal; that can be done. The previous allowance of bringing in fill - a house on pilings sitting on fill – is that structural fill? The answer is no, so we get into this paradigm between what engineers say is reasonable and what our ordinances say.

Ms. Hill said that these are very time consuming activities that have to be documented and we have to have the Ordinances to hang our hat on. Getting the Flood Ordinance put to bed is important. June 4th and 7th the Planning Board is having a workshop to get this pushed through.

Alderman Farley said there is a lot more dealing with the flood ordinance that just seems to be coming to the forefront.

Ms. Hill said there will be more cases like this if the Town wants to enforce their Ordinances.

Alderman Tuman asked if the re-codification is stalled; we have a lot of exposures in our Ordinances – are we going to finish up this year? Does your plan have in it what you need to do to finish this project?

Ms. Hill responded yes.

A review of Flood, Elevation, CAMA, Zoning - understand what is required – an elevation certificate came in - there is a law suit in Surf City where the property owner was not notified that it is in a CBRA Zone. If I could pick one thing I would like to work on it would be that Ordinance.

CAPITAL PROJECTS HENRY LUXEM

The \$118,000 is that was just voted on for finalizing the permit process with CP&E.
The bird monitoring \$68,000 - that is ongoing, it is the contractual amount. We have paid \$27,599 to date, leaving the remaining balance.

Alderman Tuman suggested the manager invite someone from the County to have a discussion with the Board and manager.

Alderman Peters said we need to be constantly on the watch for grants.

Alderman Swantek asked if we paid \$10,000 for Beach Vitex. The conversation was that originally money had been budgeted for chemical eradication, and afterward the Board voted to approve hand pulling of Beach Vitex.

FINANCE LYDIA KING, FINANCE OFFICER

\$80,000 annual revenue in permits – '08-'09 will be first year we see that taper off tremendously. We have had one building permit in six months – we used to have 100 per year.
Solid waste contract is up – big issue – what do you want included in RFP? County is talking about privatizing landfill – private companies do not run at a loss and that affects us - we have to pay landfill fees tipping fees and how will we finance these changes that will be mandated. They are going to “no plastics” in landfills – we will have to go to recycling in the next two or three years.

Henry Luxem said a three year contract would have to encompass that.

Alderman Peters said that Topsail Beach has a small recycling area and we need to look at that and maybe go to drop off recycling – it's effective.

Mrs. King said that you can take your recycling to County – we are working with Keep Onslow Beautiful to partner more with the county.

Alderman Tuman said that we have a problem because we have visitors - how do we deal with that?

Mrs. King said that the real estate agencies are working with us to improve communication with renters. She reported that needs for her department include better training for finance officer and assistant finance officer. A revenue stream we can go after is an audit with accommodations tax – we are already allowed to do it but we have never done it. A third party auditor would go into real estate agencies to make sure they are collecting it all and turning it over to the town. Maybe partner with County; over 90 days is considered long term rental is exempt.

WRAP UP

Think about how you can make your job more enjoyable and work well together.

DAY TWO

GROUND RULES FOR EFFECTIVE GROUP DISCUSSION – A SUGGESTED MODEL

The discussion revolved around the process of consensus building.

Suggestions on a microscale were to:

1. State your position
2. Explain why that is your position
3. Ask for response

Concerns ➡ Common Objectives ➡ Decision Making

Focus on Interests rather than positions

Agree on common objectives

Find win-win solutions that satisfy the objectives

BEACH NOURISHMENT INTERESTS

COMMON OBJECTIVES (Evaluation Criteria)

- Costs
- Benefits
- Process
- Economic
- Environmental
- Social
- Alternatives

These evaluation criteria came from a synthesis of a brainstorming session that generated the following thoughts:

The process of dealing with the issue of beach nourishment

Impact if we don't do it- having a habitable town after a disaster

Who benefits the real (or direct) economic benefit of sand on the beach

How to pay for it

Do it right – long term effect on the Town

BN affects the entire island regarding real estate values

Expediency

Lack of alternatives

Whether people really want it – voters/property owners

Involve all citizens and inform them of what we are trying to accomplish

Beach already eroding – sea level is rising – something needs to be done

How do we define beach nourishment - - polarizing buzzword

Does it deal with erosion/focus on dunes/plantings for stabilization

Able to devise a plan all can support – willing to avail of information from locals

Willingness to avail ourselves of all information and experiences external to NTB

Effectiveness – what results to expect – frequency of maintenance

Supporting Beach Erosion Study Team

How do we pay for it

Beaches are needed for turtle hatching

Beaches need nourishment to protect private property

BN is necessary for local economy

BN is necessary to protect our local, county, state, federal tax base

Unintended consequences of cost of BN

Collateral damage – cost/burden on people

COMMON OBJECTIVES FOR BEACH NOURISHMENT ISSUE

- Identify at least five alternatives for evaluation, including the do-nothing alternative
- Determine comparative costs of the five alternatives
 - Costs to Town
 - Project costs
 - Tax Revenue lost
 - Costs to Property Owners
 - Year Round/Permanent Residents
 - Non-Resident Owners
- Employ open process gathering information and input from local sources and non-local sources and experiences
- Protect the short and long term economic viability of the Town regarding values throughout the community
- Determine the comp environmental impacts of the alternatives
- Determine the social impacts of all alternatives on the makeup of our Town with particular analysis on long term residents.
- Identify all available funding sources and strategies with the objective of minimizing financial impact on the Town and property owners.

PRIORITIES

- Beach Nourishment
- Interviewing/hiring a Town Attorney
- Attention to legal problems
- Dune Restoration - Plantings and stabilization
- Planning Zoning Ordinance/Hiring new planner
- CBRA – get rid of it
- Enforcement of Ordinances nuisances overlooked
- State legislation to protect how County should go back to per capita distribution- Get per capita credit for seasonal population
- Underground Utilities, New and Existing
- Budget-cut
- Organizational Structure of Staff – Roles and Responsibilities Accountability – who is doing what?
- Update of facilities – Fire Department Public Works
- Parking Lots- add some handicap accessible
- Maintenance of shoulders and roads – sweeping, drainage
- Improve County Park at North End of Town-Visitor Nuisance Problem
- Fiduciary responsibilities for budget status – closer budget monitoring
- Sewage ONWASA – to buy private utility
- Bike Trails – adding where there are none
- Follow-up of retreat keep going – first next meeting
- Desire – do we want commercial property
- Curb side Recycling with trash collection
- Analyze/Review Town Hall office layout (space analysis)
- Listening to the public – determine better ways
- Strategic Plan/Town Growth
- Police Training
- Pursue Waterfront Park/Community Gathering Place
- Analyze all Town-owned property for maximum utilization
- Pursue grants – specific responsibility
- Public Relations

Manager will layout in budget message what the Town may be able to take on this year and give priority to the Boards decisions. During the course of the year other top-priority issues will come up, to be fair to manager and staff, the Board will be mindful of implication that new priorities will have on workload.

Retreat was adjourned at 3:00 P.M.

Minutes submitted by Kathleen Clough, Clerk to the Board.

Approved

A handwritten signature in cursive script, appearing to read "Donald Martin", is written over a horizontal line.

DONALD MARTIN, MAYOR

10-02-08
DATE

Town of North Topsail Beach



Donald Martin, Mayor
Larry Hardison, Mayor Pro Tem
Aldermen:
Richard Farley
Richard Peters
Robert Swantek
Daniel Tuman

Henry Luxem
Town Manager

Kathleen Clough
Town Clerk

North Topsail Beach Board of Aldermen Regular Meeting

5 June 2008, 7:00 P.M.

PRESENT: DON MARTIN-MAYOR, LARRY HARDISON- MAYOR PRO TEM, DANIEL TUMAN, ROBERT SWANTEK, RICHARD FARLEY, RICHARD PETERS, HENRY LUXEM-TOWN MANAGER, ROBERT KILROY-ATTORNEY

1. **Call to Order:** Mayor Martin called the meeting to order at 7:06 p.m. in the North Topsail Beach meeting room.
2. **INVOCATION:** Alderman Farley gave the invocation.
3. **Pledge of Allegiance:** Alderman Swantek led those present in the Pledge of Allegiance.
4. **Approval of Agenda:** Alderman Peters made a motion to approve the agenda. Mayor Pro Tem Hardison seconded the motion, motion passed unanimously.
5. **Committee Reports:**

- **Planning Board**

Mike Yawn

The Planning Board held our regular meeting on 5/8/2008. Key action was a public hearing CU-08-02 was held for a conditional use permit for a swimming pool at a duplex located at 205 and 207 Goldsboro Drive. The Planning Board deferred action on this item until our meeting on 6/12/2008. We also held a workshop on 6/4/2008 to work on integrating the chapter 7 ordinance changes suggested by Ginger Booker.

- **Board of Adjustment**

Jerry Convy

The Board of Adjustment met on May 15, 2008.

The first item addressed was the Order of Certiorari on Seaside Developers. In accordance with the instructions of the court the Board of Adjustment reversed its decision on this case, allowing the Plaintiff to begin construction of the five story, thirty-five unit hotel.

The second item (Case A-08-01) was the appeal by Wellman construction for fines imposed for occupying a building prior to the issuance of certificates of occupancy/compliance. In this case the board denied the appeal but did reduce the fine.

- **Beach Nourishment**

Ed Doherty

Beach Erosion Study Team presented by Vice Chair Mary Convy.

Chairman Ed Doherty opened the meeting by discussing the new Committee. Eleven citizens of North Topsail Beach have been approved by the Board of Aldermen to be on the Committee. The 11 represent a wide cross-section of our Town ... from the North, Central and Southern sections; from the Ocean Side and from the Sound Side; both full-time residents, and non-resident property owners.

The Committee adopted "Beach Erosion Study Team" as the committee name. A Mission Statement was adopted (see attached). A planning exercise developed input from every Team member about issues to be addressed. The issues were grouped into the following seven categories, with Committee members assigned to investigate each. Initial reports on progress for each will be presented at the June meeting.

- EVALUATE OPTIONS
- EVALUATE CP&E
- HELP RESIDENTS FACILITATE DUNE PROTECTION
- RESEARCH BN EFFORTS THAT HAVE BEEN TRIED IN OTHER TOWNS
- ADDRESS NORTH END CHALLENGE
- PROJECT MANAGEMENT
- RESEARCH FUNDING

Next meeting will be on Wednesday, June 11, 2008 at 7:00 p.m. Beach Erosion Study Team.

Henry Luxem stated that he talked with Mickey Suggs of the Corps of Engineers and he addressed the issue and dispel things once and for all as to where we are and what we can do in terms of timetable. He stated when asked about the very important first and foremost issue of could we go to construction in Fall 08 into 09, Mr. Sugg was specific and said there is a one in a million chance we could meet that window. This is from the Army Corps of Engineers, not CP&E's fault. Mr. Suggs and Mr. Hugett from State Division of Coastal Management would have to put all of their efforts into this project from now until then to get it done and they just don't do things that way.

Mayor Pro Tem Hardison asked what was the reason they couldn't do it. He stated that CP& E and the Corps do have to coordinate but he would like to understand what the reason for it was. Mr. Luxem stated resolving the major and minor issues involved but the two big issues that had to be dealt with that various agencies had a concern with included the fish & wildlife service and two other federal agencies. He stated one that would take time was the issue of the inlet. He said the permit timeframe was over 30 years and would require it to be in bits and pieces and require benchmarks along the way and assure safety issues can be updated.

Mayor Pro Tem Hardison asked when we get the permit, we need that before we do anything correct. Mr. Luxem stated yes that is correct. He said we are looking at the Fall of 2009 and 2010 in order for it to go to construction and in order to go to construction it requires two things to happen, first the entire permitting process and then once that is approved then they go to the bidding process and that is assuming they have the funding in place.

Alderman Tuman asked what is outlook for getting the permit. Mr. Luxem stated that he did ask Mr. Suggs and he feels very good about it aside from the issue of how to go forth to get it. He stated these are all issues that can be resolved; it is the chance of resolving and moving forward.

Alderman Tuman asked if we know what the date will be for having a permit in hand. Mr. Luxem stated no but we know that we have to defer to the 2009 and 2010, but unfortunately it is not 2008-2009. He stated that Mr. Suggs would like to come and update the Town around the 17th of June.

Alderman Tuman stated that Mr. Suggs's responsibility is to interface with all of the State and Federal agencies and needs to approve the Town's EIS which is necessary to get a permit to do construction. He stated the agency reviews the issues, the responses to the issues and it is not expected that the Town will be able to get a permit in time to do construction before the March shut off date in 2009 which means then the Town's construction schedule at best would have to spill into the 2009-2010. Mr. Luxem stated that is correct. He stated there is a great deal that has to come together and a big

part of it is the public input process that goes along through this entire process but basically as far as the permitting process goes it is pretty much two steps, the Federal through the Army Corps of Engineers and the State through the Division of Coastal Management. He stated that Mr. Suggs is working close with Mr. Hugett of the DCM in order to bring the two processes together.

Alderman Tuman stated that the Town has already gotten responses from NC Fish and Wildlife, he asked who is going to respond to those request, is it the Beach Erosion Study Team Committee or is it the Town Manager. Alderman Peters stated that CP&E will coordinate with the Corps of Engineers.

Mrs. Convy stated June 10th BEST will be doing a low tide ride on the beach and the Public is invited and they will meet at 8 a.m. at the Christian Life Center and will have Town escorts and will drive the whole beach. They will meet at 2 p.m. at the North End at high tide. She stated at 7 p.m. they will meet at Town Hall with CP&E. She stated on June 11th at 9 a.m. BEST will be meeting with a geologist that will be commenting on CP&E methods.

6. Open Forum

Bob Fox 4710 23rd Avenue, North Topsail Beach came forward to speak. He stated that he is amazed why he is here and how it reached this point of consider bringing about the Board of Aldermen a rezoning of Conservation District land, he stated that last month the Board saw the faces and heard the true facts from the shell fisherman of how the slightest disturbance of their delicate marsh land can have devastating effects on their gardens, lives and livelihoods. He said we have learned that they pay for these leases, they pay taxes and are a large partner in our local economy, he said we have learned that these watermen are truly Stewarts of Stump Sound and their existence is part of Americana Topsail Islands past and future and is being threatened by contractors who pay little or no taxes. He stated this is starting a domino effect of Conservation D land swapping, dealing with the same issue again and again.

Mr. Fox stated that he wants this rezoning request denied but he wants a unanimous vote sending a clear and decisive message to those who want to pursue this R-20 dream, surely you don't want your legacy known as the ones who destroyed the shell fishing in Stump Sound.

Karen Seabert 23 Bermuda Landing came forward to speak. She stated from 1976-2002 she lived 4720 23rd Ave. She stated that she really thinks that it is setting a precedent that doesn't need to be set. She remembers they wanted to build seven cluster homes on that lot. Now he says he only wants to build two, but in a few months we could be back here fighting seven houses again. She stated just setting precedents is a very bad thing. She stated as far as the shell fishermen they really do depend on that for their livelihood.

Steven Coggins, Roundtree, Lucie & Baldwin on behalf of protesters of petition came forward to speak. He stated this is unusual because it is a Staff initiated petition for rezoning and that makes it unique. The irony is that the burden is on the Town. Staff must make a convincing demonstration on each of the four elements within NTB Ordinance and obligated to follow. Protesters have shown abundantly an impact on their livelihoods.

1. No convincing demonstrated that a proposal will replace all property in appropriate areas.
2. Isolated pocket of R-20 – the lollipop lot with wetlands in between that parcel – it is not appropriate to consider that property of 7-93A.
3. No convincing demonstration by staff that ALL permitted uses in R-20 under proposed reclassification would be in the general public interest.
4. Only for the landowner – staff is trying to do the right thing to correct an error that may have happened back in 1993. Motivated on behalf of small group – owner of the property.
5. Minutes from 1993 meeting demonstrates there was a protest petition in 1993 and a 2-1 vote with two aldermen absent and majority was not met.
6. Staff has not convincingly demonstrated that all permitted uses in R-20 would be appropriate in the area included in the proposed change.
7. Can result in more impervious surfaces – MHR - one would not drive in that area and know it is MHR
8. No convincing demonstration that the proposed change is in accordance with Land Use Plan and the Board does not have the power to take any action that is incompatible with the Land Use Plan and requires a super majority.
9. Conservation establishment

Charles Riggs 202 Warlick, Jacksonville came forward to speak, he stated that he is the surveyor who submitted the rezoning application in 1993. He stated that he knows what the intent of the application was, because he was there. He stated there was a 2 -1 vote and received a letter from Town Manager that the request had been approved. He stated there was no protest within 60-90 days, that is when the opportunity to file a protest to question the validity of the rezones. Whether a 2-1 vote was proper you have that length of time to question it, if it is not questioned, it is valid. The entire tract is rezoned to R-20. He stated that the Town accepted that rezone. He stated back in July 1994 he submitted a subdivision showing 7 homes on this R-20 property and was accepted by this Town as R-20 property; it was no longer CON-D. He stated that the Town has taken action through the Planning Board, there have been public hearings on this piece of property as R-20, and his opinion is now you have an opportunity to correct a mistake that was made on the zoning map.

Eric Emerich 2250 New River Inlet Road came forward to speak he thanked those who made the effort to put the sand on the North End. He stated it is a temporary solution and remains unclear to him why CP&E can't go forward as scheduled. CP&E needs to explain why they can't meet this timeline.

Steve Coggins came forward to offer a few points, he stated by a "taking issue" part of property is zoned MHR and owner can build a duplex, a taking is a deprivation of all economic benefit, so the taking issue is not there. He stated in 1993 a protest petition was filed and tax records don't indicate it being zoned R-20.

Mr. Riggs stated in 1994 Planner Susan Daughtery said land was R-20.

Karen Seabert stated she was at the 1993 meeting and there was a petition; she was with the people who signed the petition and Susan Daughtery told her that Mr. Bryant's land was zoned R-20 and the rest stayed Con-D and the MHR lots were still MHR lots, and then they didn't have a petition because we thought it was over. She stated over the years since 1993 she has looked at the tax records and that lot said MHR for lot 17, 18 and CON-D for the rest of the other three acres. She stated the only reason it was not argued further in 1993 is because they were given the wrong information when they checked up on it.

Jerry Currin, property owner stated he was never notified of any changes, and has been paying taxes on two lots. Taxes now run \$2200 for those two lots as R-20 and the other three acres are Con-D.

7. Consent Agenda: Alderman Peters made a motion to approve the Consent Agenda. Alderman Swantek seconded the motion, motion passed unanimously.

- Approval of Minutes
 - Retreat May 9th & 10th 2008
 - Budget Workshop May 21, 2008
- Department Head Reports
- Audit Contract
- Call for Public hearing July 3, 2008 to consider public comments on amendments to the Town Code and Ordinance regarding swimming pools.

(Items listed under Consent are generally of a routine nature. The Board may take action to approve/disapprove all items in a single vote. Any item may be withheld from a general action, to be discussed and voted upon separately at the discretion of the Board.)

8. Finance Reports

- Budget vs. Actual
 - Benefits Accrual
- No action required.

9. Old Business

Case # R-07-10 Continued.

Rezoning application from CON-D and MHR to CON-D and R-20 for 3.495 (152,270 sq ft) acres identified as tax parcel id 763-1.3, 809-60 and 809-61. Owned by CCAM LAND ASSOCIATES Located at the end of 23rd Avenue in STUMP SOUND Township.

Alderman Swantek stated it was rezoned R-20 which is one of those mistakes that happen on the Town's map.

Alderman Swantek made a motion to allow it to be R-20. Motion died for lack of a second.

Mayor Martin asked if there were any other motion. There were no other motions.

10. New Business:

A. Public Hearing FY 2008-2009 PROPOSED BUDGET for the Town of North Topsail Beach

In accordance with NCGS 159-12 (b), the North Topsail Beach Board of Aldermen will hold a Public Hearing on the **Proposed Budget for FY 2008-2009** on Thursday, June 5, 2008 at 7:00 p.m. or shortly thereafter, at the North Topsail Beach Town Hall. A copy of the proposed budget is on file in the Town Clerk's office and available for public inspection from 8:30 a.m. to 4:30 p.m. Monday thru Friday.

Town Manager Henry Luxem presented his budget letter for adoption. He stated that following several work shops with the Board of Aldermen the 2008-2009 Budget is presented for adoption consideration. He stated the total projected rate is .14 for \$100.00 of property value which is a drop of .02. He stated featured in this budget is the added service of residential curb side recycling. It will commence in fall 2008 upon renewal of the Town's waste hauling contract. He stated Town taxes will cover the cost of the service. Garbage collection of each property dropped from \$115.00 to \$80.00 for the first garbage can.

Mr. Luxem stated that this budget provides for the addition of one part time fire fighter, a planner will also be added to the staff. He stated added to the budget is the cart roll back fine, in the future violators of the Ordinance will receive one warning after that infractions will result in a \$50.00 a day fine.

Alderman Farley stated that the fine is \$50.00 a day? Mr. Luxem stated it was per incident.

Alderman Peters made a motion to open the Public Hearing. Alderman Tuman seconded the motion, motion passed unanimously.

Tom Leonard 218 Coastal Dr. came forward to speak, he stated as he reads the Budget Proposal he notices that no money is going to North Topsail Beach Holiday donations which is donations to toys for tots is that correct? If so Shame on you!

Mike Yawn 207 Tamarix Court came forward to speak. He stated that he sat through 20 some hours of budget hearings. He wanted to thank all who participated; this is a really good budget. He stated that the Town is reducing taxes by .02 that is really nice. He wanted to thank the Board for the curbside recycling; the Town gets a Planner and a part time firefighter, paving unpaved Town streets, cash for two new police cars and at least one other Town vehicle instead of borrowing money.

Mr. Yawn stated that the Town has the \$50.00 fine for trash cans but if you rent your house out they will have to hire someone to come and move their trash cart back. The Town is still putting \$394,000.00 into Beach Nourishment fund and at the end of this Fiscal year the Town will have about 2 Million in fund by. He stated that the Capital fund will grow by about \$336,000.00 so the Town will be putting \$730,000.00 total in the reserves fund for the Town, that's pretty good.

Mr. Yawn Urges the Board of Aldermen to support this budget.

Mr. Lenny DeNittis 126 North Permuda came forward to speak. He asked about the recycling, is there going to be another can issued. Mayor Martin stated yes. He asked who is going to enforce the \$50.00 fine for the trash carts. Mr. Luxem stated a staff member will enforce that. He asked if the Town is still charging vacant lots \$25.00 for trash and hauling? What do I get for my \$25.00 on my vacant lot? Alderman Peters stated if there was storm, debris would be picked up from all lots and that fee helps support that cost.

Alderman Tuman made a motion to close the Public Hearing. Alderman Swantek seconded the motion, motion passed unanimously.

Mr. Luxem stated now that the Budget has been presented to the Public, now the Board must set a date for adoption of the 2008-2009 Budget. He suggested the date be June 24th at 10:00 A.M. for public input.

New Business continued:

Alderman Swantek made a motion to open the Public Hearing fee schedule. Alderman Tuman seconded the motion, motion passed unanimously.

B. Public Hearing FY 2008-2009 PROPOSED FEE SCHEDULE for the Town of North Topsail Beach

The North Topsail Beach Board of Aldermen will hold a Public Hearing on the **Proposed Fee Schedule for FY 2008-2009** on Thurs., June 5, 2008 at 7:00 p.m. or shortly thereafter at the NTB Town Hall. A copy of the proposed fee schedule is on file in the Town Clerk's office and available for public inspection from 8:30 a.m. to 4:30 p.m. Monday thru Friday.

Mr. Luxem stated some of the other areas where fees have been significantly changed are in the Planning and Zoning fee schedule.

Jerry Convy came forward to speak, he asked if the Town has all these fines imposed for trash cans and signs, he asked how they are going to collect the money for the fines because there is no projections for collection of fines in the budget. Mr. Luxem stated once the Town has experience with that the Town will be setting some figures, he stated we hope we collect nothing it is not meant to make money, but the experience has been that the ordinance has been flaunted.

Alderman Swantek made a motion to close the Public Hearing. Alderman Tuman seconded the motion, motion passed unanimously.

Alderman Farley stated that Mr. Denittis is here and he owns many lots, he hopes the Board will take a look at the fees so we will know how it impacts people that own several lots.

C. Appointment of Deborah Lanci of 21 Hunter Heath Drive & 147 Seagull Lane, North Topsail Beach, as Planning Board Alternate Member.

Alderman Swantek made a motion to approve Ms. Lanci as a Planning Board Alternate Member. Alderman Tuman seconded the motion.

Discussion: Alderman Farley stated that the Town has several people who serve on two Boards, he does not think that is a good thing for the Town. Mr. Luxem stated all prospected applicants shall be

members of no more than two standing committees and or one statutory committee.

Motion approved 4-1 with Alderman Farley voting against.

D. Speed Reduction Ordinance:

Mr. Luxem stated there is a draft Ordinance to reduce speed limit to 45 MPH.

**Alderman Swantek made a motion to concur and change the speed limit to 45 miles an hour
Alderman Peters seconded the motion.**

Discussion: Alderman Farley asked if they are going to remove the passing lane.

Motion Passed unanimously.

E. Beach Erosion Study Team Mission Statement

**Alderman Swantek made a motion to approve the Beach Erosion Study Mission Statement
Alderman Tuman seconded the motion.**

Discussion: Alderman Peters stated in going through this statement there are no areas where it counts for improving beach as it is and many areas are on shaky sand. He stated in the mission he would say shoreline protection, enhancement & stabilization and under GOALS to stabilize & nourish North Topsail Beach and shorelines as appropriate and under OBJECTIVES it says conduct technical review of Coastal Planning and Engineering(CP&E) beach nourishment recommendations, He stated that should be a project they are doing far more than recommendations, they have spent almost \$2 million dollars in getting approval for a project so it is not recommendations.

Mayor Pro Tem Hardison stated whatever recommendations are made they will go back to the committee and they will either adopt them or adjust them or maybe have an explanation of how certain areas are being stated, maybe there is a reason why things are worded the way they are. He stated that any recommendations will be open to the people who work with them.

Alderman Peters stated that we are the ones setting policy of what we want them to accomplish. It's the Board's prerogative and obligation to set guidelines for the Beach Nourishment Committee to accomplish.

Alderman Tuman stated that these are very generic mission statement goals and objectives. These were the things you would have had ten years ago. This Board is looking for some ideas of what they expect to accomplish by year end and he would ask the committee to focus on tangible specific goals rather than general goals.

Motion 4-1 passed with Alderman Peters voting against.

11. Open Forum – no one from the Public came forward to speak.

12. Manager's Report:

Mr. Luxem stated last night he and the Mayor were returning around 11:30 last night and were greeted with some good news from Major Freeman and reported they made arrests and solved the crime of many break-ins throughout the whole region. They have been apprehended and are going through the process. He stated they are from Duplin County.

He stated that Mayor Martin and Alderman Swantek attended Town Hall Day Wednesday, June 4, 2008. He stated they were in contact with Senator Brown and Representative Grady from our District and had the unique opportunity to interject directly into some legislation that was put in on behalf of North Topsail Beach through Senator preparations yesterday. He stated they were at the committee when Senator Brown introduced a bill for beach nourishment for North Topsail Beach in the amount of \$2 million dollars into the up coming budget.

Mr. Luxem stated that he had some information on Andrea Recla; she will be assisting the beach study team. He stated that Staff has been working on the data but he thinks it will be very valuable to have someone with the expertise in order to move forward.

13. Attorney's Report:

Attorney Kilroy stated he wanted to take the Board through 106A-65 when the Town makes changes to the Zoning amendment, he stated this is a legislative event, it needs a super majority if you have protest petition. He is assuming the protest petition that was on for last month was adopted by the Board as a protest petition. Mr. Peters was absent, so we had 5 seats on this Board, there are only four here. Four could have taken action if the vote was 4-0. If the vote was 2-2 the Mayor does not vote, because it would still be 3-2 – not a super majority.

If someone is going to be gone they need to be excused by the Board so they don't get into that situation. Otherwise if someone was absent, it would be counted as a yes vote.

Alderman Tuman asked what the procedure for excusing someone, who initiates it. Attorney Kilroy stated the person who is going to be absent should initiate it. Alderman Tuman stated what if it is an emergency. Attorney Kilroy stated to have that as the first item on the agenda – family emergency – then take a vote to excuse them.

Alderman Tuman asked what are the grounds to excuse a member. He knows of two grounds, one is a financial interest and official conduct. Attorney Kilroy stated you have a lot of discretion and you need to exercise that discretion, no one is going to second guess it. Alderman Tuman stated that discretion can be taken too far. Attorney Kilroy stated that there is a thin line between discretion and abuse. Alderman Tuman stated that elected officials have to address the issues before them and it is a peculiar event that says one can be excused from taking that position.

Alderman Farley stated there would always be a quorum because if someone wasn't excused there would still be enough votes to vote, it doesn't sound right. Attorney Kilroy stated a quorum is a number of people and the Town's Charter specifies what the quorum is; the Town's Charter says two Board Members and the Mayor to be a quorum. Mayor Pro Tem stated that it is 3 Board Members because it is the majority.

Attorney Kilroy stated he hasn't been here for two months, before he left he sent two orders over to the Town and one was on LaCosta, Judge Jenkins granted the Town's motion. He did get a notice of appeal and he talked to Mr. Stroud about that. Mr. Kilroy stated that the other order was on Sea Side Developers. He stated that it is his understanding after the Board of Adjustment had a meeting, they issued their order to the Building Inspector, but there is thirty days to appeal it.

Attorney Kilroy stated as far as the Melling case, it hasn't been settled, there are some money issues and it is still scheduled to go to trial in July and as far as Attorney fees, they have filed their brief with the court of appeals, plaintiffs have until July 12 to file their appeal.

Alderman Peters asked Attorney if he ever found out what mistakes were made on the Sea Side Inn case. Attorney Kilroy stated without the judges order in front of him he can't tell you. But basically the judge wants substantial evidence in the record. Alderman Peters asked if the transcript itself accepted as accurate. Attorney Kilroy stated all he was able to give him were the minutes from the Board of Adjustment, they were never able to produce a transcript which is why he doesn't want to see another intentions Board of Adjustment hearing like that without a court reporter, it only cost \$75.00.

Alderman Tuman asked if the evidence represented in the minutes of that meeting did not substantiate the decision. Attorney Kilroy stated that is correct. Alderman Peters asked in effect the court clerk or someone was supposedly here and seemingly accepted what was given to them, was there a difference in what the clerk accepted from what the judge accepted. Attorney Kilroy stated that there was no difference in that, basically he presented the Town's side as to why the Board of Adjustment was correct and Mr. Stroud presented his side as to why the Board of Adjustment was wrong. Alderman Peters asked what was presented at trial as far as a description of the project that he wanted to build. Attorney Kilroy stated he had his maps and blueprints since the beginning of the project. Alderman Peters stated if he is not mistaken the case was in a commercial zone but was a residential hotel. Attorney Kilroy stated that they were issued a zoning permit then they changed it. Alderman Peters stated if they applied to construct a hotel, it was advertised under the premises of a condo hotel under a different zoning requirement, what was actually

275

presented to the court. Attorney Kilroy stated that they were given a zoning permit and then they revoked it. Alderman Peters stated that the zoning permit was for a hotel. Attorney Kilroy stated that it is all in the Order. Alderman Peters stated that his concern is what the Board of Adjustment did wrong. What can the Town learn from this experience? Attorney Kilroy stated don't revoke it.

14. Mayor's Report:

Mayor Martin stated he went to Town Hall Day and visited with the elected representatives and Senator Brown stepped up to the plate and hit the ball out of the park and got the Town \$2 million dollars. He stated it was very interesting. They went into session with Senator Brown proposing the beach nourishment and one of the Senators on the Panel stated he thinks they should do beach nourishment and it was Senator McKissick.

Mayor Pro Tem Hardison thanked everyone for coming out tonight.

15. Aldermen's Report:

Alderman Peters asked for amendment to the agenda but we came across a situation regarding the updating of the Town's Ordinances through a outside contractor Ginger Booker and she has submitted final billing check request and Mike Yawn the Planning Board Chairman says work has been accomplished to about 85% to completion so the question he has for the Board is does the Board want to pay this without them to have a final review of that action?

Alderman Farley stated that he agreed and would like to see it before payment is finalized.

Mike Yawn, Planning Board Chairman came forward to speak, he stated in his opinion the document is 85% complete. The remaining 15% that is left is what we as a Town need to do. We need Ms. Booker to help us with legal questions, more of a consultant nature. Ms. Booker has offered to come for another review meeting and only owe her expenses for that. He stated that we should pay her but say we think she still owes us another 20 hours to complete the document and stipulate that we expect one more visit for a final walk through.

Mr. Luxem stated that there are some misconceptions here and we need to clear those up. He stated under the scope of agreement she has fulfilled her requirements. There is still work to do but it is outside the scope of what the contract in effect had been. He stated that Ms. Booker has fulfilled her requirement and it is time to pay her, she is willing to do more work, the Town shouldn't be compelling her to do something more, she has done what the Town has asked her to do but there is some additional work that needs to be done and in affect the Town needs to be willing to pay her that.

Mayor Pro Tem Hardison asked what the cost of the contract was. Mr. Luxem stated it is \$17,775.00 plus direct cost for mileage at the IRS rate and lodging and meals while on the job.

Alderman Farley stated he has not seen this and he thinks when it comes to the Board of Aldermen there will most likely be some changes. Mr. Yawn stated that he agrees with Alderman Farley that there will be significant changes. Mr. Yawn asked who is going to update the Word document.

Alderman Tuman stated that it was his understanding that Ms. Booker was going to edit the final document. The final document is then to go into Muni Code. Alderman Peters stated that he is representing the Board, he read in the stipulations of the statement of work. At a minimum the Board of Aldermen should also participate in the first and last sessions in order to provide their perspective on key issues and to confirm agreement with the composed positions.

Alderman Tuman stated that it is up to the Town Manager to decide whether or not per the financial arrangement that the Town has with Ms. Booker as to whether she earned her keep and pay accordingly.

Alderman Farley stated that he agrees with Alderman Peters, the job isn't completed no one should be paid. Mr. Luxem stated the difference is that the Town's Planning Director says that the scope of the work has been covered and there is difference of opinion on that. If you don't feel comfortable with it and there is more responsibility with the contract then maybe the Board should send it back. Mr. Luxem's advice is to pay it and move forward.

Alderman Peters asked the Town Manager to provide a letter to Ms. Booker outlining the need for the additional participation and defining what the Board of Aldermen expect to accompany any payment to this bill. He thinks as a Board they get criticized for failure to have high enough standards regarding some of the outside contracts and as an individual signing these checks, he thinks it is inappropriate to pay without a consensus of this Board. Mr. Luxem asked if they want to withhold the rest of the payment or a portion of it. Alderman Peters said that is why he wants some direction from the Board.

Mayor Pro Tem Hardison asked Mr. Yawn if he agrees that Ms. Booker has done what she is supposed to do. Mr. Yawn stated that there is about 20 hrs. of activity left for her to do. Mr. Luxem stated that the Town should pay half of it.

Alderman Peters stated that he just got an email today regarding Peter Ravella who met with the Town Manager and the Beach Nourishment Committee and he proposes coming up June 16th. Mrs. Convy stated that Ed Doherty will be away that whole week and he would prefer for that not to happen without him being here. Mr. Luxem stated that he has talked with Mr. Doherty and they need to discuss that and decide if and what value there might be.

Alderman Tuman stated just so they are not misleading the public, the \$2 Million dollars that Mr. Brown has proposed for beach nourishment, he asked if that was final. Mayor Martin stated no, they vote on it in July.

Alderman Swantek thanked everyone for coming out.

Alderman Farley wanted to congratulate the Dixon Girls Soccer Team for winning the North Carolina State Championship. He also stated that Connie Pletl's son John won regional discus championship, he wanted to congratulate him.

16. Town Attorney Proposal from Brian Edes

Mr. Luxem stated before the Aldermen there is a proposal from Mr. Edes. It is Mr. Luxem understanding that the interest is to move forward with Mr. Edes and the first step would be to thank Attorney Kilroy for his years of service and indicate the month by month agreement would come to an end.

Mr. Luxem stated what the Town needs to accomplish is a change of Town Attorney, keep Mr. Kilroy involved in process of the cases he is involved in and continue in the Jackson Case, appeal on Condemnation cases and in the LaCosta appeal.

Alderman Tuman stated that he was a little confused in what Mr. Edes role was during the Melling case. Attorney Kilroy stated that he was the lead. Alderman Tuman had raised questions about insurance coverage and basically he was saying he was the League's guy not the Town's guy. So it seems to Alderman Tuman that Attorney Kilroy has a role there to protect the Town's interest on insurance coverage issues in that particular case. Attorney Kilroy asked the Board if they wanted him to continue to assist trial after trial. Alderman Tuman stated that he didn't think Mr. Edes can wear two hats; he is the League's Attorney. Alderman Farley stated that Mr. Edes is the Town's Attorney. Alderman Tuman asked if he is the Town's Attorney then who is the Attorney for the League.

Alderman Tuman stated in the Litvak case Mr. Edes who represented the League in that procedure. He stated there was another individual who was the Town's Attorney who was basically representing the Town's interest with the League and in Court. Mr. Luxem stated let's see what Mr. Edes recommends.

Alderman Farley made a motion to end relationship with Attorney Kilroy as Official Town Attorney. Alderman Peters seconded the motion, motion passed unanimously.

Mr. Luxem stated based on the contract before the Board of Alderman, there is a monthly retainer of \$2,000.00 to cover the monthly Board of Aldermen meetings and all research associated with said meetings

agenda items, this will also include consultation with Staff regarding agenda items provided that the total hours do not exceed 13 hours per month. All other work would be at a cost of \$175.00 an hour.

Alderman Swantek made a motion to hire Brian Edes as the Town's Attorney. Mayor Pro Tem Hardison seconded the motion.

Discussion:

Alderman Peters asked if this was his hourly rate or is this for anyone within his firm. Mr. Luxem stated it is his hourly rate plus reduced travel rate of \$150.00 an hour for any travel that is necessary, that is associated with the monthly meeting, the monthly meeting is \$2,000.00 includes traveling to the Town. If is additional work and he needs to come here, then it is \$150.00 and hour for travel, likewise his paralegal from time to time assist and he will bill her out at \$65.00 per hour.

Motion passed unanimously.

17. PERSONNEL ISSUES- CLOSED SESSION:

Alderman Farley made a motion to go into closed session to discuss Personnel Issues. Alderman Swantek seconded the motion, motion passed unanimously.

CLOSED SESSION:

A public body may hold a closed session only upon a motion duly made and adopted at an open meeting. Every motion to close a meeting shall cite one or more of the permissible purposes listed in subsection (a) of this section. A motion based on subdivision (a) (1) of this section shall also state the name or citation of the law that renders the information to be discussed privileged or confidential.

As provided by **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 (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.(6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.

18. BACK IN OPEN SESSION: Alderman Farley made a motion to close the Closed Session. Alderman Tuman seconded the motion, motion passed unanimously.

19. ADJOURNMENT: Alderman Farley made a motion to adjourn. Alderman Tuman seconded the motion, motion passed unanimously. The meeting adjourned at 11:30 p.m.

Minutes prepared by Terrie Woodle- Recording Secretary.



Mayor Donald Martin

Date: 5 June 2008

Town of North Topsail Beach



Donald Martin, Mayor
Larry Hardison, Mayor Pro Tem
Aldermen:
Richard Farley
Richard Peters
Robert Swantek
Daniel Tuman

Henry Luxem
Town Manager

Kathleen Lennon Clough
Town Clerk

**TOWN OF NORTH TOPSAIL BEACH
BOARD OF ALDERMEN
SPECIAL MEETING
JUNE 30, 2008
7:00 P.M.**

PRESENT: DONALD MARTIN- MAYOR, LARRY HARDISON-MAYOR PRO TEM, DANIEL TUMAN, ROBERT SWANTEK, RICHARD FARLEY, BRIAN EDES- TOWN ATTORNEY, HENRY LUXEM- TOWN MANAGER, LYDIA KING- FINANCE OFFICER, TERRIE WOODLE- DEPUTY TOWN CLERK

NOT PRESENT: RICHARD PETERS

1. CALL TO ORDER: Mayor Martin called the meeting to order at 7:03 p.m. in the North Topsail Beach meeting room.

2. DISCUSSION AND POSSIBLE ACTION: FY 2007-2008 BUDGET AMENDMENT:

Mrs. King stated that she had e-mailed the Budget Amendment number 5 to the Board members on Friday June 27, 2008. She stated it was to appropriate the Fund Balance in the amount of \$485,361.51 from the Town's undesignated Fund Balance for purposes of litigation and also to transfer in from the Capital reserve Fund the amount of \$218,825.00 to offset the installment purchase payments and Capital outlay of the fiscal year 2007-2008.

Alderman Tuman made a motion to approve the Budget Amendment as presented by Mrs. King- Finance Officer. Mayor Pro Tem Hardison seconded the motion, motion passed unanimously.

3. OPEN FORUM: Mayor Martin asked if anyone from the Public would like to speak. Mr. Yawn 207 Tamarix Court came forward to speak. He stated that his only question is about the \$485,361.51 from the Fund Balance for Litigation, instead of the money coming out of the Fund balance could it come out of the Capital Reserve Fund. Mr. Luxem stated that is a question that is to be explored but we do not have a firm answer to that.

4. CONVENE INTO CLOSED SESSION AT 7:08 P.M. PURSUANT TO NORTH CAROLINA GENERAL STATUTE PARAGRAPH 143-318.11 CLOSED SESSION SECTION 3: TO

CONSULT WITH AN ATTORNEY EMPLOYED BY THE TOWN IN THE MATTER OF MELLING ET AL. VS TOWN OF NORTH TOPSAIL BEACH ALSO IN ATTENDANCE WERE WILLIE WILSON AND MAX EASTMAN FROM THE NCLM FOR GUIDANCE.

5. RETURN TO OPEN SESSION: Alderman Swantek made a motion to return to open Session. Alderman Farley seconded the motion, motion passed unanimously.

6. ACTION FROM CLOSED SESSION: There was no action taken.

7. ADJOURNMENT: Alderman Swantek made a motion to adjourn. Alderman Farley seconded the motion, motion passed unanimously.

The Board of Aldermen Special Meeting adjourned at 7:58 p.m.
Minutes prepared by Terrie Woodle- Permit Tech/ Recording Secretary.



Mayor Donald Martin

Date: JUN 30 2008

Town of North Topsail Beach



Donald Martin, Mayor
Larry Hardison, Mayor Pro Tem
Aldermen:
Richard Farley
Richard Peters
Robert Swantek
Daniel Tuman

Henry Luxem
Town Manager

Kathleen Lennon Clough
Town Clerk

**TOWN OF NORTH TOPSAIL BEACH
BOARD OF ALDERMEN
AGENDA WORKSHOP AND SPECIAL MEETING
JULY 1, 2008
10:00 A.M.**

PRESENT: DON MARTIN-MAYOR, LARRY HARDISON-MAYOR PRO TEM, DANIEL TUMAN, RICHARD PETERS, HENRY LUXEM-TOWN MANAGER, LYDIA KING-FINANCE OFFICER, TERRIE WOODLE-RECORDING SECRETARY

NOT PRESENT: RICHARD FARLEY, ROBERT SWANTEK

- 1. CALL TO ORDER:** Mayor Martin called the meeting to order at 10:03 a.m. in the North Topsail Beach meeting room.
- 2. APPROVE AGENDA:** Mayor Pro Tem Hardison and Alderman Tuman recommended moving item 5 closed session up to item 3.

Alderman Tuman made a motion to approve the agenda as amended. Mayor Pro Tem Hardison seconded the motion, motion passed 2-1 with Alderman Peters voting against.

- 3. CONVENE INTO CLOSED SESSION PURSUANT TO NORTH CAROLINA GENERAL STATUTE- Paragraph 143-318.11 Section 6: Personnel:**
Alderman Tuman made a motion to go into closed session. Mayor Pro Tem Hardison seconded the motion, motion passed unanimously. The Board of Aldermen went into closed session at 10:20 a.m.
Mayor Pro Tem Hardison excused himself at 11:10 a.m.

- 4. RETURN TO OPEN SESSION:** Alderman Peters made a motion to return to open session. Alderman Tuman seconded the motion, motion passed unanimously. The Board of Aldermen returned to session at 11:20 a.m.

5. **AGENDA WORKSHOP DISCUSSION:** Mayor and the Board of Aldermen discussed the Board package for July 3, 2008 Board of Aldermen meeting.

Mrs. Convy stated that CP&E wants to renew two things before they can continue, 1) They want a statement about the funding agreement with them. 2) They want the Board to let them know if they want them to continue with the 5 phases.

There was much discussion on the Speed Limit change on Hwy 210 of where the Town's jurisdiction starts. Mr. Luxem stated that DOT has been very careful that there is not a gap between the State Highway and North Topsail Beach's jurisdiction.

There were no questions for the Finance Officer about any Finance data on the Consent Agenda.

Mr. Luxem stated that he and Mrs. King went to Raleigh to the Local Government Commission on Thursday June 26, 2008 and they found that the idea of moving the Capital Reserve Fund (where the ad valorem tax is feeding into) and moving that back to the General Fund can not be done. He stated once the money is in the Capital Reserve Fund it can only be expended for Capital Reserve Projects.

Alderman Tuman recommended that Mr. Luxem amend agenda item 11A. Public Hearing on swimming pools to read: Public Hearing, Discussion and Possible Action.

6. **OPEN FORUM:** Alderman Peters recommended to amend the agenda for July 3, 2008 on item 11C Manager Communications to Board of Aldermen Regarding County Tourism Fund to read: Discussion Possible Action Manager Communication to the Board of Aldermen and add an additional item to read Discussion Regarding County Tourism Fund Request for 2008-2009.

7. **ADJOURNMENT:** Alderman Peters made a motion to adjourn. Alderman Tuman Seconded the motion, motion passed unanimously.

The Board of Aldermen Agenda Workshop and Special Meeting adjourned at 12:16 p.m. Minutes prepared by Terrie Woodle- Permit Tech/Recording Secretary.



Mayor Donald Martin

Date: 1 July 2008

Town of North Topsail Beach



Donald Martin, Mayor
Larry Hardison, Mayor Pro Tem
Aldermen:
Richard Farley
Richard Peters
Robert Swantek
Daniel Tuman

Henry Luxem
Town Manager

Kathleen Lennon Clough
Town Clerk

TOWN OF NORTH TOPSAIL BEACH BOARD OF ALDERMEN REGULAR MEETING

JULY 3, 2008 7:00 P.M.

PRESENT: DONALD MARTIN-MAYOR, LARRY HARDISON-MAYOR PRO TEM, DANIEL TUMAN, ROBERT SWANTEK, RICHARD FARLEY, RICHARD PETERS, HENRY LUXEM- TOWN MANAGER, BRIAN EDES- ATTORNEY

1. **CALL TO ORDER:** Mayor Martin called the meeting to order at 7:00 p.m. in the North Topsail Beach meeting room.
2. **INVOCATION:** Pastor Andy Corner gave the invocation.
3. **PLEDGE OF ALLEGIANCE:** Alderman Swantek led those present in the Pledge of Allegiance
4. **APPROVAL OF AGENDA:** Alderman Peters made a motion to approve the agenda. Mayor Pro Tem Hardison seconded the motion, motion passed unanimously.
5. **COMMITTEE REPORTS:**

- **PLANNING BOARD- Mike Yawn-Chairman** came forward to speak. He stated the Planning Board had their regular meeting on the 12th of June and key action was by unanimous vote to recommend that the Board of Alderman approve a Conditional Use Permit CU-08-2 for a pool at a duplex located at 205-207 Goldsboro Drive with the following conditions: The pool meets all CAMA requirements, meets the anchoring requirements, it is signed off by an engineer and has a maximum elevation of two feet above grade. The Planning Board also met on the 24th of June to continue their review of the draft of the updated Zoning Ordinances.

Alderman Peters asked Mr. Yawn if this was an in ground pool. Mr. Yawn stated yes it is, but the way they have it designed it will stick up out of the ground two feet with a wooden deck around it. Mr. Peters asked in reference to the Zoning Ordinance does the Planning Board have a scheduled meeting to continue that. Mr. Yawn stated that they don't have a meeting scheduled yet, they have a regular Planning Board meeting next Thursday and it is his intention at that Planning Board meeting to get together sometime in the second half of July.

- **BOARD OF ADJUSTMENT- No meeting** for the month of June.
- **BEACH EROSION STUDY TEAM** – Mr. Ed Doherty came forward to speak. He thanked the Board of Aldermen for appointing the members to the Beach Erosion Study Team referred to as the BEST Team. He stated the eleven members of the BEST Team are among the finest people he has had a privilege to work with and he appreciates their assignment to the committee. They are all highly

motivated, energetic and hard working. He stated since the Team was established less than ninety days ago, the BEST Team has spent over a thousand man hours studying NTB Beach erosion challenge, not a day goes by that he does not have a conversation with one or two of the members of the Team. He stated the Town should be proud and grateful for all they are doing for the Town. He stated some of the activities they have had over the past month are: They have created a new responsibility called media relations, Tom Leonard is in charge of that, they feel strongly that one of the important responsibilities they have is to communicate to the Public at large what they are doing and in turn have them communicate to the BEST Team what they like to see them do.

He stated in that regard Deb Lanci is responsible for putting together a web site, they have a draft version of it and it looks like it is going to be outstanding and they hope to have that released in the next week or so. He stated that Sue Rider organized a drive by the entire BEST Team of the entire eleven miles of the shore line. They had an opportunity as a Team to observe the beach at low tide and at high tide and had some excellent discussions about the observations and conclusions they reached as they drove the beach. They had a presentation by a geologist from East Carolina University, Dr. Stanley Riggs, he presented the causes of and the outlook for beach erosion to the Team on June 11th. It forced them to face the realities of the challenges the Town has to address beach erosion.

Mr. Doherty stated that Mary Convy and Deb Lanci took the lead in working on an Ordinance to ban beach vitex from the Town's dunes. He stated that Joe Dorfield's sub committee has been in contact with other North Carolina Town's regarding their experiences with beach nourishment and how they funded them, lessons learned.

He stated in the Will Evans' sub committee they asked Will to be in charge to consider what options they have to address the beach erosion challenge, brain storming session any thing is open to consideration and Will has come up with ten options the BEST Committee will be evaluating. They will have a discussion on those ten options at their next meeting on July 9th and he hopes many of the citizens could attend.

He stated last month they had a number of discussions with CP&E, they presented their details and their recommendations for a five phase beach nourishment plan on June 10th. He stated they confirmed that they will be unable to finish the work in time to provide a dredging permit that could be used for the next window of opportunity which is November of this year to March of next year. He stated any dredging activity the Town wishes to consider can not be done before November.

He stated that CP&E also acknowledged that significant additional funding will be required for on going replenishment of nourished beaches. They believe that beaches will need to be re-nourished on a four year schedule. They sent a letter to CP&E about a week ago asking for clarification of the ten areas of concern the committee has with CP&E's recommendations, they have received acknowledgement of that letter from Mr. Willson.

He stated the next BEST meeting will be July 9th at 7p.m. at the Town hall and they welcome attendance by all NTB Citizens.

Alderman Tuman suggested the BEST committee clarify what it means to do maintenance re-nourishment on the beach every four years.

Mr. Doherty stated that the scientist tells them every two years, CP&E says every four years and it should be known. He said he would certainly address that on the report to the Board of Aldermen.

6. MANAGERS REPORT:

Mr. Luxem stated he is still working on the County Data Acquisition and Transfer.

He stated they are working very hard to get that working because the BEST Team is waiting on the parcel and financial data and tax data in order to move forward on a very important part of their mission. He has reviewed the bond coverage for employees. He stated it amounts to protection for the Town, he stated they have brought it up from \$25,000.00 to \$50,000.00 of public officials bond for each individual.

He stated the first step of certifying the fire department for fire rating has been done and they have received their notice on that and this summer will be the second step of that, they will be looking at level 9 and going to level 6, every number they can get down the better it is for Citizens and businesses within the Town in terms of insurance rates.

He stated there is an additional item; he has been working on the accountability of the Town auto to make sure they have full accountability all around.

He thanked everyone for the great amount of work that has taken place to move forward to the new budget. The Board of Aldermen with leadership of Mayor Martin was able to lower the tax rate from .16 to .14 and they also have curb side recycling and hope to have that in operation fully by the fall. Also the Town is able to subsidize through the taxes collected the cost for the first garbage collection tote.

Mayor Pro Tem Hardison stated on the bond coverage, it wasn't his request. Mr. Luxem stated correct you just wanted to review it. Mayor Pro Tem Hardison stated that his concerns were around the number of people that are involved in the finances. Mr. Luxem stated in a small community it is vital to have as much differential duties as possible. Mayor Pro Tem Hardison stated that his concern is to be careful of the number of people involved in confidential materials. He stated that his concern was qualifications and certifications.

Alderman Farley asked Mr. Luxem that Alderman Swantek brought up the subject of comp time. He stated that comp time is not to be carried over, it is suppose to be paid off quickly, is the Town going to start to do that. Mr. Luxem stated the use of comp time is set up through the Fair Labor Standards Act and within that there are exempt and non exempt employees, non exempt employees are authorized comp time for over time if it is not taken care of during the week the over time occurs and then it becomes time and a half. He stated among the Town's employees it appears there is not a problem except for one position.

Alderman Farley stated that the policy said if the person did not use the comp time in that pay period they had to be paid for it. Mr. Luxem stated that he did not know that there is that provision. Alderman Swantek stated that it can be carried over with exemptions, the Town Managers prerogative but it says if you use comp time during that pay period you are suppose to take it during that pay period. Mr. Luxem stated if it were like that the Town would have to pay out that money. He stated if the person has time to take the time off then there is no pay involved.

Alderman Tuman stated that the Town's budget does not provide for any compensation for comp time yet the policy and the law requires the Town pay it out so it is upon the Town to see to it that by the time the year end rolls around that in fact the comp time on the books is zero hours. He stated if someone needs to work additional hours un-planned and accrues comp time then there should be a conscious effort for that person to take the appropriate time off to reduce that comp time. He stated if the Town sees some position running up excessive comp time hours then that will require attention. Mr. Luxem stated from a management standpoint there are two things, one-inefficiencies or 2) is there to high of a work load requiring additional personnel. He stated realizing the Town has a lot of late night meetings and that generates comp time and in many cases if there were enough people in order to not have those people working during the day, that would be the idea but it doesn't work out that way.

Mayor Pro Tem Hardison stated he was curious about the tourism fund request. Mr. Luxem stated that is an agenda item.

7. OPEN FORUM:

A request was made to have two different sign up sheets since there are two different open forums. No one from the Public came forward to speak.

8. CONSENT AGENDA:

A. Approval of Minutes:

1. June 20, 2008
2. July 1, 2008

B. Call for a Public Hearing: Conditional Use Case # Cu-08-02

C. Department Head Reports

1. Police Dept.
2. Fire Dept.
3. Inspections
4. Planning & Zoning, CAMA & Flood
5. Finance

Alderman Farley stated that he would like to pull out the Finance Report. He stated the cost the Board budgeted for sanitation for next year, the importance is that it impacts the amount the Town charges the citizen. He stated that they took some of the funds and decided to reduce the cost of the solid waste pick up but the adjustment was based on what seems to be considerably higher numbers next year than we have this year. He stated one of the concerns he has is maybe the Board of Aldermen were being a little too careful in terms of setting the number. He stated that the Town's expected budget for the item for this year is to be \$301,996.00 and put a 4% CPI adjustment in which he assumes is part of the contract but when they did all of the calculations they assumed the cost would be \$342,600.00 a difference of approximately \$30,000.00 and roughly \$10.00 a household. He stated that they need to look at this and bring it down to what it should be. He is not sure that the Town needs to use this higher number and hopes the Manager will look into it.

He stated that the State is implementing an additional \$2.00 per ton tipping fee at the dump and his understanding is they probably pay about \$40.00 a ton now. He stated that \$2.00 is only 5% and 5% of what they are paying would only be roughly \$3,500.00 and not \$30,000.00 this needs to be looked at. He stated this month's sanitation fee is the highest it has been and he does not understand that. Mr. Luxem stated he does not have the details on that but Mrs. King has been looking over that closely. He stated there are a number of factors there that weren't fully captured. They went to the methodology where the equivalent of ½ cent equivalent of taxes would go to pay the cost of the first garbage tote service. They did have to adjust the numbers somewhat. He stated the increased cost that is driving that is the fact that the Town has had an aggressive program to identify where the trash cans are overflowing and requiring the owners to buy additional totes. Alderman Farley asked how that is increasing cost. Mr. Luxem stated because the bill the Town gets

is higher with each and every additional tote. Mr. Luxem stated that he will take this information back to the Finance Director and get a report out to the Board of Aldermen.

Alderman Tuman suggested at the August workshop they would like to have another look and examine this whole topic.

Alderman Swantek made a motion to approve the consent agenda. Alderman Tuman seconded the motion, motion passed unanimously.

9. INFORMATION ITEMS:

A. Position Statement Regarding Beach Nourishment from the Board of Directors of St. Regis Homeowners Association.

Wayne Pace came forward to speak. He stated that he is the Beach Nourishment Liaison for the Board of Directors at St. Regis. He stated that his Board asked him to come before the Board of Aldermen today to give them a position statement regarding the beach nourishment issue that the Town faces. He stated St. Regis has been a member of the community since the corporation of the Town in 1990. He stated they have just recently completed a \$14 million dollar renovation of property, this demonstrates is their community's commitment through continued progress and prosperity in the Town.

He stated that he would like to volunteer for the BEST Team to help in any way he can on issues of beach maintenance. He stated the entire text of the mission statement is in the Board package. The overall message is from St. Regis, they believe the beaches and ocean front properties are an indispensable resource for the Town and St. Regis. Beach nourishment is the only legally technically and financially feasible solution to maintain the beach at the East end of North Topsail in the immediate future.

He asked the Board of Aldermen to consider that beach nourishment should be funded and implemented as soon as possible. He thanked the Board of Aldermen for the decision they made recently to complete the entire permitting process with CP&E. He stated that they would like to see the implementation of the preferred alternative in the draft of the EIS published by CP&E, that means all five phases in the DEIS with any necessary modifications and adjustments the Board of Aldermen must take for physical reasons.

He stated that St. Regis requested that the Board of Aldermen consider funding and implementing phase 1 without any further delay. This is the only way to solve the immediate inlet and north end erosion issues.

He stated that St. Regis HOA thanks and commends the Board for their vigorous recent pursuit of funding for the State of North Carolina and Senate Bill 2025. On the other hand they recognize equally that tax dollars from the State, Federal and County sources are not going to fully fund the beach nourishment in North Topsail Beach, therefore they recognize that additional property taxes are required to obtain the rest of the funding to complete

beach nourishment. They ask that the Town consider funding phase 1 of the plan by levying a tax on the property. He stated they know and recognize that this portion of tax breaks maybe required based on proximity to the ocean front. The St. Regis HOA will not reject this portion of tax rates based on ocean front and non oceanfront locations and recognize that they may be required in the funding as work done by the BEST Team and by the Board of Aldermen.

Alderman Farley asked how many linear feet is the St. Regis. Mr. Pace said he did not know but he would look that up and get back with him on that. Alderman Tuman asked if Mr. Floyd McKissick is the president of the HOA at St. Regis. Mr. Pace stated that is correct. This is the same McKissick that is the State Senator in the North Carolina Legislature. Mr. Pace stated that is correct. Alderman Tuman stated that he would urge the HOA of St. Regis to influence Floyd McKissick in supporting Senate Bill 2025 and providing funds for beach nourishment for the Town of North Topsail Beach.

- B. Ulbrich, Suzann “Impact Statement issues likely to BN, Daily News-June 24, 2008.** Mr. Luxem stated that this is simply information that is within the Board package.

10. OLD BUSINESS:

A. Discussion & Possible Action: BN, including the Phased Plan, Timing & Funding

Mr. Luxem stated there are several items of information including a letter from Ken Willson Project Manager Coastal Geologist CP&E contractor for the DEIS, various attached documents. He stated these are issues at the forefront of the Town and of vital importance in the future and items of great study from the BEST Team. He stated a number of various documents are assembled in the Board package; decisions need to be made that will be coming back to the Board of Aldermen.

In one of their recent graphics they provided during a presentation includes issues to be resolved: Details of the phased approach including the Order but very importantly the number of phases. Then the important funding for financial plan, the outside sources of funding, State, US Army Corps of Engineers, potentially the Marine Corp if one of the actions taken is to do significantly dredging of the New River Inlet and the New River.

Alderman Swantek asked if this is what the Town has already established. Mr. Luxem stated they have. Alderman Swantek stated that in his opinion this should be taken care of by the BEST Team. Alderman Tuman stated that the Draft EIS is something that is submitted by CP&E through Micky Suggs who distributes it globally to all the State and Federal agencies that need to be aware of what the Town is trying to do. He would expect that all of these agencies will respond and it will fall back to CP&E for response. He would also expect the timely obtaining of these permits will require that CP&E responds to those questions in a timely fashion. He stated that the questions asked of CP&E would specifically address what is the phase approach, the order, the number of phases, the schedule, the funding, the financial plan, the monitoring and mitigation and to the extent that we as a Town drag our feet and providing that response will be a major factor as to

how quickly the Town obtains a permit. He stated there is a letter from Ken Willson asking for responses he needs ASAP in response to the Draft EIS. Mr. Luxem stated it is at the forefront and the BEST Team fully understands that but this is an opportunity for the Town to talk about it.

Alderman Tuman asked if we owe Ken Willson an answer to his questions. Mr. Luxem stated there are several elements to that. Mr. Doherty stated they have missed the window of opportunity for this November so now they are looking at next November but in reality they need that permit long before November if they are going to actually do anything should the Town decide to do anything. They believe they need the permit six months ahead of time prior to November.

Mr. Doherty said that gives them from now to April which is ten months and that is plenty of time for them to decide if they can do it or not. They wrote a letter to Mr. Willson saying they need this answer in ten months, they either get the permit or they don't. They have a series of questions and one is what specific information he needs and by when do you need it in order for them to proceed with their work. He stated what they are looking at is essentially a presentation and an e-mail exchange; he is not comfortable with that as an official position from CP&E of what they need. He would like to get it in writing so he can respond in writing. He stated they received the letter yesterday and they have asked for a response by the 15th of the month which is ten-twelve days from now. He stated he will know within ten- twelve days the specific answer to the question of what you need and when you need it.

Alderman Tuman stated that his expectation is that this plan will operate the same as the Land Use Plan. They send out the plan, they get a number of responses, they respond to the responses. Mr. Doherty stated if the Board of Aldermen decide to do something in November of next year April is the date as far as he is concerned and they will provide the information they need in a timely fashion. They should know what concerns CAMA is likely to have, if they can't solve that in ten months, they will never resolve it.

Alderman Swantek asked Mr. Doherty if they are basically on top of this. Mr. Doherty stated yes sir. Mr. Luxem stated that there is a letter included in the package and it was the draft commitment to a plan for BN for talking points. He stated the contractor CP&E wants to make sure they are all heading in the same direction.

Alderman Peters stated that he is puzzled, did the Board of Aldermen agree to the five phases. He stated if it is the consensus of the Board is to stick with the five phases the Board must go on record with a vote to that effect otherwise send it back to the BEST Team and let them come forward with their recommendation.

Alderman Farley stated who had the discussions that they were doing five phases. Alderman Tuman stated it was in the Budget message of the former Town Manager in June

of last year and it talked about the five phases and it was approved by the Board of Aldermen at that time and it was incorporated in the DEIS.

Alderman Farley stated that a Budget message is not committing this Town to five phases and a thirty five million dollar project. He stated that he doesn't think that anyone that approved that Budget intended that they were committing to a five phase plan with CP&E.

Mayor Martin stated to Mr. Doherty that he has his Charge and knows what he has to do.

B. DISCUSSION & POSSIBLE ACTION: Beach Vitex

Mr. Luxem stated there is an issue with beach vitex and it has been reviewed by the BEST Team and has come back to the Board of Aldermen. He stated that they need to take action on this, action is imperative sooner rather than later because they are trying to qualify for this years grant program. He stated there is a dead line to meet of early next week on that. He stated there was a resolution on it, now they are also incorporating it in the Town's Ordinance.

Mr. Luxem stated that the BEST Team recommended to the Board of Aldermen to adopt the Ordinance and approve the proposed amendment to Chapter 9. He stated it is two parts. 1) is the Ordinance, 2) Chapter 9 in the Zoning Ordinance. He stated it is in the form that it is ready to pass.

Alderman Farley stated that he read the BEST Team minutes and it doesn't say if they have voted on it, it just says they are going to talk about it. Mrs. Convy said they need a lot more information and this is the first time any of them have heard about the deadline of next week. She stated she has a problem with the Ordinance passing immediately, last year the method was done incorrectly and there were a lot of problems, they want to make sure the vitex was handled correctly this time. She stated they have no recommendations as this moment.

Alderman Farley made a motion to Table the Beach Vitex. Alderman Tuman seconded the motion.

DISCUSSION:

Ms. Cox wanted to address the comment that they haven't done it correctly, there has been a couple of brochures and symposiums put out by the Carolinas Beach Vitex Task Force and in the brochures they said research environmental sound methods for removing and they recommended hand pulling. She stated in the letter they received from US Fish & Wildlife Service- Mr. Dale Suitor, he stated that they will have to continue to monitor and eradicate sites for re-growth and seed germination for five consecutive years. She stated that it is a hardy invasive plant; it is not a quick fix, it is a trial and error on eradication methods. She stated that it is inaccurate to say that they didn't correctly do it because in the symposiums and workshops that is how they said to do it.

Alderman Farley stated that last year they had originally budgeted it to be eradicated with chemicals; he doesn't know how they hired someone to do it. Ms. Cox stated that was for property owners to spray it and there have been instances where the property owner sprayed and it killed the neighbors landscaping and then there is a big liability issue. Mrs. Convy stated that people are not supposed to be given the chemicals; you have to have a special license to spray this chemical.

Motion passed unanimously.

C. DISCUSSION & POSSIBLE ACTION: An Ordinance Regulating Street-side placement of Garbage containers for collection & establishing fine for violations thereof

Mr. Luxem stated for street side placement of garbage containers for collection, this is the first time to mandate the requirement to move the containers. He stated there has been discussion dating back to 2004 that did not become part of the Ordinance. He stated that the Board thought something was done last year but the minutes have been researched and what they found did not address this specifically, there was a fair amount of discussion but no action was taken.

Mr. Luxem stated that the Board of Aldermen needs to decide and move forward. Alderman Farley stated he is sure he looked hard in the minutes but there are at least four people sitting on the Board who voted on it and had an extensive discussion on it. Alderman Farley stated it is not a good idea if you put the fine in the Ordinance, because every time the fine is changed you would have to then have another Public Hearing on the Ordinance that is why they put it in the fee schedule.

Mr. Luxem stated that the Ordinance would read: subsequent violations of this section shall be punishable by a fine of \$50.00 per occurrence or as a schedule of Town fees may from time to time be adjusted.

Alderman Tuman suggested the Ordinance should read: Schedules of violation of this section shall be punishable by a fine as specified in the schedule of Town fees.

After much discussion the Board of Aldermen and Attorney Edes agreed on the wording of the new Ordinance on Garbage Containers for collection & establishing fines for violations.

Alderman Swantek made a motion to approve the Ordinance Regulating Street Side placement of garbage containers for collection and establishing fines for violations. Alderman Peters seconded the motion.

DISCUSSION:

Alderman Farley stated that he has a real issue with this because there are a lot of other violations that the Town needs to look at, things like dogs on the beach, walking on the dunes, etc. He stated that Town needs to look at these other issues and hold them in the same weight as this. Mr. Luxem stated that the Police Department does attempt to reinforce the walking on the dunes but it is hard to be there at all times.

Motion passed unanimously.

D. DISCUSSION & POSSIBLE ACTION: An Ordinance to reduce the speed limit on Hwy 210 (Island Dr.) from 55 mph to 45 mph within NTB from Surf City Town limit to the High Rise Bridge

Alderman Swantek made a motion to adopt the Ordinance and to approve the proposed amendments to Chapter 6 Article 4. Alderman Peters seconded the motion.

DISCUSSION: Alderman Farley stated that there is nothing in the Ordinance that changes that from being a passing zone. Mr. Luxem stated that this was in conjunction with DOT because it is a State Hwy. Alderman Farley asked if it was just to lower the speed limit from 55 mph to 45 mph. Mr. Luxem stated that is correct.

Motion passed unanimously.

11. NEW BUSINESS:

A. Swimming Pools

1. Public Hearing to consider Public comments on amendments to the Town Code & Zoning Ordinance regarding swimming pools.
2. **Discussion & Possible Action:** proposed text amendment of Zoning Ordinance regarding swimming pools.

Mr. Luxem stated that this issue is the one that they agreed to go into recess because there are a number of people who had asked for relief from this tonight because it was difficult for them to appear here. He stated as a result they have been told that this issue would be continued until August 7th. Mr. Luxem suggested recessing this until next month. Alderman Peters objected strenuously to that. He stated that the Planning Board has already delayed it a couple of months and this has been delayed far too long.

Attorney Edes stated there will be some due process implications if the Board of Aldermen goes forward tonight, if someone from the Town represented that it would be continued. His suggestion is to recess this. Alderman Farley asked who did this. Mr. Luxem stated the Planning, Zoning & CAMA Officer came to him today at 4:00 p.m. and said there is a problem, she explained to him that the Citizens felt they had a hardship coming here tonight on a holiday. Alderman Farley stated he understands being fair to the Citizens but that is not fair

to this Board with the work they have to do. Alderman Peters stated they started this last July and it has taken this long to get to here, it is just preposterous to continue to delay it.

Alderman Swantek made a motion to recess the Ordinance on Swimming Pools until August 7, 2008. Alderman Tuman seconded the motion.

DISCUSSION:

Alderman Farley asked if there are potentially people coming forward who would be impacted, might that be the reason to have this delayed.

Motion passed 4-1

B. Discussion & Possible Action: Town Park Playground Equipment Purchase

Mr. Luxem stated that the Town has a tremendous opportunity here; the playground equipment that is at the Town Park is five years old and is rusting. The rust is causing considerable damage and the Company stepped up to the plate and Ms. Cox who worked with them and they will replace the equipment entirely with no cost to the Town. He stated the value of the playground equipment is \$27,910.00, they will replace it but the Town has to take out the old damaged equipment. They asked if the Town would consider buying some small pieces of equipment to compliment it. He stated that the Town has budgeted for it and the amount of the additional equipment installed is at the cost of \$2,951.88.

Alderman Tuman made a motion to approve the purchase of the Playground Equipment from Playgrounds of the Carolinas in the amount of \$2,951.88 with the understanding that the Town will receive equipment of Nuclear Intensity which will also be installed at no additional charge. Alderman Peters seconded the motion.

DISCUSSION: Alderman Farley stated that John Bars called and mentioned the Burkes; he wanted to know who the Burkes were. Mr. Luxem stated it is Burke premier play environments play ground equipment.

Motion passed 3-2 with Aldermen Swantek, Peters and Tuman voting for and Alderman Farley and Mayor Pro Tem Hardison voting against.

C. Discussion & Possible Action: Manager Communications to Board of Aldermen Regarding County Tourism Fund Request for 2008-09

Mr. Luxem stated the request was for \$500,000.00 of the County for non profit grants. The pool of it was \$1.3 Million; it was for the purpose of paving approximately twenty five car lots at the North End at Beach Access #3 which is County. The County communicated with the Town that they would not fund it. He stated there was a question about the amount of proceeds that the Town actually received from the occupancy tax.

Alderman Peters asked Mr. Luxem if we know what the gross amount of the pool was originally. Mr. Luxem stated he did not know County wide but the last fiscal 2006-2007 in

an amount of \$609,653.00 was the amount of collections that came from North Topsail Beach. Thus far it includes ten months of the fiscal year just completed through April. The total collections from North Topsail Beach to the County were \$509,428.40. Alderman Peters stated basically the County has notified the Town and in April the Town was eligible to request up to \$500,000.00 of these tourism funds. He stated they submitted the request for two projects; one was finishing the bike lane on the southern end of the Island and the other portion was to make a parking lot at the north end of Town.

Alderman Peters stated two years 2005-06 based on \$529,000.00 the Town was asked to put in their request, traditionally the Town had been getting \$200,000.00 for uses of beach nourishment and had been deemed adequate as far as utilization regarding tourism funds. Now this year the Town has been declined on both of the request and has a return over \$509,000.00 for ten months and the Town gets nothing from it. His issue with this is the fact that the Town received a letter June 5, 2008 from the County indicating that the commissioners would hold a session on Wednesday June 18, 2008 where the request would be heard. He stated in this letter the County notified the Town that they tentatively proposed giving the Town nothing and his whole approach here is that the Town had this letter in hand for two weeks and had plenty of time to go to the meeting and build their case for substantiating their request.

He stated part of the request they made was on County owned property and would benefit the Town significantly on the north end of the Island. He stated the Town Managers discussion after the fact that it would do no good and he finds that unacceptable. He stated apparently the information that was presented with the request to fund the parking lot that the County owned was a structural problem. He stated it is indicated that the chances for funding under the program are enhanced through a well developed plan to match funding thus leveraging County dispersed funds. He can't imagine any better example of leveraging funds than on County owned property for the Town to go ahead and get a part to benefit everyone.

He stated this is not a good example of the Town being proactive in trying to go after these funds, in the future they certainly need to. He stated after the fact is they jeopardized their chances by not participating and funding the dredging on the New River Inlet and the fact that they are also getting a substantial amount of funds from the County through ad valorem.

Alderman Tuman stated that those funds have always been held and reserved and the County has used them for needs that come up during the course of the year and they are probably still there and he thinks they have another shot at them.

Alderman Farley stated they can solve two problems here, instead of trying to fix that, why don't we try to get the County to prohibit driving out on the beach, just make it a pedestrian portion of the beach just like every place else.

Alderman Tuman stated it is a desirable place for people to go and they do go there, it's one of the few places you can drive out and park your car and go surf fishing. What we have at the north end of Town is the same thing that Topsail Beach has at the south end; there are designated areas you can drive on the beach.

Mr. Luxem stated what he means by structural issue, he talked with the County Finance Director and other Officials from the County and the structural problem was under that grant for non profits for the County that was up to \$1.3 million available they were not going to commit the grant for County land, it was for other than County property, that's the structural problem. He stated that he did talk with them about how the Town can take care of the north end parking situation and they said that the Town had to go through the Parks Department but it will take a lot of work.

Mr. Luxem read some comments from the Tourism Request. After hearing what Mr. Luxem said Mayor Pro Tem Hardison stated that it sounded like it was Mr. Luxem's decision not to attend the meeting had already been decided because of something he felt that the Town should have done? Mr. Luxem stated not at all. Alderman Peters stated that there was no action taken other than the Mayor calling Mr. Midget and talking to him and this Town did nothing other than accept that as a no.

Alderman Farley stated that there is not a lot of science to this, the Town asked for too much. He stated that the Town asked for a half a million dollars out of 1.3 Million and with all the different projects in Onslow County there was not enough money. Alderman Peters stated that the Board of Alderman didn't know that in the beginning.

D. Manager Communication

Alderman Peters stated during one of the Board of Aldermen meetings concerning communications back and forth between the Manager and the Board of Aldermen it was discussed that they need additional communications of items that come up and notify the Board of Aldermen. He stated that the Manager provide the Board of Aldermen a weekly status report on activities that concern the Town and that are relevant to the Board of Aldermen. Mr. Luxem stated that he would be glad to do so.

E. Capital Reserve Funds

Mr. Luxem stated that Board of Aldermen asked to consider abolishing the Capital Reserve Fund. He stated that he and the Finance Director spent the whole day Thursday in Raleigh talking with the local Government Commission and found out that wasn't an option. He stated once money is put into the Capital Reserve Fund it can only be spent out of that by State Law for Capital Projects. He stated that the Town can't move that money.

Alderman Farley stated that he would like to see that in writing. The money that the Town put in there wasn't given to the Town for Capital Projects. If there is no restriction placed on the money if the Town didn't raise it for Capital improvements, he doesn't see why it can't be taken out.

Attorney Edes stated once the money is put in Capital Funds it has to be spent on Capital Projects.

Mr. Luxem stated that the ad valorem is going into that fund and the Town needs to stop putting that in the Capital Funds. He read a resolution to stop that flow going into the Capital Reserve Fund as follows: **Resolution for the Town of North Topsail Beach to re-designate the flow of funds to within and out of the municipal building Capital Reserve Fund and input of funds to the General Undesignated fund.**

Alderman Farley made a motion to approve the resolution 08-09-001 as written by the Town Manager designating that the sales tax be put into the General Fund.

Alderman Swantek seconded the motion, motion passed 4-1 with Alderman Tuman voting against.

F. Discussion: Clarification of Members being excused from voting vs. from meetings

Attorney Edes stated there are three categories 1) when a Board Member does not come to the meeting at all, which is considered an absence. He stated there is nothing to excuse and the vote does not count as long as there is a quorum they can go forward with the meeting. 2) Is when a Board Member attends a meeting but has to leave early, if the Board does not vote by majority to excuse that Member from the meeting that he or she partially attended the seat counts and the failure to vote counts as a yes vote. 3) When a Member shows up at a meeting and request to be excused and the Board votes to excuse that member, at that point the seat no longer counts and the failure to vote no longer counts as a yea vote.

He stated there is a forth scenario in the area of a valid protest petition, it doesn't matter if the Board member is here or not, if they are not here their seat is used to compute the super majority requirement. He stated if they are not here and there is a valid protest petition, since their seat counts and they don't vote it is a nay vote basically.

Alderman Tuman stated there was an issue about the decision that was made back in 1993. He stated it was a protest petition and the owner claims that the vote passed 2-1, two members were absent. Attorney Edes stated that the Statute is clear.

Mr. Luxem stated that is quite a bit of information and requested Attorney Edes to put it in writing for the Board. Attorney Edes stated he would do that.

G. Discussion & Possible Action: Voting status of BEST Member, Joseph Dorffeld

Mr. Luxem stated that he is a voter in North Topsail Beach and has lived here for three years. Alderman Swantek stated that he has not lived her for three years. Mr. Luxem stated that is what is on his application. Alderman Swantek stated that he was made a non voting member, BEST Team was notified at their last meeting, there were so many voters and so many non voters and he is still designated as a non voter.

Mr. Luxem stated that Joseph Dorffeld has registered as a voter in North Topsail Beach.

Alderman Tuman made a motion change Mr. Dorffeld voting status as a Member of BEST Team from non-voting to voting based on his assertion that he meets the residency requirements to become a voting member. Alderman Peters seconded the motion.

DISCUSSION: Mayor Pro Tem Hardison asked how that would be verified. Mr. Luxem stated that staff to look into that.

Motion: Aldermen Tuman and Peters voted for. Aldermen Farley, Swantek and Mayor Pro Tem Hardison voted against, Mr. Dorffeld will stay a non-voting member.

12. OPEN FORUM:

Tom Leonard 218 Coastal Drive came forward to speak. He stated that he agrees with Alderman Farley about the rolling back of the trash cans. He stated there are many more serious things going on in this Town, than worrying about whether or not someone has pulled back their trash can. He stated the most significant thing to him is people walking on the dunes. He has actually seen people posing for pictures right next to the stay off the dune sign.

Mr. Leonard stated that he has been coming to these meetings for a long time and the discussion tonight on the beach and beach nourishment project, phases and where the Town is going, the Board of Aldermen should be commended.

Mike Yawn 207 Tamarix came forward to speak, he stated that Ms. Hill has scheduled for State DOT to come to the Planning Board meeting he thinks in August, and they will give the Planning Board their presentation of their thirty year transportation plan and wants some input back from the Town. He stated that the Planning Board will certainly give them some input but if there is anything official they need they would certainly expect to make a recommendation to the Board of Aldermen. He invited the Board of Aldermen to come to that meeting if they want to.

Mr. Yawn asked Mr. Edes when the Board of Aldermen meet and schedule a Public Hearing for next month for something the Planning Board just worked on. He stated there is a gap that happened tonight where the Board of Aldermen met and scheduled a Public Hearing for next month for something the Planning Board just worked on. He asked if it is possible to have Town Staff schedule an advertising and have that Public Hearing rather than the Board of Aldermen officially call for it themselves. Attorney Edes stated no they can't.

Mr. Yawn stated on trash cans, he thinks it is great that the Aldermen have done this but what is important to him is trash cans in the bike lanes and he hopes that at some point in time they will revisit that issue.

Mr. Yawn stated that the Board of Aldermen called for a Public Hearing last month on an issue where someone was building something on the flood level and there was going to be an appeal hearing tonight and the Aldermen did call for a Public Hearing last month and he wonders if they need to recess that Public Hearing since they did call for it even though it wasn't on the Agenda.

Mr. Yawn stated there was a lot of discussion on minutes on the trash can Ordinance that the Aldermen did pass in the middle of 2006, one of the things he has been discussing with the Town Clerk, is that the Town webmaster takes the minutes out, they have a full years worth and then they have 2008. He stated they have 2007 and part of 2008 but it is certainly possible to keep the Town minutes from 2006, 2005 and 2004 that way anyone can go and search exactly where something is. His request to the Board of Aldermen is to keep more history of the Town minutes on the web site.

Mr. Yawn wanted to let Mr. Pace know that he has done a great job and he agrees with the statement that says each phase should pay for its own phase.

John Schofner 2174 Topsail Reef unit 285 came forward to speak. He stated that he is not as fortunate to live in this paradise year around. He stated that they came down last Christmas, now they come down every month. He stated water washed through the streets, debris washed through the streets, it was the saddest thing he has ever seen in his life. He saw people digging trying to put their sewer pipes in. He stated who ever put the sand on the beach he commends them, that is a blessing and to hear about the five phases that is phenomenal.

13. ATTORNEY'S REPORT: Attorney Edes had no report.

14. MAYOR'S REPORT: Mayor wished everyone a Happy 4th of July. Mayor Pro Tem Hardison stated that he mentioned earlier that he has received several e-mails regarding the lack of communication coming out of Town Hall. He stated people have requested information and for some they never were responded to and for others the response was quite hostel and he thinks it is something to look into and people should not have to go through some of the things that were mentioned in order to get information to help the Town. Mr. Luxem asked if he could provide him with specifics. Mayor Pro Tem Hardison stated yes he can.

Mayor Pro Tem Hardison stated that he heard about the BEST Team's website, has that been done. Mayor Martin stated yes it has been done. Mayor Pro Tem Hardison stated there was a letter to CP&E that he got in an e-mail and unfortunately he was not able to pull the letter itself up but the contents of the letter was to commit the Town to continue the project with the agreement that certain funds would be available. He stated there are some questions there that need to be responded to. Mr. Luxem stated there are two letters involved and they are in the Board package.

Mayor Pro Tem Hardison asked about the Kelly Software that Building Inspections use? Mr. Luxem stated that the Town is continuing to work on that, it has been difficult getting responses from them. He stated that we are moving forward on it, there is no problem with the accounting at all but the data is not right with the Kelly software.

Mayor Pro Tem Hardison wanted to thank the BEST Team for the marvelous job they are doing. He stated that the group they have is a very diverse group and have done an exceptional job coming to the middle where they are at a point where they can discuss very diverse things without hostility. He stated they are doing a fine job.

15. ALDERMEN'S REPORT:

Alderman Peters stated that he hoped everyone has a great weekend. Alderman Tuman stated he hopes everyone has a great weekend also; there is no better place to be than North Topsail Beach on a holiday weekend. He thanked everyone for coming to the meeting.

Alderman Swantek thanked everyone for coming out also. He stated for those who haven't seen the Topsail Voice today \$386,000.00 was awarded to Surf City and North Topsail Beach for the federal project.

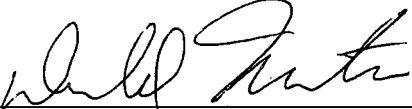
Alderman Farley stated that he hopes the citizens will keep in their thoughts and prayers the family of the Deputy and Fireman that were killed on HWY 17. He stated Happy 232nd Birthday to us all.

16. ADJOURNMENT:

Alderman Tuman made a motion to adjourn. Alderman Swantek seconded the motion, motion passed unanimously.

The Board of Aldermen's meeting adjourned at 10:20 p.m.

Minutes prepared by Terrie Woodle- Deputy Town Clerk



Donald Martin- Mayor

Date JULY 3, 2008

Town of North Topsail Beach

Donald Martin, Mayor
Larry Hardison, Mayor Pro Tem
Aldermen:
Richard Farley
Richard Peters
Robert Swantek
Daniel Tuman



Deborah J. Hill, MPA
Interim Town Manager

Terrie Woodle
Deputy Town Clerk

Board of Aldermen
Regular Meeting
August 7, 2008
7:00 P.M.

PRESENT: DONALD MARTIN- MAYOR, LARRY HARDISON MAYOR PRO TEM, DANIEL TUMAN, RICHARD PETERS, ROBERT SWANTEK, BRIAN EDES- ATTORNEY, DEBORAH HILL- INTERIM TOWN MANAGER, TERRIE WOODLE- DEPUTY TOWN CLERK

NOT PRESENT: RICHARD FARLEY

- 1. Call to Order: Mayor Martin called the meeting to order at 7:00 p.m. in the North Topsail Beach meeting room.**
- 2. Invocation: Suzann Grey gave the invocation.**
- 3. Pledge of Allegiance: Alderman Swantek led those present in the Pledge of Allegiance.**
- 4. Ceremonies: Chief Best presented Gary Rowland with a Certificate of Service for Volunteering at the North Topsail Beach Volunteer Fire Department.**
- 5. Approval of Agenda: Alderman Peters made a motion to approve the agenda as presented. Alderman Swantek seconded the motion. Motion passed unanimously.**
- 6. Committee Reports: Tom Leonard came forward to read the BEST Report.**

A. Beach Erosion Study Team

CP&E has requested that NTB provide confirmation of the Town's commitment to CP&E's 5-phase Beach Nourishment plan along with an indication of how the Town might fund the plan. BEST has provided the Board of Aldermen with a recommended response to CP&E's request (attachment 1). BEST requests the Board's approval of this response as indicated in the Consent Agenda Item IX. E. A key aspect of NTB's response is the assumption that NTB would have flexibility in how the 5-phased plan would be implemented. BEST encourages the Aldermen to approve the letter and mail it to CP&E promptly to ensure there are no further delays in the completion of the CP&E contract.

CP&E has responded to the 10 questions asked of the firm by letter on June 30 (attachment 2). The BEST team met on July 23 to discuss CP&E's response. BEST is concerned that CP&E's plan to greatly enlarge the channel in the New River Inlet may not be approved by the commenting agencies. The current channel is 50 feet wide by 6 feet deep. The proposed channel is 500 feet wide by 14 feet deep. Most of the channel extends well out into the Atlantic Ocean. CP&E contends that the increased channel size is necessary to ensure stability of the realigned entrance to the New River Inlet. Commenting agencies are concerned that the size of the channel has been dictated by the need for sand to be mined to nourish and re-nourish NTB's beaches. Periodic clearing of a channel for maintenance purposes appears to be acceptable to environmental agencies; using a channel for sand mining is not acceptable. BEST will be meeting with CP&E shortly to discuss this and other issues.

The BEST Committee plans to submit a "Plan of Action" report to the Board of Aldermen in October 2008 with recommendations that address the Town's beach erosion problem. The ability of BEST to provide the report by October is contingent on (1) securing financial data from NTB concerning the appraised value of NTB oceanfront and non-oceanfront property in the 5 phases recommended by CP&E; and (2) securing updated information from CP&E about the details of the firm's revisions to the 5-phase plan, including updated cost figures.

BEST recommends approval of a public hearing concerning two vitex ordinances.

At the July 9, 2008 BEST monthly meeting the following matters were discussed, among others:

- Gathering the information needed to provide NTB with a proposed ordinance banning the use of the invasive plant "Vitex" on NTB's dune structure. Coordinating the effort to implement chemical eradication of vitex.
- The BEST Committee has implemented a web site for dissemination of information about BEST activities, and to provide a mechanism for citizens to let BEST know their opinions, ideas, suggestions, etc., about NTB's beach erosion challenge. The web site is at (<http://ntbbest.com/>).
- The BEST Committee has reviewed 10 potential options for addressing beach erosion. An additional 3 options have subsequently been added. It is expected that at BEST's August meeting the Committee will select the preferred option to recommend in the report to the Board of Aldermen in October 2008.

Officials of NTB, including BEST Chairman Doherty and Vice Chair Convy, addressed members of the Ocean City community of North Topsail Beach at

their picnic meeting on July 19. Great interest was expressed by the community in NTB's focus on beach erosion.

Mrs. Convy recommended that the Board of Alderman approve the hearing for the two Vitex Ordinances. Mrs. Convy wanted to enter the two Vitex Ordinances into the record tonight as BEST is approving them. Alderman Peters stated that BEST Team is asking for the Board of Aldermen's approval tonight of the letter going to CP&E approving the 5 phase plan and yet they are bringing up the fact that BEST Committee's review the ten potential options for beach erosion.

Mrs. Convy stated CP&E has considered as suggested by the old Beach Nourishment Committee doing one large plan, instead of phases. She stated they have been progressing with their permits and all of their information according to the 5 phase plan. She stated they are not committed at all to doing those 5 phases but they need to know if the Town wants them to continue in the 5 phases or if the Town wants them to start over again with 3 phases or more. She stated they recommend keeping it the way they have been working it on the 5 phases, however that is not necessarily what BEST or the Board of Aldermen need to do or recommend. She stated they can have the permits and they can do one phase or two phases or more, they will have flexibility. She stated that CP&E wants to know if the Town wants to change it again.

Alderman Peters stated that he did not gather from Mickey Suggs comments during the meeting when the CORP was here with CP&E that they had that degree of flexibility. He stated that he sees the quote from Tom Jarrett and there is some inconsistency of where the CORP indicated as to a degree of flexibility as contrasted to the BEST Committee may very well be anticipating that they have.

Mrs. Convy stated that she agrees with the CORP that there is less flexibility but they do have the flexibility to do phases one at a time.

Tom Leonard stated this is about getting them to get working on the permits because if they don't they will miss the window of opportunity again and it will be put off yet another year.

Mayor Pro Tem Hardison asked if the permits are tied into the 5 phases and the 5 phases give the Town more options in terms of what the Town wants to do now or what the Town wants to do later on.

Tom Leonard stated that they have thirteen different options, from do nothing to do everything.

Alderman Tuman asked what is Mr. Willson's concern, there was a hearing in January on the DEIS and proceeded with the plan of record. He asked why this question is being asked again.

Mrs. Convy stated that he needs to ask Mr. Willson that, she asked the same thing. She said they have two letters in writing if he wants.

Alderman Tuman stated that the response is that they are not proposing any changes than what they agreed on for the plan that they developed on the Town's behalf for which the Public Hearing for the DEIS was prepared in January.

Attachments:

1. Response recommended by the BEST Committee to CP&E's request.
2. CP&E's letter dated July 16 2008 concerning CP&E's June 2008 changes to the November 2007 EIS plan. Included in CP&E's response was a request (#7 on attachment #1) for information from NTB relative to funding and the phased implementation of CP&E's implementation recommendations.

B. Planning Board: Mike Yawn came forward and read the Planning Board report.

The Planning Board held their regular meeting 7/10. There were no significant actions taken. They did discuss the updated zoning ordinance. He stated every year they are required to publish and print a new Zoning Map and they are in the process of doing that. The new Zoning Map will have all the new subdivisions and any rezoning that have happened over the last year.

He stated that there are a few things that are less clear and wanted to get some feed back from the Board of Aldermen. He stated there are some properties that are zoned Conditional Use R-10 but that is not a valid zoning designation in the Town's Zoning Ordinance. The Town can take the Conditional Use R-10 and make it R-10 however the Town has gotten in some trouble with administrative action in the past so it is his conjecture that anything that looks "iffy" the Town ought to try and go through as much as a full process as possible and have a Public Hearing and rezone it as R-10.

Attorney Edes stated that he agrees that the Town should have the Public Hearings.

The Planning Board did have two items of interest on their 8/14 agenda. They had a public hearing scheduled for the update for the Hazard Mitigation Plan. The Planning Board is scheduled to have DOT present the Topsail Area Comprehensive Transportation Plan. He invited the Board of Aldermen to the next Planning Board meeting.

They also had a workshop on 7/22 to continue their work on the updated zoning ordinance.

C. Zoning Board of Adjustment

No meeting held July 18, 2008.

7. Manager's Report

Zoning Ordinance: Ms. Hill thanked the Board of Aldermen to have the confidence to appoint her as Interim Town Manager as the Town goes through some adjustments. She stated that she would like to recognize the efforts of Staff; she stated there are about four people doing eight people's jobs. She stated that the Town is a little behind on some of the work and Terrie Woodle has been working non stop to try and catch the Town up on some matters that need to be taken care of.

She stated that the Planning Board met on July 22. Updates to Article 8 submitted to Ginger Booker.

Comprehensive Transportation Plan

The Topsail Area Comprehensive Transportation Plan Steering Committee met Tuesday, July 22, 2008 at the Surf City Town Hall. At this meeting they continued to discuss recommendations for the plan including NC 50/210 on the island and US 17 off the island as major issues. Tyler D. Bray will not be present to be able to do his presentation this evening. He will be coming to the Planning Board meeting.

BEST Project Manager

Ms. Hill stated that the BEST Team met on July 23. She had a phone conference with CP&E on July 30. She has requested additional information (i.e., contract docs, project budget and project schedule). She stated that the BEST Team's meeting with CP&E on August 12 has been canceled.

She stated that Linda Upperman Smith has submitted an application to be on the BEST committee. She would replace Sue Rider who resigned recently due to moving to Hampstead. If the Aldermen consider her application favorably, she would be a non-voting alternate, as she owns property in NTB but lives in Wilmington.

Hazard Mitigation Plan

Ms. Hill stated that the Town's Hazard Mitigation Plan is documented as an annex to the FEMA approved Onslow County Multi-Jurisdictional Hazard Mitigation Plan, adopted in 2004. The Annex was reviewed and updated by Inspections, Planning, Public Works, Fire and Police Departments. Consolidated updates were submitted to Onslow County on July 24. A Public Hearing has been advertised and will be held at the next Planning Board meeting, August 14, 2008.

Ordinance Amendment to Reduce Speed Limit on Island Drive

Ms. Hill stated that the Board approved the ordinance amendment to reduce the speed limit on Island Dr. from 55 mph to 45 mph on July 3, 2008. As soon as the Board minutes are complete and approved, they will be able to complete the form by indicating the Minute Book and Page number reference and submit required forms to Bob Hammond/NCDOT Division 3 Traffic Services.

She stated that the Waste Service Contract will be coming up for renewal. Ms. Hill stated that they will start installing the Play ground equipment that was approved at the last Board of Aldermen meeting August 7, 2008. The old play ground equipment will be taken out Monday August 25, 2008.

Ms. Hill introduced Joan Gerdsn, she is a Nationally Certified Municipal Clerk. She stated that she had contacted the Mayor and indicated her willingness to assist the Town while the Town gets through the circumstances that the Town is dealing with.

Ms. Hill stated that she has advertised for the Planner 1 position.

Ms. Hill stated that she would like to tie in the Comprehensive Transportation Plan and the meeting she attended at Camp Lejeune for the Military Growth Task Force on July 14, 2008. She stated that the base is expecting an additional 11,477 marines coming in the next two years which will make an impact on the growth on this area. She stated at the same time the Federal and State Government awarding a \$1.5 Million dollar planning grant for the impact of the military growth. She stated with NC DOT is looking at the comprehensive Transportation Plan on improving the road infrastructure.

Alderman Peters asked where the military comes into play in regards of widening Hwy 210 out through four corners in Sneads Ferry. Ms. Hill stated that one of the significant proposals is that Hwy 17 is going to be a freeway from South Carolina to Virginia. She stated one item that has been discussed is three lanes from the high rise bridge down to Surf City.

Alderman Peters asked about four lanes from North Topsail Beach to Hwy 17 and he is advocating additional bike paths covering the rest of the Island. Ms. Hill stated that they can't proceed with the Comprehensive Transportation Plan until the Board of Aldermen of each of the localities in the Topsail area approve the plan, that is why it is important for them to go before the Planning Board and Board of Aldermen so everyone has the understanding and significances of these impacts.

8. **Open Forum:** Tom Leonard 218 Coastal Drive came forward to speak. He wanted to publically commend Ms. Hill for the job she is doing right now holding down the Town. He stated that the Town has got the most capable qualified experienced person in that seat that the Town has had in that seat for a long

time. He encourages the Board to consider permanently appointing her to that position.

Jerry Convy 20 Porpoise Place Came forward. He asked on the Budget vs. Actual when the final will be ready for 2007-2008. Alderman Peters stated that he asked that question last year and he was told not until the accountant certifies the audit. Ms. Hill stated that she would check with the Finance Officer and let Mr. Convy know.

Mr. Convy asked on the vacant lot collection fees has the Town determined why the budget amount is so much less than the collection amount for this year. Ms. Hill stated that she would look into that also.

Lenny Denittis 126 N. Permuda Wynd came forward. He stated that he is a little confused on CP&E, Tom Jarrett, the Town, BEST and the Army Corp of Engineers. He asked who is responsible, who answers to who. Who does Tom Jarrett take direction from? He asked who the person responsible for Beach re-nourishment is and how many millions of dollars has already been spent with CP&E.

Tom Dail 1605 New River Inlet Road came forward to speak. He asked if the Town has done anything on the bike path, is there a committee on it. Mayor Martin stated that is a good question and the Board will look into that. Alderman Peters stated that the Town has to be aware of what grant availability the Town has.

Gary Rowland 127 S. Permuda Wynd came forward to speak. He stated while he is loathed to make recommendations to the Board of Aldermen he does recommend when investigating the possibility of a Town Manager that they do a through job and then support the individual that they select. He further recommended that there be no more illegal meetings of three Alderman who went to the Police Department and further to attempt to interfere in an ongoing investigation of a North Topsail Beach employee.

Mr. Rowland further recommends that personal relationships with Town employees not be brought into the Town meetings either personal relationships or favors for relatives in Washington DC. Those personal agenda's should be left at their homes and not brought into the Town Hall. He further recommends that the Board of Aldermen stop interfering with Town Managers job and making personal missions of getting specific Town employees fired i.e. Shelia Cox.

Mr. Rowland recommends that the Board of Aldermen start focusing on what is best for the Town and treat all of its employees as important assets and reconsider the reinstatement of the 3% merit increase. He suggested the Board of Aldermen stop micro managing.

- 9. Consent Agenda** (Any item may be removed for separate discussion or scheduled at the next regular business meeting.)

Alderman Peters suggested pulling out the Budget Amendment for discussion.

Alderman Peters stated that it needs to be explained to the Board as well as to the Citizens and if it is premature then it shouldn't even be in the Board package. Attorney Edes agreed with Alderman Peters and recommended tabling this until the next Board meeting.

Alderman Tuman suggested if this comes back as a proposal he is not sure it is a legal proposal because he doesn't think the Town can use the Capital Reserve Fund for that purpose. Attorney Edes stated that he agreed, it can't come out of the Capital Reserve Fund.

Alderman Peters stated in the future he would like a little more detail on the permits approved by the permitting dept.

- a. Approval of Minutes
 - i. April 3, 2008
 - ii. May 1, 2008
- b. Call for a Public Hearing: to consider public comments on amendments to the Hazard Mitigation Plan:
- c. Call for a Public Hearing: to consider public comments on amendments to Town Code Chapter 9 and an Ordinance to declare Beach Vitex an invasive species, public nuisance and unlawful to plant.
- d. Nominations to Various Boards and Committees
- e. Response to CP&E
- f. Department Head Reports
 - i. Police Department
 - ii. Fire Department
 - iii. Inspections Department
 - iv. Planning Department
 - v. Finance Department

Alderman Peters made a motion to approve the Consent Agenda as amended. Alderman Swantek seconded the motion, motion passed unanimously.

10. Information items: No information items

11. Old Business: no old business.

12. New Business: Alderman Peters made a motion to open the Public Hearing on Swimming Pools. Alderman Swantek seconded the motion, motion passed unanimously.

- a. **Public Hearing** - To consider public comments on amendments to the Town Code and Zoning Ordinance regarding swimming pools.

Alderman Tuman made a motion to open the Public Hearing on Town Code and Zoning Ordinance regarding swimming pools. Alderman Swantek seconded the motion, motion passed unanimously.

Ms. Hill stated during a recent joint workshop, the Board of Aldermen indicated a need to take immediate action on pools, rather than waiting until the draft planning and zoning ordinances are adopted. Significant proposed changes included:

1. Change the Table of Permitted and Conditional Uses: Single Family Pools from Permitted use to Conditional uses. In Section 128, Table 1, the entries:

	ZONING DISTRICTS									
	<u>CON-D</u>	<u>B-2</u>	<u>B-1</u>	<u>MHR</u>	<u>R-5</u>	<u>R-8</u>	<u>R-10</u>	<u>R-15</u>	<u>R-20</u>	<u>R-A</u>
Swimming pools, (private)		P	P	P	P	P	P	P	P	P

Change to:

	ZONING DISTRICTS									
	<u>CON-D</u>	<u>B-2</u>	<u>B-1</u>	<u>MHR</u>	<u>R-5</u>	<u>R-8</u>	<u>R-10</u>	<u>R-15</u>	<u>R-20</u>	<u>R-A</u>
Swimming pools, (private)		C	C	C	C	C	C	C	C	C

Meaning that private pools also are required to get conditional use permits from the Board of Aldermen. Also in that section we might change that label from:

Swimming pools, (private/commercial) to just Swimming pools, (private).

2. Change so that pools not be allowed within the setback both Ocean and Estuarine side. In section 7-132B Swimming Pools, to consider adding new paragraph: 4. *Swimming pools are not allowed within in the oceanfront or estuarine setbacks.* (Note: CAMA regulations allow pools within the oceanfront setback, but disallow pools within the estuarine setback).

3. Discuss whether the vessel of the pool itself should be treated as pervious or impervious. In section 7-132B Swimming Pools, to consider adding new paragraph: 5. *The surface area of the actual vessel of the pool*

be considered as impervious surface. (Note: CAMA policy is that the vessel of the pool is calculated as pervious).

After conducting a Public Hearing on April 10, 2008, the Planning Board took the following action:

Mr. Rowland made a motion to recommend to the Board of Aldermen to change the Table of Permitted Use and require all pools to be Conditional Use. Mr. Yawn seconded the motion, motion failed 4-1 with Mr. Rowland voting for and Mr. Yawn, Mrs. Tuman, Mrs. Doherty and Mr. Dorazio voting against.

Mrs. Doherty made a motion to recommend to the Board of Aldermen that swimming pools are not allowed within the ocean front setbacks. Mr. Rowland seconded the motion. Mr. Yawn, Mrs. Doherty and Mr. Rowland voted for, Mr. Dorazio and Mrs. Tuman voted against. Motion passed 3-2.

Mr. Dorazio made a motion to recommend to the Board of Aldermen to count pools as pervious as it is now across the United States. Mrs. Tuman seconded the motion. Mr. Yawn, Mr. Dorazio, Mrs. Tuman and Mrs. Doherty voted for, Mr. Rowland (against) voted against. The motion passed 4-1.

Mr. Yawn came forward to speak. He urged and recommends the Board of Aldermen adhere to the Planning Boards recommendations. The first recommendation which is potentially to require all pools, including pools at single family homes require conditional use permits. That is an awful lot of additional overhead for someone wanting a pool for a single family home. He stated there is a lot of delay time wise, it take several months by the time all of the Public Hearings occur because it goes to the Planning Board and the Board of Aldermen. He stated bluntly single family home pools are well engineered, engineering specs are there. He recommends that the Town does not require the additional overhead and additional time for the Board of Aldermen to do that.

He stated the second one has to do with disallowing pools in the oceanfront setback. He is urging the Board of Aldermen to disallow that, which is the one change in the Town's Ordinance he would urge them to do. He stated that Mr. Rowland convinced him of this because he was very concerned about the safety of pools during hurricane events and the fact they can start flying around.

He stated the third one is the notion of pools as pervious; right now the Town treats pools as pervious surface. He stated that a pool is neither pervious nor impervious. He stated that a pool that is filling up with water and not spilling any water over is actually better than being pervious because it is holding water then evaporates out and never gets in the ground at all. He stated the only time pool water gets out and into the

ground is if there is a huge rain and there is overflow or emptying the pool to do maintenance, back washing the sand filter.

He is urging the Board of Aldermen not to make a change to the Town's designation of counting pools as pervious. He stated in the future the Planning Board may need to look at some other things such as maybe sand filters should not be allowed, maybe they should require people when they discharge water out of the pool to do something with it besides spilling it on the ground. He stated maybe they should have requirements on pool covers.

Alderman Tuman asked Mr. Yawn what is the recommendation from the Planning Board as to what should be done with the pools in the resorts that are in the ocean setback. Mr. Yawn stated that the Planning Board did not discuss existing pools at all. Alderman Tuman suggested that the Planning Board have this discussion.

Mr. Dorazio came forward to speak. He is pleading with the Board to vote to keep pools in the ocean front setback. He stated that he feels very strong where North Topsail Beach is right now with the tax structure, property values; people have purchased ocean front lots over the last two to three years paid anywhere from a \$500,000.00 to 1.2 Million dollars for their property. He stated that they bought their property with the understanding that they can build a home and have a pool if they wanted one. Now to go back and change the Ordinance and tell these people they can no longer put a pool in their back yard. He stated that he believes that the Town will be bombarded with lawsuits. This could be a major factor if they build a rental home if they will be able to rent the house or not.

He stated another factor is the non conforming factor, if there is a hurricane and the majority of pools are damaged these people will not be able to put these pools back. He stated it has never been documented that they will become flying objects in a hurricane. He stated they will fill up with sand or crack.

He stated what it cost today to live in North Topsail Beach is extremely expensive. He has built homes for people as full time residents, they have been put in the position to rent their homes to help get the income and they have actually had to put a pool in to help them rent it.

Wendy Purser came forward to speak. She stated that she and her husband own Hampstead Pool, Spa & Patio Inc. She is also a representative of President of North Carolina Association of Pool and Spa Professionals as well as the Region Ten Advisory Committee Chairman. She stated at a past Planning Board meeting a member of the Planning Board had stated that she wanted to stop pools being built in the CAMA 60 ft. setback to protect the fragile environment:

2020

Mrs. Purser stated there has never been produced anyway what so ever documentation of on going damage done to the environment from a swimming pool instillation, this is not to say during construction some dune has been hit. She stated construction process is never perfect, a drive way may crack but they are required by law to repair what has been damaged. She stated this is why experts at CAMA have made rules for the coastal development; these rules are administered by the CAMA Zoning Official, who by the way does an excellent job at interpreting and enforcing the rules.

She said the Town's own BEST Team investigated with Dr. Stanley Riggs went up and down the beach studying the erosion and damage to the environment. She stated if swimming pools in the 60 ft. setback is such a major concern of damage then why was that not mentioned anywhere in their reports. None of the past two meetings of the BEST Team mentions anything about swimming pools.

She stated when a pool is installed the development has already taken place in the form of a structure usually a home or a duplex already there. A swimming pool is an accessory to the structure and that is why she feels it should not be a conditional use permit.

She stated that the owner has to sign an AEC hazard notice in which the owner of the property is told that they must acknowledge that they have been made aware of special risks and conditions associated with building on the coast which is subject to storms and erosions. These rules are designed to minimize but not eliminate property loss.

She stated that she will assume that all of the Board of Aldermen have read the AEC hazard notice as well as a CAMA application to be familiar with the rules with which she has to abide, if not the Board of Aldermen should not vote to ban pools as their vote will be based on hearsay and opinion and not facts.

The Town of North Topsail Beach already limits pools to those that present less of a threat to structures during a storm; no other agency requires this so this is already an added protection that North Topsail Beach already takes. All pools and decks are engineered; it's called a Velocity Certificate as per the recommendations by the National Flood Damage Prevention Ordinance. Section three swimming pool certification statements are filled by a registered engineer. In summery of the requirement it states: I certify that I have developed or reviewed the structural design, plans and specifications for construction and the design in methods of construction of the swimming pool and installation are in accordance with acceptance standards of practice for meeting the following provisions: a) The "free of obstructions" requirements are defined

in 44CFR Section 60.3 b) The pool and associated pool decks, walkways, and buildings are structurally independent of the dwelling and its foundation. C) The pool is constructed of frangible material as recommended by FEMA. D) The pool is placed and installed to resist flotation and lateral movement due to the effects of the wind and water loads acting simultaneously. Water loading values used are those associated with the base flood including wave action. Wind loading values used are those required by the applicable State or Local building code. The potential for scour and erosion at the foundation has been anticipated for conditions associated with base flood.

She stated that swimming pools consume less than 3% of water usage, serve as water reservoirs in times of hurricanes can be used for firefighting, and attract the revenue of vacationers to our area. She stated that she will not go into depth on what the revenue from vacationers, taxes from property owners bring to this area because I feel we have all been made aware of this the past few months.

All beach rentals on the east coast demand the installations of swimming pools to be competitive for these valuable dollars to our area. Our builders, restaurants, local work force, this building and employees depend on the income of building homes and pools alike. If pools are halted from being installed as they will be if they are made to have a conditional use permits and the other demands you are contemplating; the rental and building income will diminish greatly and go to neighboring counties and towns. Our schools, towns and people will suffer a hardship. The neighboring areas rely on this town for income and this town relies on the workforce and business' close by. It is a symbiotic relationship.

She would suggest that if this is due to negligent building that you require a swimming pool contractor's license or a Certified Building Professional certification for those installing pools on the oceanfront and estuarine areas. This would help to assure proper procedures taken on swimming pool installations in this environment as more knowledge is required concerning soils, load factors etc.

She stated at this time North Carolina has no requirement for licensing pool builders but she does know this is in the works to be shown in the next five years. She stated that she can speak from experience that NONE of the pools they have built in accordance with the engineering ever moved at all during recent storms including Fran. You can be assured that if the pool moves to cause damage to a structure the structure will have been already damaged to an extreme extent.

She stated once completed most swimming pools have plantings around them to keep the sand in place.

Mary Convy 20 Porpoise Place and BEST Vice Chair came forward to speak. She wanted to respond to Mrs. Purser's comment about BEST going up and down the beach looking at erosion. She stated they were looking at ocean side erosion; none of their concern was pools at the moment. She stated just because they have not mentioned pools, don't take it as implicit approval of pools in the dune, it is not their concern at this time. She stated that Alderman Peters has asked that the dune subcommittee look at the Town's Ordinances and tighten the rules and regulations to protect the dunes further. The committee will be looking into that and as soon as they have done the research, they will have a recommendation to the Board of Aldermen then.

Alderman Tuman made a motion to close the Public Hearing. Mayor Pro Tem Hardison seconded the motion, motion passed unanimously.

ATTACHMENTS: None.

RECOMMENDATION: The Planning Board recommends that swimming pools not be allowed within the ocean front setbacks.

b. Review of former Interim Town Manager's determination regarding illegal subdivisions.

Former Interim Town Manager, Tom Taylor conducted several administrative hearings in the Resolution adopted by the Board on September 7, 2007. The resolution establishes the procedure for addressing illegal subdivisions. It did not, however, grant the Town Manager the authority to grant variances. The purpose of the Board of Adjustment is to provide citizens a means to seek relief from the Ordinance standards and hardship cases without having to go to court.

ATTACHMENTS:

1. Resolution dated September 7, 2007
2. Notice of Noncompliance: Treasure Coast Investors Inc
3. Notice of Noncompliance: Endodent Resource Mgt
4. Notice of Noncompliance: Sean & Betsy Hamilton
5. Memorandum of Decision: Endodent Resource Mgt
6. Memorandum of Decision: Treasure Coast Investors Inc

RECOMMENDATION: that the Board remands the cases of Treasure Coast Investors Inc, Endodent Resource Management and Sean & Betsy Hamilton to Zoning Board of Adjustment for review.

Alderman Tuman made a motion that the Town Manager appeals his decision as Zoning Administrator to the Board of Adjustment for reasons that there is nothing in the Town's Ordinance, Policies or Procedures that gives him the authority to make such determination. Mayor Pro Tem Hardison seconded the motion.

Discussion: Attorney Edes stated that he and Ms. Hill have had a discussion and he is not comfortable at this point to appeal these decisions made by the former Interim Town Manager back in December 07 and January 08 unless the Town first send the property owners a certified notice that a question has arisen as to the legality of his decisions, therefore they find them to be non compliant at this point and then at that point appeal it to the Board of Adjustment for procedural due process purposes.

Alderman Tuman stated from his experience with the Board of Adjustment they can appeal two kinds of decisions to the Board of Adjustment. Appeal a decision made by the Staff or request a Variance. Attorney Edes stated that he understands that but the dates of the decision are more than ninety days old and he believes the time frame to take that appeal is ninety days.

Alderman Tuman made a motion that the Interim Town Manager send out notices of non compliance for all three and be reviewed by the Town Attorney prior to being sent. Alderman Peters seconded the motion, motion passed unanimously.

- 13. Open Forum:** Mr. Yawn came forward to speak. He stated that he wanted to speak on the last item. It seems to him that when they send this notice to the property owners that they are in non compliance, that actually the property owners will be the ones to appeal to the Board of Adjustment because they are going to have their earlier incorrect ruling reversed on them. He stated that it might be a good idea in the letters that the Interim Town Manager sends out to say if they would like to appeal this letter the proper course of action for them is to take this in front of North Topsail Beach Board of Adjustment.

Mary Convy came forward to speak. She stated that she is very disappointed with how many items in the Consent Agenda that the Board of Aldermen did not discuss. She stated that she goes to the workshop they hold the Tuesday before their Thursday meeting. She stated that the Public has not heard anyone discuss the topic of the \$79,000.00 fire truck. She would have liked to hear the individual Aldermen's opinion about the letter to CP&E, it was apparently approved and she is happy about that but she would have like the Public to have heard the discussion.

She stated also on the Vitex Ordinances; apparently the hearing is approved within the Consent Agenda. She would have like to have heard any discussion from the Board about that Ordinance.

She stated if Staff has any changes to the Vitex Ordinance to please present them to her so she can take them to BEST because they are the ones this is suppose to funnel through unless the Board is changing their mind and handing the Vitex issue back to Staff.

Debra Swantek 3772 Island Dr. came forward to speak. Her opinion on the swimming pool issue is that she feels that pools should be in the setback but there should be a setback from the foot of the dune that the pools can't be in. She stated if there were a buffer zone between the foot of the dune and the walkway around the pool, that might help everyone.

Wendy Purser came forward to speak. She stated that Mrs. Swantek is correct, in Surf City and most other places the setback is five feet off the dune. She stated there is an amount of decking depending on what it is and in what areas. She can actually prove that pools sink and do not float, sand does liquefy when it gets wet.

14. Attorney's Report: Nothing to report.

15. Mayor's Report: Mayor Martin stated that he agreed with one of the speakers tonight, the Town does need to look into the bike path and as Mayor he will appoint a committee to get them to do this and look for grants.

Mayor Pro Tem Hardison thanked the citizens for coming out tonight and he hoped that some of the recommendations made will be taken into consideration at the next meeting.

16. Aldermen's Report: Alderman Peters stated that he wanted to reiterate what the Mayor said regarding the bike path. He stated the recreation and appearance committee has gone into default and he thinks that raises the same issue, those can be integrated the needs of the bike path and getting an organized recreation and appearance committee. He stated that the Town needs to start utilizing the phone system that the Town has to provide notices to the Town's citizens; it's not just for emergencies. He stated it can notify citizens of upcoming meetings. He asked the Citizens in the audience how is the trash Ordinance implementation working. Citizens in the audience stated that when driving down the road he has noticed a big difference; you don't see all the bags of trash lying beside the trash cans.

A citizen asked about more trash cans on the beach. Mayor Martin stated that he would look into that.


Alderman Tuman stated that is a good point about the trash cans on the beach. He asked if Public Works can reconsider a number of bins the Town has on the beach. He thanked the citizens for coming out tonight.

Alderman Swantek stated that there are no streets in the Town that are not paved and they look good. He thanked everyone for coming out tonight. He stated that Alderman Farley has been under the weather for a couple of weeks and asked the citizens to keep him in their prayers.

17. Adjournment: Alderman Tuman made a motion to adjourn. Alderman Peters seconded the motion, motion passed unanimously.

The Board of Aldermen's meeting adjourned at 8:46 p.m.

Minutes prepared by Terrie Woodle- Deputy Town Clerk



Donald Martin- Mayor

Date AUG 7, 2008

Town of North Topsail Beach



Donald Martin, Mayor
Larry Hardison, Mayor Pro Tem
Aldermen:
Richard Farley
Richard Peters
Robert Swantek
Daniel Tuman

Deborah Hill
Interim Town Manager

Terrie Woodle
Deputy Town Clerk

**TOWN OF NORTH TOPSAIL BEACH
BOARD OF ALDERMEN
SPECIAL MEETING
AUGUST 18, 2008
9:00 A.M.**

**PRESENT: DONALD MARTIN- MAYOR, LARRY HARDISON- MAYOR PRO TEM,
DANIEL TUMAN, ROBERT SWANTEK, RICHARD FARLEY, DEBORAH HILL- INTERIM
TOWN MANAGER, TERRIE WOODLE- DEPUTY TOWN CLERK**

NOT PRESENT: RICHARD PETERS

- 1. CALL TO ORDER: Mayor Martin called the meeting to order at 9:02 a.m. in the North Topsail Beach meeting room. Ms. Hill suggested if the Board of Aldermen wanted to go into Closed Session for Client Attorney Privilege for Legal matters; it has to be a separate motion at the same time they make a motion for Personnel Matters.**
- 2. APPROVAL OF AGENDA: Alderman Tuman made a motion to approve the Agenda. Alderman Swantek seconded the motion.**

Discussion: Alderman Farley stated in light of what Ms. Hill just stated, they might want to move Closed Session above the Resolution with the possibility of speaking to the Attorney about the Resolution.

Alderman Tuman made a motion to approve the Agenda modified that item number 5 that they go into Closed Session for both Personnel and Legal Matters prior to New Business. Alderman Farley seconded the motion, motion passed unanimously.

Alderman Tuman made a motion to approve the New Agenda as amended. Alderman Farley seconded the motion, motion passed unanimously.

3. CLOSED SESSION: Discuss issues concerning Personnel and Legal Matters under NCGGS 143-318.11 (a) (6).

Alderman Farley made a motion to go into Closed Session. Alderman Swantek seconded the motion, motion passed unanimously.

4. RETURN TO OPEN SESSION: Alderman Farley made a motion to return to Open Session. Alderman Swantek seconded the motion, motion passed unanimously.

5. NEW BUSINESS:

A. Proposed Resolution Regarding North Topsail Utilities.

RESOLUTION
OF
NORTH TOPSAIL BEACH, NORTH CAROLINA

WHEREAS, North Topsail Utilities, Inc. (NTUI) owns and operates a sewer collection and treatment system that serves the citizens of the Town of North Topsail Beach; and

WHEREAS, the availability, capacity, quality, and rates of utilities services will affect future development patterns in and around North Topsail Beach and have both economic and environmental impacts on the area, and

WHEREAS, Utilities, Inc., the parent company of NTUI, has made certain representations and commitments regarding the expansion of capacity at NTUI's wastewater treatment plant; and

WHEREAS, this promised expansion has not occurred; and

WHEREAS, the North Topsail Beach Board of Aldermen deems it advisable and in the public interest to file a complaint against NTUI and its parent Utilities, Inc. with the North Carolina Utilities Commission (NCUC) to request the NCUC to enforce the previous commitments and representations of Utilities, Inc. and to require UI and/or NTUI to expand the capacity of the wastewater treatment plant; and

WHEREAS, Board of Aldermen has determined that it is desirable to be represented in this matter by an attorney who is experienced in proceedings before the North Carolina Utilities Commission;

NOW, THEREFORE, be it resolved:

1. The Town of North Topsail Beach shall commence a Complaint proceeding against NTUI and Utilities, Inc. at the North Carolina Utilities Commission for their failure to satisfy previous

commitments and representations and failure to provide adequate wastewater service to the residents of North Topsail Beach;

2. The Town of North Topsail Beach hereby engages the services of Blanchard, Miller, Lewis & Styers, P.A. (M. Gray Styers, Jr., lead counsel) for legal representation and authorizes Mr. Styers to draft and file the Complaint against NTUI and Utilities at the North Carolina Utilities Commission on behalf of the Town of North Topsail Beach and such other persons as is deemed appropriate;

3. Alderman Richard Farley, in consultation with the Town Manager, the Executive Director of ONWASA, and such other persons as he deems appropriate, is authorized to direct the strategy and participation in the Complaint proceedings and any other matters pertaining to the Complaint, and to report back to the Board of Alderman the progress and developments in the proceedings.

Adopted at a special meeting of the North Topsail Beach Board of Alderman on this the 18th day of August, 2008.

Donald Martin, Mayor

Attest:

Terrie Woodle, Deputy Town Clerk

Alderman Farley made a motion to adopt the Resolution to engage the services of Blanchard, Miller, Lewis & Styers, P.A. to file a complaint against North Topsail Utilities Inc. at the North Carolina Utilities Commission on behalf of the Town of North Topsail Beach and such other persons as is deemed appropriate. Alderman Swantek seconded the motion, motion passed unanimously.

6. DISCUSSION: Interim Town Manager and Deputy Town Manager.

Alderman Swantek made a motion to hire Mr. Frank Clifton as Interim Town Manager and Ms. Hill as Deputy Town Manager. Alderman Tuman seconded the motion. Motion passed 3-1 with Mayor Pro Tem voting against.

- 7. OPEN FORUM: No one from the Public came forward to speak.**
- 8. ALDERMEN'S REPORT: No report.**
- 9. ADJOURNMENT: Alderman Tuman made a motion to adjourn. Alderman Swantek seconded the motion, motion passed unanimously.**

The Board of Aldermen Special Meeting adjourned at 10:07 a.m. August 18, 2008 in the North Topsail Beach meeting room.

Minutes prepared by Terrie Woodle- Deputy Town Clerk



Donald Martin- Mayor

Date: Aug 18, 2008

Town of North Topsail Beach

Donald Martin, Mayor
Larry Hardison, Mayor Pro Tem
Aldermen:
Richard Farley
Richard Peters
Robert Swantek
Daniel Tuman

Frank W. Clifton, Jr.
Interim Town Manager

Terrie Woodle
Deputy Town Clerk



**Board of Aldermen
Agenda Workshop
Tuesday, September 2, 2008
10:00 A.M.**

Present: Mayor Martin, Richard Peters, Daniel Tuman, Robert Swantek, Mayor Pro Tem Hardison, Attorney Brian Edes, Frank Clifton- Interim Town Manager, Deborah Hill- Deputy Town Manager, Terrie Woodle- Deputy Town Clerk

Not Present: Richard Farley

- I. Call to Order: Mayor Martin called the meeting or 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. Alderman Tuman seconded the motion, motion passed unanimously.**
- III. New Business**
 - A. Discussion of Resolution of the Town of Richlands Approving an Amendment to the Articles of Incorporation of Onslow Water and Sewer Authority (page 1-3).**

Alderman Tuman suggested not putting this item on the Agenda and if the Town's ONWASA Representative decides it should be on the Agenda he can make a motion to have it put on the Agenda. Mr. Clifton recommended at some point this needs to have a comprehensive review because it has been an issue.
 - B. Discussion of Onslow County Resolution 08-026 Resolution Requesting that the North Carolina General Assembly Enact Legislation Authorizing Onslow County to Distribute Local Sales Taxes on a Combined Percentage of the Per Capita and Ad Valorem Methods of Distribution (page 4-6).**

Mayor Martin sent a letter to Commissioner Lionell Midgett stating that he is going to wait until the future make up of the Board of County Commissioners has been decided.
 - C. Discussion of NCLM Annual Business Meeting and selection of voting delegate (page 7-25). Mayor Martin and Alderman Swantek will be attending this meeting.**

D. Discussion of Parks and Recreation Trust Fund (page 26-30).

Mr. Clinton stated that the Board of Aldermen have unit February 2, 2009 to get this grant in. He asked the Board members if they had a project that would qualify under this fund. Alderman Peters stated they had submitted an application for funds for the purchase and paving of a parking lot down by the Herring property and also submitted an application for a parking lot at the north end of the Island and received no funds for both of those applications.

Alderman Tuman stated that the Town's objective is to finish the Bike path.

E. Discussion of Agenda for Thursday, September 4, 2008.

Alderman Swantek suggested putting the new Resolution to Restrict Access at Onslow County Public Beach Access under New Business 11 E.

Alderman Peters suggested putting pools on the Agenda for action by the Board of Aldermen under Old Business. Ms. Hill stated that she would list it under Old Business A. NTB Town Ordinance Chapter 7 Planning & Zoning Sec. 7-128 Table 1 and Sec. 7-132B Swimming Pools.

Alderman Swantek suggested taking the Budget Amendment out of the Consent Agenda and put it under New Business item F since action is required.

Ms. Hill stated that she has advertised the Public Hearing on the Hazard Mitigation Plan. She stated that the Planning Board is requesting that the Board of Aldermen schedule a joint workshop on Hazard Mitigation. Alderman Swantek suggested having the workshop at the next Planning Board meeting in October. Ms. Hill stated that she will ask the Board on Thursday September 4, 2008 if that is what they wish to do.

Alderman Swantek proposed a new Resolution for Guidelines for Committees of the Town of North Topsail Beach and have action required. Ms. Hill stated she will include this on the Agenda under New Business 11 D.

Alderman Peters suggested Discussion and Possible Action for Nominations to Various Boards and Committees. Ms. Hill stated that she will include that under New Business Item G.

IV. Closed Session: discuss issues concerning personnel under NCGS 143-318.11(a) (6).

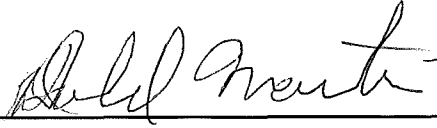
Mayor Pro Tem Hardison made a motion to go into Closed Session. Alderman Swantek seconded the motion, motion passed unanimously.

CLOSED SESSION

V. Return to Open Session: Alderman Swantek made a motion to return to Open Session. Alderman Tuman seconded the motion, motion passed unanimously.

VI. Adjournment: Alderman Tuman made a motion to Adjourn. Alderman Swantek seconded the motion, motion passed unanimously.

Minutes prepared by Terrie Woodle- Deputy Town Clerk.

A handwritten signature in cursive script, appearing to read "Donald Martin", written over a horizontal line.

Mayor Donald Martin

Date: 10-02-08

Town of North Topsail Beach

Donald Martin, Mayor
Larry Hardison, Mayor Pro Tem
Aldermen:
Richard Farley
Richard Peters
Robert Swantek
Daniel Tuman



Frank Clifton Jr.
Interim Town Manager

Terrie Woodle
Deputy Town Clerk

**TOWN OF NORTH TOPSAIL BEACH
BOARD OF ALDERMEN
REGULAR MEETING
THURSDAY SEPTEMBER 4, 2008
7:00 P.M.**

PRESENT; DONALD MARTIN- MAYOR, LARRY HARDISON- MAYOR PRO TEM, DANIEL TUMAN, ROBERT SWANTEK, RICHARD FARLEY, RICHARD PETERS, FRANK CLIFTON- INTERIM TOWN MANAGER, DEBORAH HILL- DEPUTY TOWN MANAGER/ZONING OFFICER, TERRIE WOODLE- DEPUTY TOWN CLERK

- 1. CALL TO ORDER:** Mayor Martin called the meeting to order at 7:00 p.m. in the North Topsail Beach meeting room.
- 2. INVOCATION:** Paul Wilkins gave the invocation.
- 3. PLEDGE OF ALLEGIANCE:** Alderman Swantek led those present in the Pledge of Allegiance.
- 4. APPROVAL OF AGENDA:** Alderman Peters made a motion to approve the agenda. Alderman Tuman seconded the motion, motion passed unanimously
- 5. NEW BUSINESS:**
 - A. Case # A-08-02:** Appeal by Joseph E. Stroud, Jr., Attorney for Endodent Resource Management, LLC of a final order and notice of violation dated March 26, 2008 for 104 Bay Court, North Topsail Beach, NC 28460

Alderman Swantek made a motion with the agreement of the homeowner to bring the property up to the codes as they existed at the time the electrical was done. Remove the inhabitable structure (to have storage area only). Meet the Flood Ordinances, waiving the fines and fees if the work is completed within 60 days. If the owner has trouble completing this he is to come back within 45 days to request more time. Alderman Peters seconded the motion.

Discussion: Mayor Pro Tem Hardison asked Mr. Moudy if he was satisfied and feels comfortable with the Boards decision. Mr. Moudy stated that he is satisfied. Alderman Farley asked Ms. Hill how much time has staff put in on this item. Ms. Hill stated it is in excess of 27 hours.

Motion passed unanimously.

6. COMMITTEE REPORTS:

- A. **Beach Erosion Study Team: Mr. Doherty read his report as follows:** Best Chairman was selected to represent BEST at the US Army Corps of Engineers Beach Nourishment (BN) Project Development Team (PDT) for the proposed NTB BN project.

The BEST web site, NTBBEST, has been visited 1199 since it was installed on July 3, 2008. The website contains a wealth of information on beach erosion, and provides an opportunity for the public to send BEST their opinions, comments, etc.

Coastal Planning & Engineering (CP&E) at the request of BEST- on August 13, 2008 provided an update to the estimated cost for an NTB Beach Nourishment project. CP&E offered cost estimates on two approaches to NTB Beach Nourishment (Tables 29a and 29b) The new estimated costs are 2-3 times higher than the BN costs estimated in the November 2007 DEIS report. To date, the assumption has been that a BN project would cost NTB around \$34 million. CP&E's new "high cost estimates" are \$95 million for Table 29a plan and \$77 million for Table 29b plan. Western Carolina University's Program for the Study of Developed Shorelines believes CP&E's mid-range cost estimates are the most realistic (\$71 and \$58 million, respectively). Details follow. Given the new CP&E cost estimates, BEST to discuss the new BN cost estimates in detail- including how much an oceanfront and non-ocean front property owner would have to pay for BN- BEST would be pleased to do so.

Mayor Martin stated that the Engineers and CP&E would like to meet with the Board of Aldermen to bring them up to date where they stand. Mr. Clifton stated that they have moved the meeting to October. Mr. Doherty stated if they do have a meeting the BEST Team would like to be there.

Alderman Farley stated when CP&E was here he brought up the question again about the DEIS addressing the issue that there was no money included for maintenance, particularly after completing phase two and moving to phase three they would need to have approximately 6-8 million dollars to redo the inlet or to go back to phase one.

Mr. Doherty stated that the DEIS did not cover the re-nourishment. He stated the new numbers he quoted does cover re-nourishment. Alderman Farley stated that it does talk about the need to go back after phase two and the money would not be available after phase two. He stated when he brought that up to CP&E in a meeting they said that was wrong; the maintenance money was included in the figures they were looking at. He stated he is concerned of how well he can depend on CP&E to give him accurate information.

- B. Planning Board: Mr. Yawn came forward to read his report as follows:** The Planning Board held our regularly scheduled meeting on 8/14/08 Key actions; 1) Listened to a presentation by the NC DOT on the Topsail Area Comprehensive Transportation Plan. This plan looks at the making recommendations to handle the transportation needs for the next 30 years for the Topsail area. The Planning Board unanimously voted to recommend that the Board of Aldermen concur with the capacity deficiencies and allow the Topsail Area Comprehensive Transportation Plan Steering Committee to continue development of the Comprehensive Transportation Plan. 2) Held a public hearing on the Hazard Mitigation Plan.

He stated that the Planning Board members unanimously requested that the Planning Board and Board of Aldermen have a joint work shop on the Hazard Mitigation Plan. Ms. Hill suggested the meeting take place at the next Planning Board meeting. It was stated that some of the Board of Aldermen can not make that date. Mr. Yawn suggested the Board of Aldermen set a date and the majority of the Planning Board members will attend, if some of the members can't make it that date he will make sure he gets written comments from those members.

Mr. Clifton suggested coordinating a date and get back with the Board of Aldermen.

- C. Zoning Board of Adjustment: Ms. Hill read the report as follows:** On August 13, 2008, Jerry Convy resigned as chair and member of the Board of Adjustment.

On August 21, 2008, the Board of Adjustment approved the Variance request by Patsy Jordan to permit placement of a single family home at 7719 8th Ave.

Alderman Farley asked what the finding was that the Board of Adjustment granted the Variance on an illegal lot that does not meet the Town's standards. Ms. Hill stated that the Board of Adjustment agreed unanimously that she met all six criteria that are required to grant a Variance.

7. **MANAGER'S REPORT:** There are impending weather issues and Staff has spent most of the day dealing with the County trying to make preparations. Staff has been involved with issuing re-entry passes. The County has taken actions to declare a state of emergency and establish a curfew and the curfew goes into affect Friday evening at 7:30 p.m. and will last through sun rise on Saturday. The shelter at Dixon Middle School will open Friday at 1:00 p.m. and will remain open throughout the event. The County and Red Cross run the shelters and Citizens with pets can go to Jacksonville Middle School.

The County has already adopted a State of Emergency Declaration. Mr. Clifton asked the Board of Aldermen to consider this tonight.

Onslow County has taken action earlier today to establish a local state of emergency and purpose the observation of a county wide curfew. As your interim town manager, I encourage you as the governing body for the Town of North Topsail Beach to:

1. Recognize and endorse the County's Action to Establish a Stated of Emergency;
2. Recognize and endorse the County's Action relative to establishing a curfew from 7:30 P.M., Friday, September 5, through sunrise Saturday, Saturday September 6, 2008.
3. Authorize all town staff to coordinate and cooperate with all other federal, state and county officials and agencies in any necessary steps to promote the safety and protection of the public and property located within North Topsail Beach;
4. Delegate all appropriate authority for Frank W. Clifton, Jr. as Interim Town manager to assume authority for the implementation of the North Topsail beach Emergency Operations Plan;
5. Authorize the Interim Town Manager to be designated the Chief Coordinating Officer for the Town during the duration of this emergency response period;
6. Suspend North Topsail beach normal purchasing and expenditure restrictions as for actions to be approved by the Interim Town Manager to the extent necessary to assure immediate and proper responses by town staff during the event;
7. Encourage citizens and residents that have other option with regards to where to stay during the storm event to pursue those options at their own initiative.

It is my opinion that these actions are consistent with the best interests of the Town and its Citizens.

Additionally, citizens should anticipate water and electrical utility outages to some extent. Those planning to stay on the island during this storm should take precautions to address these needs. It is likely that parts of the Island may see some flooding or other threatening conditions that would make individual efforts to pursue supplies after the storm very difficult.

After the storm, Town Staff and Volunteers are set to do an immediate inspection of the Island and determine the level of damage along with whether it is safe for citizens to return to the Island. Once a determination as to the safety of conditions has been made, those individuals with verified vehicle passes will be allowed back on the Island.

**Alderman Peters made a motion to accept the Emergency Policy as presented.
Alderman Swantek seconded the motion.**

Discussion: Alderman Farley asked Mr. Clifton if this is asking the Town to go outside the budget if need be. Mr. Clifton stated yes under emergency circumstances. He stated if the Town has declared an emergency the Town will be reimbursed by FEMA if a Federal Declaration is established.

Motion passed unanimously.

7. **OPEN FORUM:** Mike Yawn 207 Tamarix Court came forward to speak. He wanted to Thank Ms. Hill and Mr. Moudy and Attorney Edes, there was a property owner that had a complaint with the Town and the Town was on the right side of the law, it was settled and did not cost the Town anything. He wanted to let the Beach Erosion Study Team know what a good job they are doing and what a good report they gave today. He also wanted to thank Mr. Convy for his service on the Board of Adjustment.

8. **CONSENT AGENDA:**

- A. **Approval of Minutes**
1. **June 5, 2008**
 2. **June 30, 2008**
 3. **July 1, 2008**
 4. **July 3, 2008**
 5. **August 7, 2008**
 6. **August 18, 2008**

B. **Department Head Reports**

Alderman Tuman made a motion to approve the minutes as amended.

Alderman Peters seconded the motion, motion passed unanimously.

9. **OLD BUSINESS:**

- A. **NTB Town Ordinance Chapter 7 Planning & Zoning Sec. 7-128 Table 1 and Sec. 7-132B Swimming Pools: After conducting a Public Hearing on April 10, 2008, the Planning Board took the following action:**

Mr. Rowland made a motion to recommend to the Board of Aldermen to change the Table of Permitted Use and require all pools to be Conditional Use. Mr. Yawn seconded the motion, motion failed 4-1 with Mr. Rowland voting for and Mr. Yawn, Mrs. Tuman, Mrs. Doherty and Mr. Dorazio voting against.

Mrs. Doherty made a motion to recommend to the Board of Aldermen that swimming pools are not allowed within the ocean front setbacks. Mr. Rowland seconded the motion. Mr. Yawn, Mrs. Doherty and Mr. Rowland voted for, Mr. Dorazio and Mrs. Tuman voted against. Motion passed 3-2.

Mr. Dorazio made a motion to recommend to the Board of Aldermen to count pools as pervious as it is now across the United States. Mrs. Tuman seconded the motion. Mr. Dorazio, Mrs. Tuman and Mrs. Doherty and Mr. Yawn voted for, Mr. Rowland voted against. The motion passed 4-1. On August 7, 2008, the Board of Aldermen held a public hearing to consider public input on the following proposed amendments to the Zoning Ordinance, Chapter 7 Planning & Zoning, regarding the construction of swimming pools:

1. **Change the Table of Permitted and Conditional Uses: Single Family Pools from Permitted use to Conditional uses. In Section 128, Table 1, the entries:**

ZONING DISTRICTS										
	CON-D	B-2	B-1	MHR	R-5	R-8	R-10	R-15	R-20	R-A
Swimming pools, (private)		P	P	P	P	P	P	P	P	P

Change to:

ZONING DISTRICTS										
	CON-D	B-2	B-1	MHR	R-5	R-8	R-10	R-15	R-20	R-A
Swimming pools, (private)		C	C	C	C	C	C	C	C	C

Meaning that private pools also are required to get conditional use permits from the Board of Aldermen. Also in that section change that label from "Swimming pools, (private/commercial)" to "Swimming pools."

2. Change so that pools not be allowed within the setback both Ocean and Estuarine side. In section 7-132B Swimming Pools, to consider adding new paragraph: 4. *Swimming pools are not allowed within in the oceanfront or estuarine setbacks.* (Note: CAMA regulations allow pools within the oceanfront setback, but disallow pools within the estuarine setback).

3. Discuss whether the vessel of the pool itself should be treated as pervious or impervious. In section 7-132B Swimming Pools, to consider adding new paragraph: 5. *the surface area of the actual vessel of the pool be considered as impervious surface.* (Note: CAMA policy is that the vessel of the pool is calculated as pervious).

RECOMMENDATION: the Planning Board recommends that swimming pools not be allowed within the ocean front setbacks.

POSSIBLE MOTION(S):

*...to require that all pools require a conditional use permit by amending Section 7-128 Table 1 Permitted and Conditional Uses by changing Single Family Pools from Permitted use to Conditional use and change use label from "Swimming pools, (private/commercial)" to "Swimming pools;" **and, or...***

*... to add paragraph 4 in Section 7-132B to read, "Swimming pools are not allowed within the CAMA setback of the Ocean Area of Environmental Concern," as recommended by the Planning Board, 4 to 1; **and/or...***

...to add Paragraph 5 in Section 7-132B to read, "The surface area of the actual vessel of the pool is considered as impervious surface."

After considerable discussion regarding this issue:

Alderman Tuman made a motion to not change any of the Ordinances. Motion died for a lack of a second.

After further discussion related to the Planning Board's action on this item:

Alderman Peters made a motion that the Board of Aldermen approves the recommendation that was provided by the Planning Board that the pools be excluded from the Ocean front setback. Alderman Farley seconded the motion.

Discussion: Alderman Farley asked if that includes that all pools are conditional use. Alderman Peters stated no, simply because the Planning Board only recommended that pools not be included in the ocean front setback.

Motion passed 4-1 with Aldermen Peters, Swantek, Farley and Mayor Pro Tem Hardison voted for. Alderman Tuman voted against.

10. NEW BUSINESS:

A. Public Hearing: To consider public comments on amendments to the Hazard Mitigation Plan: Ms. Hill will get together with the Board of Aldermen and the Planning Board members and come up with a date for them to meet.

Alderman Swantek made a motion to open the Public Hearing to consider public comments on amendments to the Hazard Mitigation Plan. Alderman Tuman seconded the motion, motion passed unanimously.

No one from the Public came forward to speak.

Alderman Tuman made a motion to close the Public Hearing. Alderman Peters seconded the motion, motion passed unanimously.

BACKGROUND:

The Town's Hazard Mitigation Plan is documented as an annex to the FEMA approved Onslow County Multi-Jurisdictional Hazard Mitigation Plan, adopted in 2004. The Annex was reviewed and updated by Inspections, Planning, Public Works, Fire and Police Departments. Consolidated updates were submitted to Onslow County on July 24. A public hearing was advertised and held at the Planning Board meeting on August 14, 2008.

ATTACHMENTS:

Hazard Mitigation Plan (provided under separate cover).

RECOMMENDATION: the Planning Board recommends that the Board of Aldermen schedule a joint workshop on the Hazard Mitigation Plan in September to provide updates to the Hazard Mitigation Plan, after considering public comments.

B. Public Hearing: To consider public comments on amendments to Town Code Chapter 9 and an Ordinance to declare Beach Vitex an invasive species, public nuisance and unlawful to plant.

Alderman Tuman made a motion to open the Public Hearing to consider public comments on amendments to Town Code Chapter 9 and an Ordinance to declare Beach Vitex and invasive species, public nuisance and unlawful to plant. Alderman Peters seconded the motion, motion passed unanimously.

No one from the Public came forward to speak.

Alderman Tuman made a motion to close the Public Hearing. Alderman Farley seconded the motion, motion passed unanimously.

Alderman Swantek made a motion to adopt the Ordinance, approve the proposed amendment to Chapter 9 and authorize application to North Carolina Beach Vitex Task Force for granting funding. Alderman Peters seconded the motion.

Motion passed 4-1 with Aldermen, Tuman, Peters, Swantek and Mayor Pro Tem Hardison voting for and Alderman Farley voting against.

Public Hearing: Beach Vitex

ATTACHMENTS:

1. An Ordinance to declare Beach Vitex an invasive species, public nuisance and unlawful to plant.
2. Proposed amendment to Chapter 9.

AN ORDINANCE OF THE TOWN OF NORTH TOPSAIL BEACH, NORTH CAROLINA TO DECLARE BEACH VITEX (*Vitex rotundifolia*) A HIGHLY INVASIVE PLANT AND THEREFORE A PUBLIC NUISANCE, AND TO MAKE IT UNLAWFUL TO PLANT OR MAINTAIN BEACH VITEX WITHIN THE CORPORATE BOUNDARIES AND BEACHES OF NORTH TOPSAIL BEACH AND TO PROVIDE FOR ERADICATION

WHEREAS, the beaches of North Topsail Beach are among the Town's most valuable natural resources, providing areas for public recreation, attraction of tourists and other visitors, and providing a major boost to the area economy; and

WHEREAS, there are four known species on the Federal Endangered Species List: loggerhead sea turtles (*Caretta caretta*), piping plovers (*Charadrius melodus*), and sea beach amaranth (*Amaranthus pumilus*), green turtles (*Chelonia mydas*) which would be severely threatened by the plant known as Beach Vitex (*Vitex rotundifolia*); and

WHEREAS, there are other species including, but not limited to, Sea Oats (*Uniola paniculata*), Bitter Panicum (*Panicum amarum*), Seashore Elder (*Iva imbricata*), and American Bunchgrass (*Ammophila breviligulata*) that are severely threatened by the invasive growth of Beach Vitex; and

WHEREAS, Beach Vitex destroys these plants which protect our dunes, and provides little, if any, protection for dunes, therefore significantly increasing the likelihood of damage to the dunes, the beaches and therefore Town infrastructure and State passageways; and

WHEREAS, Beach Vitex, a plant species that is not native to North America, much less the Town of North Topsail Beach, has been found growing in many places within the Town; and

WHEREAS, the spreading and persistence of Beach Vitex has caused harm and will continue to cause harm to native species; and

WHEREAS, the Board of Aldermen for the Town of North Topsail Beach, North Carolina has determined the following regulations are necessary to reduce the threat of the invasive beach Vitex species; and

NOW, THEREFORE, BE IT ORDERED BY THE BOARD OF ALDERMEN OF THE TOWN OF NORTH TOPSAIL BEACH, NORTH CAROLINA;

Section 1. Declaration of Public Nuisance

The plant known as Beach Vitex (*Vitex rotundifolia*) is hereby found and is declared to be a public nuisance due to the significant negative impacts this plant has upon the public beaches, sand dunes, endangered, threatened, and other native species, both plant and animal, noted above.

Section 2. Planting of Beach Vitex Prohibited

Beach Vitex shall henceforth be referred as a "prohibited plant". It shall be unlawful for any person, nursery, or landscape owner to install Beach Vitex for use in landscaping or as dune vegetation within the municipal town limits of the Town of North Topsail Beach. Also, citizens finding the invasive Beach Vitex plant on their property will be expected to assist the town in an eradication and a control program.

Section 3. Eradication

In cooperation with the following organizations, said list not being exhaustive, the U.S. Fish and Wildlife Service, N.C. Cooperative Extension, The Carolina Beach Vitex Force (North and South Carolina branches), N.C. State University, a program(s) will be developed and recommended to eradicate and abate Beach Vitex from municipal limits. Upon identification of any Beach Vitex plant, the property owner shall contact the CAMA LPO, if not first identified by a Member of the Beach Vitex Task Force. The property owner shall agree to eradication of the plant from said property pursuant to an acceptable means of removal and disposal as determined by the N.C. Beach Vitex Task Force.

WHEREAS, this ordinance shall become effective immediately upon its passage and the Town Clerk shall place a copy of the ordinance in the ordinance book

ADOPTED AND APPROVED by the Board of Aldermen of the Town of North Topsail Beach, North Carolina this 4th day of September 2008.

- C. **Topsail Area Comprehensive Transportation Plan:** Ms. Hill stated that Mr. Bray came to the Planning Board meeting August 14, 2008 and gave his presentation. She stated that they need the Board of Aldermen to concur with the capacity deficiencies that allows the Transportation Plan Steering Committee to continue development of their plan.

Alderman Peters asked if the Town is to continue to recommend that they want bike Paths everywhere. Ms. Hill stated that is already part of the review, NTB is the only locality that did in fact submit their bike path plan to the committee. Alderman Peters asked about Hwy 210 becoming three lanes. Ms. Hill stated that they are suggesting three lanes all the way down to Surf City and out to Hwy 17. Ms Hill stated if there are specific recommendations the Town wants they can e-mail then to her and she will get them to the committee.

Alderman Peters made a motion to approve Topsail Area Comprehensive Transportation Plan as presented. Alderman Tuman seconded the motion. Motion passed unanimously.

- D. **Discussion and possible action regarding proposed amendment to Resolution Designating Guidelines for Committees of the Town of North Topsail Beach:**

Alderman Swantek proposed a motion taking February 2004 Resolution and the last 2/4 of March 2004 Resolution and combining them so they meet the criteria for the Town's use today. He stated the second paragraph should read all members will be registered voters and residents of the Town, the same with number three. He stated with the standing Committees it should read all Committee members shall be property owners or residents of the Town when appointed to the Committees. He stated that the last part of it will be that the Committee shall elect Chairman and Vice Chairman, the Town Clerk to provide the record of its meetings. Alderman Peters seconded

the motion.

After considerable discussion related to this a Motion failed 2-3 with Aldermen Tuman and Swantek voting for and Mayor Pro Tem Hardison, Aldermen Peters and Farley voted against.

E. Resolution to Restrict Access at Onslow County Public Beach Access No. 3: Alderman Swantek proposed going to the County and asking them to put a parking lot at beach access number 3. He stated this will cut off the trucks driving on private property and on the beach and stop the destruction of wetlands and endangered nesting areas. The Board discussed various elements of this proposal and impacts it might have on the beach access. Since Onslow County controls the access. **Alderman Swantek made a motion to go to Onslow County and propose that they put a parking lot at Beach access number 3. Alderman Peters seconded the motion.**

Motion passed 4-1 with Aldermen Swantek, Peters, Tuman and Pro Tem Hardison voting for and Alderman Farley voting against.

F. Budget Amendments:

A. Budget Amendment No. 1 FY 08-09

B. Budget Amendment No. 2 FY 08-09

Mr. Clifton stated that the Board of Aldermen is appropriating money for settlement of litigation on a purchase of land. The other budget amendment was a correction to the Budget that the Board of Aldermen adopted. They did not budget an Officers salary. He stated the amount that is in there is the base pay of \$33,385.00. This only brings the budget in line with the number of budgeted positions. This basically corrects an error in the budget when it was created and adopted.

Alderman Peters made a motion to approve the Budget Amendment number 1 & 2 as presented. Alderman Tuman seconded the motion.

Discussion: Alderman Farley stated he has a problem with the salary line increase. Mr. Clifton stated theoretically the Town budgets a full salary for a full year and during the year there will be vacancies.

Mr. Clifton stated if the Board wants a more detailed explanation he will be happy to get it for them.

Motion passed 3-2 with Aldermen Swantek, Peters and Tuman voting for and Mayor Pro Tem Hardison and Alderman Farley voted against.

G. Request for Nominations to Various Boards and Committees: Alderman Peters stated a Shore Line Protection Committee member was appointed and never showed up to the meetings so they need to appoint another member. He stated that the provisions say one at large member appointed by the Town's Governing Body.

Alderman Peters nominated Dick McCartney. Alderman Tuman seconded the motion.

Discussion: Alderman Swantek suggested tabling this for now until the BEST Team can be present.

Motion failed 3-2 with Aldermen Peters and Tuman voting for and Mayor Pro Tem Hardison, Aldermen Swantek and Farley voting against.

Alderman Farley nominated Mary Riggleman. Alderman Swantek seconded the motion.

Discussion: Alderman Tuman asked if Mary Riggleman was interested in the position. Alderman Swantek stated that the BEST Team assigned her to that but he is not sure, that is why he wanted to table it until they can find out if Mrs. Riggleman will take it.

Alderman Farley withdrew his motion.

Alderman Peters nominated Deb Lanci as a member. Motion died for a lack of a second.

Mayor Martin suggested tabling this and fill the position later.

- 11. OPEN FORUM:** Connie Pletel 200 Oyster Lane came forward to speak. She stated that she received her phone call from the Town's CTY 911 call back system; she said it was great, timely and informative, she also received an e-mail. She stated it was perfect and she loved it. She stated that she went to the Town Park on Wednesday and noticed the new equipment and it was really great. Finally she stated that Dixon won their football game tonight.

Mayor Martin stated that the Board of Adjustment needs some new members. Alderman Tuman stated that the Board of Adjustment is short a member, they need to elect an alternate to become a permanent member.

Mayor Martin suggested tabling this until the next meeting.

Tom Leonard 218 Coastal Dr. Came forward to speak. He stated if you look around you will see a lot of the same families on different Committees in the Town. He stated it seems like there is a small group of people that care about the Town. He stated there was a lot of discussion tonight on the qualifications of Committee Membership. He stated that at the last BEST Team meeting he was absent because his father had a stroke, he stated he will probably miss the next meeting. He stated if the Town wants to say if you miss three meetings you are out, they need to remember there is only a small group of people that come to these meetings and try to get involved and they are members of Committees and Teams. He stated that the Board needs to keep in mind they are not piled up three deep at the door waiting to come in and join, let's take care of the people we have participating and to remember that everyone that is participating is a volunteer.

- 12. ATTORNEY'S REPORT:** Attorney Edes stated that the Town has most if not all of the quick claim deeds on the North End properties and he expects to get those back soon and at that point the Town can proceed with demolition.

13. MAYOR'S REPORT: Mayor Martin welcomed Mr. Clifton and stated that he is doing a great job for the Town. Mayor Martin stated the sent a letter to Onslow County about the 60-40, the Commissioner sent the Town a letter stating they want to push the 60-40 again but the Mayor suggested waiting until the new Commissioners get in office.

Mayor Martin stated that a citizen from the Town wrote a letter to Senator Dole asking the Town to get her sewage connected and thanks to Alderman Swantek this is taken care of.

Mayor Pro Tem Hardison stated that he wanted everyone to know that he did support Alderman Swantek's resolution.

14. ALDERMEN'S REPORT: Alderman Peters thanked Mr. Clifton for his work in the Town.

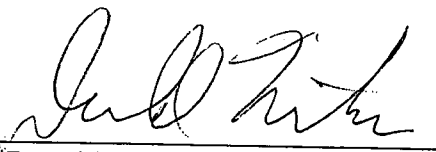
Alderman Farley welcomed Mr. Clifton to the Town.

Alderman Tuman thanked the Citizens for staying for such a long meeting.

16. ADJOURNMENT: Alderman Swantek made a motion to adjourn. Alderman Tuman seconded the motion, motion passed unanimously.

The Board of Aldermen meeting adjourned at 11:37 p.m. in the North Topsail Beach meeting room.

Minutes prepared by Terrie Woodle- Deputy Town Clerk.



Mayor Donald Martin

Date: 11-6-08

Town of North Topsail Beach



Donald Martin, Mayor
Larry Hardison, Mayor Pro Tem
Aldermen:
Richard Farley
Richard Peters
Robert Swantek
Daniel Tuman

Frank W. Clifton Jr.
Interim Town Manager

Terrie Woodle
Deputy Town Clerk

BOARD OF ALDERMEN AGENDA WORKSHOP MINUTES TUESDAY, SEPTEMBER 30, 2008 10:00 A.M.

PRESENT: DONALD MARTIN-MAYOR, LARRY HARDISON- MAYOR PRO TEM, RICHARD FARLEY, RICHARD PETERS, ROBERT SWANTEK, DANIEL TUMAN, FRANK CLIFTON- INTERIM TOWN MANAGER, TERRIE WOODLE- DEPUTY TOWN CLERK

- I. CALL TO ORDER: Mayor Martin called the meeting to order at 10:05 a.m. in the North Topsail Beach meeting room.**
- II. APPROVAL OF AGENDA: Alderman Peters made a motion to approve the agenda as presented. Mayor Pro Tem Hardison seconded the motion.**

DISCUSSION: Alderman Farley suggested adding the Discussion of the possibility of forming a Citizens Committee to look at the revaluation that will be taking affect in about a year to make sure the values are accurate.

Motion:

Alderman Tuman made a motion to approve the Agenda with the modification of Alderman Farley. Mayor Pro Tem Hardison seconded the motion. Motion passed unanimously.

III. NEW BUSINESS:

- A. Discussion of Recreation and Appearance Committee:** Alderman Peters stated that the Recreation and Appearance Committee have not met since Mr. Hortsman resigned. Alderman Tuman stated that it would be appropriate to have this discussion at the Board of Aldermen's regular meeting on Thursday since there are still citizens that are members of that Committee; the only thing that is lacking is the leadership and the calling of the next meeting.

Mr. Clifton stated that it will be included under New Business (A) Nominations to Various Boards and Committees.

Mr. Clifton stated there are some issues that the Board of Aldermen need to consider for Thursday nights meeting and they are as follows:

Disaster Declaration:

As a result of the recent storm and beach erosion Emergency Management has been in North Topsail Beach and FEMA will be here later this week. The Town's initial estimates to attempt to restore the dune lines are \$350,000.00 - \$500,000.00 of rough grading work depending on the availability of sand. He stated if the Town has to bring sand in that will cost more.

Mr. Clifton stated that Staff is drafting a Disaster Declaration for the Board of Aldermen's action if they decide to move forward on it. He stated that Surf City and Topsail Beach are working on the same thing. He stated that the Town has spent some money already for moving debris and if there are large sums the Town may get some Federal reimbursement and support. He stated the actual reimbursement will not happen unless it is declared a disaster and typically the Governor will make a request to the President and the President will declare certain coastal counties eligible for disaster assistance.

He stated that there is one contractor that gave the Town a quote of \$3.50 per liner foot for sand to be pushed if there is enough sand to push. He stated if the sand has to be hauled in it will cost more than that. He stated that it depends on how the Board of Aldermen wants to proceed; they can wait and see if the Federal Government declares a disaster and then get reimbursed possibly or they can go ahead and start the work and be funded out of the Town's reserve funds. He stated the estimate is somewhere between \$500,000.00-\$1,000,000.00 depending on how much sand needs to be hauled in.

Mr. Clifton stated that the Town will get more proposals and they will work close with Surf City and Topsail Beach; with all three Town's working together they might get a better deal.

Alderman Tuman suggested going back and review the history of Ophelia. He stated there was minimal damage but it did impact the Town's dune structure and FEMA quickly responded and said they would restore the Town's dune line and the beach to be comparable to what it was in the pre-storm condition and that prompted Town Staff to prepare a document to describe what the Town's beach structure looked like pre-storm and FEMA did pick up the tab.

Mr. Clifton stated he will do that process but right now he is trying to work with both State and Federal Agencies before the Town actually does anything.

State Recreational Grants:

Mr. Clifton stated at the last Board of Aldermen meeting there was discussion on the State Recreational Grants and the bike trail. He said unfortunately the State Recreational Grant Program will not pay for the bike trails on DOT right of ways because DOT will not give the Town an indefinite lease. He stated the State Recreational Grant Program is set up for

either ownership or multi year lease. He stated that they did indicate that there is a program for bike paths and the Town is working with DOT on that as a separate issue.

He stated if there is an interest in applying for the Recreational Grants they will be willing to work with the Town on either an extension of board walks or parks on land that the Town owns or can get an extended lease on. He stated that the Town would have to match what ever the Town gets.

Alderman Farley stated that the Town owns some ocean front lots that are probably not buildable and there was talk at one time of the possibility of getting a CAMA Variance if necessary to put something larger than a crossover like a gazebo or a crossover that would affect the handicap.

Recycling:

Mr. Clifton stated there has been talk about recycling and he has been in touch with Waste Industries and they have indicated that they are willing to enter into a stand alone contract for recycling if the Town chooses to do that. He stated there is an 18 gallon container for \$4.00 a month per container or the roll out 95 gallon for \$7.00 a month. He stated that is \$50.00- \$85.00 a year depending on which size container they use. He stated it would run roughly \$70,000.00- \$130,000.00 a year to recycle Island wide. He stated that Waste Industries is willing to give the Town a three year contract for recycling.

Mr. Clifton stated if the Board of Aldermen is interested, Waste Industries will draft up a formal proposal or the Board of Aldermen can seek additional companies for recycling. If the Board of Aldermen wishes to have Waste Industries do one large contract for solid waste and recycling it will probably be January or February to be put out for bids to begin later that year.

Eastern Carolina Council-Subdivision Lot Inventory

Mr. Clifton stated he has requested a proposal for technical assistance in conducting a subdivision lot inventory and potential build-out scenario based on the existing zoning designations from the Eastern Carolina Council. He has also talked to Onslow County and there are roughly 2442 tax parcels that have building units on them, roughly 1300 vacant lots, 37 commercial buildings, 22 commercial tracts without buildings and then 76 other tracts which are utilities, public works or other zoning classifications. There are roughly 1000 lots zoned multi-family without buildings on them.

He stated there has never been a comprehensive analysis on the Island and it would be to the Board of Aldermen's benefit not only from the Planning side but also from the Town side. He stated the cost of this would range from \$5,000.00-\$7,000.00. It will be an inventory of what is in the Town. He stated if the Board of Aldermen wanted him to go ahead with this he will have ECC draft a proposal in the form of a contract and they can look at it on Thursday at their meeting. He stated it would be good for the Town to have a strategic planning process.

Alderman Tuman stated this would be worth while to have a data base for the Town that would essentially be an inventory of the properties inside the Town in a format that could be looked at by zone and plat. Mayor Martin suggested putting this on Thursday's Agenda.

Walkway on River Road

Mr. Clifton stated there is a walkway on River Road that was included in the budget to put up a wooden guardrail to block it off and take the walkway out. He has received two proposals, one for \$7,800.00 and one for \$7,000.00.

Alderman Tuman stated that River Road has a Homeowners Association but this walkway is on River Drive and he does not know the status of that. He suggested having the Town Attorney look in the tax records as to who owns that road and the walkway that goes along with it. Mr. Clifton stated he would have the Town Attorney look into this issue.

Engineering on Town Hall

Mr. Clifton stated there have been discussions about modifications to Town Hall that it may or may not have built to code. He stated this has to do with additions on the back of the building when the Police Station was built. He has asked the Town Inspector to look at it and he feels there is a problem; he has talked to two engineering firms about coming in Town Hall and taking a look at what it will take to correct the problem. It has to do where the electrical service is located.

Mr. Clifton stated that he has two estimates from the Engineer to come in and do the design and specifications for moving the electrical services. He stated the lower of the two costs is \$3,250.00 to do the design and engineering that is required to move the electrical services to where they should be moved. He stated before he actually does any improvements he will bring it back to the Board of Aldermen for their approval.

He stated the proposal is to do the structural inspection analysis so the floor system on the first floor of the porch that supports this and provide drawings for a new service deck which will be a deck extended off the back of the building for that purpose. They will do an electrical engineering service set up for the power plan and power for the building. He stated it will be a standard A&E contract and he will have the Town Attorney to draw up the contract.

- B. Discussion of Agenda for October 2, 2008:** Mr. Clifton stated the only issues for discussions are the request for Autumn with Topsail and the Request for NCBIWA 2008 Annual Conference Sponsorship; he stated both of those are \$1,000.00.

IV. CLOSED SESSION: Discuss issues concerning personnel under NCGS 143-318.11 (a) (6)

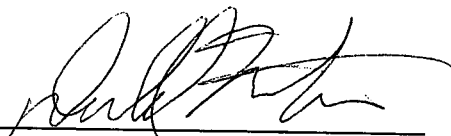
Alderman Swantek made a motion to go into Closed Session. Alderman Farley seconded the motion, motion passed unanimously.

V. RETURN TO OPEN SESSION: Alderman Farley made a motion to return to Open Session. Alderman Swantek seconded the motion, motion passed unanimously.

VI. ADJOURNMENT: Alderman Farley made a motion to Adjourn. Alderman Swantek seconded the motion, motion passed unanimously.

The Board of Aldermen meeting adjourned at 12:25 p.m.

Minutes prepared by Terrie Woodle- Deputy Town Clerk.



Donald Martin- Mayor

Date 9-30-08

Town of North Topsail Beach



Donald Martin, Mayor
Larry Hardison, Mayor Pro Tem
Aldermen:
Richard Farley
Richard Peters
Robert Swantek
Daniel Tuman

Frank W. Clifton Jr.
Interim Town Manager

Terrie Woodle
Deputy Town Clerk

BOARD OF ALDERMEN SPECIAL MEETING MINUTES WEDNESDAY, OCTOBER 1, 2008 2:00 P.M.

- I. **CALL TO ORDER:** Mayor Martin called the meeting to order at 2:13 p.m. in the North Topsail Beach meeting room.

- II. **PROJECT STATUS REPORT- CP&E**
 - A. **Steps needed to obtain permits:** Mr. Willson stated the Draft EIS was submitted to the appropriate agencies in November 2007 and they had their Public Hearing in January 2009. Since then they have submitted the CAMA State application about two weeks ago. He stated that the application is being reviewed. He stated they will release the Final EIS in a draft form to the Corps of Engineers and Division of Coastal Management. Their goal is to have it to the Corps and State toward the beginning of November and then by January they are hopeful to have the Final EIS document.
 - B. **Timeline for obtaining permits:** Mr. Willson stated that the Corps will be able to issue its Department of Army Permit with conditions at the end of April or early May 2009. He stated they are looking forward to the construction of Phase one starting in November 2009.

Alderman Peters asked what kind of conditions might this entail. Mr. Suggs stated that the conditions can vary from required monitoring to discussing the phased approach that the Town is doing. There are general conditions about water quality, threatened endangered species conditions.
 - C. **Estimated remaining expense to obtain permits:** Mr. Willson stated back in May when they started the project the authorization that was given by the Town was \$118,600.00. He stated that \$50,000.00 of that has been spent and the balance is around \$68,000.00- \$70,000.00. He stated other than the authorized amount there is no additional remaining expense to obtain the permits. He stated there were some miscommunications between the Town and CP&E that on multiple occasions CP&E had come back to the Town for additional funds. He stated the original contract was in October 2004, and then there was the south end addition in May 2006. The contract amount was close to \$1,975,000.00. He said in all these contracts there was a contingency amount set and that amount wasn't authorized, that amount was to be authorized by the Town Manager if unforeseen events occurred. On top of the \$1,975,000.00 there was a possibility of an additional \$193,000.00. Included in the \$1,975,000.00 was \$133,000.00 for plans and specifications and \$18,000.00 for contract bidding. Up until that point which is basically when the referendum failed and the project was stopped. He stated that the portion of the

\$1,975,000.00 that was spent was \$1,458,000.00, there was also \$35,000.00 of the contingency was spent due to some side scan sonar that came up. At that point and time there was a balance of the contract of \$516,000.00, basically if you take into consideration the plans and specs and the contract bidding the balance of the initially signed contract was \$365,000.00. When they restarted the project the first time which was in April 2006 the amount of money CP&E asked for to go ahead and finish the permit was \$311,400.00. He stated that was less than what was in the contract to complete that work, they asked for \$311,400.00 and at that point and time they got into the phased construction so there was additional funds on top of the \$311,400.00 that was necessary.

Mr. Willson stated that got them to the point where they were coming back for authorization of the \$118,600.00 back in May 2008. What was left of the actual contract at that point was almost \$54,000.00 and they were asking for \$118,600.00 which was due to some additional vibra cores and associated work for the phased construction. Even after they have spent the \$118,600.00 there is still \$93,000.00 worth of the contingency fund that could be available if additional unforeseen things came up.

Mr. Willson stated there were a number of discussions with Mr. Clifton and Ms. Hill and since they have had this meeting, the authorization for the \$118,600.00 had two meetings included in that price. They set aside \$6,000.00 internally for those meetings.

D. Basic elements of the permits

1. **Required commitments:** Mr. Willson stated if the Town decides not to build the project there are no commitments associated with that. They are working with the Corps, if the Town does start the process and in four years the plan says they are going to maintain the channel. They want to make sure the permit does not require the Town to go back and do the maintenance. They want to make it available to the Town as an option.

Mr. Willson stated if the Town does go through with construction, the plans and specifications would need to be drawn out and that gets into hiring a dredger, those would be commitments made by the Town.

2. **Optimal actions:** Mr. Willson stated they were hired in the beginning to develop the feasibility report and were presented with the problems of Town as far as beach nourishment and how to solve those problems. They put together the feasibility report and it basically said do a channel modification project, find an off shore borrow area and renourish the beach. That was the solution on the feasibility report, from there they presented this to the Town and the Town decided that was the direction they wanted to move in. At the time that was their direction, to move forward with a channel modification project and beach nourishment project. He stated CP&E is very comfortable with the plan as it is today.

He stated that this is an expensive project and a project with this price tag with all five phases combined for the initial construction is close to \$43,000,000.00. No one expects North Topsail Beach to pay for a project like that by their selves. He stated that phase one is the cheapest one of the phases, it is around \$5,300,000.00 and will answer a lot of questions for the Town. It will give the Town the idea of what a real beach nourishment looks like.

This will force the Town to get all of their financing in line and when the Town has the permit and moves forward and everyone knows the Town is moving forward, then they can see how much is the County and State are going to contribute to the Town. He stated that the Town will move forward and answer the questions of what are the conditions going to be of the permit and how does the Town deal with the conditions.

After phase one the Town will have some solid answers of how the Town feels about the project. At that point and time given those answers if the Town wants to change the plan, the plan can be changed. And if the Town sees that the State is willing to contribute half the cost of construction, maybe a better plan is to wait three years and combine phase two and three.

III. BEST INPUT & QUESTIONS- ED DOHERTY: The BEST Committee had their discussions earlier in the day.

IV. DISCUSSION- BOARD OF ALDERMEN: Alderman Farley stated that he thinks this plan is a waste of tax payer's money. He thinks the numbers are not conservative enough and they need to use higher numbers. If the plan does go through he would suggest the Town look at the higher numbers.

Mayor Pro Tem Hardison thanked all that came to the meeting.

Aldermen Peters thanked all that participated and he appreciated their efforts. He stated that the Town has a clear path to get the permit and then turn it over for the financial aspects and the obligations that they as Citizens will have to make a decision on. He thinks everyone will be pleased with the results.


Alderman Tuman stated that he is looking forward to the next phase of the process which is the report out from the BEST Committee.

Mayor Martin thanked everyone for coming to the meeting.

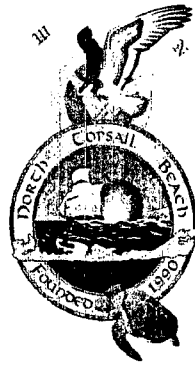
V. ACTION (if required): No action

VI. ADJOURNMENT: Mayor Martin adjourned the meeting at 3:49 p.m.

Minutes prepared by Terrie Woodle- Deputy Town Clerk.

 Date 11-01-08
Donald Martin- Mayor

Town of North Topsail Beach



Donald Martin, Mayor
Larry Hardison, Mayor Pro Tem
Aldermen:
Richard Farley
Richard Peters
Robert Swantek
Daniel Tuman

Frank W. Clifton Jr.
Interim Town Manager

Terrie Woodle
Deputy Town Clerk

BOARD OF ALDERMEN REGULAR MEETING MINUTES THURSDAY, OCTOBER 2, 2008 7:00 P.M.

PRESENT: DONALD MARTIN-MAYOR, LARRY HARDISON- MAYOR PRO TEM, RICHARD FARLEY, RICHARD PETERS, ROBERT SWANTEK, DANIEL TUMAN, FRANK CLIFTON- INTERIM TOWN MANAGER, BRIAN EDES- TOWN ATTORNEY, DEBORAH HILL-DEPUTY TOWN MANAGER, TERRIE WOODLE- DEPUTY TOWN CLERK

- I. **CALL TO ORDER:** Mayor Martin called the meeting to order at 7:00 p.m. in the North Topsail Beach meeting room.
- II. **INVOCATION:** Pastor Collins North Topsail Baptist Church gave the invocation.
- III. **PLEGDE OF ALLEGIANCE:** Alderman Swantek led those present in the Pledge of Allegiance.
- IV. **CEREMONIES:** Mayor Martin presented Mrs. Handy with a Resolution Honoring Frederick C. Handy III.
- V. **APPROVAL OF AGENDA:** Alderman Peters made a motion to approve the agenda as presented. Alderman Tuman Seconded the motion.
Mr. Clifton stated at the end of the meeting the Board will call for a Closed Session.

VOTE: Motion passed unanimously.

VI. **COMMITTEE REPORTS:**

- A. **Board of Adjustment:** Ms. Hill read the Board of Adjustment report as follows: Board of Adjustment held their meeting on September 18th. Members unanimously appointed Paula Rowland as Vice Chairman. Members unanimously recommend that the Board of Aldermen appoint Jim Milligan as a regular member. The Board of Adjustment members had a discussion and decided to make Gary Miller the Chairman.
- B. **Planning Board:** Mr. Yawn read the Planning Board report as follows: Planning Board held their regular meeting on September 11th. Their only action was to approve minutes from the previous meeting. In September, the Planning Board held 3 workshops totaling

about 7 hours on the updated zoning ordinance. There is still considerable work to do to drive this project to completion. The Planning Board and Board of Aldermen will hold a joint workshop on October 9th to review the Hazard Mitigation Plan.

Alderman Peters asked Mr. Yawn when the Planning Board expects the Zoning Ordinance changes to be complete. Mr. Yawn stated that they have worked through about 2/3 of the Ordinance and there is still one entire chapter they have to go through. There is probably 3 more months of activity with the Planning Board.

C. Beach Erosion Study Team: Mr. Doherty came forward to read his report. He stated that the BEST Committee had two meetings on Wednesday between Coastal Planning and Engineering, US Army Corps of Engineers and the Board of Aldermen. He stated it was an excellent meeting and had a through review of the status of the proposed plan that CP&E is offering for the Town. BEST Committee is in the middle of looking at that plan as well as alternatives and they will be studying that in great detail at their next couple of meetings. He is hopeful of having a report to the Board of Aldermen by the end of the year. He stated that CP&E will have the FEIS available for public comment in the January time frame and some cautious optimism could be in position to finalize their work in the April time frame.

Mr. Doherty stated that the south end seemed to have experienced greater erosion to the dune than the north end. Historically with storms like that one, the Town of North Topsail Beach, Surf City and Topsail has scraped the ocean to push the dunes back but the people that make this their profession say that is often times not necessary and a very expensive proposition and will cost North Topsail Beach \$500,000.00 to do that. He asked Coastal Planning Engineering and they said it is a feel good approach and the money could probably be used elsewhere and that the dunes will recover naturally.

VII. MANAGERS REPORT: Mr. Clifton stated that he would let Deborah Hill talk about the Storm the Town just experienced since she has been working with the State and FEMA. Ms. Hill stated that Jon Giles with the Division of Coastal Management, Doug Haus with Emergency Management Services and an Estimator were here Monday and they started an initial tour of the Island they were expecting the FEMA Officials but they were delayed. She stated their assessment in Surf City and Topsail Beach is taking longer than they anticipated; they have rescheduled for Friday morning. They will get through North Topsail Beach's assessment and get preliminary information back to the Board of Aldermen. Ms. Hill stated for the structures that are threatened and are within 20 ft. of the escarpment or on flat sand beach she can issue a letter of exemption so they can bulldoze on their own. She stated that the State came out and granted the Emergency Section 2500 for a general permit so the Division of Coastal Management would be issuing those for the Town.

Mr. Clifton stated once the Federal Government has given the Town their input the Town will try to establish a joint disaster declaration with Surf City. He stated that Mr. Doherty was close with the \$500,000.00 worth of equipment and time to push sand off the beach, if they have to bring sand in that will be an additional costs above that. They have one estimate but the Town will get others when they get to that point. If the Federal Government does not

participate then the Board of Aldermen has some tough decisions to make as far as how much money they are willing to spend.

Mr. Clifton stated he has received almost 200 applications for the Clerk position and interviews will be next week. He has received about 42 applications for the Town Manager and that closes October 10.

VIII. OPEN FORUM: Richard Durham from Kenly NC came forward to speak; he handed out a map of the Winter Haven subdivision. He stated a large number of land owners in the Winter Haven subdivision have been attempting to perform the development authorized in CAMA Permit Number 06/61 issued August 9, 2006. Their development has been halted to this point due to the destruction of what they have built and their need to verify to all concerned their right to continue on with this project. According to the record of deeds, deed 221 pages 352-353 states that this property belongs to the land owners in the Winter haven subdivision and assigns forever the riparian rights of the sound frontage. A survey conducted by Charles F. Riggs and Associates at this location clearly marks the borders. Their goal is to proceed on with the development of this area as described in CAMA permit number 06/61.

Alderman Farley asked what type of development they are trying to do. Mr. Durham stated they are going to try to put rocks down and verify that area. The area was almost lost a few years ago and a few residents got together and decided to fix the situation along with a CAMA Permit and now there are issues concerning that. They just want to clarify to everyone concerned about whose property that is and what they can and can not do.

Mr. Clifton stated in the one picture there is a house adjacent to the area in question. This issue has been going on for some time, they have a permit and graveled the area so they could park there and they want to do the other side the same way. Part of the question is, is it a public right of way or is it private, there are adjacent property owners who do not want this to happen.

Mayor Martin suggested having Staff look into this issue.

Lenny Denittis 126 N. Permuda Wynd came forward to speak. He asked who quoted the Town with the \$500,000.00 to push sand. Mr. Clifton stated that the price was estimated from \$3.50 a linear foot. He asked if the Town has thought about buying a bulldozer them selves and just paying someone \$12.00-\$20.00 an hour to push and constantly push every year. In the long run this might be cheaper.

Alderman Swantek stated that he has spoke with Thomas Best and received some estimates of what it would cost to buy a bulldozer and keep the maintenance up on it. It would be cheaper to rent a bulldozer than to buy one.

Mike Yawn 207 Tamarix Court came forward to speak. He agreed with Mr. Denittis with the dune pushing. After Ophelia they did a push and in the two- three years since then they have lost 25 linear ft. of dune. Now it is worse than Ophelia and if they can push dunes back up to

where they were after Ophelia and the dunes last another two- three years, to him it makes more sense to spend \$300,000.00-\$500,000.00 to do a dune push VS \$90,000,000.00 for a beach nourishment project, there is a 20-30% of the value for a tiny fraction of the cost.

Becky Bowman came forward to speak. She stated that she agrees with Mr. Denittis also. She stated there is no way to get the sand back on the dunes unless you push.

Todd Turpin- Property Manager Topsail Reef came forward to speak. He stated that he has done some research on sand bags and for Topsail Reef and the 1500 ft. they need, will cost \$27,000.00. He stated that it seems like it is something the Town should look into.

IX. CONSENT AGENDA: Alderman Peters made a motion to approve the consent Agenda as presented. Alderman Tuman seconded the motion.

DISCUSSION: Alderman Farley suggested pulling out September 4, 2008 minutes.

VOTE: Motion passed unanimously with the exception of September 4, 2008 minutes.

September 4, 2008 minutes: Aldermen Peters and Tuman voted for and Mayor Pro Tem Hardison, Aldermen Farley and Swantek voted against. Failed 2-3

A. Approval of Minutes

1. Retreat- May 9, 2008
2. Workshop- September 2, 2008
3. Regular –September 4, 2008

B. Department Head Reports

1. Finance Department
2. Fire Department
3. Inspections Department
4. Planning Department
5. Police Department

X. NEW BUSINESS

A. Nominations to Various Boards and Committees: Recommendation to the Board of Aldermen to appoint Jim Milligan as a regular member to the Board of Adjustment:

Alderman Swantek made a motion to approve Jim Milligan as a regular member. Mayor Pro Tem Hardison seconded the motion.

DISCUSSION: Alderman Peters suggested having a training session for the Board of Adjustment.

Vote: Passed unanimously.

Discussion on various Boards and Committees: Mr. Clifton stated that Alderman Farley had discussed the idea of establishing a Citizen's advisory Committee for the next County wide Revaluation for tax purposes. Attorney Edes stated that the Town other than being a resource for the Public can't take on that burden in a court of law. After much discussion the Board of Aldermen directed the Town Attorney to draft a resolution that the Town can adopt asking the County to consider appointing a Committee under the Statutes as

authorized. Attorney Edes stated he would also let the County know that the Town is going to form a Committee.

Revitalization of the Appearance and Beautification Committee: Mrs. Peters suggested changing the name of the Committee. The Board of Aldermen asked the Manager to have Staff look into the revitalization of the Appearance and Beautification Committee..

- B. Request by Autumn with Topsail: Alderman Peters made a motion to sponsor Autumn at Topsail with \$1000.00. Alderman Tuman Seconded the motion.**
Discussion: Mayor Martin stated this is a donation for the museum. He stated that Surf City and Topsail gave more than \$1000.00. Alderman Farley stated this is a not for profit and there are many needy not for profits around.
VOTE: Aldermen Peters and Tuman voted for and Mayor Pro Tem Hardison, Aldermen Farley and Swantek voted against. Failed 2-3
- C. Request for NCBIWA 2008 Annual Conference Sponsorship:** Mr. Clifton stated that NCBIWA asked the Town for a \$1000.00 donation for their Conference.
Alderman Tuman made a motion to give \$1000.00 for the NCBIWA 2008 Annual Conference. Alderman Peters seconded the motion.
Discussion: Mayor Pro Tem Hardison asked if they gave last year. Mayor Martin stated yes.
VOTE: Aldermen Tuman and Peters voted for and Mayor Pro Tem Hardison, Aldermen Farley and Swantek voted against. Failed 2-3
- D. Discussion of New State Stormwater Rules:** Ms. Hill provided the Board of Aldermen with a summary sheet of the State Stormwater Rules. She stated that the new State Stormwater Rules went into affect October 1, 2008. She stated prior to if an acre or more was disturbed a State Stormwater permit would be issued. They have lowered that to 10,000 sq. ft. This will not affect North Topsail Beach as much as it will other areas. When more information comes in she will update the Board of Aldermen.
- E. Discussion, Possible Action: Contract between Topsail Island Shoreline Protection Commission (TISPC) and Marlowe & Company:** Alderman Peters stated North Topsail Beach, Surf City and Topsail Beach has hired Marlowe & Company over the prior years for them to act as the Town's Lobbying Firm to get Federal Funds by lobbying the various representatives the State has and over the years they have been successful. The total contract price is \$60,000.00 and divided into thirds North Topsail Beach's portion would be \$20,000.00. He stated that \$19,000.00 has already been budgeted for this. He recommends continuing with the contract.

Alderman Peters made a motion to approve the Contract. Alderman Tuman seconded the motion.

Discussion: Alderman Farley stated he is not sure how successful this company has been. Alderman Tuman stated when Marlowe and Company makes a presentation; the material they use is rather substantial. Representatives from the offices of the Elected Officials

know Marlowe and they know the information. Mayor Pro Tem Hardison stated he is for the recommendation.

VOTE: Mayor Pro Tem Hardison, Aldermen Peters, Tuman and Swantek voted for. Aldermen Farley voted against. Passed 4-1

- F. Eastern Carolina Technical Assistance:** Mr. Clifton has been in contact with the Eastern Carolina Council to provide professional services to help the Town classify all property within the Town for purposes of buildable, unbuildable, and appropriate zoning. He is asking the Board of Aldermen to authorize this so he can get the formal agreement drawn up and he will bring it back to the Board for approval. They propose to do this for \$5,000.00-\$7,000.00.

Alderman Peters made a motion to approve this as presented. Alderman Tuman seconded the motion.


Discussion: Alderman Farley stated he thinks this is a good idea but it needs to be budgeted. He would like to see the Town stay within its budget. Mayor Pro Tem stated that he would like someone to call prior staff and find out if in fact the Town had something like that.

VOTE: Mayor Pro Tem Hardison, Aldermen Peters and Tuman voted for. Aldermen Farley and Swantek voted against. Passed 3-2

- XI. OPEN FORUM:** No one from the Public came forward to speak.
- XII. ATTORNEY'S REPORT:** Attorney Edes gave a brief update on the North End houses. The Town has a majority of the deeds in hand. A couple of the properties still had some outstanding taxes and mortgages.
- XIII. MAYOR'S REPORT:** Mayor Martin thanked everyone for working hard on the Committees for the Town. He thanked Mr. Clifton for all his work for the Town. Mayor Pro Tem thanked everyone for coming out tonight.
- XIV. ALDERMEN'S REPORT:** Alderman Peters thanked everyone for coming out tonight. He also thanked Public Works for cleaning up the beach after the storm. Alderman Tuman thanked everyone for coming out tonight. Alderman Swantek stated that Lionell Midgett talked about the quarter percent sales tax that is coming up in November, he stated if Citizens do not vote for the quarter percent there will be .04 on \$100.00 on the County taxes. Alderman Farley wished everyone a pleasant evening.
- XV. CLOSED SESSION: Discuss issues concerning personnel under NCGS 143-318.11 (a) (6).**
- Alderman Swantek made a motion to go into closed session. Alderman Tuman seconded the motion, motion passed unanimously.**
- XVI. RETURN TO OPEN SESSION:** Alderman Swantek made a motion to return to Open Session. Alderman Farley seconded the motion, motion passed unanimously.

**XVII. ADJOURNMENT: Alderman Tuman made a motion to adjourn. Alderman Swantek seconded the motion, motion passed unanimously.
The Board of Aldermen meeting adjourned at 9:45 p.m. in the North Topsail Beach meeting room.**

Minutes prepared by Terrie Woodle- Deputy Town Clerk



Donald Martin- Mayor

Date 11-2-09

Town of North Topsail Beach

Donald Martin, Mayor
Larry Hardison, Mayor Pro Tem
Aldermen:
Richard Farley
Richard Peters
Robert Swantek
Daniel Tuman



Frank W. Clifton Jr.
Interim Town Manager

Terrie Woodle
Deputy Town Clerk

BOARD OF ALDERMEN SPECIAL MEETING MINUTES OCTOBER 27, 2008 8:30 A.M.

PRESENT: DONALD MARTIN- MAYOR, LARRY HARDISON-MAYOR PRO TEM, RICHARD FARLEY, DANIEL TUMAN, FRANK CLIFTON- INTERIM TOWN MANAGER, TERRIE WOODLE-DEPUTY TOWN CLERK

NOT PRESENT: RICHARD PETERS, ROBERT SWANTEK

I. CALL TO ORDER: Mayor Martin called the meeting to order at 8:38 a.m. in the North Topsail Beach meeting room.

II. DISCUSSION AND ACTION FOR THE RENEWAL OF EMPLOYEE HEALTH AND DENTAL INSURANCE COVERAGE: Interim Town Manager Frank Clifton presented information and provided an overview of options.

ACTION: Board of Aldermen to select and approve coverage options for employee health and dental insurance coverage.

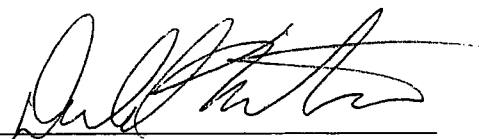
Mayor Pro Tem Hardison made a motion to renew the current policy for Medical and Dental Insurance. Alderman Tuman seconded the motion, motion passed unanimously.

III. CLOSED SESSION- PERSONNEL MATTERS: Mayor Pro Tem Hardison made a motion to go into closed session to consider the qualifications, competence, performance, condition of appointment of a public officer or employee or prospective public officer or employee. Alderman Tuman seconded the motion, motion passed unanimously.

IV. RETURN TO OPEN SESSION AND ADJOURN: Alderman Farley made a motion to return to open session and adjourn. Alderman Tuman seconded the motion, motion passed unanimously.

The Board of Aldermen Special Meeting adjourned at 9:55 a. m. in the North Topsail Beach meeting room.

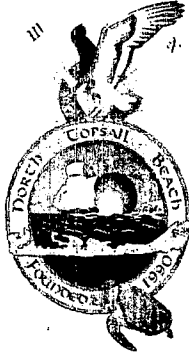
Minutes prepared by Terrie Woodle- Deputy Town Clerk.



Donald Martin, Mayor

Date 10-29-08

Town of North Topsail Beach



Donald Martin, Mayor
Larry Hardison, Mayor Pro Tem
Aldermen:
Richard Farley
Richard Peters
Robert Swantek
Daniel Tuman

Frank W. Clifton Jr.
Interim Town Manager

Terrie Woodle
Deputy Town Clerk

**BOARD OF ALDERMEN
AGENDA WORKSHOP
TUESDAY, NOVEMBER 4, 2008
10:00 A.M.**

PRESENT: DONALD MARTIN- MAYOR, LARRY HARDISON-MAYOR PRO TEM, DANIEL TUMAN, RICHARD FARLEY, RICHARD PETERS, ROBERT SWANTEK, FRANK CLIFTON- INTERIM TOWN MANAGER, TERRIE WOODLE- DEPUTY TOWN CLERK

I. CALL TO ORDER: Mayor Martin 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. Alderman Tuman seconded the motion, motion passed unanimously.

III. NEW BUSINESS:

A. Discussion on Agenda for Thursday, November 6, 2008. Mr. Clifton suggested adding the Resolution Authorizing the Submission of a Grant Application and Execution of Documents related to the Beach Vitex Eradication Project to the Agenda for Thursday under New Business G.

Alderman Swantek suggested putting NCBIWA 2008 Annual Conference Sponsorship back on the Agenda as Old Business A.

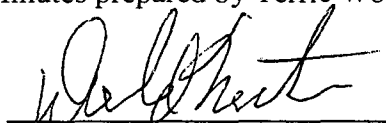
Alderman Peters suggested getting an estimate to finish the bike path.

IV. CLOSED SESSION: To consult with the Town Attorney in order to preserve the attorney-client privilege NCGS 143-318.11 (a) (3) and to discuss issues concerning personnel under NCGS 143-318.11 (a) (6).

Alderman Swantek made a motion to go into Closed Session. Alderman Tuman seconded the motion, motion passed unanimously.

The Board of Aldermen Agenda Meeting went into Closed Session at 11:25 a.m.

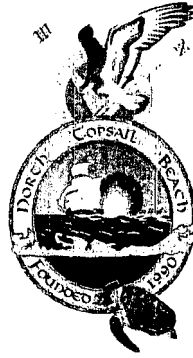
Minutes prepared by Terrie Woodle- Deputy Town Clerk.



Donald Martin- Mayor

Date 12/5/2008

Town of North Topsail Beach



Donald Martin, Mayor
Larry Hardison, Mayor Pro Tem
Aldermen:
Richard Farley
Richard Peters
Robert Swantek
Daniel Tuman

Frank W. Clifton Jr.
Interim Town Manager

Terrie Woodle
Deputy Town Clerk

BOARD OF ALDERMEN REGULAR MEETING MINUTES THURSDAY NOVEMBER 6, 2008 7:00P.M.

PRESENT: DONALD MARTIN-MAYOR, LARRY HARDISON-MAYOR PRO TEM, RICHARD FARLEY, RICHARD PETERS, ROBERT SWANTEK, DANIEL TUMAN, FRANK CLIFTON-INTERIM TOWN MANAGER, BRIAN EDES-TOWN ATTORNEY, DEBORAH HILL-DEPUTY TOWN MANAGER-PLANNING & ZONING OFFICER

- I. CALL TO ORDER:** Mayor Martin called the meeting to order at 7:00 p.m. in the North Topsail Beach meeting room
- II. INVOCATION:** Rev. Joe Samples, Salem Baptist Church gave the Invocation.
- III. PLEDGE OF ALLEGIANCE:** Alderman Swantek led those present in the Pledge of Allegiance.
- IV. APPROVAL OF AGENDA:** Alderman Peters made a motion to approve the Agenda with the addition of the Resolution requesting the County to form a Committee that will provide oversight in the coming revaluation under New Business. Alderman Farley seconded the motion, motion passed unanimously.
- V. COMMITTEE REPORTS:**
 - A. BEACH EROSION STUDY TEAM:** Mr. Doherty read his report as follows: A new survey was recently added to the BEST web site (NTBBEST. Com) asking NTB citizens how much they would be willing to spend of their own money to address the Town's beach erosion problem. Initial results of the NTBBEST survey appear to be consistent with the survey conducted by the Town of North Topsail Beach in 2006.

NTB 2006 survey: 75% would pay no more than \$1,000.00 per year (59% said no more than \$500.00 per year).

NTBBEST 2008 survey: 78% would pay either nothing (29%) or no more than \$1,000.00 per year (49 %).

BEST participated in the October 1, 2008 meetings between CP&E, the Army Corps of Engineers, and the NTB Board of Aldermen. BEST members felt they learned much from the meetings.

Many BEST members are concerned about the size of the New River Inlet channel proposed by CP&E. Roughly 30 times the size of the current channel, the concern is that the proposed 500' wide x 18' deep x 3,700' long channel may exacerbate the erosion of the north end of NTB as sand that moves from North to South to replenish the beach would be captured by the channel. BEST member Duncan Heron (PhD in Geology) suggests a smaller channel be considered. Dr. Heron's suggestion will be discussed at a special BEST meeting on November 7 at 10:00a.m.

BEST discussed alternatives to CP&E's proposed 5-phase Beach Nourishment proposal at BEST's October 8, 2008, meeting. Thirteen alternatives were prioritized as follows:

Only do Phase I. (with smaller channel) -----	15
Do all Phases (with smaller channel) -----	11
Do nothing (houses moved or town down as beach erodes) -----	10
Subsidize all NTB ocean front property owners to build dunes w/trucked in sand--	7
Only do Phase I (including channel) -----	6
Build Terminal Groin at New River Inlet-----	4
Build dunes (with trucked-in sand) -----	1
Purchase north end (make into park) -----	0
Only do Phase I (without channel) -----	0
Do all Phases (without channel) -----	0

The top 5 alternatives will be discussed in detail at BEST's November 12, 2008, meeting.

Dr. William Dally of Surfbreak Engineering Sciences, Inc. (Winter Park, Florida) has offered his services (at a fee) to review and comment of CP&E's proposal. Dr. Dally has extensive experience both in the science of how wave formation causes beach erosion. BEST will discuss Dr. Dally's proposal at their November 12 meeting. A BEST recommendation to NTB regarding Dr. Dally's proposal will be submitted shortly thereafter.

B. PLANNING BOARD: Mr. Yawn stated that the Planning Board did not have a regular meeting on October 9; rather, they held a joint workshop with the Board of Aldermen on the Hazard Mitigation Plan. The direction from that meeting was to form a subcommittee of members from both Boards and work on a draft, with restructuring of format as well as content. Their next Planning Board meeting is Thursday November 13 at 6:30 p.m.

C. BOARD OF ADJUSTMENT: There was no regular meeting on October 16, 2008.

VI. MANAGER'S REPORT: Interim Town Manager Mr. Clifton introduced Mr. Christopher Rogers who will be assisting Ms. Hill as the Town Planner. He also introduced Ms. Carin Faulkner who will be the New Town Clerk; she will start on November 13, 2008.

The 2007-2008 Audit Report is finished and the Board members have a copy of it. He stated that the Town has one remaining title to clear to the homes at the North End.

Mr. Clifton stated that he is working on a spread sheet report that will overlay the CP&E beach projects and the Federal beach project. It is intended to develop a more accurate cost analysis and focus on timing overlays for defining the various elements and associated costs. He is finding conflicting data and numbers and wants to get the most accurate data available and then provide some type of summary that the Board can then fixate upon various elements of both projects from a more factual standpoint. This is intended to provide the Board a basic foundation relative to what actions are proposed to be taken, when and the associated costs. It is hoped the impacts of external financial assistance can be aligned to reflect what can or can not be accomplished in the end.

VII. OPEN FORUM:

Mr. Wright came forward to speak. He owns property at Shipwatch and last month at their meeting they discussed the CBRA Zone and Flood Zone factor. He stated in a tight area and tight market this is hurting them and this goes in concert with beach renourishment. He stated they are not able to sell their properties and in fact owners are dropping the property value so low it is hurting the tax base.

Mike Yawn 207 Tamarix Court came forward to speak. He asked what the status was on the recycling. Mr. Clifton stated that the Board of Aldermen have discussed the cost estimate for the recycling, the issue is do you set up a separate contract for recycling or separate contract for the waste hauling. He stated the most effective way is to do them together. The contract for the waste comes up May 2009. This spring the contracts will be negotiated.

He stated that Mr. Doherty mentioned the channel earlier and whether it would stop the sand. He stated that Scientist Mr. Riggs said that the channel at Morehead City which is a shipping channel 40-50 ft. deep is starving sand from Onslow Bay area and he describe North Topsail Beach as a sand poor area and blamed it on the shipping channel at Morehead City where the sand normally would have come passed Morehead City from the Outer Banks area down into Onslow Bay and instead it goes into the shipping channel and he believes a similar thing would happen here with a 14-18 ft. deep channel.

He urged the Board and the Citizens when the time comes to vote on restoring the dunes, whether it is pushing sand or trucking sand in, the Citizens pay beach nourishment taxes and occupancy taxes and that is what this should go towards.

Gary Rowland 127 S. Permuda Wynd came forward to speak. He wanted the Board of Aldermen to know that Autumn with Topsail was reasonably successful. They had participation by some of the residents from North Topsail Beach however North Topsail Beach was conspicuous by their absence on the Board that delineated who the sponsors were. He

stated that North Topsail Beach has to become part of this Island; North Topsail Beach seems to be doing things on its own and not in conjunction with the rest of the Towns.

Nanny Hamalainen President of Shipwatch Villa Condominium came forward to speak. She asked if a ramped dune access can be built between St. Regis and Shipwatch. She stated at this moment the only place wheeled vehicles can get to the beach is through their swimming pool and their private ramp areas. She stated there are Americans with disabilities and they need to get their wheelchairs to the beach. Alderman Tuman asked if there is parking facilities at this location. She stated there is a strip between Shipwatch and the lot that is for sale. Alderman Farley stated that the Town does provide beach wheelchairs and handicap citizens are permitted to ride out on the beach. He mentioned that the empty lot that is next to Shipwatch Villas is slated for development.

Tom Leonard 218 Coastal Drive came forward to speak. He reminded everyone that Monday November 10, 2008 is the 233rd anniversary of the United States Marine Corps founding. The following day is Veterans Day so please take a moment to think about all the veterans that are deployed throughout the areas of the world. He also reminded citizens it is not too early to think about Toys for Tots.

IX. CONSENT AGENDA:

A. APPROVAL OF MINUTES:

1. September 4, 2008
2. September 30, 2008
3. October 1, 2008
4. October 2, 2008
5. October 27, 2008

B. DEPARTMENT HEAD REPORTS:

1. Finance Department
2. Fire Department
3. Inspections Department
4. Planning Department
5. Police Department

Alderman Swantek made a motion to adopt the Consent Agenda with the revised September 4, 2008 minutes. Alderman Farley seconded the motion, motion passed unanimously.

X. OLD BUSINESS:

A. Request for NCBIWA 2008 Annual Conference Sponsorship: Alderman Swantek has requested the Board's reconsideration of the Town's sponsorship of the North Carolina Beach, Inlet & Water Association (NCBIWA) 2008 Conference.

Alderman Swantek made a motion to award the \$1,000.00 towards the membership. Alderman Peters seconded the motion.

Discussion: Alderman Farley stated at the last meeting this was voted down. He said that he has a copy of the Town's check register for the last couple of months and the check had already been issued before the Board ever voted on this item. Mr. Clifton stated that the check had been prepared based on an invoice, he pulled it and held it until the Board had met. Once it was voted down he voided the check.

Motion passed 3-2 Aldermen Richard Peters, Swantek and Tuman voting for and Mayor Pro Tem Hardison and Alderman Farley voting against.

V. NEW BUSINESS:

A. Town Volunteer Citizen Committees Overview: Mr. Clifton stated at the last Board meeting a discussion about the status of the Recreation and Appearance Committee ended with a request for him to look into how the Town's committee structure was functioning and potentially provide recommendations for consideration. He has initiated that effort and has some early input and suggestions but did not want to begin too comprehensive an effort without further direction from the Board.

There are two 'statutory' citizens committees appointed by the Board of Aldermen. The Planning Board and the Zoning Board of Adjustment have definitive roles within the Town's Code of Ordinances. There are three other advisory committees, the Recreation and Appearance Committee (also known as the Beautification Committee and Pretty Committee), the BEST committee which was formed when the Beach Nourishment Committee was restructured by Board action in March 2008, and the CAMA Land Use Study Committee which is an extension of the Planning Board.

Issues for the Board of Aldermen to consider is how committees should function, what operating parameters should exist for each committee, how committee membership is to be managed, a mission/goal statement guiding each committee's functions and most importantly how the Town's liability coverage extends to the actions of committee members in conducting business on the Town's behalf. Lastly, with limits on the number of citizens available to **volunteer** we need to make sure their efforts are both useful and appreciated.

First, He suggest they more formalize the existence of the various committees in a manner that gives credibility to their efforts and allows for someone interested in their functions to determine what each committee is, why it exists and other important information.

Second, Onslow County and other jurisdictions do provide an application form for those citizens wanting to be considered for appointment to one or more of that local

government's citizens committees. A form used by Onslow County is provided as a sample that could be cloned and modified to fit the Town's needs. Doing so would more formalize how citizens know their interests are being considered by the Board of Aldermen when these volunteer committees are established.

Third, Onslow County requires citizen volunteers to complete a form that advises them of legal issues associated with volunteering to serve in a capacity involving the public's business. The form provides details and overviews of issues associated with serving in this 'public' capacity. In Onslow County the County Attorney assists with the educational efforts associated with advising these citizens in these important matters.

Fourth, there has been some discussion about the level of **staff support** appropriate to assist each of the various advisory committees in their function. Some of these groups keep their own minutes and records while other request Town staff support. In each case, a Town staff person should be assigned to an advisory committee to make sure its activities are aligned with the interest of the Town. The issue of staff support is somewhat hindered by the small number of Town staff available and scheduling of other job functions of those people assisting a committee in its functions.

Fifth, it is extremely important that the **mission and objectives** of each advisory committee is **directly** linked to the Town's strategic message to citizens. **Autonomy** of advisory committees to function outside the parameters established by the Board of Aldermen or to develop separate agenda needs to be avoided. If they are to function as a Town **sanctioned** advisory committee there needs to be reliance upon their commitment to remain objective and politically non-biased in their advisory capacities. If members of a committee want to be totally **independent** of the Board of Aldermen, then their efforts should be external to Town functions, appointments, etc. entirely.

Finally, citizen volunteers are essential to keeping the public involved in local government. However, committees that have no designed function may malfunction. Persons volunteering need to know their service is appreciated and important. If not, their experiences will impact negatively upon committee and town functions.

What must be determined is whether a committee is something useful toward a purpose and how will input be used in a proactive manner. The advisory committees should know that their efforts are deemed essential, even if **advisory** in nature. In the end, the Board of Aldermen will make final decisions, but the work of these committees may be helpful in guiding the decision making process to successful conclusions

SUGGESTED ACTION: 1. Discuss how formalized should the Town's volunteer committee structure be. 2. Discuss if further refinement of existing guidelines is desirable. 3. If the Board provides further guidance or establishes fundamental parameters to be pursued, Town staff will act accordingly.

- B. Onward Onslow Contribution:** Mr. Clifton stated that the Jacksonville- Onslow Economic Development Organization is in the midst of an expansion of its economic development marketing efforts for Onslow County. As part of that effort it is seeking the financial participation of 'all' local governments and an expansion of the involvement of the private sector in the funding of a major effort to promote the expansion and diversification Onslow County's tax base and employment opportunities.

Local governments within Onslow County have committed to this effort with the exception of North Topsail Beach at this time. He is not sure the Town was fully aware of these efforts or that this issue has been presented to the Board of Aldermen in a formal request.

The Towns of Swansboro, Richlands, Holly Ridge have pledged \$1,000.00 per year for five years. Surf City has pledged \$2,000.00 per year for five years. Jacksonville is providing approximately \$90,000.00 per year and Onslow County provides over \$200,000.00 per year in operations funding for economic development recruitment efforts.

SUGGESTED ACTION: Mr. Clifton recommends that North Topsail Beach pledge \$1,000.00 per year for five years designating either accommodations tax revenues or local option sales tax revenues as the funding source.

Alderman Peters made a motion to approve the contribution as prescribed. Alderman Tuman seconded the motion. Motion passed 4-1 with Mayor Pro Tem Hardison, Aldermen Peters, Tuman, Swantek voting for and Alderman Farley voting against.

- C. Coastal Resources Advisory Council Nominations:** Mr. Clifton requested for the Town's input into the appointment of a representative to the CRAC Advisory Council. Nominations are due November 14th. Mr. J. Michael Moore, Surf City Town Manager currently represents Topsail Island on this Board.

He stated they may make nominations for anyone to serve the interest of Town's and Cities or other classifications within the CRAC guidelines.

SUGGESTED ACTION: It is recommended that the Board of Aldermen consider the nomination of Mr. Moore to continue in his capacity representing Topsail Island Towns and make any other nominations the Board sees fit for other positions open within the nomination process.

Alderman Swantek made a motion to keep Mr. Moore as representative. Alderman Peters seconded the motion, motion passed unanimously.

- D. Land Donation: Lot 5 Hampton Colony, NTB:** Mr. Clifton stated that Mr. Gene Graziosi representing the ownership of the parcel in question has approached the Town

with regards to its acceptance of a fee simple donation of this site with a provision that the property remain used for conservation purposes. While there is no specific benefit for the Town in acceptance of the transfer of title and the land at this time has limited buildable value, it also does add to the Town's ocean front ownership.

The Town Attorney has reviewed the proposed terms of the transfer and finds no significant obstacles to its acceptance. There may be some issues related to public access to the property thorough the HOA, but since the parcel is being reserved for conservation purposes, he finds no reason that the Town should not accept the donation.

If the Board agrees in concept with the acceptance of this land donation to the Town, He would request that the Board:

1. Act to accept the donation as proposed.
2. Authorize the Town Attorney and Interim Town Manager to proceed with all actions necessary to comply with the terms of the transfer.
3. Authorize the Mayor to sign-off on the legal documents accepting the donation.

The owners would like this transaction to occur prior to the end of December, 2008 for tax purposes. Approval of the requested actions will allow for the timing of the necessary steps to meet that goal.

Alderman Tuman made a motion to authorize the Town Manager to accept this donation under the provisions that nothing in accepting that donation prevents the Town from using the land for public purposes and creates a situation where there are financial obligations such as liens or association property dues. Mayor Pro Tem Hardison seconded the motion.

Discussion: Alderman Farley suggested tabling this issue since there are these possibilities. He finds it hard to believe that the owners in Hampton Colony are going to allow Citizens to come in and park on their roads and go to the beach. The Town should not just accept property just because it is a tax break for someone; the Town should have a real need and should be able to use it.

Mr. Clifton stated if they want to make this contribution they can make it to the North Carolina Land Trust.

Motion passed 3-2 with Aldermen Peters, Tuman and Swantek voting for and Mayor Pro Tem Hardison and Alderman Farley voting against.

- E. Pyrotechnic Permit Authority:** Mr. Clifton stated that the Onslow Board of County Commissioners has recently acted to delegate the authority for authorizing pyrotechnic events to local governments for those instances where the events occur within a municipality.

The Town needs to establish parameters for such events, the permitting process and associated permit fees. Mr. Clifton is not aware of how many such events if any occur within the Town limits, but if they have in the past it would have required a county permit.

SUGGESTED ACTION: Designate the Town Police Department as the permitting agency within the Town along with the required sign-off by the Town Fire Marshall as part of the permitting process. Also, direct the Town Attorney to draft the appropriate ordinance or other legislative action establishing the governing procedures and associated fees for the permitting process.

He stated once that work is complete the Town's procedures will be in place. Until then, NCGS 14-413 is applicable and a question exists as to what fees could be charged.

- F. Professional Planning Services Contract:** Mr. Clifton stated that following the last Board of Aldermen's meeting, he and Ms. Hill met with the staff at the Eastern Carolina Council in New Bern to refine the project deliverables related to a through analysis of the Town's ultimate **Build-out** if fully developed. Once completed, this information should allow for developing an overall Strategic Plan and development philosophy related to the island's future development.

His emphasis for recommending this work be done by ECC is the availability of their services at a favorable rate and on a time line that would benefit NTB. Additionally, such work would not be done without outside assistance based upon existing staffing levels and other demands.

If pursued this project would begin sometime after January 1, 2009 due to other staffing commitments at ECC.

It is hoped that this effort will also help resolve questions regarding the number of non-compliant subdivision lots that may exist that do not meet the specific zoning provisions that overlay those parcels.

ACTION REQUESTED: Approve the agreement and associated budget amendments authorizing the maximum of \$7,000.00 for the project.

Alderman Peters made a motion to approve the contract as presented. Alderman Tuman seconded the motion.

Discussion: Alderman Farley stated that this is an item that is not necessary and the Board will have to increase the budget, it may be worth while but the Board needs to discipline themselves where the budget is concerned.

Motion passed 3-2 with Mayor Pro Tem Hardison, Aldermen Peters and Tuman voting for and Aldermen Swantek and Farley voting against.

- G. Resolution Authorizing the Submission of a Grant Application and Execution of Documents related to the Beach Vitex Eradication Project:** Beach Vitex has been identified on 48 lots in North Topsail Beach. Funding in the amount of \$10,000.00 is

available through the North Carolina Beach Vitex Task Force (NCBVTF) to assist the Town in eradicating beach vitex. Work costing \$7,925.00 already preformed by the Town may count as credit toward the required match.

ACTION REQUESTED: That the Board of Aldermen authorize \$2,500.00 in matching funds and adopt the attached resolution authorizing the grant application to the NCBVTF.

Alderman Tuman made a motion approve the resolution authorizing the submission of the grant application for Beach Vitex Eradication in the amount of \$10,000.00. Alderman Peters seconded the motion, motion passed unanimously.

H. Resolution Authorizing the Town Board of Aldermen to Create a Committee to Assist the Public in Ensuring an Accurate Assessment of the Tax Value of Real Property located in the Town of North Topsail Beach AND Requesting the Onslow County Board of Equalization to Appoint a Committee to Monitor the Methodology Employed by the County in Assessing the Tax Value of Real Property Located in the Town of North Topsail Beach: Alderman Farley suggested that this be a voluntary committee to keep the cost to the Town minimum. Mr. Clifton suggested that the Board think about the type of citizens they want on the Committee.

Alderman Peters made a motion to authorize a resolution to create a volunteer committee to assist the public in obtaining an appropriate tax value with respect to the upcoming reevaluation. Alderman Farley seconded the motion, motion passed unanimously.

VI. OPEN FORUM:

Mr. Doherty came forward to speak. He stated that it will be good to have guide lines for the committees it will also be good to have guidelines for what the committee should expect and support from the Town.

Mayor Win Baton came forward to speak. He stated that he is confused about forming a committee on revaluation. He stated as far as the Town is concerned there is nothing they can do until the schedule of values are established. The County is responsible for making appraisals or valuations that are necessary; they then have Pubic Hearings and bring out points that are relative to the way they are looking at valuations in this area. As far as having any input to it, until the County adopts the schedule of values then the Town can put the multiplier on it. He stated that it doesn't really matter what value is placed on the property as long as the multiplier that is put on it is equitable. He stated once a schedule of values are established and the multiplier is established then the individual Citizen has the right to appear in court to protest the valuation of that particular property.

He stated that Warsaw has the record of having the oldest consecutive observance of Veterans Day anywhere in the United States. Warsaw's 88th consecutive year will be on Saturday the 8th and he welcomed everyone to come and participate.

Town of North Topsail Beach

Donald Martin, Mayor
Larry Hardison, Mayor Pro Tem
Aldermen:
Richard Farley
Richard Peters
Robert Swantek
Daniel Tuman



Frank W. Clifton, Jr.
Interim Town Manager
Carin Z. Faulkner, MPA
Town Clerk

**Board of Aldermen
Agenda Workshop
Tuesday, December 2, 2008
10:00 A.M.**

PRESENT: Mayor Donald Martin, Mayor Pro Tem Larry Hardison, Aldermen Richard Peters, Robert Swantek, Daniel Tuman, Interim Town Manager Frank Clifton, and Town Clerk Carin Faulkner

NOT PRESENT: Alderman Richard Farley

- I. **Call to Order:** Mayor Martin called the meeting to order at 10:00 a.m. in the North Topsail Beach meeting room.
- II. **Approval of Agenda:** Alderman Peters made a motion to approve the Agenda. Alderman Tuman seconded the motion, motion passed unanimously.
- III. **New Business:**

A. Discussion of Manager's Report Regarding the Financial Overview of Beach Nourishment Programs

Mr. Clifton presented the information that he gathered for a project spreadsheet, which is a work in progress discussing funding options for beach nourishment. The figures he provided are assumptions and are not an indication of commitments made by any government agency including NTB.

Mr. Clifton proposed that the town work more closely with the county and state, but emphasized that the town also needs to put forth more effort to show that it is willing to help itself in financing these programs. He also said that he thinks that the projects are not likely to be done on time, as they rarely go as scheduled.

Mr. Clifton advised the Town to stay away from debt financing and that it should be a pay as you go process. He proposed that the Board allow the public to vote on funding beach nourishment, for example, asking them to raise the property tax rate (or however NTB chooses to fund the project), and giving it a certain time frame.

Mr. Clifton spoke about the Federal government possibly moving toward with funding ready-to-go projects. He discussed the possibility of the town qualifying for assistance and emphasized that working closely with the state will help NTB have a better advantage of getting this funding because the state will be allocating these funds. He said it will be very important for the town to get "into the cue".

Discussion: Alderman Peters asked Mr. Clifton for the amount that NTB generates in hotel-motel tax. Mr. Clifton said it was about \$1.2 million a year. He explained that the county uses the funds for other projects throughout the county. He thinks his \$350,000 number from his spread sheet is realistic. He doesn't guarantee that the county will give that, but he thinks the town can make a case for it.

Mayor Martin asked about the sequence of the phases. Mr. Clifton said that it is possible for them to move up and down in priority and that he only went by what has been proposed by CP&E.

Alderman Peters asked Mr. Clifton about pursuing the Hotel-Motel Tax and a strategy for getting more from the county. Mr. Clifton said that NTB needs to work with the county commissioners and should not ask them to obligate their support unless NTB does their share. NTB citizens need to make a commitment. There needs to be a committed time frame.

Mr. Clifton structured his proposal after efforts that have been successful in other areas. He re-emphasized the need for NTB to be a part of the county and to highlight NTB's ability to generate tax dollars.

Alderman Peters asked if this is the comparable amount that other counties make. Is the \$350,000 a token amount of money, isn't this money that NTB has generated? Mr. Clifton said that the county has no obligation to deal with it. He thinks that NTB can make a strong financial statement to the county and that NTB should get the county's cooperation before going to the state.

Alderman Tuman stated that he does not think the county will refuse the amount because what the town is asking for is not horrendous. Mr. Clifton re-emphasized gaining public support over a ten year period and then getting the county to come aboard for a ten year commitment as well.

B. Discussion of Agenda for Thursday, December 4, 2008.

Discussion of Request for Authorization to Seek Bids for Dune Restoration/Repairs:

Thomas Best presented maps of areas of NTB where sand can be pushed and areas where sand would need to be trucked in for dune restoration and repairs.

Alderman Tuman asked if there are Federal funds available for this work to be done. Mr. Clifton said there are not.

Discussion of Public Hearing to Consider Public Comments on Adopting and Enacting an Updated Version of the Town Code of Ordinances:

The Town is going to defer the Public Hearing until the two chapters that were not submitted the last time are revised. The Town will re-advertise the Public Hearing.

Other items discussed:

Alderman Peters asked for the status of the change in speed limit. It should be 45 mph as you come off the bridge and move south. After the curve behind town hall and moving north it is 55 mph. There may be a sign in the wrong place according to Alderman Hardison.

Alderman Peters also mentioned the no parking on New River Inlet on the right-of-way. Police Chief Casey Fillinger was inquiring about it and never received an answer.

Alderman Peters requested to hear back on an estimate to finish the bike path. Mr. Clifton was looking for a formal plan and could not find one. He would like to get back to the Board and report back with a linear foot cost if he can be provided with how far the bike path needs to be extended. Alderman Peters explained that the grant that was received for the finished part of the path did not cover the full amount that was planned.

Mr. Ed Doherty addressed the Board on behalf of the BEST committee. He pointed out the information that he gathered which is similar to what was found in the manager's report regarding nourishment projects. The BEST committee agrees that outside funding is needed for the projects to go forward. He highlighted the conflicting opinions in the academic and engineering community about what to do for beach erosion. The BEST committee contacted two third-party consultants that they would like to bring in to look at the CP&E proposal. The BEST committee recommends that Dr. Dean be hired at a maximum consulting fee of \$8,000. He highlighted Dr. Dean's credentials, read a professional recommendation, and provided information stating that Dr. Dean has no ties to CP&E. The BEST committee requested that the Board vote on hiring Dr. Dean at Thursday night's meeting.

IV. Closed Session: To discuss issues concerning personnel under NCGS 143-318.11
(a) (6).

Alderman Swantek made a motion to go into Closed Session.
Alderman Tuman seconded the motion, motion passed unanimously.

time basis was about \$3 million for the Bogue Inlet. He would be interested to know how much the State has allocated for beach nourishment projects in the last 10 years.

Mr. Clifton stated that the statute is there and allows the State to participate. NTB does not have an application in place and the Town cannot get money unless the Town applies for it. There are \$21 million state funds in place to match the Federal project. He cannot say for sure that the State is going to spend that money right now, but the money has been there in the past.

Alderman Farley said that in the past plans were laid out where State funding was considered and the money ended up not being there. He is afraid that the public is going to see the maximum amount we could get and think that NTB already has the money.

Mr. Clifton said the purpose of creating the scenario he did is that there is no debt financing and that if plans do not go as scheduled and some of the funding streams are not there, NTB has the money in reserve to handle some of the projects. It was meant to show that if there is a plan and these some of the scenarios come through, NTB can address some of it. NTB needs to take this information and plan ahead. They need to get into the cue for State money.

Town IT Services - Mr. Clifton discussed issues that the town is having with Information Technology. He reported that the Town met with the outside IT contractor and that the capacity remaining on the Town's server is very low. He explained that the Town will be purchasing new hard drives to increase capacity and it will be less than \$1,000.

Mr. Clifton reported that the Town met with Charter Communications to address internet services. The Town is going to upgrade the internet package it purchases from Charter in order to increase upload and download speed. It will not add very much to the monthly rate the Town currently pays. It is also going to improve the website capacity. Carin Faulkner is going to work with Charter to begin using the Government Channel to communicate to the public. Informational pages or "still shots" will be transmitted on that channel for the Town.

Alderman Farley suggested contacting the right people in order to ensure that information about ONWASA (their board meetings are televised) is viewed by citizens in this area.

Finishing the Bike Path - Mr. Clifton researched the costs for finishing the bike path. Going south from the existing bike path to the Surf City line is probably a \$350,000 cost. Going north from the existing bike path to the New River Inlet area is probably \$1.1 million plus the cost of the bridges to cross the creeks at various places.

Alderman Farley asked about the path being "share the road." Mr. Clifton clarified that the paths that NTB would do in the future are like the ones the Town currently has, a four foot wide path off of the shoulder of the road.

Ed Doherty of 169 Old Village Lane - Mr. Doherty commented that he did not see on the agenda if the Board will be voting on his request for funding Dr. Dean's study. Alderman Hardison said the Board can add it. The Mayor asked if there are any objections. There were no objections.

Mike Yawn of 207 Tamarix Court -- Mr. Yawn said he is glad to see the new speed limit signs and glad to hear they will be moved to more appropriate spots. He added that he knows that the Board approved recycling in the budget and it will be coming in the spring. He said he wants the Board to keep their "eye on that ball" that it is a very hot topic for many of his neighbors. He pointed out the public hearing for updating the ordinances and sending them to Municode. He said he knows it looks like it will be delayed until January and he may not be here in January so he wanted to say based on discussions with Ms. Hill that it is a multi-step process where the Town first has to get them into Municode and in the right format. He would like to see the Town do it all in one fell swoop where all current ordinances are included. He said that if the Town is going to pay Ginger Booker more money he has a problem with that because he has e-mails from the past that says the Town is not going to pay her more money. He continued with speaking about beach nourishment, he said he hopes before the Town goes forward with any plan that the public gets a vote on it and he agrees that State and local funding is very unreliable and is concerned that if the Town did not have the money it will be delayed and that the other alternative would be raising the taxes to go forward especially with the budget crisis the State is going through right now. He urged the Board to go forward with dune pushing, he thinks it's a very valuable thing to do. He said where he lives, the push they got after Ophelia did a great job and if the Town could spend \$300,000 to \$400,000 every 3-4 years on pushing dunes that is a very valid way to spend money. As the Town looks further at beach nourishment, he urged the Board again, to take the vote to the citizens. He recommended that if the Town were to decide to do a tax to raise the money for the projects that it be swayed so that the oceanfront homeowners pay a higher percentage of the tax as it has been done in other communities (ex. 80-20 or 90-10).

Becky Bowman of 106 N. Permuda Wynd - Ms. Bowman encouraged the Board to commit funds to push the dunes. She walks on the beach and sees how many of the older houses, the doors are right on the beach, there are many areas completely washed over the dunes have a good job since they were pushed in 2006. She said now is the time to replace and repair it and she thinks the Town should use some of the Hotel-Motel Tax. People expect that money to be used to maintain the dunes and the beaches and she pays her property taxes and an extra tax for beach reconstruction and she thinks that money should be used to replenish the dunes and it's time to do it and she hopes the Board will commit the funds.

Tom Leonard of 218 Coastal Drive - Mr. Leonard thanked the Town, he has been to Town Hall off and on for the last couple of weeks and the Toys for Tots box is overflowing, and the Town has done a great job. He noticed that the snowflakes are up and he was wondering if the Town could do something besides snowflakes (he suggested a mermaid). He said about a week and a half ago a water main was leaking around the 1700 block of New River Inlet Road it leaked and leaked and he called ONWASA and asked them why they haven't come to fix it and they said they did not know anything about it. He suggested that Town employees, who are out on the island anyway, handle

these types of calls on behalf of the public. Thomas Best of Public Works spoke up and said that a Town employee called it in. At the end of his comments Mr. Leonard added, "Don't ask for State money, you don't get State money."

Jack Gallagher of 256 Seashore Drive - Mr. Gallagher said he has been a property owner for the last 10 years and a resident for the last couple of months. He asked how long the Hotel-Motel Tax has been in existence. Mr. Clifton said he thought it was passed by the legislature in 2002. He asked who has the authority to increase it. Mr. Clifton said only the State can increase and that it is almost impossible to increase it because the legislature has established a cap on it of 6% (3% county and 3% local). The Town has talked to a number of people with the State about it and it is an issue that fires up hotel and motel operators and the structure of our tax is somewhat different. In most of the other places, 70% or 80% of the taxes must go tourism promotion; our tax must go to beach renourishment. How much has been collected and how much has been spent? Mr. Clifton said the Town can go back and look. He said he started an investigation to find out if particular individuals are collecting the tax. Mr. Gallagher added that he joins with the others in encouraging the Board to go ahead with the beach nourishment project.

Randy Coley of 4336 Island Drive - Mr. Coley is owner of several properties at NTB, and President of the Ocean Ridge HOA. He mentioned that the sand pushing that was done several years ago did a very good job for the homes at Ocean Ridge; it created a great barrier for the homes of people who pay taxes because the homes are still here. He said every one of the 82 homeowners he represents support sand pushing. He asked about the trash ordinance. He described the issues he and other homeowner with getting the trash cans up when they only are here on weekends or have renters on weekends. He asked the Board for a solution. Alderman Swantek mentioned that Treasure Realty has a crew that brings the trash cans up for their homeowners. Alderman Farley suggested that the HOA contact Treasure to see if they would provide the service to their area. Mr. Clifton added that in addition to Treasure, other reality companies and landscapers are doing it. He suggested that since the Town is getting ready to renew the contract with a trash collection company that the Town looks at the trash pick up days they set up in the future contract. Mr. Coley said that he has had a neighbor help him in the past.

VII. **CONSENT AGENDA:**

A. Approval of Minutes: Minutes of meetings on November 4, 2008, November 6, 2008, and November 19, 2008 were approved by the Board of Aldermen.

B. Department Head Reports: Reports from Finance, Fire, Inspections, Planning and Police Departments were submitted to the Board of Aldermen. There were no presentations made by department heads at this Board of Aldermen meeting.

Alderman Peters made a motion to approve the Consent Agenda as it is presented. Alderman Farley seconded the motion. The motion was approved unanimously.

VIII. **New Business:**

A. Audit Report: Mr. Clement Goodson of Goodson & Taylor CPAs made a presentation on the audit report for the Town. Mr. Goodson pointed out key items in

the report. He explained that for the independent auditor report, they issued an unqualified opinion on the Town's financial records for the year, that is the highest level of an opinion you can get and that means that they did not have any reservations about the financial statements and that NTB adhered to all the generally accepted accounting principals. He pointed out the second part of the report, the management discussions and analysis is where the Town reviews all of the highlights over the year. He advised the Board to look at it because there is some good information in that part of the report.

He started his review with the statement of net assets of the town. He went over the total liabilities. He went over the statement of activity which indicates the cost of running each department of the town. He went over all of the expenses for the various departments. He went over the source of income and the net increase of assets for the year. He went over the balance sheet. He went over the assets of each of the different funds, for example the general fund, beach renourishment fund, and capital reserve fund. He went over the revenues and expenditures for the year.

Alderman Farley asked that if the reason for the decrease of the general fund amount was because of the transfer of funds to the capital reserve fund. Mr. Goodson said that he was correct.

Mr. Goodson pointed out the last sections of the report which includes more detailed information. He noted that in previous years one of the audit comments was that there was a lack of segregation of duties and there was a lack of correct staff to review the financial statements. The Board had outsourced the duties to another accounting firm so that exception no longer applies. The report was at the State Treasurer's office on time and has been accepted and approved.

Alderman Farley asked an unrelated question regarding auditing the accommodations tax. There are audit firms that contract out such work. Mr. Goodson said he can get that information. Mr. Clifton is doing research on it right now and will get back to the Board on his findings.

Alderman Peters asked about the fund balance ratio for the Town. Mr. Goodson said that it is 30%. The State regulation is 8% set aside, but for beach towns the recommended amount is much higher and he thinks the amount the Town has now is a little low and that the Town should try to raise it in the future if at all possible. Mr. Goodson said thinks 45-50% is preferable and said that is his personal opinion. Mr. Clifton explained that beach towns need to prepare in case of major storms, which can wipe out property values. It can take a few years for the town to recover because most people aren't able to rebuild right away.

Alderman Farley commented that he thinks the fund balance is a nice size and that many of the storm related costs are reimbursed. Mr. Clifton said that while FEMA does reimburse, that there is a 6 month to 36 month wait time on receiving the funds. He reinforced the thought that there will be a loss of tax base.

Alderman Farley made a motion to adopt the audit report, Alderman Swantek seconded the motion, motion passed unanimously.

- B. Public Hearing: to consider public comments on adopting and enacting an updated version of the town code of ordinances:** Mr. Clifton explained that the Town ran the ads for the public hearing but it was found that two sections did not get included in the last reprint. When the Town is done making sure the sections are correct, the hearing will be re-advertised. Mr. Clifton said that Board will likely be asked to approve the code with the exception of the two sections that are being reviewed. He advised that the Town consider establishing a policy of sending in new ordinances every 6 months to keep the code up to date. He said would hate for the Town to delay it too long because that would mean amending a large number of ordinances. It is difficult to know who has the right code and it has not been codified since around 1998. The Town would also like to put the town code on the Municode website and Municode will not put it up on the website until the Board adopts it.
- C. Resolution Authorizing the Disposition of Certain Personal Property by Private Sale (Surplus Equipment):** Alderman Swantek made a motion to approve the Resolution Authorizing the Disposition of Certain Personal Property by Private Sale, the motion was seconded by Alderman Peters. Alderman Farley asked about the bid amounts on the vehicles (they were omitted in the original agenda packet). There was discussion about the condition of the vehicles. The motion was approved unanimously.
- D. Resolution to Adopt the Regular Meeting Schedule for 2009:** Alderman Peters made a motion to approve the schedule as presented, Alderman Swantek seconded the motion. Mr. Clifton made certain that the Board knew that the January meeting date had to be changed to Tuesday the 6th because of the holiday. The motion passed unanimously.
- E. Request for authorization to seek bids for dune restoration/repairs:** Mr. Thomas Best presented the maps of the areas where sand needs pushed and where sand needs to be trucked in. Mr. Clifton explained that Town staff has surveyed the beach and observed the areas that need restoration and that the locations are a draft. The county will pay for pushing in front of its public beach access areas. The cost estimates are based on FEMA's latest estimates which are based on prices charged throughout the area. The estimated cost for the areas that need sand to be pushed is \$100,000. For the areas that sand needs to be trucked in, the estimated cost is around \$2.2 million.

Alderman Hardison commented and his observation is that in the areas where the Town says sand can be pushed it looks like there is not enough sand there to push and that there is not even any room for a dozer to turn. Mr. Best commented that the timing has to be just right for pushing.

Alderman Swantek asked if the Town was hurting itself by pushing where there is not any sand to push. Mr. Best said that you can only push what is there and that may not result in a 10 foot dune and there may be gaps.

Mr. Clifton discussed that Surf City voted down pushing sand in their town and that the reasoning used was that it is a "feel good" term. He expressed that sand pushing has helped our Town in the past. Mayor Martin said that the mayor of Surf City was

concerned with the prospect of getting hit by Nor'easters and that it would wipe out any efforts. Mr. Clifton explained that the costs are estimates, that the cost may go up or down but he would like the Board to decide. Mayor Martin expressed that the citizens are interested in doing this, even the ones who do not live on the beach; they feel that it is the first line of protection for the beach.

Alderman Peters suggested taking the projects out for bids and analyzing the bids and making a decision from there. Mr. Clifton advised not going out for bids if the Board is not serious about following through because the next time you go for bid you will not get a good response.

Alderman Peters made a motion for the Town to go out to bid for just pushing sand and Alderman Farley seconded it for discussion. Alderman Farley thinks the citizens want it and that it is a good idea, but that the Town is not doing enough. He thinks that since the Town cannot do the whole beach, that it is not equitable. Alderman Peters said that there are areas that do not have sand to push. Alderman Farley asked if there is any type of insurance for individual owners that would cover the cost of pushing sand. Mr. Edes stated that he is not aware of any type of insurance that does that. Mr. Best said in some areas there are double dunes and sand does not need to be pushed there. Alderman Farley agreed that he has also seen areas that do not need pushing. Alderman Peters commented that he walks the beach frequently and sees areas that do not need sand pushing. Alderman Hardison commented that where he sees sand to push, the Town is talking about trucking in sand, and where he sees no sand to push the Town is talking about pushing. He would support the recommendation that Alderman Peters made, if we are going to do something for the Town, do pushing where it needs pushed and if some people want to do more they can get the permits to do it. Mr. Clifton pointed out that it will take some time to do and that the conditions can change and that in some places there will not be enough sand to make a 10 foot dune. More areas may accumulate more sand. Ms. Bowman pointed out that the tide charts can be used to time the pushing right. There was further discussion about the rules for pushing and trucking in sand and the appropriate times to do it.

Motion passed 3-1. With Mayor Pro Tem Hardison, Alderman Peters, and Alderman Farley voting for and Alderman Swantek voting against.

Discussion: Alderman Farley brought up that the last time this issue came up that there was an issue with the contractors doing the work and whether or not they had to have a specific license to do the work. Mr. Clifton said that the Town Attorney will look into that.

- F. Request for authorization to seek bids for demolition of north-end houses:** Mr. Clifton said that all titles for the properties have been obtained and will be submitted to the Town Attorney. The last item the Town is waiting on is the Asbestos report, as soon as that comes back it will be included in the bid package and the project will go out to bid as soon as the Asbestos assessment is completed. He recommended that the Board vote to approve the project to go out to bid.

Alderman Swantek made a motion to authorize the project to go out to bid as soon as the Asbestos assessment is completed. Alderman Peters seconded the motion.

Discussion: Mr. Clifton said that when the Town brings the bids back for award that it will need to be paid for out of the general fund reserves and so that when the Board awards the bids that the budget amendment is made at the same time. Alderman Peters asked if the Town will be getting into a contractual issue as far the qualifications of the contractors. Mr. Edes said he did not believe so.

The motion passed unanimously.

Alderman Farley referred to minority business enterprises. Mr. Clifton said that he is still working with the Town Attorney on the wording of the bid package and that the Town is trying to get good participation in the bidding process. The information he used to put the bid package together is from another project in the area and that the contractors that would be bidding on the project would be familiar with the language used. Alderman Farley asked if there is still a reverse bidding process with the League of Municipalities where the contractors are pre-qualified for the job. Mr. Clifton said he was not familiar with it. Mr. Edes said he would call the League of Municipalities to see if that is something the Town can use in the future. Mr. Clifton emphasized finding a contractor that has the ability to do the job.

- G. Suggestion to move forward with a rezoning request before Onslow County (12 acre town-owned parcel located off of Folkstone Road in Onslow County):** Mr. Clifton explained that the Town owns land off of Folkstone Rd. in Onslow County. Right now it is not zoned so that the Town can use it for governmental purposes. He recommended that the Board pursue requesting that the land be rezoned by Onslow County. The Town does not have any immediate plans for the land, but he said it would grant the Town flexibility in the future to use it for governmental purposes. For example, use it as a place to store vehicles on land that is worth less than the land the Town is currently using on the island.

Alderman Swantek made a motion to move forward with a rezoning request before Onslow County of the 12 acres that the Town owns on Folkstone Road. Alderman Peters seconded the motion.

Discussion: Alderman Farley said that he had a big concern about what the Town would be doing with the land and how it would affect the landowners surrounding it. It looks like it is all zoned for residential purposes. He would not want to do to his neighbor what he would not have done to himself. Mr. Clifton explained that if the County approves the rezoning request that they would probably put some conditions on it such as screening. He said the Town could start preparing the land to help mitigate any future problems, such as planting trees to create a buffer. He said the Town could sell it, do nothing, or as he suggests, eventually use the land available on the mainland because the Town's land on the island can be used for more valuable purposes.

The motion passed 3-1 with Mayor Pro Tem Hardison, Alderman Peters, and Alderman Swantek voting for and Alderman Farley voting against.

H. Request to Award Contract for Services to Treat for Beach Vitex: Alderman Swantek expressed that his only concern with the project is that the list does not include all of the properties. Ms. Hill said that the properties on the list are the ones that have been identified by Dale Suiter of U.S. Fish and Wildlife so far and there is going to be additional properties. She also spoke with Andy Cavender and Steve Mercer and there are some more categories and there will be more properties added to the list. Mr. Cavender's estimate came in at \$5,600 and Ms. Hill says it is recommended that the project start in June or July. Alderman Hardison asked for clarification, is the \$5,600 for the total project? Ms. Hill said yes, it was included 43 properties. Mr. Cavender's bid includes the 43 properties and both he and Steve Mercer agreed to honor the bids that they submitted, even if the rates might be slightly higher. Ms. Hill said she made several calls to Mr. Schwarz to get more information from him as he had submitted an incomplete bid. It was staff's intent to contact the remaining property owners, since they have the time, and secure permission to treat beach vitex on their property. The difference between the two bids is that if there needs to be a retreatment, Mr. Cavender is going to charge the same for the properties that are the most severe. Staff's recommendation is to award the contract to Andy Cavender in the amount of \$5,600 for treatment of the 43 properties and additional funds as available for any retreatment or additional properties that may come up.

Alderman Peters asked that if it needs additional treatments, how will the bid come out? Ms. Hill explained the ranking system and pointed out the prices for the second treatment and that the retreatment is approximately at 50% of the initial fee schedule. Alderman Peters asked about the chances of having to do a second treatment. Ms. Hill said it is a relatively young program and that the research is being done on that. Alderman Hardison asked about the Clemson research that has been done. Mr. Clifton said that the ordinance requires the property owners to participate in the program or to do it themselves. The attorney needs to look at the ordinance more closely to see how it has been done in other areas. Ms. Hill said the Town's intent is also to do public education. There are some landscaping companies that have sold beach vitex. Hopefully, by educating the public, it will help the problem and more people will allow the Town to treat it. Alderman Hardison asked about what we did last year about beach vitex. Last year someone pulled it up and made the problem worse.

Alderman Peters made a motion to award the contract to Andy Cavender Landscaping Inc. for services to treat beach vitex on the 43 properties in the amount of \$5,600. Alderman Farley seconded the motion. The motion passed unanimously.

I. Request from BEST Committee for authorization to hire Dr. Robert Dean: Alderman Hardison requested that the Board move forward on this. He believes that Dr. Dean may be the thing the Town needs right now to finalize the recommendation that is being put together. Alderman Hardison reinforced his motion to move forward, Alderman Farley seconded the motion for discussion.

Discussion: Alderman Farley asked if Dr. Dean has ever worked with CP&E. Mr. Doherty commented that he has asked and that Dr. Dean has not had any consulting

contracts with CP&E. Mr. Clifton commented that while they were thinking it over, that the Board amend the motion to authorize that the \$8,000 for Dr. Dean will come out of the Beach Nourishment Fund. Alderman Hardison agreed to amend the motion to include authorizing the funds from that source. Alderman Farley accepted the amendment. Alderman Peters commented that in earlier conversations Alderman Swantek brought up not moving forward on this until after the Town gets the permits. Alderman Peters said that has some merit to it. Alderman Farley said that if the Town receives the permit that it might lock the Town into proceeding a manner in which Dr. Dean may advise against. Alderman Farley is afraid of "upsetting the apple cart." CP&E has put in the paperwork for the permit, but he is afraid that there may be a problem with the regulatory authorities. That they will see the Town as doubting what the Town wants them to permit. He would like to see the Town have the permit in hand and go for modification later. Alderman Farley doesn't see it as a problem. He thinks it is better to find out now that the project is a bad idea. He isn't sure if Dr. Dean is the right man for the job. Mr. Doherty commented that everyone he has spoken with regards Dr. Dean as the foremost expert. He has high confidence that CP&E agrees, Dr. Cleary agrees, and Dr. Daily agrees. He addressed Alderman Swantek and suggested that the regulatory authorities would appreciate that the Town is doing due diligence on this. Mr. Clifton asked Mr. Doherty if he talked to Ken Willson of CP&E about this and Mr. Doherty said that CP&E has no concerns whatsoever about the Town contracting with Dr. Dean, they are confident in their analysis and they want us to be confident in it as well. Alderman Peters asked Mr. Doherty to read part of the letter from Mr. Willson. The final sentence read, "CP&E has no objections to the Town requesting Dr. Dean conduct a review of the project design for North Topsail Beach." Alderman Hardison spoke about the Byways Conference in Wilmington and recalled that Mr. Tom Campbell, the head of CP&E, spoke to him and the person he was talking about was Dr. Dean and he recommends him highly. Alderman Peters says he has no reservations about Dr. Dean being the right person for the task. Mr. Doherty explained that if the BEST committee had a third party opinion from Dr. Dean that they would be able to close on this by the end of January and issue a report to the Board.

The motion passed 3-1 with Mayor Pro Tem Hardison, Alderman Peters, and Alderman Swantek voting for and Alderman Farley voting against.

IX. OPEN FORUM:

Mike Yawn of 207 Tamarix Court – Mr. Yawn thanked the Board for passing the resolution to go out to bid to push sand. He reminded the Board that the Town must get permission from the property owners to push because the contractors have to go on their property. He remembered it being a problem after Ophelia because many were not in Town. He suggested that the Town start now to get the permissions. He added that he is concerned about the ordinances he doesn't want to put something out there that is not the "latest and greatest." Alderman Peters asked Mr. Yawn if he knows of any specific ordinances that are not current. He said that since he has been on the planning board, items such as ordinances on condemned homes have been passed, definition of accreted land, alternates on planning board, methodology to update the ordinances (whether or not the Board of Alderman can make changes to the ordinances without the Planning Board's approval), building heights, pools, and setbacks, and he does not think any of them are

included. He said he agrees with Mr. Clifton's statement about finding a better way of tracking motions made by Board of Aldermen and offered his assistance to any staff who would like to work with him. Mr. Clifton clarified that the Town knows for sure that Chapters 7 and 8 have problems; the Town is going to make sure the other Chapters are correct. He said before it goes to public hearing staff will make sure it is correct.

Jack Gallagher of 256 Seashore Dr. – Mr. Gallagher thanked the Board for their 3 to 1 favorable vote for sand pushing and asked for a timeline on the project. Mr. Clifton said that what the Board approved tonight only authorizes to go to bid. After that the Board has to approve to award the bid and fund the work, so that is another step that has to occur. He will refine the specs and advertise the request for proposal. The Town will give the contractors approximately 2 weeks to respond to the advertisement. Mr. Clifton said there is roughly a 30 day window where the project will start. Mr. Gallagher suggested that the Town contact the real estate companies to get permission from property owners for the sand pushing. Mr. Clifton said the Town must first refine the points on the map to determine which properties are going to be included.

X. ATTORNEY'S REPORT:

There was some discussion about whether or not the Board had approved the resolution regarding a volunteer committee for oversight of Onslow County's revaluation process for property taxes. Alderman Farley suggested that this be a voluntary committee to keep the cost to the Town minimum. Alderman Farley pointed out that the Board had passed the resolution at the last Board of Aldermen meeting which was correct; and Mr. Edes just had to adjust the wording on the document.

Mr. Edes welcomed and thank the Town Clerk for her assistance in getting him the agenda items.

Alderman Farley asked about the property that was donated to the Town during the last meeting. Mr. Edes said there was not an issue with the property and that it is a recorded lot, the Town does not have to get the homeowners involved and the Town can regulate it within the bounds of the conservation parameters. Mr. Clifton said the attorney has cleared any legal hurdles. Alderman Farley is interested in what the homeowners are saying. Mr. Clifton said that they are discussing it and that the Town wants to have something from the homeowner's association on what they would like to have done. He said the Board voted and Mr. Clifton and the Town Attorney will proceed as the Board has directed them to. Alderman Farley has questions about paying homeowner's association dues and if there are any restrictions placed on the Town by the homeowner's association. Mr. Clifton re-emphasized that the legal issues have been taken care of and that the Town is still working through the issues with the homeowner's association. Mr. Clifton wants to see something from the homeowner's association indicating that there are no objections. Mr. Edes requested that we get a letter from the HOA that includes information on dues and uses.

XI. MAYOR'S REPORT:

Mayor Martin thanked the ladies and the gentlemen (Jim Milligan and Bill Horstmann) for decorating Town Hall. He also thanked everyone who has participated in Toys for

Tots and encouraged those who have not to do so. He commented that the press is interested in the houses on the north end and is glad to report that the Town is well on its way to doing something about them. He wished everyone a happy holiday.

XII. ALDERMEN'S REPORT:

Alderman Peters said he thinks the Town looks quite beautiful and thanked everyone who did all of the work. He said "Merry Christmas, happy New Year, happy holidays to everyone."

Alderman Hardison said, "Merry everything and happy everything." He thanked everyone for coming out. He wants to thank the BEST team for the great job they have done and would like to see the "good doctor top it off." He thinks the Interim Town Manager is doing a great job.

Alderman Swantek wished everyone a happy and safe holiday.

Alderman Farley wished everyone a blessed Christmas.

XIII. ADJOURNMENT:

Alderman Peters made a motion to adjourn the meeting, Alderman Swantek seconded the motion. The motion passed unanimously.

APPROVED:



Donald Martin, Mayor

ATTEST:



Caryn Z. Faulkner, Town Clerk

Approved on: 1/6/09