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**TOWN OF NORTH TOPSAIL BEACH  
PUBLIC HEARING AND REGULAR BOARD MEETING  
JANUARY 6, 2005  
7:00 P.M.**

**PRESENT:**

Mayor W. Rodney Knowles, Mayor Pro-tem Fred Handy, Aldermen Laurie Duane, Richard Farley, Buddy Godwin and Steve Smith, Don Betz, Town Manager, Loraine Carbone, Town Clerk, Mary C. Fairley, Attorney

**QUORUM:**

Mayor Knowles called the meeting to order at 7:00 p.m. in the North Topsail Beach meeting room and declared a quorum present.

**INVOCATION:**

Rev. Tom Greener, of the Faith Harbor United Methodist Church, gave the invocation.

**PLEDGE OF ALLEGIANCE:**

The Board of Aldermen and citizens present recited the Pledge of Allegiance.

**PRESENTATION OF RESOLUTION TO ED COLE, RETIRED ONSLOW COUNTY CLERK OF COURT**

Mayor Knowles presented Ed Cole with a Resolution thanking him for his years of service as the Onslow County Clerk of Court. Betty Gurganus, the current Clerk of Court was introduced to the audience.

Mr. Cole thanked everyone and said that he always enjoyed coming here. He said that the citizens were responsible for his being a clerk for so many years. Alderman Smith noted that he has known Mr. Cole since he was 5 years old and he grew up with his sons and he had a lot of respect for Mr. Cole.

**CONGRATULATIONS TO JEAN WESTBROOK AND PAUL SOTOMAYOR:**

Assistant Fire Marshal George Moore recognized two volunteer firefighters for service contributed to the Town in saving lives and protecting properties. He noted that Jean Westbrook was selected as the 2004 Onslow County Volunteer Firefighter of the year. Paul Sotomayor was selected as NTB's Firefighter of the year and he will be moving at the end of the month to Hampstead and will be missed. Certificates of appreciation and plaques were given to them by Fire Marshal Thomas Best.

Assistant Fire Marshal Moore gave an explanation of the electrical accident that occurred this week. Scaffolding made contact with power lines - one hot line and one neutral line. The lines shocked 3 construction workers. Police Officer Jeff Edens and Public Works employee Jeff John were the first ones on the scene.

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and did CPR. Assistant Fire Marshal George Moore shocked one individual and brought him back after being down 5 minutes or more. Two of the workers were in serious condition and transported to nearby hospitals.

Mayor Pro Tem Handy said that it was important that citizens know what a quality Fire Department and Police Department we have.

**Congratulations to Chief Salese:**

Mayor Knowles congratulated Chief Daniel R. Salese, III on graduating from the FBI Academy and presented him with an engraved pen and pencil set from the Town. Chief Salese said that he appreciated the opportunity to attend the class.

Mr. Betz told the Board that the NTB Fire Department received a grant of \$58,959 from the Department of Homeland Security. The funds will be used to purchase various equipment.

**PUBLIC HEARING – RECONSIDER CLOSURE ORDER OF OCEAN DRIVE FROM CARVER STREET TO LINCOLN STREET:**

*Alderman Duane moved, seconded by Alderman Smith to open the Public Hearing. The motion passed unanimously.*

The Town of North Topsail Beach, Board of Aldermen adopted an Order for Closure of Lincoln Street and one block of Ocean Drive as amended by Attorney Coleman and declaring the finding of Fact:

1. The Town of North Topsail Beach was requested to consider closure by petition presented at regular meeting of the Board May 2, 1996.
2. The closing of these streets will not result in the deprivation of a reasonable means of access to any individual owning property abutting the street or in the vicinity of the street, including the subdivision in which the streets are located.
3. The closing of these streets will not be contrary to the public interest.
4. The owners of the adjoining property on each side of each street do not oppose the closing of these streets.
5. A public hearing was held by the Board of Aldermen on the 18<sup>th</sup> day of May, 1996, at which no opposition was voiced to the closing of these streets, which public hearing was duly advertised in accordance with North Carolina General Statutes 160A-299.

The Board of Aldermen adopted the order based upon the foregoing findings of fact and declared that the streets be closed and the order be recorded in the office of the Register of Deeds of Onslow County

On July 1, 2004, Mr. T. Hamilton Ward requested that the Board of Aldermen reconsider the Closure Order of Ocean Drive from Carver Street to Lincoln

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Street as the "closing resulted in the deprivation of a reasonable means of access to the Waddell parcel". (Tax Parcel #806-4 record number 31642)

Therefore, on December 2, 2004 the Board of Aldermen voted to hold a Public Hearing on January 6, 2005 to receive public input on the intent to re-open Ocean Drive from Carver Street to terminus.

Mr. Betz noted that Mr. Chestnut and Mr. Newsome made presentations to the Board on May 18, 1996. Mr. Chestnut offered to pave Carver Street so residents wouldn't be inconvenienced. The minutes of June 1996 indicated that the closure was adopted by the Board.

The Town received correspondence today from Wade Chestnut along with copies of form letters signed by neighbors stating they were not in opposition of closing Ocean Drive.

Mayor Pro Tem Handy asked who owns the deed to the property. Mr. Betz said that the street is divided between Mr. Howey, Mr. Green and Mr. Chestnut, Onslow County and Mrs. Waddell.

Mr. Farley stated that there was no indication that Onslow County was notified, yet it is clear on the map that it is their parcel. Mr. Betz said that they may not have been notified. Alderman Duane noted that a title search had to be done when Mr. Ward purchased the property and asked if the street was to be reopened who would be responsible. Mr. Betz said the Town would be responsible.

Hamilton Ward of Hickory, NC thanked the Mayor and Board for allowing him to speak. On July 1<sup>st</sup>, the Mayor said that Mr. Betz would work with him to resolve this issue and he has also spoken with all property owners. He did speak with Mr. Green and he realized that he had no legal access and converted the contract to an option on the property. The survey showed no access. After several conversations with Mr. Green in regard to an easement he did a survey and Mr. Green does not have access. Carver Street to Ocean Drive runs into Mr. Howey's property and stops 3 to 4 feet before the Green's property. Mr. Ward noted that the pavement is deteriorating. Mr. Green was not pleased that he doesn't have access. The street was closed in 1996, but the documents were not recorded until 2001. Mr. Ward didn't think that anyone could deprive access. He tried to get access from Mr. Chestnut and Mr. Green and also talked with the Manager of Onslow County and Mr. Howey. If Mr. Green was to sell the property, no one could borrow money on it because it doesn't have access.

Becky Bowman of 106 North Permuda Wynd said that it looks like Mr. Ward wants the Town to build a drive for him and that is hard to swallow. The County owns a 10 ft. strip and that could be allowed to be used as public access.

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Alderman Farley noted that we have access right up the road from there in Ocean City on Ocean Blvd. Mr. Betz said it would be advantageous for us to pave Carver Street and the length would provide us with a significant number of parking spaces and we could rebuild the crosswalk since we are out of compliance in that area with the U.S. Army Corps of Engineers regulation for public parking and access. From a public standpoint, it would be a tremendous plus to reopen the street. There is another access on Ocean Drive, but we have received petitions for no parking signs on that street and Carver Street would provide an alternative.

Alderman Smith questioned if we approved no parking signs on Ocean Drive. Mr. Betz said that no action has been taken.

Alderman Duane reminded the Board that we had a question on parking on Green Street and talked about the Chestnuts donating land there and the Transportation Committee looked at this too. This could solve a lot of problems regarding the parking issue.

Mr. Betz stated that the County would have to be involved. During the storms that crossover was destroyed and the Town Manager at that time rebuilt the crossover on private property and Mr. Betz was instructed to take it down.

Attorney Fairley said that when the crossover was destroyed, Mr. Green objected to the crossover being rebuilt on that area. When it was rebuilt it was just put down in an area that no one rejected at the time, but it was private property. Mr. Chestnut had addressed this issue by writing a letter to make sure the Waddell's would have access to their property. Attorney Fairley said that there should be some accountability here and he should be obligated to follow through on this. It did not show up until 2001, during negotiations of Ocean City and Ocean Ventures, and it was discovered that it had not been recorded to make it a matter of record. It slipped through in 1996 because of the storms. It didn't come up again until someone wanted to purchase the property.

Alderman Smith noted that there were several errors made. When they closed the street it should not have resulted in deprivation of a reasonable means of access, someone didn't do their work to see whose property was whose. Attorney Fairley noted that Mr. Chestnut said that the Waddells would have access.

Alderman Farley noted that he did some research on a "neighborhood road" and it said that if there is not a dwelling on it and you want to reopen a road you don't have to give access. Since there is no dwelling the idea is to give access. Attorney Fairley wasn't sure how you would define a neighborhood road, but if you have a developed area and there is no access, generally you try to get



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access through reopening or providing another way for access. The legal position at a class she attended was if there was development on a street and a lot where property could be built and if it couldn't be sold because of access you have to make access available. It is simpler to get an easement instead of trying to reopen an entire road. If you have an easement from Mr. Green and an easement from the County then Waddell would have access.

Alderman Smith felt that there was a state law that states you can't land lock someone. Attorney Fairley said that was not true in all states and only under certain circumstances. If you have a parcel that has no access to it and nothing else is developable, they don't have to give access. Intentions seem to be that all properties had access. That property has a right to access. The easiest way is for the County land to be available to the Town as well as to Waddell and an easement from Mr. Green and the County and incorporate a construction easement. This would enable us to construct a crossover and the County would have to agree to that. This is inexpensive and the easiest plan and far less cost than the taking of property and you would not be confiscating or trespassing on property. It would be costly if you take back property and go through condemnation because of the legal time and research. It would be most economical not to open the entire street, but to get access through agreements. If we do a condemnation to make an easement the obligations of the Town would be extensive.

Mr. Betz noted that a 15 ft. easement would be satisfactory and a construction easement would be 30 ft. A 15 ft. easement is the minimum street requirement.

Mayor Knowles noted that in 1996 the road was closed without a lot of homework and since then, nothing has been done. Carver Street is still not paved.

***Alderman Duane moved, seconded by Alderman Smith to close the Public Hearing. The motion passed unanimously.***

**APPROVAL OF AGENDA:**

Mr. Betz requested that the Board place an additional item under New Business – Resolution Authorizing Town Manager & Town Attorney to Engage Additional Legal Counsel in Regards to Litigation. Alderman Smith said that Freddie King and Billy Henderson would address the Board instead of Rose Jones.

***Alderman Smith moved, seconded by Alderman Godwin approval of the Agenda as amended. The motion passed unanimously.***

**COMMITTEE REPORTS:**

**Beach Nourishment – Becky Bowman**

The Corps meeting was delayed due to the holidays and will be held on January 13th. The Corps has notified NTB that we will be receiving \$169,000 for FY 2005

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- an increase of \$24,000 based on a reduction in anticipated savings and slippage, requiring an additional \$8,250 contribution from NTB.

A public meeting will take place on Friday, January 21st at 9:30 am at Town Hall with Erin Hague, Tom Jarrett and other staff of Coastal Planning and Engineering. Discussion will take place on the Environmental process necessary for the CBRA Beach Nourishment and Inlet Relocation Project.

The Topsail Island Shoreline Protection Commission met on December 28<sup>th</sup>. We have one new member, Lionel Midgett, Chairman of the Onslow County Commissioners, and one member leaving, Andy Hedrick, Pender County Manager.

The contract with Marlowe and Co. has been approved and signed by all Towns. The commission will be in contact with Marlowe and Company on a regular basis and Mr. Marlowe will be giving us a monthly summary of their activities on behalf of Topsail Island. The commission will use this to analyze progress being made.

An effort is being made to contact Topsail Island property owners and the public to educate them to contact their legislators regarding funding our Beach Nourishment projects. We will do this with direct mailings, articles in our Towns' newsletters, articles in area newspapers, and a "one click" message placed on the Towns and Counties websites. Marlowe has created this "one click" message and it connects with their website, locates legislators for you and sends them your email letter. This site is [http://capwiz.com/mandcmp/mail/oneclick\\_compose/?alertid=6771561](http://capwiz.com/mandcmp/mail/oneclick_compose/?alertid=6771561).

The next meeting of the Topsail Island Shoreline Commission is scheduled for January 25, 5:30 p.m. at Topsail Beach. The NTB Beach Nourishment Committee will meet Wednesday, January 19 at 6:30 pm, at NTB Town Hall.

**Planning Board – Jim Milligan, Chairman:**

Mr. Milligan stated that the Planning Board met on December 8<sup>th</sup>. There was a Public Hearing on rezoning the commercial property adjacent to Rogers Bay, but this was continued to the January 13th meeting. They also reviewed the final 7 zoning changes and Mr. Clark made a presentation. Changes have been approved by the Planning Board and Board of Aldermen. Other items have been set aside since they were controversial. At this time, stormwater is not required, but Mrs. McLaughlin is working on Volume A. Staff is obtaining bids from consultants to update the Land Use Plan. Big houses are a concern because of the large number of people that they can hold. We have the restrictions of the 30% rule and septic and CAMA setbacks. They will look at the formula for open space and monetary payments because of the increase in property values. There is also the issue of lighting requirements and controlling wattage and lights

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during the turtle season. They will look to see if it is reasonable to include sidewalks and will examine other towns. They will also study concrete driveways. Individuals have been assigned to work on the various items. The Planning Board voted to extend Mr. Clark's contract to complete the revisions. Alderman Godwin stated that the Board had increased the monetary payment in lieu of open space from \$10,000 to \$100,000 per acre.

**OPEN FORUM:**

Mrs. Peters thanked the Town and Dick Farley for his help in replacing the beach access.

A property owner asked if he would have to push back his landscape to make room for the Bike Path on Highway 210. Mr. Betz said it would be from the edge of the current roadway extended 4 additional feet on both sides.

**REQUEST TO ADDRESS THE BOARD:**

Freddie King of 814 Carolina Blvd., Topsail Beach and property owner of 9028 W. Ninth Street in Surf City addressed the Board in regard to the proposal to build 10 boat slips on the north side of the canal. The boat slips would be used by homes built and developed by Deacon Development Company, Inc., located just north of Margarita's in Surf City.

Some of the concerns are:

- 1. Increase of shoreline erosion
- 2. Depositing spoils below mean high tide
- 3. Directly or indirectly impair existing navigation
- 4. Would create safety concerns such as children and adults swimming in the canal
- 5. Environment issues – this area would not receive a full flush of waters daily and the buildup of pollutants from 10 boat slips would be detrimental to the marsh, the wildlife and the marine life
- 6. Would disturb the quiet enjoyment of our property
- 7. It is zoned "residential"; not "commercial"

The complete report given by Mrs. King will be attached to the original minutes.

Billy Henderson of 9042 9<sup>th</sup> Street stated that he was representing everyone on 9<sup>th</sup> street. He noted that this is the only canal not dredged. The area is pristine and the Canal is not 95 ft wide. He said it was time to stand up and speak for homeowners.

**CONSENT AGENDA:**

The consent agenda consisted of the December 2, 2004 Board Meeting minutes, Department Head Reports, Benefit Accrual Report, Budget Amendment #2 and Re-appointment of Becky Bowman to Beach Nourishment Committee.

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Alderman Farley asked that the Budget Amendment be moved to New Business for discussion.

***Alderman Duane moved, seconded by Alderman Smith approval of the Consent Agenda as presented. The motion passed unanimously.***

**OLD BUSINESS:**

**a. Resolution to Re-Open Ocean Drive from Carver Street to terminus at Tax Parcel 806-4:**

A Public Hearing was held to receive citizen's input on the above-mentioned Resolution.

Mr. T. Hamilton Ward requested that the Board of Aldermen reconsider the Closure Order as the "closing resulted in the deprivation of a reasonable means of access to the Waddell parcel". (Tax Parcel #806-4 record number 31642).

***Alderman Duane moved, seconded by Alderman Godwin to give this matter to the attorney to seek an easement document and to continue this item to the February 3, 2005 meeting. The motion passed 4 to 1 with Alderman Farley opposing.***

**b. Resolution Authorizing Town Manager to Extend Contract for Professional Planning & Consulting Services with Clark Planning & Associates:**

Since there is still more work to be done in reviewing the changes to the Town's ordinances, the Planning Board has requested that the Board of Aldermen authorizes the Town Manager to extend the contract with Clark Planning & Associates.

Said contract would be in effect for the period of January 6, 2005 to April 7, 2005 in an amount not to exceed \$4,500.00.

***Alderman Smith moved, seconded by Alderman Duane to approve the Resolution Authorizing the Town Manager to Extend Contract for Professional Planning & Consulting Services with Clark Planning & Associates, LLC for the Period January 6, 2005 to April 7, 2005 in an Amount not to Exceed \$4,500.00. The motion passed unanimously.***

Alderman Duane asked if it was possible for the Planning Board to review the issue of the boat slips. Mr. Milligan said that they would look into this.

**Resolution Authorizing the Town Manager to Extend Contract for Professional Planning & Consulting Services with Clark Planning & Associates, LLC For the period January 6, 2005 to April 7, 2005 In an amount not to exceed \$4,500.00**

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Whereas, the Board of Aldermen for the Town of North Topsail Beach authorized the Town Manager to enter into a contract for professional planning and consulting services with Clark Planning & Associates, LLC on May 6, 2004; and

Whereas, there continues to be a significant amount of development in the Town as well as continuing applications for rezoning and development being submitted to staff and the Planning Board; and

Whereas, Mr. Clark has met with the Board of Aldermen, the Planning Board, the Board of Adjustments and the Town Attorney and continues to prepare revisions for the Zoning Ordinance: and

Whereas, the Planning Board has held several workshops to review and revise the recommended changes and intends to request a joint meeting with the Board of Aldermen; and

Whereas, the Chairman of the Planning Board requested at the regularly scheduled meeting of the Planning Board on December 9, 2004 for the Board to officially extend the contract with Clark Planning & Associates an additional ninety days to provide for the completion of the revisions.

Now Therefore Be It Resolved, that the Board of Aldermen for the Town of North Topsail Beach authorizes the Town Manager to extend the Contract for Professional Services for Planning and Zoning expertise with Clark Planning & Associates, LLC, for the period December 9, 2004 in an amount not to exceed \$4500.00 in accordance with the scope of work and proposal dated December 14, 2004.

Adopted this 6th day of January 2005.

**NEW BUSINESS:**

**a. Resolution Authorizing Additional Payment to U.S. Army Corps for NTB Shore Protection Feasibility Study in the Amount of \$8,250.00:**

The Corps of Engineers is requesting that the Towns of Surf City and North Topsail Beach provide \$8,250.00 each in the current fiscal year to enable the Corps to utilize additional federal funds.

The funds are available within the Town's Capital Project – Beach Nourishment contracted services (20-720-45) to provide the non-federal match as requested. These funds would be used in the performance of the Feasibility Study.

***Alderman Godwin moved, seconded by Alderman Smith to approve the Resolution Authorizing Additional Payment to the U.S. Army Corps of Engineers for the North Topsail Beach Shore Protection Feasibility Study in the amount of \$8,250.00. The motion passed unanimously.***

**Resolution Authorizing Additional Payment to the U.S. Army Corps of Engineers for the North Topsail Beach Shore Protection Feasibility Study in the amount of \$8,250.00**

Whereas, the Board of Aldermen previously authorized the signing of the Agreement Between the Department of the Army and the Town of North Topsail Beach for the Shore Protection Feasibility Study; and

Whereas, the US Army Corps of Engineers Wilmington District has identified additional federal funds in the amount of \$24,000.00 from within the District for transfer to the Town's project; and

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Whereas, these additional federal funds can be allocated to the Feasibility Study in this fiscal year if matched with non-federal funds. These funds would be used in the performance of the Feasibility Study in an effort to continue work on the Project through January 31, 2005, when all available funds will be exhausted. The Corps of Engineers is requesting that the Towns of Surf City and North Topsail Beach provide \$8,250.00 each in the current fiscal year to enable the Corps to utilize these funds. The Town will seek 50% reimbursement in State Funds through the North Carolina Department of Environment and Natural Resources; and

Whereas, funds are available within the Town's Capital Project-Beach Nourishment Contracted Services (20-720-45) to provide the non-federal match as requested.

Now therefore **Be It Resolved** that the Board of Aldermen for the Town of North Topsail Beach authorize the Town Manager to provide the necessary matching non-federal funds as requested for the Shore Protection Feasibility Study in Fiscal Year 2004-2005 in the amount of \$8,250.00 from the Capital Project-Beach Nourishment-Contracted Services for transfer to the US Army Corps of Engineers, Wilmington District and to seek 50% reimbursement in State Funding.

Adopted this 6th day of January, 2005.

**b. Resolution Authorizing Expenditure from Contingency Funds for Topsail Island Shoreline Protection Commission in the Amount of \$2,000.00:**

The Budget Committee of the TISPC has recommended a \$2000.00 commitment from each of the Towns for an administrative budget for the remaining months of the current fiscal year to fund a lobbying effort to Washington, DC and Raleigh, NC in early February 2005. The Communication and Education Committee is projecting a bulk mailing to all Topsail Island property owners regarding advocacy for funding with an anticipated cost of \$2500.00 prior to June 30th as well.

***Alderman Duane moved, seconded by Mayor Pro Tem Handy to approve the Resolution Authorizing Expenditure from Contingency Funds for Topsail Island Shoreline Protection Commission in the Amount of \$2,000.00.***

Alderman Godwin said that he supports this and that it is important for the Shoreline Protection Commission to go to Washington so they won't forget us. Alderman Farley asked if the money could come out of beach nourishment funds. Mr. Betz noted that the Town has a contingency fund in the Beach Nourishment line item. Mayor Pro Tem Handy requested that staff change the resolution to include that wording. ***The Resolution was unanimously approved with the amendment.***

**Resolution Authorizing Expenditure from Contingency Funds for Topsail Island Shoreline Protection Commission in the Amount of \$2000.00 for FY 2004-2005**

Whereas, the Board of Aldermen for the Town of North Topsail Beach adopted a Resolution in support of the creation of the Topsail Island Shoreline Protection Commission on July 1, 2004; and

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**Whereas**, the Towns of Surf City and Topsail Beach along with the Counties of Pender and Onslow have all adopted resolutions and membership in support of the Topsail Island Shoreline Protection Commission; and

**Whereas**, the members have been meeting on a monthly basis at 5:30 p.m., on the 4<sup>th</sup> Tuesday of the month, and have rotated the monthly meetings at the Town Halls of the three beach municipalities; and

**Whereas**, the Budget Committee of the TISPC has recommended a \$2000.00 commitment from each of the Towns for an administrative budget for the remaining months of the current fiscal year to fund a lobbying effort to Washington, DC and Raleigh, NC in early February 2005. The Communication and Education Committee is projecting a bulk mailing to all Topsail Island property owners regarding advocacy for funding with an anticipated cost of \$2500.00 prior to June 30th as well.

**Now Therefore Be It Resolved** that the Board of Aldermen for the Town of North Topsail Beach authorizes the expenditure of \$2000.00 from the Special Revenue Fund Beach Nourishment Contingency (20-720-99) to the Topsail Island Shoreline Protection Commission for FY 2004-2005 in support of an administrative budget for operations.

Adopted this 6<sup>th</sup> day of January, 2005.

**c. Resolution to Accept the Conveyance of Private Road from W. W. Beck, Jr.:**

Our attorney has informed the Town that someone representing W. W. Beck, Jr. has been in contact with them in regard to a private road that was not part of the donation of property from Mr. Beck. This road provides access to the 5 lots that had been donated.

Attorney Fairley noted that she received the proposed deed, but she apologized for not reaching him directly, but we should be getting the original deed for recording.

***Alderman Duane moved, seconded by Alderman Smith approval of the Resolution to Accept the Conveyance of a Private Road from W. W. Beck, Jr. The motion passed unanimously.***

**RESOLUTION TO ACCEPT THE CONVEYANCE OF A PRIVATE ROAD FROM W. W. BECK, JR.**

**WHEREAS**, W. W. Beck, Jr. has donated 5 lots on Folkstone Road to the Town of North Topsail Beach; and

**WHEREAS**, the private Drive that connects the properties have never been formally dedicated to the Town (Tax Parcel 747A 115, Record Number 61899); and

**WHEREAS**, Mr. Beck has agreed to convey said property and a deed will be recorded in Onslow County; and

**WHEREAS**, the Town of North Topsail Beach should formally accept the conveyance as public record.

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**NOW, THEREFORE, BE IT RESOLVED**, that the Town of North Topsail Beach does hereby accept Tax Parcel 747A 115, Record Number 61899 and authorizes the law firm of Fuss and Fairley to make the appropriate transactions to ensure that this property is conveyed to the Town and recorded in Onslow County.

Adopted this 6th day of January 2005.

**d. Resolution Authorizing Town Manager & Town Attorney to Engage Additional Legal Counsel in Regards to Litigation:**

***Alderman Farley moved, seconded by Alderman Godwin to recuse Alderman Duane from voting on the above Resolution. The motion passed 3 to 2 with Alderman Smith opposing. (Mayor Knowles voted)***

***Alderman Smith moved, seconded by Mayor Pro Tem Handy to approve the Resolution Authorizing Town Manager & Town Attorney to Engage Additional Legal Counsel in Regards to Litigation.***

Alderman Farley asked how we determined to work with this firm. Mr. Betz said that he sat down with them and he has known Mr. Crouch for many years. There will be several attorneys who will be available and this firm has an excellent reputation and Mr. Betz said that he was comfortable with the Town using this group.

Alderman Smith apologized to the citizens that we would have to use their tax money and he said that it perturbed him that we have to do this. Alderman Godwin asked if it was automatic that we seek to get our legal fees back. Attorney Fairley said we are not at the stage to consider whether or not statutorily if we will be able to ask for costs. Mayor Knowles asked that the Board be kept up to date on this issue.

***The motion passed unanimously.***

**Resolution Authorizing Town Manager & Town Attorney to Engage Additional Legal Counsel in Regards to Litigation**

**Whereas**, the Town Clerk, on behalf of the Mayor & Board of Aldermen and Planning Board for the Town of North Topsail Beach, has received a civil summons (CVS3958); and

**Whereas**, the Plaintiff is Eric A. Litvak and Castle Ventures, LLC seeking petition for writ of certiorari and complaint for declaratory relief regarding denial of plaintiff's rezoning request; and

**Whereas**, the Plaintiff has engaged the law firm of Murchison, Taylor & Gibson, PLLC, 16 North Fifth Avenue, Wilmington, North Carolina; and

**Whereas**, it is determined that it is in the best interest of the Town to engage separate and additional legal counsel to represent the Town of North Topsail Beach in this litigation; and



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**Now Therefore Be It Resolved** that the Mayor & Board of Aldermen authorize the Town Manager and the Town Attorney to engage the professional legal services of Block, Crouch, & Keeter, LLP, 310 North Front Street, Wilmington, North Carolina to represent the Town in the above referenced litigation in Superior Court of Onslow County, Jacksonville, North Carolina.

Adopted this 6<sup>th</sup> day of January, 2005.

**e. Budget Amendment:**

Mr. Betz reviewed Budget #2 with the Board. On the revenue side it was amended to \$47,251. A single one time permit fee of \$25,280.00 from the St. Regis will be set aside for a future vehicle for inspections, rather than rolling that into undesignated funds. We received \$3,500.00 for the sale of a police car to Albemarle College. The cost share for the Plants was \$3,920.00. We received \$2000.00 for the Toys for Tots program. Employees purchased the old computers at \$3,814.00. We received \$1,000 in the recovery program for monies owed to the Town.

On the Expenditure side, Toys for Tots was earmarked for the purchase of toys. Under Capital Outlay we had the installation of the new computer system and new furniture for the Town Clerk since her old furniture was placed in the Capital Project Coordinator's office. There was an increase for pest control because of termites in Public Works. Installation of the sign included the pilings and electric, etc. Public parking cost \$7500.00 and we have applied for assistance from D.O.T. (On 1/18/05 a letter was sent to D.O.T. requesting \$3,000.) There are special funds allocated for the Fire Department that hasn't been received yet and we may receive half of that. Street repairs on Seagull Lane and 14<sup>th</sup> Avenue cost \$5,220.00. We have set up a capital asset reserve item and there was an increase in the Recreation and Appearance Committee.

***Alderman Farley moved, seconded by Alderman Godwin approval of Budget Amendment #2 as presented. The motion passed unanimously.***

**MANAGER'S REPORT:**

1. Monday, December 6, 2004, Mayor Knowles presented resolutions of appreciation to outgoing County Commissioners, Fred Holt, W. C. Jarman and Jack Bright. Mayor Pro-tem Fred Handy, Aldermen Dick Farley and Steve Smith and Staff attended as well. The Board and Staff proceeded to attend the swearing in ceremony for the new Board of Commissioners for Onslow County.
2. Tuesday, December 14, 2004, Staff attended a meeting of the ONWASA Water/Sewer Service Committee at the Public Works Building in Jacksonville. This was a preliminary meeting of this committee to review the merger of water and sewer service policies of the various members of ONWASA.
3. Staff met with representatives of the Division of Community Assistance, N.C. Department of Commerce on December 14, 2004. Mrs. Ruth Leggett and Mr. Bill Smith provided information to the staff regarding services that this Division provides.
4. Staff attended the monthly meeting, Wednesday, December 15, 2004 of the Topsail Island Chamber of Commerce and Tourism and reported on activities of the Town.

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5. Thursday, December 16<sup>th</sup>, Alderman Steve Smith in his capacity as Vice-Chairman of ONWASA joined other ONWASA members, Technical Committee members and Chairman Midgett of the Onslow County Board of Commissioners for a Tour of Facilities that included the Hubert and Dixon Water Treatment plants.
6. The Town of North Topsail Beach observed its annual Christmas Party to acknowledge appreciation to all the volunteers who serve the Town, as well as the Town employees and the Mayor & Board of Aldermen at the Villa Capriani on Saturday evening December 18, 2004.
7. Alderman Buddy Godwin and Staff attended the Onslow County Board of Commissioners meeting on December 20, 2004 to present a revision to the Topsail Island Shoreline Commission to include an Interlocal Agreement which was approved
8. Tuesday, December 28, 2004 the monthly meeting of the Topsail Island Shoreline Protection Commission was held here at Town Hall. The Commission welcomed Chairman Lionell Midgett of the Onslow County Board of Commissioners as Onslow County's new representative. All elected officials were in attendance. It was announced that a special web site has been set up for citizens to notify members of the U.S. Congress and all three towns have added this "link" to their websites. The next meeting is January 25<sup>th</sup> at the Town of Topsail Beach.
9. Wednesday, December 9, 2004, Town Staff said goodbye to former Mayor Pro-tem John Flynn as he has relocated to Pennsylvania.
10. Announcements:
  - A. The Four Town meeting is scheduled for Thursday, January 13, 2005 in Surf City at the Mainsail Restaurant, 404 Roland Ave., with Senator R.C. Soles as the guest speaker.
  - B. The Town of North Topsail Beach will hold a "ribbon cutting" in recognition of the completed addition to the Public Utilities Building at 8:30 a.m. on Friday, January 14, 2005. This will be followed by the Board's Retreat Session at Town Hall starting at 9:00 a.m. Mr. Larry Moolenaar, Executive Director of the Eastern Carolina Council will assist the Board during this session.
  - C. The Beach Nourishment Committee will hold its first meeting of 2005 at 6:30 p.m. on January 19<sup>th</sup>, 2005.
  - D. ONWASA will hold its ANNUAL MEETING at the Town of Swansboro on January 20, 2005 at 6:30 p.m.
  - E. A Public Meeting will be held on Friday, January 21, 2005, in the Town Hall at 9:30 a.m. conducted by Coastal Planning and Engineering concerning the Environmental Process that will be conducted for the COBRA Beach Nourishment and Inlet Relocation contract. Federal, State and Local officials and citizens will be in attendance.

#### **ATTORNEY'S REPORT:**

Mr. Betz asked the Board if they wanted Attorney Maura Johnson to sit in on the Board Retreat. Attorney Fairley noted that she went to Japan for the holidays and as part of that trip she was going to Thailand and Indonesia and they haven't been able to get in touch with her. She is supposed to be back on Saturday and she hoped to hear from her then. (We are thankful that Attorney Johnson came back safe and sound.)

#### **MAYOR'S REPORT:**

Mayor Knowles said that he was looking forward to a New Year and we will start the year out with a retreat next Friday – January 14th.

1/6/05

**ALDERMEN'S REPORT:**

Alderman Godwin wished everyone a happy New Year and encouraged the citizens to attend the meeting on January 21<sup>st</sup> at 9:30 a.m. with CPE since it will be informative to everyone.

Alderman Smith wished everyone a happy New Year. He noted that ONWASA has their annual meeting in Swansboro on January 20<sup>th</sup>. There is a survey form from a State Representative asking if people were for beach nourishment and he hoped that they were working for us.

Alderman Duane noted that when Mrs. Bowman said that property owners should contact their legislators that we have to keep in mind that we all have neighbors who don't live here but own property here and it is important for them to also contact their representatives.

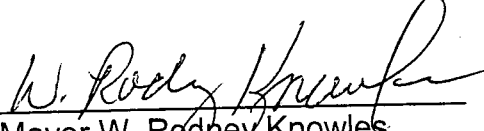
Mayor Pro Tem Handy said that if legislators are sending surveys, we are a small portion in their district and a lot of people can say that beach nourishment is not needed, but we need the help here. We need to bring in more visitors and we need the beach.

Alderman Farley said that he received an email and someone had a concern that development is damaging their property and the contractor won't do anything and he felt we should respond to them.

**ADJOURNMENT:**

*Alderman Duane moved, seconded by Alderman Smith to adjourn the meeting at 9:07 p.m. The motion passed unanimously.*

Minutes prepared and submitted by Loraine M. Carbone, Town Clerk for North Topsail Beach.

  
\_\_\_\_\_  
Mayor W. Rodney Knowles

2/3/05  
\_\_\_\_\_  
Date Approved

W<sup>7</sup>

Mayor Knowles and Board of Alderman

My name is Freddie King and I own property at 9028 W. Ninth Street, Surf City which is next to my mother, Rose Jones who resides at 9030 W. Ninth St., Surf City.

The residents on W. Ninth Street have recently become aware of a proposal to build 10 boat slips on the north side of our canal (which is wetlands) and a 6 ft. wide walkway, 392 feet long, over the wetlands leading to and along the proposed boat slips area. These boat slips would be used by homes built and developed by Deacon Development Company, Inc. located just north of Margaritta's in Surf City.

I have discussed this project with Mr. Jason Dail, CAMA Permit Officer. He has informed me that this application for the proposed boat slips from Daniel J. Deacon, Deacon Development Company, Inc. has been returned to Mr. Deacon for further completion and Mr. Dail has not received the application back.

All of the residents contacted (which is more than ½) on Ninth St. have signed a petition against these proposed boat slips for many reasons, some which consist of:

1. Increase of shoreline erosion
2. Depositing spoils below mean high tide
3. Directly or indirectly impair existing navigation
4. Would create safety concerns such as children and adults swimming in the canal
5. Environment issues – This area would not receive a full flush of waters daily and the buildup of pollutants from ten boat slips would be detrimental to the marsh, the wildlife and the marine life
6. Would disturb the quiet enjoyment of our property
7. It is zoned "residential", not "commercial"

Dan Deacon's application for 10 boat slips show the canal to be 95 feet wide. By our measurements, it measures 74 feet wide, the narrowest of any of the canals in Surf City.

Currently, North Topsail Beach has restrictions on a "Commercial Marina" which is defined as

However, there does not appear to be anything in the zoning ordinances which prohibits or permits the number of boat slips in a residential zone. We feel this issue needs to be addressed immediately.

The Town of Topsail Beach does not allow more than 2 boat slips to be constructed in a residential zone. They do; however, permit more than 2 boat slips in a commercial zone complying with the ordinances. This proposed project on the wetlands side of the W. Ninth Street Canal is designed for 10 (ten) boat slips in a RESIDENTIAL zone. The Town of Topsail Beach defines more than 2 boats slips as either a Class I marina or a Class II private marina.

Mr. Jason Dail with CAMA has stated that Mr. Deacon will probably meet all of their requirements; therefore, we propose that the Town of North Topsail Beach readdress your current ordinances and Not Permit two (2) or more boat slips, each of which is or may be separately owned and with common ownership of the land, piers, walkways and any other structures necessary for service of the slips.

We respectfully request that the Town, the Mayor and Board of Alderman act quickly to remedy a potentially detrimental situation.

We also would like to encourage each of you to look at the wetlands across from 9028, 9030, 9032, 9034 and 9036 W. Ninth Street in Surf City.

May I answer any questions that you may have.

Thank you for your time and consideration.

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**TOWN OF NORTH TOPSAIL BEACH  
BOARD RETREAT  
JANUARY 14, 2005  
9:00 AM.**

**PRESENT:**

Mayor W. Rodney Knowles, Mayor Pro-tem Fred Handy, Aldermen Laurie Duane, Richard Farley, Buddy Godwin and Steve Smith, Don Betz, Town Manager, Loraine Carbone, Town Clerk, Maura Johnson, Attorney, Jim Milligan, Planning Board Vice Chairman

**STAFF:**

Gene Casey, Building Inspector, Christina Watkins, Inspections, Police Chief Daniel Salese, Fire Marshal Thomas Best

**QUORUM:**

Mayor Knowles called the Board Retreat to order at 9:00 a.m. in the North Topsail Beach meeting room and declared a quorum present.

**INTRODUCTION OF FACILITATOR LARRY MOOLENAAR:**

Mr. Betz introduced Larry Moolenaar, Executive Director of the Eastern Carolina Council and noted that Mr. Moolenaar has worked with other boards and has great expertise. Mr. Moolenaar said that he enjoys facilitating retreats and he learns about the communities and he will try to keep the process going forward. He said that the first items will be given about 20 minutes for each one. Alderman Farley added "acquiring property to keep open space to conserve land". Mayor Knowles moved the 10 year plan after item 3 (growth and zoning).

**DIRECTION BOARD WANTS TO GO IN REGARD TO BUILDING GROWTH AND ZONING:**

Alderman Smith asked which way should we be going toward growth and our rezoning of properties. Sewage is a problem, especially when the county approves septic systems. Alderman Smith said that he asks himself if he has the right to have someone improve their property if they have a septic tank. He also said that we don't want high rises.

Mr. Betz asked the Board to look at the trend and at the appraised value and you could see significant jumps in the number of units and the appraised value is higher. We are growing and there is confusion as to what the Board's consensus is. When sewer opens up, property will be available and building permits and fees will increase. Alderman Farley asked how much pent up demand would this address. Mr. Betz said it would be tapered by growth and interest rates and it will be a significant impact.

Alderman Duane noted that she spoke with North Topsail Utilities yesterday and they are not taking anyone new on the list. Mayor Knowles stated that people

are buying up property and developers will try to get as many units as they can get. He also felt that it is not our responsibility to rezone property in their favor.

Alderman Duane said that she would like to see commercial zoning that we have now and to provide incentives to developers for multiuse for small commercial development. Let's provide incentives and expert advice. We could encourage user friendly properties so you don't have to get in your car for a cup of coffee or beach toys, etc. We pride ourselves in being a family beach. Where do we want to be in 10 years? What kind of town do we want?

Mayor Pro Tem Handy asked what kind of incentive could we offer as a town. Mr. Betz noted that Amendment One is available to us for development credits and could be a financial tool for the Town to use. Mr. Moolenaar said that the Board has to look at the vision part of it to determine where they want to grow and give incentives. You have to ask if you want commercial development as a community and you know better what makes up your town. Baby boomers are coming and people want to walk to places and the population won't be as mobile.

Mayor Knowles noted that we are unique and commercial property is worth a lot less than residential land. We are basically a one road town and we don't have traffic counts to support anything. Sneads Ferry and Surf City would be competitive and we have about 10 miles of commercial. Mr. Moolenaar said that they could set some land aside and hold it for commercial, town center, etc.

Mr. Knowles noted that our commercial is through our rentals of homes. Alderman Farley said that he disagreed to some extent and if you look back at the Land Use Plan, we didn't have enough commercial. Prices are being pushed by developers and the dollars are in residential, but we could have some commercial development. Our town will grow without us rezoning property and we have a good mix now. Alderman Farley said that he didn't see the need to rezone unless it's a good situation to create more density. He noted that at a seminar he went to when he was first elected, they said don't make decisions on what developers tell you.

Mr. Betz noted that we will start the Land Use Plan (LUP) update once we select a consultant. That's the time board members could give their input. The LUP will be a guide for overall growth and zoning. Mr. Knowles stated that when the first LUP was in place there was not much commercial in Sneads Ferry or Surf City and a lot has changed in 10 years. Mr. Betz said there is also the expense of flood insurance. Alderman Duane noted that things have changed in less than 1.5 years and she is seeing what the needs are and what people want.

Mr. Moolenaar said from a regional perspective and seeing how the area has accelerated you need to look at people retiring because it will increase. As a Board are you going to want more or less building growth, more restrictive or more lenient? Mayor Knowles said that developers want to get the most out of

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each property and sewer capacity has limited development. Alderman Smith had a concern regarding the Planning Board approving something and the Board of Aldermen disapproving it. We are supposed to make decisions that are best for the town. There are more people that speak up against development than for it, but you have to look at the whole town. Developers are coming in to put more money in their pockets and we can't control that, but to just deny a development doesn't help our tax revenue. If people come to the coast and think it is not going to grow they are wrong. Alderman Smith said that we could control what is coming in and he doesn't want high density here, but there are some decisions we made that he wished we had more time to review. Developers come to the Board and we need to let them know how we stand to begin with, but don't let them waste their time with designs when it is not going to go forward. Are you helping or hurting the situation?

Mayor Knowles felt that pressure is put on our zoning officers and they put pressure on the Planning Board and he felt that they don't have enough time to study it and when the Board gets it they have more time to study it. He would like to see more time between the Planning Board and Aldermen presentations. Mr. Betz noted that everything that has come through this year has been continued at least 3 times on the Planning Board side and Aldermen side. The question is: what is each Board member's position on rezoning?

Alderman Godwin said that the last two commercial properties to be rezoned have been turned down flat and he doesn't understand the member's faults on that. Septic and high density has been the issues, but he would rather have residents than a hotel. The Planning Board made their recommendations and we turned them down. We are not listening to them. They spend all this time and have developers come back and rework their plans and they are turned down.

Mayor Knowles said it was ironic that those who were against the north end development are in fact in a higher density development themselves. Alderman Farley noted that we had 100 people against it and they had their say and the law prevents unwanted development in a community. Alderman Godwin stated that septic tanks were the main reason it was voted down, but the County accepts septic and we can't deny them. Alderman Smith felt that we shouldn't talk about that issue now since we are in litigation. We should look at the south end where sewage was available for 18 condos and we shot it down and now it will be a hotel. Citizens have a right to complain, but you still have to look at it from an economical view for the whole town. We should put more thought in decisions we make.

Alderman Duane said that we should state our position and she felt that until we change the LUP zoning we should try to stick to what we have now.

Alderman Farley asked for a clarification of the building height issue since he was concerned that the wording still allowed people to put fill in and build their



house up. Gene Casey, Building Inspector, said that the contractor has to have a CAMA permit to put or take fill in and have a survey done before they do anything. The lowest grade is based on preconstruction on the survey.

**10 YEAR PLAN – ARE WE ON TRACK:**

Mr. Milligan said when looking at the Long Range Plan it was very good at estimates. It was also based on assumptions that there would be no major hurricane damage over 10 years. New housing would be at 100/year from 2000-2010 and we are on that. Full time residents have increased at 40/year. We looked at how many people lived in town and the rest are rentals and we are still moving along. Mr. Milligan noted that the Town has good department heads and staff. The 10 Year Plan tells you where the departments are going and it looks at staffing they need based on the Town growing. He suggested that they redo the Plan out to 2015. Look at numbers and assumptions and look towards the future. Mr. Milligan said that they should put together a subcommittee. The Planning Board works for the Board and they want to know how they should operate. Decisions can change and that's fine, but in reality there are certain things that the Planning Board should take into consideration. You want low density and you want beach access and two things you don't want are spot zoning and septic systems and the Planning Board is aware of this. They have to go by a check list and septic is allowed. The Long Range Plan is the main tool for departments to tell you where you will be in the future.

Alderman Farley said that the south end development was spot zoning and that was an issue for him. In regard to the septic issue, he thought that they have to give a permit, but we don't have to rezone if we choose not to. Mr. Milligan said that we can't deny it for certain things because if they did everything right we have to approve it. Mr. Betz noted that it would help the Planning Board if Attorney Johnson attended their meetings and to be a resource to them. If you are in the same residential classification then it is not spot zoning. Spot zoning is a change to a major district classification, i.e., residential to commercial in a residential area.

Alderman Duane felt that they didn't have to approve everything the Planning Board approves. Mr. Betz said that they should be careful of why they are denying something and you have to state your reason for turning it down in conditional use applications.

**CONTRACTOR'S RESPONSIBILITY:**

Alderman Duane noted that this issue was in response to the email about a contractor tearing up adjacent property and not making repairs and also about the electrical accident on the north end. She asked how frequently the town inspects a contractor. Mr. Betz said that it was not our responsibility. Alderman Farley said that part of the citizen's frustration is that property is being damaged and they are told by the town that it is a civil matter. Damaging property is

trespassing. Mr. Betz said then they would have to call the Police Department and there are criteria for that. Alderman Smith felt that this was an individual case and the town shouldn't get involved and it wouldn't be fair to other citizens. It is up to an individual to take a contractor to court and have him pay for damages. Alderman Farley felt that once it is criminal we have the responsibility. Alderman Smith said if it is posted private property then our PD can make an arrest. Alderman Farley noted that 250 sq. ft of cement has to be replaced in this instance and citizens have the right to expect that their property won't be damaged while development is going on.

Chief Salese said that this issue is a civil matter and we can take a report but the citizen has to pursue it. If our report confirms that the driveway is damaged you would have to prove intent. Alderman Duane suggested that we give contractors a set of guidelines. Christina Watkins, Inspections Department, said that they didn't have a list of guidelines and contractors only had to have an approved trash container on site.

Mayor Knowles asked if there was a complaint from a neighbor couldn't you hold a Certificate of Occupancy and Mrs. Watkins said no you could not. Mayor Pro Tem Handy noted that if there was damage a homeowner has a claim and he could get the Certificate of Occupancy stopped. Alderman Duane said there should be a good faith rule in being respective of property. Chief Salese said there was no way to enforce that and Mr. Betz felt it would be a liability issue. Attorney Johnson said there is a difference between civil and criminal. If it is criminal an item has to be fulfilled knowingly and once he has knowledge then it is an offense. If it is civil it has to show damages.

**CAN THE TOWN HOLD THE TAX RATE AT 45 CENTS IN THE COUNTY REVALUATION FOR 2006?**

Alderman Smith noted that there was concern with the county revaluation and it has been said that we can lower the tax rate. It sounds good, but we are not in a position to lower taxes because of projects we are facing in coming years. A County Commissioner made a statement that NTB will be surprised when the revaluation comes in and the bottom line is hopefully we can maintain a 45 cents tax rate, but is that going to be enough to handle beach nourishment.

Mayor Pro Tem Handy said that homes are based on old appraisals and there is the possibility of homes going on the market because people will not be able to afford the higher taxes. Alderman Farley felt that we need to reduce taxes and to make the revenue neutral. Beach nourishment is a separate issue and taxpayers don't need to pay us more. We need to drop the tax rate dramatically. Alderman Smith said that we have to be prepared for citizens coming to us to lower taxes because of the revaluation. Mayor Knowles reminded the Board that 5 cents of the tax rate goes to beach nourishment. Alderman Farley again said that we should lower it because we don't need a 40% increase in our revenue.

Mr. Betz asked what the Board's approach would be for beach nourishment - special tax districts vs. tax rate. He noted that Emerald Isle had a tax district for ocean front, second row and a basic tax rate. In relationship to the tax rate you have to look at beach nourishment. Alderman Duane suggested considering beach nourishment funding before looking at the tax rate. Mayor Pro Tem Handy felt it would be discriminatory to tax ocean front more than 3<sup>rd</sup> or 4<sup>th</sup> rows since everyone enjoys the beach and we should get federal and state to help us out. Mr. Betz said we are looking at 32 million dollars and it could be 40 million for nourishment. Mayor Pro Tem Handy said that we also need to get money back from the county.

Alderman Smith said that we have to look at it now and get some idea of what the revaluation will be in 2006. Alderman Godwin noted that for us to lower our tax rate when we have to go to the County to get money is a slap in the face. Alderman Farley said that we will make up the difference with revaluation and we should look at a special short term project and not take it out of general revenues. Alderman Duane recommended that we deal with this at a later time.

Mr. Betz noted that on January 31st, the Onslow County Commissioners will hold a special meeting at 11:00 am on tax revaluation at the former Council on Aging.

**RECYCLING:**

Mr. Betz said that Christina Watkins had sent out some letters to property owners and asked about recycling and out of 79 responses 28 were interested. The bottom line is the cost is \$82,098.60/year which would require \$38 in addition to the \$100 for sanitation to implement this kind of program and we are not getting a lot of feed back. Alderman Farley questioned voluntary recycling and Mr. Betz said we have that at on Old Folkstone in Sneads Ferry. We did recycling here before and people would throw other trash into bins at public works.

**METHODS FOR SHARING INFORMATION AMONG BOARD MEMBERS:**

Alderman Farley said that sometimes information doesn't get around to all of us, for example the hiring of two more firemen. Mayor Pro Tem Handy said that was mentioned in the 10 year plan. Alderman Farley asked if a survey was going out to the citizens. Mr. Betz noted that Dan Tuman had said the last survey was done in 1997 and we needed to do another one and that was what Mayor Pro Tem Handy had referred to. Staff has not initiated another survey at this time.

Mr. Moolenaar asked if the Board was happy with what they do get for Board meetings. Alderman Duane said that she was glad that we are having a retreat and it is imperative that we meet at least once/year informally on issues we don't touch on at other times.

Alderman Smith requested larger lettering on the top of agenda item pages and he felt there could be better communication between Board members. Alderman Farley wanted to know when and if someone was going to be hired. Mayor

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Knowles said that it has to go before the Board if we hire someone. Mr. Betz noted that any hiring is presented at budget time or at a retreat session when we forecast the budget.

**OPTIONS FOR FUNDING BEACH NOURISHMENT:**

Mr. Betz provided the Board with information on accommodations and historical data on what the town has collected. Alderman Smith said that for years we didn't know what the final cost would be for beach nourishment, but we now have a number and we could speculate money from the county and state. He said that he didn't want to be surprised that we need so much money to continue and asked that we look at planning ahead of time so we know where the money is coming from.

Mayor Knowles noted that other communities have used a real estate transfer fee of about 1% to designate that for beach nourishment, but it could be controversial with real estate brokers. Alderman Duane felt that this was an all day issue and suggested holding a separate workshop and Alderman Smith agreed. Alderman Duane said that historically the real estate transfer fee doesn't get support in legislation. Mayor Pro Tem Handy said that a proposal from another beach town was for \$2/per bedroom per night surcharge above the accommodations tax. Legislation was turned down last year, but we need to find out who presented that bill and get other communities involved in a plan of economic development. Mr. Betz said that there is an agreement that 13% is the maximum right now between sales and accommodations. Mayor Pro Tem Handy said that if it goes forward as an economic development program you have a better chance.

Mr. Betz said that the Board needs to look at the budget calendar and to look at beach nourishment separately in March. A letter has been sent to DENR to fund 1/2 of the study. Alderman Godwin said that it would be hard to discuss this with the Corps project since the Corps project may stop and we may have more funds that have to be included. Mr. Betz said that CP&E has that included. Alderman Duane asked that the Board set up another meeting. Alderman Farley said that most people are concerned about footing the whole bill and we need to get their input. A transfer tax would be phenomenal. Our tax rate could drive people out of this community, and we need to look at a tax break.

Mr. Moolenaar said it was important to schedule another meeting. The consensus was to meet on Wednesday, March 9<sup>th</sup> at 6:00 pm. Mr. Betz said it would be helpful to invite Frank Rush, Town Manager of Emerald Isle to give us a history of their beach nourishment progress.

**FINANCE OR AUDIT COMMITTEE:**

Alderman Farley noted that we are a board of directors and we are growing and we have a lot of issues. We look at our finances once a year and that is not enough. It is our responsibility and a finance committee is a valid idea. Our

budget amendments are on the consent agenda and that could be valid but we need to look at it and monitor our finances. We have a fiduciary responsibility to our citizens.

Alderman Duane asked that if we have this committee would their responsibility be to research funding for beach nourishment. Alderman Farley said that they could do that. Alderman Smith asked if this would be a guidance or watch dog committee and Alderman Farley said it could be both and they could work with the auditor. Alderman Godwin asked what would you gain from that. Alderman Farley said that the last time you saw a financial statement was at the last audit and that's not enough. Alderman Smith said that we do have a grasp on finances and we have budget workshops that show us how money will be spent.

Mayor Pro Tem Handy asked aren't all of our accounting procedures dictated by the state. Mr. Betz said yes, there are month ending reports and they are all available for anyone to review. Alderman Duane suggested a temporary committee that would address special issues and do the legwork for the Board.

Alderman Smith didn't think that this was a committee the Board was looking for. He said that we have a Town Manager and we have Board members signing checks. Alderman Farley disagreed and said that as Aldermen we need a good grasp financially and asked for a financial statement each month. Alderman Duane said that she didn't see the need for more information. Mayor Knowles felt it would be micromanaging.

#### **60 FT. SET BACK AND ITS INTERPRETATION AND IMPLEMENTATION:**

Alderman Farley said that the issue is building right on the dune and are there certain interpretations and aren't they looking at the safety of people and property. Alderman Duane noted that CAMA interprets that. Alderman Godwin said that Jim Gregson of CAMA oversaw Oceanridge and we can't tell them they are not right. Sea oats were established there and then they build. Mayor Pro Tem Handy said that the Town could be more restrictive and we need to be consistent on the first line and on how you interpret that rule.

Mayor Knowles stated that when you do that there will be quite a few houses that won't be able to be rebuilt. Mayor Pro Tem Handy agreed and said that other properties will not be able to build if you change it. Mr. Betz said we could do a resolution for the February 3<sup>rd</sup> meeting to give notice to people and have a hearing on March 3<sup>rd</sup>. Alderman Smith asked if the rules were not being followed and said that the state set the dune line after the hurricanes and it looked like a snake line. Mayor Pro Tem Handy suggested that they look at the definition of the vegetation line, seaward toe of the frontal dune and its interpretation.

Alderman Godwin said that they could examine the setback requirements at the Public Hearing. Mayor Pro Tem Handy said that the line shouldn't go further back, stay with 60 feet, but firm up where the 60 feet starts. Alderman Godwin

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suggested expertise on the wording of this and asked that Jim Gregson attend the meeting.

**IMPROVED WEBSITE:**

Alderman Farley said that a website is your face and asked that our website be spruced up. He would like to see more information like building permits on it and for it to be more navigable and felt that it would be money well spent to get experts to help.

**POLICE DEPARTMENT NEEDS:**

Mr. Betz said that historically, staff recommendations and outlooks from departments for the budget planning purposes have been brought forward at Board retreats. A benefit package and vehicle schedule was provided to the Board. Chief Salese said that the PD outgrew their building the day they moved into it. They have 520 sq. feet of space and a lot of valuable equipment and they are not in compliance with records and evidence with the state. We don't have any room and no where to keep anyone. The Intoxilyzer machine is in a 4 x 6 area and there is no place to interview. If you have to strip search for drugs there is not a designated area. Equipment we need is not housed in the PD.

Their first option was to expand and go out. They also need an armory for their weapons. If we go out and up we could provide a conference/training room. There is also a lack of storage for boats, jet skis and humvees. Some equipment is off the island because of rust. We need to discuss adding on and where we could go. We don't have a plan yet until we know what the Board wants.

Alderman Godwin asked if it was more advantageous to have the PD at town hall. Chief Salese said that they are centrally located, but we want to keep the criminal element out of town hall. We have a 404 wetlands issue but it's not a problem. We are looking at 36 feet to build out.

Alderman Duane noted that when looking at the wind shelter and housing a community multiuse room there, could we convert the meeting room here for the PD. Mr. Betz said that was an option. We would have an opportunity to do a meeting room with a podium and audio equipment, etc. in a new building and the PD could have this space. On the other side of the kitchen we could go out and we could put in a garage and continue the roof line and have attic space for storage.

Alderman Farley asked if we have people locked up does someone have to be with them at all times. Chief Salese said that they have to check on them every 10 minutes. Mayor Pro Tem Handy said there also could be a health issue. Alderman Godwin suggested that staff get an architect to come up with a plan. Alderman Duane asked if there were any grants for this and Chief Salese said that he was always looking into grants. Alderman Smith noted that three years ago we talked about not having enough land at the fire station and we were

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looking at purchasing lots behind the fire station at the southern end. We could look at a separate housing area there. Alderman Godwin felt that would be more appropriate for a storage area behind public works. Mr. Betz said that we should strive to keep everything under one building. Other towns are not able to have everything in one building because of limited space. Mayor Pro Tem Handy questioned land at the park and on Folkstone Road. Mr. Betz said there could be a problem of wetlands at the park, but we could liquidate the lots on Folkstone and use the funds for a building here.

Alderman Godwin requested that we prepare a resolution to get professional services to look at our needs.

Mr. Betz noted that the town has been awarded a significant amount of grants in the police area.

Chief Salese discussed his department's need for vehicles. He noted that the Explorer cannot tow right now. They would need another vehicle and they could transfer the Explorer to Planning/Zoning/CAMA and replace that vehicle with an Expedition that could tow boats. Chief Salese said that they need to get on the beach to patrol.

In regard to personnel options, we are the only beach town that doesn't have beach patrols and we are down two reserve officers. We don't have help for the beach and houses are being broken into on the ocean side. We also have mandated training every year that increases. This year we have an investigative position, Doug Freeman, and he is 75% administration and follow-up. We have had a problem the last two years with prostitution/sex problems and the call volume is up. There are just enough people to make the shifts. We have 10 full time officers and 2 reserves and we need 2 more to make 12. Chief Salese noted that they have 3 instructors now for in-house training.

Chief Salese stated that they have received 100 complaints last year because they weren't on the beach. Mayor Pro Tem Handy said that people don't realize that there is a security problem on the beach side since anyone can walk in and break in. Chief Salese said that they prioritize things now and they can't always do the little things for citizens. The condos have B&E's every day. Mr. Betz said that housing has increased and we are expanding. Alderman Duane asked how much it cost for a new vehicle. Chief Salese said approximately \$23,000 not equipped and they put in about \$10,000 more for equipment. The Expedition would be \$28,000.

Chief Salese noted that to continue what we are doing over a period of time, we save money by everyone having their own vehicles since their response time is good. Resale values of the vehicles are climbing. Mayor Pro Tem Handy said that high mileage on a vehicle is not good. Chief Salese said that going to Raleigh is good to politic what our needs are. Mayor Pro Tem Handy

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commended the PD for backing up the fire department since they are all on the scene. Chief Salese said that everyone is trained as first responders. Alderman Godwin said that we can't ask people to work without pay and we are not meeting the needs of the town with the Police Department and the Fire Department is right behind them and that is why we can't cut taxes and grant money could dry up. The town is the staff. Mayor Pro Tem Handy asked if there was a policy on vehicles and felt there should be a firm rule of 3 years and 65,000 miles. Chief Salese said that it costs us money when vehicles reach 100,000 miles.

### **PUBLIC WORK NEEDS:**

Fire Marshal Best noted that the front end loader is 22 years old and they have been having problems with it. They have received quotes for \$153,000 and \$130,000 with a sweeper attachment and bucket. The bucket would come in handy especially when putting up the snowflakes and we have had to rent equipment to put them up. The sweeper attachment would enable us to sweep streets that we own. \$11,000 for the sweeper is included in the quote and we use this equipment quite a bit. We also use it to move sand when we construct crossovers. With the expansion of public works we have a space to store it.

Mayor Pro Tem Handy asked if we could put the present equipment out for bids and Fire Marshal Best said we could probably sell it between \$5,000 and \$8,000. Alderman Duane asked how often is this equipment used. Fire Marshal Best said they use it to pack the dumpsters down and they use it a lot in the summer time for maintenance of the accesses and debris pick up. Alderman Duane asked how much would it cost to rent and Fire Marshal Best said \$4,000/month.

Fire Marshal Best said that they need to replace the Dodge with a F250 at a cost of \$20,000.00.

Alderman Smith asked if there was enough staff at public works. Fire Marshal Best said that they are all set for the winter months, but need part time help for summer. Alderman Smith said that it would be good to have summer time college jobs.

### **FIRE DEPARTMENT NEEDS:**

Fire Marshal Best noted that they are looking for two additional firefighters and said that the two they have now are working great. He thanked Jeff John again for doing CPR at the electrical accident. He said that they have had a total of 6 saves with the defibrillators.

Fire Marshal Best said that staff is working 2.5 days with what we have now - 24 hours on 48 hours off.

In looking at the Capital outlay the department is asking for a Bio Test System. We are required to test our air bags and they have to be calibrated and the cost



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is \$9,000.00. We can charge neighboring departments to test their systems. Alderman Smith stated that we have 3 fire departments on the island and suggested that they all chip in to buy the system and then don't charge for testing. Fire Marshal Best said he could ask them and Mr. Betz said staff could get feedback for the next budget workshop.

Alderman Farley noted that last year they had a presentation and were told that the Fire Department needed help during the day, but now you are saying 24 hours/day. We need to be careful adding to this budget. Alderman Godwin said that we are adding 80 houses/year and we are growing. Alderman Duane said that her concern was before we talk about converting this space, we are talking about a lot of money. We need your priorities. Alderman Godwin said you have to look at it from a different perspective and look at meeting the needs of the town. If you cut taxes you will not meet the needs of the town. Alderman Duane said that our needs change and our primary need is in the summer. Fire Marshal Best said for the next meeting he will have a report of calls they have responded to at night. Even though we have the names of volunteers on our roster, many of them are not here.

Alderman Farley said that we need to allocate money to get more volunteers and he doesn't see a high profile to get them. Fire Marshal Best said there is an ad in the Topsail Advertiser every week.

Alderman Duane said that she has spoken with Mr. Zak who owns many properties and they discussed that if the town would provide an incentive for residency to live here and join the fire department they could get more part time people. Fire Marshal Best said that he has asked Mr. Zak for rentals and they are at \$850.00/month and most people can't afford it. Alderman Duane suggested getting 4 part time people and they could become full time. Alderman Godwin said the only place to draw from is the Marine base and that is a dead issue now, but Alderman Farley didn't see that as a source. Alderman Godwin said that there are volunteers who work when they are off duty. Fire Marshal Best said they have to do a 48 hour duty shift in a month and Sneads Ferry and Turkey Creek have the same problems to retain people.

Mayor Knowles said that we will have budget workshops to go over all of this information and we will work from there. Mayor Pro Tem Handy noted that we are just talking about \$7.88/hr for a firefighter.

**METHODS FOR QUICK IDENTIFICATION, COMMUNICATION AND RESOLUTION OF METHODS USED TO CIRCUMVENT TOWN ORDINANCES OR POLICIES:**

Alderman Farley was concerned about how fast the building height issue was brought to the Board and asked how could they make sure that they get information in a timely fashion. Alderman Farley noted that the intent of the law was not to allow heights what they are and it took us 8 or 9 months to fix that.

Alderman Smith said that it goes back to people who don't understand the interpretation and hopefully they will understand it now. Alderman Farley felt that they should have been notified faster. Mayor Pro Tem Handy said that the height issue came forward when one house in Stump Sound Village had a tower and neighbors were upset. Mr. Betz said that no one said it was wrong until we heard of that one example. Alderman Farley noted that the LUP states there shall be no building higher than 45 feet. Alderman Duane said that we had a time when the inspection department was not settled.

**CONSIDERATION OF APPLICATION TO FEMA FOR A COMMUNITY WIND SHELTER:**

Mr. Betz went over the map for the location of the Wind Shelter. Mark Goodman, County EOC, went to Alabama and visited one and he would like to see 6 wind shelters in Onslow County. The time table is tight for this round and we need professional assistance to do this. We need to spend money to make the application (\$7,500.00.) and the Eastern Carolina Council could help us with the grant. This would be an evacuation center not an EOC. Alderman Farley said that we have to remember from other hurricanes that people could be in these shelters for quite a bit of time. Mr. Betz said a shelter would be a goal since that is the requirement for FEMA and 90% of the time it could be used as a community building. Alderman Duane said that we have to keep in mind we are a resort community and in the high season could we accommodate a large number. Mr. Betz noted that schools may not always be available as an Evacuation Center. Alderman Farley asked what our cost would be and Mr. Betz said 25% and the land here may be a match or the surplus lots off Folkstone Road if sold.

The Board's consensus was to go forward with the application for the Wind Shelter.

**DISCUSSION OF "SEWER PERMIT RESERVATION":**

Lillian from North Topsail Utilities gave us a sewer permit reservation form. When we looked at this we suggested she change this form to say sewer authorization and not reservation. We can't issue a building permit on the basis of a sewer reservation and the County's position is the same.

**NEED TO REAUTHORIZE "BEACH & WATERFRONT ACCESS PLAN OF 1997":**

Mr. Betz noted that this survey of questions has been used in securing PARTF grants and we have been strong on tennis courts, bike paths and the park. We need to get proposals to do this again. Mayor Knowles asked if this plan could be in conjunction with the LUP and Mr. Betz said it could be and CAMA is reimbursing us for the LUP. The Beach & Waterfront Access Plan of 1997 has been a valuable document to the Town.

**PROPERTY ACQUISITIONS:**

Alderman Farley noted that at the north end there are ongoing complaints of driving and ruining wet lands and suggested that we inquire about buying the property at the north end. As a town, we have missed opportunities to buy land. The wetlands are being destroyed at the north end. Alderman Farley asked if there was grant money for purchasing land. If the state can say you can't build on wetlands why can't we say they shouldn't destroy property. Mayor Knowles said that a property owner needs to put up private property signs or put up fences. Alderman Duane asked if PARTF grants could be used for purchasing property and Mr. Betz said it could, but it depends on funding.

**CONCLUSION:**

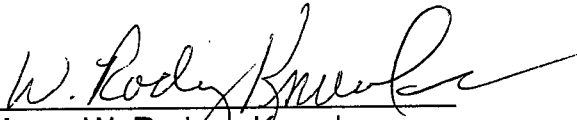
Mr. Moolenaar said that his impression of what the Board talked about today was more of a vision of what they wanted the community to look like 10 years from now. He noted that there were a lot of different opinions of what a word or rule means and everyone should be educated on the terms. There are growth issues and you need to look at your mission statement to see if it fits.

Mayor Knowles said that the Board would schedule a closed session at the next meeting in regard to the issue of Legal Counsel.

**ADJOURNMENT:**

The Board Retreat adjourned at 3:30 p.m.

Minutes prepared and submitted by Loraine M. Carbone, Town Clerk for North Topsail Beach.

  
\_\_\_\_\_  
Mayor W. Rodney Knowles

2/3/05  
\_\_\_\_\_  
Date Approved

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**TOWN OF NORTH TOPSAIL BEACH  
PUBLIC HEARING AND REGULAR BOARD MEETING  
FEBRUARY 3, 2005  
7:00 P.M.**

**PRESENT:**

Mayor W. Rodney Knowles, Mayor Pro-tem Fred Handy, Aldermen Laurie Duane, Richard Farley, Buddy Godwin and Steve Smith, Don Betz, Town Manager, Loraine Carbone, Town Clerk, Maura Johnson, Attorney

**QUORUM:**

Mayor Knowles called the meeting to order at 7:00 p.m. in the North Topsail Beach meeting room and declared a quorum present.

**INVOCATION:**

Alderman Smith gave the invocation.

**PLEDGE OF ALLEGIANCE:**

The Board of Aldermen and citizens present recited the Pledge of Allegiance.

**PUBLIC HEARING – Rezoning & Development from R-20 to CUR-15 (Tax Parcel 774-27):**

*Mayor Pro Tem Handy moved, seconded by Alderman Smith to open the Public Hearing. The motion passed unanimously.*

This request for the rezoning and development application was received on December 23, 2004 for the Planning Board's public hearing. A copy of the Rezoning and Development Application #05/01 was reviewed by the Board members. Also in the package are the general warranty deed, proof of taxes paid, and list of the adjoining property owners, minutes from the Planning Board and copy of the letters sent to the adjacent property owners.

Charles Riggs and Associates, 202 Warlick Street, Jacksonville, NC is representing the owner of the property and will present this application. The Planning Board reviewed this on January 13, 2005 and voted to recommend approval unanimously.

Mr. Steven Taylor is requesting that the 11.7 acre lot be rezoned from R-20 Residential to CUR-15 Residential with a conditional use district. Currently the lots surrounding this property are zoned R-20 and R-10 residential to include an R-5 across the street. The property is currently vacant and located at 1075 New River Inlet Road. The application is proposing to subdivide the lot into 5 parcels and restricting the structures to single family only.

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Review of the sketch plan shows the following:

1. Streets: The development will access the property by a private drive from New River Inlet Road, proposed width is 20 feet.
2. Water and Sewer: The water will be furnished by Onslow County and the owner is proposing sewer taps for the property.
3. Access: The application is proposing to donate property (2.8 acres) to the town, which will adjoin the 7.5 acres received last year, a 30 foot easement exists to the property.
4. Conditional Use Permit: The application is requesting the restriction to single family only.
5. Fire Marshal: The Fire Marshal will need to review the plat plan for access approval and fire hydrant requirements if the rezoning is approved.
6. Flood Insurance: This property will not be eligible for federal flood insurance as it is in the CBRA area.
7. CAMA: If approved, the structures would be permitted under a Minor CAMA permit. Construction of access road and utilities would need to be reviewed by Division of Coastal Management for a Major CAMA permit.
8. Staff recommendation: The Land Use Plan has this property listed in its Land Classification as "Urban Transition". This proposal meets the requirements of the Land Use Plan. The Land Use Plan states that North Topsail Beach will support only uses within the estuarine shoreline area which are allowed by 15A NCAC 7H. Staff recommends approval of the application.

Mayor Pro Tem Handy asked if this was a multi-family project and Mrs. McLaughlin said it was single family only.

Charles Riggs spoke on behalf of the Taylor's. He said the development is 11.7 acres and they have donated 2.6 acres to NTB. That portion will adjoin the tract donated last year by GGW Holding LLC. There is an existing 30 foot easement that runs from the Ocean to the Intracoastal and there is an easement also to the Ocean and properties have a right to use the easement as well as others. Alderman Farley asked how the easement was created and Mr. Riggs said that he didn't have that information, but all the tracts were created to use that. Alderman Farley said that he was concerned about beach access and Mr. Riggs said that the town could review that. Alderman Farley felt that since the church is there, it could put a burden on them. Mayor Pro Tem Handy noted that our attorney should check that out.

Mr. Riggs said that Lot 4 would be retained by Mr. Taylor for a personal residence. The houses are typical size homes and the wetlands are not

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impacted and there is a 20 ft. private road for service. The D.O.T. created a 10 ft. permanent expansion easement. Mr. Betz said in looking ahead to a future bike path could this easement or private road work and Mr. Riggs said they have worked with the town before and it could be used for the bike path.

Mr. Riggs said that there is Onslow County water and sewer is by North Topsail Utilities. Mayor Pro Tem Handy asked what the purpose was to go from R20 to R15 CUR and Mr. Riggs said that the lots would not be as nicely designed if they used R20. R15 allows 60 ft. width vs. 75 ft. width in R20 District.

Alderman Farley noted that this land was recently bought from the County through an auction and asked what has changed that would require a change in zoning. Mr. Riggs said if the subdivision was under R20, 5 lots would be 75 feet wide and we need a 75 width for a house location. We could meet that requirement, but the lots would not look as nice as these lots. They are all separated by setbacks of 20 feet or more. Mr. Riggs said that the rules allow individuals to develop their property. Alderman Farley said that you have to give credit to the folks who established it as one lot and not 5 lots. Mayor Knowles said that at one time there were only about 4 lots on the whole island. Mr. Riggs said it is their right as a property owner and the zoning ordinance allows subdivisions.

Alderman Duane asked if they were planning on having a Home Owner's Association and Mr. Riggs said that they are working on that and they would have a road agreement. Alderman Duane asked if the HOA could make the easement into an access and Mr. Riggs said yes. Alderman Duane asked how many bedrooms would they have and Mr. Riggs said 4 bedrooms at the most based on sewer taps and there will be restrictions with guidelines.

***Mayor Pro Tem Handy moved, seconded by Alderman Smith to close the Public Hearing. The motion passed unanimously.***

#### **APPROVAL OF AGENDA:**

Mayor Knowles requested that the Closed Session be moved to the end. Mr. Betz requested that two items be added "Resolution to Maintain the Authorized Depths for the Atlantic Intracoastal Waterway" and "Resolution Authorizing Town Manager to Engage Professional Services in Accordance with the Notice To Proceed for the NCDOT Bicycle & Pedestrian Planning Grant Effective February 1, 2005". Alderman Duane asked that "committee reports" also be added for discussion.

***Alderman Duane moved, seconded by Alderman Smith approval of the Agenda as amended. The motion passed unanimously.***

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## **COMMITTEE REPORTS:**

### **Beach Nourishment – Becky Bowman**

Due to a continuing lack of Federal funding the USACE project is slowing and no meeting was held this morning. It was agreed at the January 13 meeting that any funds now available would be used to finalize the Cultural Resource Survey.

The Corps announced that there is to be a public meeting at Pearsall Chapel, Wilmington, on February 8 to discuss the Corp's dredging of the New Topsail Inlet and the New River Inlet and connecting channel.

Updates given at the January 13 meeting were:

1. The Corps is still reevaluating dune plans and the 15ft/50 ft berms plan still looks optimum.
2. Parking and access policy was rechecked and reconfirmed. Public access must be provided every ½ mile. The Wilmington district office requires that 10 public parking spaces must be provided within ¼ mile of the access. Schematics detailing deficiencies were given to the 2 towns.
3. The boundaries for some of the borrow areas must be adjusted since hard bottom were found in some offshore areas during the cultural survey. There must be a 500-meter buffer around hard bottoms.
4. The next stumbling block is to get an additional \$180,000 in federal funds to get through the AFB. To meet an optimum schedule for FY2005, our project will need an additional \$350,000 in Federal funds.

The Shoreline Protection Commission met on January 25.

1. A letter is to be sent from the Commission to Pender County to request \$2000 for travel and education expenses.
2. A letter is to be sent to Pender County that the Commission met, discussed and requests an increase of \$100,000 in Pender's contribution to Topsail Island (Topsail Beach and Surf City) for beach nourishment.
3. The Chairman was authorized to attend the Corp's February 8 meeting on the dredging of Topsail Inlet and New River Inlet and request that they be dredged to the depth that is the maximum extent of law.
4. The Commission agreed that a group of our members is to visit Legislators in Washington on March 14.
5. Postcards are to be sent to all property owners on Topsail Island requesting that they contact their Legislators through our "one-click" website on the Town's web pages in support of continued funding for our two Beach Nourishment Projects.
6. The Educational Committee is to give a presentation on the two Beach Nourishment projects at the Pender County Board of Commissioners retreat.
7. Next meeting of the Commission is February 22, 5:30, Surf City Town Hall.

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Next meeting of the NTB Beach Nourishment Committee will be March 16, 6:30, NTB Town Hall.

My main purpose here tonight is to thank Don Betz for his efforts on behalf of beach nourishment. The long hours spent in meetings with the Corps and the diligence shown by attending the Shoreline Commission show his commitment. The CPE/CBRA area beach project is becoming a reality because of his efforts. He is a charter member of the Shoreline Protection Commission and has helped make it a functional group. When our beaches are nourished, they will be the result of his vision and the time he has spent to establish the projects. Thank you, Don, and I wish the very best for you and your family.

**Planning Board – Steven McGrane, Chairman:**

Mr. McGrane said that the Planning Board met on January 13<sup>th</sup> and discussed three items. A Public hearing on the rezoning 1075 New River Inlet Road was held and there were no comments from the public. The committee elected him as Chairman and Mr. Coy as Vice Chairman. The application 05/01 from Steven Taylor was approved unanimously. They also held workshops on the recommended changes to the zoning portion of the ordinance and Mr. Clark will brief you on the changes.

Alderman Smith questioned the issue of driveways since the Board had passed a resolution for impervious driveways to be installed. Mr. Clark said there was a provision in the flood plain, but the zoning ordinance didn't pick that up. This definition talks about the entrance from the street, the throat of a driveway and the area to get to where you will park. That area needed to be defined to clarify that pervious material could be used. If it is impervious there would be a storm water option under this definition. Mrs. McLaughlin said that the Board of Adjustments would receive requests for variances. Alderman Godwin noted that they would have to prove a hardship and this definition would make it easier to understand it. Mr. Clark said that there are certain concrete areas that may look like a driveway but are used as patios and this definition will clarify that. The provision of a storm water plan would have to be submitted if other than pervious material is used.

Alderman Smith said that concrete could be used under the house and the driveway is pervious and we are trying to control storm water runoff. Mayor Pro Tem Handy noted that places where water is a problem is not always where there is a driveway. Alderman Farley asked if the definition of a driveway is more liberal since people are building basketball courts, etc. Mr. Clark said that this definition makes it clearer and it is groundwater friendly. Alderman Farley stated that the intent was to control storm water runoff and asked why we should restrict this just to driveways. Mr. Clark said that it does if you use pervious material and if someone puts in something referred to as a patio, there is a way to skirt around that.



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Mr. Clark recommended that the Board take care of what is possible now and look at changes down the road. Alderman Farley noted that some towns have gone to restricting the size of houses and setbacks and he asked why we shouldn't address the size issue. Mr. Clark said that the Board looked at other towns and examples and felt that they wanted to look at a basic goal and to see what fits their community. Onslow County Health Department determines a room is a bedroom if it has a closet. The Planning Board felt that this was a package that was close to the goals of the Town.

Mr. Betz questioned the number of boat slips and Mr. Clark said that the example was used for anything up to 10 and it becomes commercial when it gets to 10. Anything less than that is residential. Mrs. McLaughlin said that a boating facility that has a subdivision with 8 lots are restricted to one boat slip per dwelling unit. A duplex would have 2 slips.

**Transportation Committee – Will Evans:**

Mr. Evans said that this committee met on January 25<sup>th</sup> and reviewed projects for the "Bike Path" and "Share the Road". He noted that the Town has received the "Notice to Proceed" for the "NCDOT Bicycle and Pedestrian Planning Grant" and thanked Mr. Betz for moving that along.

**OPEN FORUM:**

Rose Marie Martin of Bermuda Landing, stated that the Town will search for a Town Manager who is the most qualified and she felt that we already have that person in our Town Clerk, Loraine Carbone. She said that applications could be read and the final analysis is that hiring outside can be a gamble since that person won't understand the Town's needs. Ms. Martin felt that Mrs. Carbone was dedicated and committed and she knows the community and is loyal. Ms. Martin said that Mrs. Carbone served as Town Manager before competently.

**CONSENT AGENDA:**

The consent agenda consisted of the January 6<sup>th</sup> and January 14, 2005 Board Meeting minutes, Department Head Reports, Benefit Accrual Report. Alderman Duane had some changes to the January 14<sup>th</sup> Retreat minutes. On page 2, after "Alderman Duane said that she would like to see commercial zoning" add *that we have now and to provide incentives to developers for multiuse for small commercial development. Let's provide incentives and expert advice.*

***Mayor Pro Tem Handy moved, seconded by Alderman Smith approval of the Consent Agenda as amended. The motion passed unanimously***

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**OLD BUSINESS:**

**a. Resolution to Set a Public Hearing on March 3, 2005 to Adopt the Ordinance Changes of January 2005:**

The Planning Board conducted numerous meetings and workshops on Zoning to present recommended changes to the Board of Aldermen and they are now recommending that the Board of Aldermen set a Public Hearing on March 3, 2005 to adopt the changes to the Ordinance.

*Alderman Duane moved, seconded by Alderman Godwin to approve the Resolution to Set a Public Hearing on March 3, 2005 at 7:00 pm to Adopt the Ordinance Changes of January 2005. The motion passed unanimously.*

Discussion took place on holding a Workshop with the Planning Board prior to the Public Hearing date.

*Alderman Godwin moved, seconded by Alderman Duane to hold a Workshop with the Planning Board to review the changes to the zoning ordinance on February 10, 2005 at 5:30 p.m. The motion passed unanimously.*

**Resolution to Set a Public Hearing on March 3, 2005 at 7:00 p.m. to Adopt the Ordinance Changes of January 2005**

**WHEREAS**, Section 7-92 North Topsail Beach Town Code states, The Board of Aldermen may, on its own motion, upon recommendation of the Planning Board, or upon petition by any interested person, amend, supplement, change, modify or repeal the regulations established by this ordinance; and

**WHEREAS**, Section 7-93 states, every proposed amendment, supplement, change, modification or repeal of this ordinance shall be referred to the Planning Board for its recommendation and report; and

**WHEREAS**, the Planning Board conducted numerous meetings and workshops to present recommended changes to the Board of Aldermen; and

**WHEREAS**, the Planning Board held a workshop on the proposed amendments on January 19, 2005, and

**WHEREAS**, Section 7-94 states, that the Board of Aldermen must hold a published public hearing on the proposed amendments, and

**WHEREAS**, the Planning Board would request that the Board of Aldermen set and publish the public hearing for their next regularly scheduled meeting of March 3, 2005, at 7:00 p.m. at the North Topsail Beach Town hall.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Aldermen of the Town of North Topsail Beach hereby sets a public hearing for the sections of the proposed amendments to the Town Code.

Adopted this 3<sup>rd</sup> day of February 2005.

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**b. Review of Ocean Drive**

The Public Hearing for the re-opening of Ocean Drive was held on January 6, 2005 and continued until the February 3, 2005, meeting. This item was forwarded to Ms. Maura Johnson to secure easements for access for consideration at the February 3, 2005 meeting and motion for action was continued to February 3, 2005.

Mr. Betz noted that Attorney Fairley had sat in for Attorney Johnson when she was on vacation and they have met recently on this issue. Mr. Betz recommended that this issue be continued until March 3<sup>rd</sup> so that she could conclude her findings.

Attorney Johnson said that she concurred that we continue to March 3<sup>rd</sup> in order to clarify issues. She noted that in 1996 the Town passed a resolution which closed Ocean Drive between Carver and Lincoln Streets. Nothing happened in the interim and the order was filed in 2001. The question remains if everyone concurred in closing that portion of Ocean Dr. since it is evident that Mr. Beech did not. Onslow County owns a piece of property and it is still on record. Carver St. to the terminus at Ocean Dr. was closed and given to Mr. Chesnutt. There is a small piece of property that borders Mr. Howey and it is questionable why Ocean Dr. was closed. Attorney Johnson went to the Onslow County GIS office and traced back records, but there was nothing in the records that indicated that anyone had made a different decision. It appears that a Supervisor tried to match up property lines and that is still an issue. Attorney Johnson said that she has a meeting at the County Tax office with Harry Smith on February 10th. Therefore she asked that the Board continue this matter until we make a decision.

Alderman Farley asked if we would say it is invalid because Mr. Beech didn't know. Attorney Johnson said that we would have to make that decision and we need to know the portion of land that we are talking about. Mr. Betz noted that the property that the County owns was landlocked without their knowledge. Attorney Johnson said it involves Miss Waddell's' property too. Mr. Betz said that the acquisition of an easement originates with the Green's neighbor. Alderman Farley said that a comment had been made that we would condemn land or take an easement. Mr. Betz said that we would still work with them, but we need to know who we have to ask. The Green's have no access at this time if you look at the order.

***Alderman Godwin moved, seconded by Mayor Pro Tem Handy to continue this issue until the March 3, 2005 Board Meeting. The motion passed unanimously.***

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**NEW BUSINESS:**

Judy Perkins asked if she could approach the Board since Rev. Greener had left a rose for Mayor Knowles new granddaughter Charlotte who was born on January 28<sup>th</sup>.

**a. Ordinance Amending Zoning Map, Tax Parcel 774-27 from R-20 to CUR 15:**

As reported, the Planning Board held a Public Hearing on January 13, 2005 and unanimously approved the application to rezone the property (Tax Parcel 774-27) from R-20 to CUR-15. Material that corresponds with this agenda item is part of the "Public Hearing" package.

***Alderman Godwin moved, seconded by Alderman Smith to approve An Ordinance Amending the Zoning Map of the Town of NTB dated September 28, 2004, Tax Parcel No. 27 Rezoning and Development from R-20 to CUR-15***

Alderman Farley asked if we had any control over the amount of lots they could put on their property and questioned if we could say 3 lots. Mrs. McLaughlin said that they are allowed to subdivide in smaller lots as long as they meet the requirements and the statutes allow you to subdivide. Alderman Duane asked if there would be a smaller footprint under R15 and is green space donated. Mrs. McLaughlin said there would not be a smaller footprint and the conditional use would limit bedrooms and green space has been donated. Alderman Duane asked if the portion that lies behind the site plan was uplands and what kind of development would be there. Mr. Riggs noted that property would be retained by Mr. Taylor and there would be no development on that piece. Alderman Duane asked if it was rezoned to R15 could they develop that. (Note: the remaining land not being rezoned to R15 remains zoned R20 for purposes of development.) Mrs. McLaughlin noted that behind the houses are coastal wetlands and to get a CAMA permit would be extensive. Alderman Duane asked if they could build a bridge and Mrs. McLaughlin said that it must meet CAMA standards and it would be very expensive.

Mayor Knowles said that it was a good project.

Alderman Farley felt that lots that are buildable as R20 should stay R20. If there is an ability to build with existing zoning they should and he was not comfortable to rezone this property.

***The motion passed 3 to 2 with Aldermen Duane and Farley opposing.***

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**An Ordinance Amending the Zoning Map of the Town of North Topsail Beach dated September 28, 2004, for Onslow County Tax Map No 774, Tax Parcel No 27 NTB Application #05/01 Rezoning and Development from R-20 to CUR-15.**

Whereas, Mr. Steven Taylor, 100 Huff Court, Jacksonville, NC, has filed a rezoning and development application with the Town of North Topsail Beach on Tax Parcel #774-27 ; and

Whereas, that application seeks to rezone the property in the attached Land Description document within the Table of Uses as provided for in Section 7-128 of the North Topsail Beach Code, from R-20 to CUR15; and

Whereas, the CUR-15 District would restrict the development to single family dwellings only; and

Whereas, Section 7-92 of the ordinance provides that proposed changes or amendments to the zoning map may be initiated by the Board of Aldermen, Planning Board, town administration, Board of Adjustment, or by the owner(s), or his agent of the property within the area proposed to be changed; and

Whereas, Section 7-93 provides that every proposed amendment, supplement, change, modification or repeal of this ordinance shall be referred to the Planning Board for its recommendation and report. The Planning Board shall hold a public hearing and notify adjacent property owners; and

Whereas, the Planning Board, for the Town of North Topsail Beach held a public hearing on application #05/01, on January 13, 2005, providing opportunity for the owner's agent to present the application, and the public to comment on the application for the rezoning and development and recommend approval to the Board of Aldermen; and

Now Therefore be it Resolved, that the Board of Aldermen of the Town of North Topsail Beach does hereby approve/disapprove the application for rezoning Tax Parcel 774-27 from R-20 to CUR15.

Adopted this 3rd day of February, 2005.

**b. Resolution to Award Annual Auditors Contract for FY 04-05:**

Staff was very satisfied with the work of this firm during the transition to the GASB 34 format for the 2003-2004 annual audit. The Audit documents were delivered on time without use of the extended deadline provided by the Local Government Commission due to the new format.

Previously, the Board awarded an annual audit contract during the first meeting of January. The Local Government Commission recommends early submittal of the contract documents and no later than March 31<sup>st</sup>.

Staff recommends approval of the award.

***Alderman Smith moved, seconded by Mayor Pro Tem Handy approval of the Resolution to Award Annual Auditors Contract for Fiscal Year 2004-2005 to the firm of Thompson, Price, Scott, Adams & Co., P.A.***

Alderman Farley suggested that the Board look at other firms as well. Mr. Betz noted that they have been our auditor for four years now. Alderman Farley

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wanted to review auditors to see if we want to change because he did not want auditors to get comfortable in their jobs. The downside could be costs, but we could get a different perspective. Alderman Duane suggested that we could solicit bids for next year and approve it this year and that would give us time to get recommendations. (Staff will need a Resolution to seek "Requests for Proposals")

***The motion passed unanimously.***

**Resolution to Award Annual Auditor's Contract for Fiscal Year 2004-2005 to the Firm of Thompson, Price, Scott, Adams & Co., P.A.**

**WHEREAS**, each unit of local government shall have its accounts audited as soon as possible after the close of each fiscal year by a Certified Public Accountant; and

**WHEREAS**, the NC Local Government Commission encourages all units to submit contracts for the fiscal year ending June 30<sup>th</sup> to its office by March 31<sup>st</sup>. Many auditors will begin local government interim fieldwork as soon as April 15<sup>th</sup>; and

**WHEREAS**, the firm of Thompson, Price, Scott, Adams & Co, P.A., Certified Public Accountants, has performed the annual audit for the Town of North Topsail Beach and is diligent to the required submittal date for the annual audit; and

**WHEREAS**, the firm provided a seamless transition to the GASB 34 format in Fiscal 2003-2004 and staff would recommend this award.

**NOW THEREFORE BE IT RESOLVED**, that the Board of Aldermen for the Town of North Topsail Beach does award the annual auditing contract to the firm of Thompson, Price, Scott, Adams & Co., P.A., Certified Public Accountants, in the amount of \$6,500.00 to audit the accounts and \$500.00 for preparation of the financial statements for the 2004-2005 Fiscal Year, and an amount not to exceed \$2,000.00 for conversion worksheets for GASB 34.

**FURTHERMORE**, designates that the Mayor of the Town of North Topsail Beach and the Finance Officer for the Town are duly authorized to execute the contract on behalf of the Town.

Adopted this 3<sup>rd</sup> day of February, 2005.

**c. Resolution Awarding Vehicle Financing for FY05-06 to Waccamaw Bank:**

As a result of the Police Department and Public Works Department vehicle requests at the Board Retreat on January 14, 2005, staff would recommend that the Town proceed with its normal annual vehicle purchase and replacement process.

This request would involve the purchase of 3 law enforcement vehicles. (Two for normal patrol replacement and one Expedition for beach patrol.) The request would involve the purchase of 1 F-250 Ford pick-up for Public Works.

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The current Public Works Dodge Ram 1500 with almost 100,000 miles on it would be surplus. Two Crown Victoria Patrol Vehicles (#4 & #5) would be surplus. The Town's Ford Ranger Vehicle, being used by the CAMA Officer, due to its condition, would be surplus. Thus, a resolution requesting these vehicles be declared surplus will be forthcoming to the Board.

The Police Ford Explorer would rotate to the CAMA Officer. It is anticipated that the Chief's Crown Victoria would rotate to become the Admin. Vehicle in the 2006-2007 cycle and the current black Crown Victoria would be declared surplus.

Any additional vehicles needed due to the consideration of the addition of new positions within the Police Department would be delayed until the April 13, 2005 Budget Work Session.

**Mayor Pro Tem Handy moved, seconded by Alderman Godwin to approve the Resolution Awarding Vehicle Financing for FY '05-'06 to Waccamaw Bank in the amount of \$107,000.00.**

Alderman Farley noted that the issue came up last year regarding approving the purchase of vehicles before budget workshops and this is not the way we should do it. Alderman Duane stated that she said at the Retreat that she was concerned with the 1/2 million increase in 2 departments and she was also opposed to this before the budget process. If we can't get lower interest rates later, then we are hostage to these rates right now.

Mr. Betz said that he would feel neglected if he didn't bring this to the Board's attention at this time. The vehicles have a lot of mileage on them and you have an opportunity to capture this lower rate of 3%.

**The motion failed with Aldermen Duane, Farley and Smith opposing.**

**d. Resolution Authorizing Town Manager and Finance Officer to Deposit \$90,000 in 12 month CD at First National Bank and \$100,000 in 6 month CD at Waccamaw Bank:**

The cash management policy of the Town of North Topsail Beach is to invest in securities protected and insured by the full faith and trust of the United States of America.

Therefore, Mr. Betz requested that the Board authorize the Town Manager and the Finance Officer to deposit \$90,000 in a 12 month CD at an interest rate of 3.00% in the First National Bank on 704 South College Road in Wilmington, NC and \$100,000 in a 6 month CD at 3.03% interest rate in Waccamaw Bank on 29 South Kerr Avenue in Wilmington, NC.

Alderman Duane asked where was the money coming from and Mr. Betz said that the N. C. Capital Management Trust is not insured and everything

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that comes to us from the state is wired to this account. We wire from the Trust Fund into the bank.

**Alderman Duane moved, seconded by Alderman Smith approval of the Resolution Authorizing Town Manager and Finance Officer to Deposit \$90,000 in a 12 month CD at First National Bank and \$100,000 in a 6 month CD at Waccamaw Bank.**

Alderman Farley said that in light of interest rates going higher that we should consider a shorter term. Mr. Betz said that we will continue to step up to 3.4% and maybe 3.5%. We have another one expiring in April and we will take that and rotate and move it. Mr. Betz suggested that the Town maintain a million dollars in a CD program. Alderman Farley said that if you feel rates are going up he couldn't see tying into anything now. Mr. Betz recommended that the Board proceed with this investment.

**The motion passed unanimously.**

**Resolution Authorizing the Town Manager and the Finance Officer to Deposit \$90,000.00 in a twelve month (12) Certificate of Deposit at First National Bank at an interest rate of 3.0% and to Deposit \$100,000.00 in a six month (6) Certificate of Deposit at Waccamaw Bank at an interest rate of 3.03%**

Whereas, General Statute 159-24 authorizes each local government to appoint a Finance Officer; and

Whereas, General Statute 159-25 provides for the duties of the Finance Officer which includes the deposit of all monies accruing to the local government and shall supervise the investment of funds of the local government entity; and

Whereas, the cash management policy of the Town of North Topsail Beach is to invest in securities protected and insured by the full faith and trust of the United States of America; and

Whereas, First National Bank, 704 South College Road in Wilmington, NC offers a twelve (12) month certificate of deposit with a maximum amount of \$90,000.00 and an interest rate of 3.00% and FDIC insurance; and

Whereas, Waccamaw Bank, 29 South Kerr Avenue in Wilmington, NC offers a six (6) month certificate of deposit in the amount of \$100,000.00 with an interest rate of 3.03% and with full insurance protection up to \$850,000.00.

**Now therefore Be It Resolved**, that the Board of Aldermen for the Town of North Topsail Beach authorizes the Town Manager and the Finance Officer to transfer by wire or check \$90,000.00 to First National Bank for a Certificate of Deposit, fully insured, for a term of twelve (12) months with an annual percentage yield of 3.00% and **furthermore** to transfer \$100,000.00 to Waccamaw Bank for a Certificate of Deposit, fully insured, for a term of six (6) months with an annual percentage yield of 3.03%.

Adopted this 3rd day of February, 2005.

**e. Resolution Establishing Maximum Mileage Requirement for Replacement Vehicles:**



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At the January 14<sup>th</sup> Board Retreat discussion took place on the Town's vehicles and the need for establishing requirements for replacing vehicles in our various departments.

Of concern was the amount of mileage on a vehicle and at what point do we surplus them. It would be reasonable to set the mileage at 75,000 miles.

Accordingly, staff has prepared a Resolution addressing this issue.

Mayor Pro Tem Handy noted that 75,000 miles is used by the state highway patrol.

Alderman Smith said that it sounds nice to have a policy, but if you think back in time, there may be a day that we can't trade in that vehicle and he was not comfortable to set this policy. We have other things to look at such as beach nourishment. Alderman Smith suggested that we leave it on a year to year decision. We might have another hurricane and it takes a lot of money to get the Town back up and we might have to run a car longer.

Alderman Godwin agreed and said that we are not large enough not to look at vehicles individually. Alderman Duane said that she viewed this as a mandatory retirement age and she felt it was not a good idea.

Mayor Pro Tem Handy said that we will get more money from a vehicle that has 75,000 miles on it. We could say we can't afford it when it reaches 75,000. He felt that it would cost more to maintain an older vehicle.

***Alderman Duane moved, seconded by Alderman Smith to disapprove the Resolution Establishing Maximum Mileage Requirement for Replacement of Law Enforcement Vehicles and other First Responders.***

***Mayor Pro Tem Handy voted nay and the Resolution was not approved.***

**f. Resolution Authorizing Town Manager to Apply to FEMA for Pre-Disaster Mitigation Funding for a Community Wind Shelter:**

At the January 14, 2005 Board Retreat, the consensus of the Board was to proceed with this application to the North Carolina Division of Emergency Management, Hazard Mitigation Section on or before February 11, 2005. Staff has met with staff from ECC and signed a request for services not to exceed \$5000.00. The ECC Planning Director will act as the primary point of contact during this planning process and will use her knowledge and expertise in grant writing to assist the Town with this application.

The anticipated cost for submission of the application to include engineering services is \$7500.00. The application would provide for the construction of a

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Community Wind Shelter building adjacent to Town Hall on town property. The Town would be responsible for 25% of the project cost with FEMA providing 75%. We don't think there will be many applications in NC.

Alderman Duane questioned what line item the funds would be taken from and Mr. Betz said from professional services, unless there is justification to take it from some place else. The national review of the applications will take place the end of February.

***Mayor Pro Tem Handy moved, seconded by Alderman Smith to approve the Resolution Authorizing the Town Manager to Apply to FEMA for Pre-Disaster Mitigation Funding for a Community Wind Shelter***

Mayor Pro Tem Handy noted that this is free money since we have to give 25% which will be the land. Mr. Betz said that Onslow County is looking to establish several wind shelters since our schools are not designed to be evacuation shelters. Mayor Pro Tem Handy said that the County is excited about the program and we have a better chance to get this money.

Alderman Farley said that somewhere along the line it will cost us. He said that he liked the idea, but was concerned about getting the project and being told that the land won't count. Mr. Betz said that we could appraise the lots from Dr. Beck and declare those surplus and the funds would be dedicated to the capital project.

Mayor Knowles said that the question is are we better with or without it. Mr. Betz said that we have had 33 tornado warnings in Onslow County and people could use this facility at a quick notice. Alderman Farley said that he was leery of putting a shelter on a barrier island.

***The motion passed unanimously.***

**Resolution Authorizing the Town Manager to Apply to FEMA for  
Pre-Disaster Mitigation Funding for a Community Wind Shelter**

Whereas, FEMA has announced that \$255 million dollars are available for competitive grants for Fiscal Year 2005 for Pre-Disaster Mitigation (PDM) projects; and

Whereas, Onslow County's Director of Emergency Services and Homeland Security has made a presentation to the Onslow County Mayor's Association concerning the need and value of Community Wind Shelters as a result of his trip to Birmingham, Alabama in November, 2004; and

Whereas, the Mayor and Board of Aldermen for the Town of North Topsail Beach has received information on this program during the Board's retreat of January 14, 2005. The Town Manager indicated that the time frame for submitting the application is extremely short, with the application itself being very long, it is necessary to retain technical grant writing expertise from the Eastern Carolina Council of Governments and our engineer for technical services; and

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Whereas, the consensus of the Board was to proceed with this application on a fast tract for electronic delivery to the North Carolina Division of Emergency Management, Hazard Mitigation Section on or before February 11, 2005. Staff has met with staff from ECC and signed a request for services not to exceed \$5000.00. The ECC Planning Director will act as the primary point of contact during this planning process and will use her knowledge and expertise in grant writing to assist the Town with this application. The anticipated cost for submission of the application to include engineering services is \$7500.00. The application would provide for the construction of a Community Wind Shelter building adjacent to Town Hall on town property. The Town would be responsible for 25% of the project cost with FEMA providing 75%.

Now Therefore Be It Resolved, that the Board of Aldermen for the Town of North Topsail Beach does hereby authorize the Town Manager to submit an application to FEMA for a Pre-Disaster Mitigation Funding Grant for a Community Wind Shelter. Furthermore, the Board approves of the agreement with the Eastern Carolina Council for technical assistance and the town's responsibilities associated with legal, draft site development plans, environmental reviews if necessary, engineering services, and other documents necessary for the application process not to exceed \$7500.00.

Adopted this 3<sup>rd</sup> day of February, 2005.

**g. Budget Amendment #3 – Capital Project – Park Phase II:**

Mr. Betz stated that we have additional monies that have been received in lieu of open space and increased expenditures. We still haven't received the NC Trails grant. We have prepared the CAMA reimbursement request.

*Alderman Smith moved, seconded by Alderman Duane to approve Budget Amendment #3. The motion passed unanimously.*

**h. Resolution Authorizing Town Manager to Engage Professional Architect Services for Review of Space Needs:**

At the planning retreat on January 14, 2005, Chief of Police Daniel Salese explained that his department has outgrown the 500 square feet of space that it occupies here at Town Hall.

Management Staff believes that the Police Department should remain in the Administrative Building and has suggested to the Chief to make recommendations for his space needs. Previously the Chief has had preliminary and unofficial discussions with architects to get ideas about expanding the current Town Hall building as well as the construction of a storage garage for his equipment that he now has off the Island.

As also discussed at the planning session the availability of grant funds for a "wind shelter" community building may give the Town an opportunity to establish a new meeting room equipped for new technology and with a new seating arrangement for the Board of Aldermen.

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In light of these issues, staff would recommend that the Board authorize the Town Manager to engage professional architect services for a review of town space needs for personnel and bring a fee proposal for such services to the Board.

Alderman Duane suggested that the Board wait until we know if we have received approval for the wind shelter and asked that this issue be continued for a month.

***Alderman Duane moved, seconded by Alderman Smith to continue this issue for a month. The motion passed unanimously.***

**i. Resolution to Set Public Hearing to Discuss CAMA Requirements:**

During the Board's Planning Session on January 14, 2005 a discussion was held regarding the CAMA First Line and Setback Requirements as a result of Alderman Farley's request concerning infringement of construction on or adjacent to the Dunes.

An in-depth discussion was held regarding instances within the town where it appeared that construction sites were on the "toe" of the Dune. A review of the CAMA First Line and Setback Requirements hand out was part of the discussions with a general consensus that the Town Board should hold a public hearing to receive comments concerning the Town adopting a more restrictive setback requirement than what the State CAMA regulations currently require.

Staff was directed to prepare a resolution to establish a Public Hearing at the regularly scheduled meeting in March.

Alderman Duane asked if they had to do more research and check on state statutes. She said that she couldn't understand how you can't walk on the dune but you can build on the dune. Mayor Pro Tem Handy said that he spoke with Jim Gregson and there are some gray areas. CAMA's requirement is 60 ft. and someone has to determine the first line of vegetation. The question is who determines that and why are some houses built on top of the dune and why are some way back. It has been said that lots in Ocean Ridge were surveyed many years ago, but that shouldn't have anything to do with the set back. Jim Gregson has said that it needs to be defined better and CAMA realizes it is a problem. Mr. Betz noted that Jim Gregson could come to the meeting next month and will hold a class with the Board if they want to

The Board's consensus was to continue the Resolution until March 3<sup>rd</sup> and to meet with Mr. Gregson and go over the CAMA rules prior to the meeting on March 3<sup>rd</sup> at 6:00 pm.

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**j. Resolution to Maintain the Authorized Depths for the Atlantic Intracoastal Waterway:**

Mr. Betz noted that the Chamber is also adopting a similar resolution.

***Alderman Duane moved, seconded by Alderman Smith to approve the Resolution to Maintain the Authorized Depths for the Atlantic Intracoastal Waterway. The motion passed unanimously.***

Alderman Smith noted that we need to do anything we can do to keep funding alive for the Corps. Other coastal towns have adopted this resolution.

**Resolution to Maintain the Authorized Depths for the Atlantic Intracoastal Waterway**

**WHEREAS**, those who live near, work on and love the beaches and navigable waters of North Carolina's coast appreciate the value of public access to these resources; and

**WHEREAS**, safe use of the navigable waters in the coastal region is of utmost importance to the citizens of North Carolina; and

**WHEREAS**, commercial and sport fishing have been important to the coastal economy and that of the entire state for many years; and

**WHEREAS**, boat building has now also become a major industry in North Carolina, creating thousands of jobs, with 84% of those boat builders being located in the state's coastal region due to the tradition of easy access to navigable waters; and

**WHEREAS**, boat sales in North Carolina have now exceeded \$450 million annually, generating significant tax revenues and thousands of additional jobs at over 3,000 boating-related businesses in the state; and

**WHEREAS**, federal funding has virtually disappeared for maintaining the authorized safe depths of the Atlantic Intracoastal Waterway and the many shallow draft inlets connecting inland waters to the Atlantic Ocean, causing serious dangers to our citizens, the thousands of boaters who visit our state and our critical coastal economy; and

**WHEREAS**, time is of the essence since the US Coast Guard has recently advised that it can no longer maintain buoys in many of the undredged shallow draft inlets and so they must be removed, making the inlets unsafe for navigation.

**THEREFORE**, we respectfully ask **Governor Mike Easley, Senator Elizabeth Dole, Senator Richard Burr, Congressman Mike McIntyre and Congressman Walter Jones** to directly contact and strongly urge **President George W. Bush, Director of The White House Office of Management and Budget Joshua B. Bolten, Acting Asst. Secretary of the Army for Civil Works John Paul Woodley and US Army Corps of Engineers Chief of Engineers Lieutenant General Carl A. Strock** to take the action needed to immediately restore the funding necessary to maintain the authorized depths for the Atlantic Intracoastal Waterway and the numerous Congressionally-authorized shallow draft navigation projects in North Carolina reminding them that failure to do so is unacceptable and is a direct threat to the well-being of coastal North Carolina 's people and its economy.

**Adopted this 3<sup>rd</sup> day of February 2005.**

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**k. Resolution Authorizing Town Manager to Engage Professional Services in Accordance with the Notice to Proceed for the NCDOT Bicycle & Pedestrian Planning Grant Effective February 1, 2005:**

Today, February 3, 2005, the Town received the Notice to Proceed associated with the NCDOT Bicycle & Pedestrian Planning Grant awarded to the Town effective June 4, 2004. Staff, as well, as the Transportation Committee has been waiting over six months for this letter.

The award letter of June 4, 2004 requested the Town adopt a Municipal Reimbursement Agreement between the Town and the NCDOT. This was done August 5, 2004.

The executed agreement was dated September 8, 2004 by the NCDOT. Since that time the Town staff has provided a Scope of Work and Project Plan Development Schedule and the Steering Committee to the Planning Program Manager. Staff also provided reference material of the selected planner, William B. Farris, Inc. and the town's engineer, Right Angle Engineering, P.C. who is working on the Multi-Purpose Path and the extension of the 4 foot wide bicycle lanes on highway 210. Having both companies involved in this planning process will assist in the future construction of projects.

Staff apologies for the lateness of this item for consideration at the February 3<sup>rd</sup> meeting, however the committee has waited over six months for the DOT planning manager to issue this notice to proceed. It would be nice to get started. Staff recommends approval of the resolution.

***Alderman Duane moved, seconded by Alderman Smith to approve the Resolution Authorizing the Town Manager to engage the professional services in accordance with the Notice to Proceed for the NCDOT Bicycle & Pedestrian Planning Grant effective February 1, 2005. The motion passed unanimously.***

Alderman Smith complimented Don Betz and Will Evans, Chairman of the Transportation Committee.

**Resolution Authorizing the Town Manager to Engage Professional Services  
In Accordance with the Notice to Proceed for the NCDOT Bicycle & Pedestrian Planning Grant  
Effective February 1, 2005**

**Whereas**, the Board of Aldermen for the Town of North Topsail Beach adopted a resolution authorizing the submission of a grant request to the North Carolina Department of Transportation Enhancement Funding for Bicycle & Pedestrian Transportation Planning Grant in the amount of \$20,000.00 on April 1, 2004; and

**Whereas**, the North Carolina Department of Transportation announced on June 4, 2004 that the Town of North Topsail Beach was awarded a 2004 Bicycle and Pedestrian Planning Grant in the amount of

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\$20,000.00. The NCDOT requested that the town adopt a Municipal Reimbursement Agreement to initiate the grant process; and

**Whereas**, the Board of Aldermen, on August 5, 2004, adopted the Municipal Reimbursement Agreement between the North Carolina Department of Transportation and the Town of North Topsail Beach for the above mentioned grant; and

**Whereas**, staff submitted a Scope of Work and Project Plan to the Department of Transportation Planning Program Manager with draft bike plan department schedule and a listing of the town's steering committee which includes members of the town's Transportation Committee.

**Now Therefore Be It Resolved**, that having received the **Notice to Proceed**, dated February 1, 2005, the Board of Aldermen authorizes the Town Manager to engage the professional services of Right Angle Engineering, P.C. in association with William B. Farris, Inc. authors of the grant documents and scope of work, to initiate the preparation of a bicycle and pedestrian plan for the Town of North Topsail Beach in an amount not to exceed \$19,200.00.

Adopted this 3<sup>rd</sup> day of February, 2005.

**I. Committee Reports**

Alderman Duane noted that the various committees give their reports at Board Meetings, but they do not get reports from the Board of Adjustments and she felt that it would be good for them to report to us when they meet. (Note: The Board of Adjustment is not a committee – it is provided for by GS 160A-388.)

Mayor Pro Tem Handy reported that he attended the Onslow County Revaluation meeting and noted that NTB will get hit very hard with the tax revaluation. The County is not talking figures yet, but as of January 1, 2006 they will give us a figure of what the tax bill will be and the taxes will be billed July 2006. The new tax appraisal will be effective in 2006 from September on. Appraisals are being used for houses built since the last appraisal. There are some houses valued between \$280,000 and \$290,000 that will be appraised at a million dollars. Mayor Pro Tem Handy said that his position is to lower our tax rate to make up for the increases.

Mr. Betz said that the tax bills will represent the tax rate when they adopt the budget in June of 06/07. He said that the Board will have to work with the County as they look at the schedule of budgeting.

Mayor Pro Tem Handy suggested that any citizens who have contacts with the commissioners to bring this issue up. Alderman Farley said that he is on record to reduce our tax rates and to become revenue neutral.

***Alderman Duane moved, seconded by Mayor Pro Tem Handy to go into Closed Session to discuss a personnel issue. The motion passed unanimously.***

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**m. Closed Session:**

General Statute 143-318.11 Closed Sessions Section 6 provides that the Board of Aldermen may have a closed session to consider the qualifications, competence, performance, character, fitness, and conditions of appointment. In light of the Town Manager's resignation that Board has requested a Closed Session.

**The Board came out of Closed Session and resumed the regular meeting.**

**n. Appoint Interim Town Manager:**

On January 19, 2005, the Town Manager submitted his resignation to the Mayor and Board of Aldermen. It is anticipated that the Town Manager's last day with the Town of North Topsail Beach will be Friday, February 18, 2005. It would be advisable for the Mayor & Board of Aldermen to appoint an Interim Town Manager to provide an orderly transition and continuity for the Town staff and its operations during the Board's search process for a new Town Manager.

***The Board voted unanimously to appoint Loraine M. Carbone as interim town manager effective February 21, 2005.***

**MANAGER'S REPORT:**

1. Friday, January 7, 2005, staff held monthly meeting following Board of Aldermen meeting for assignments. Staff to finalize issues and items for Board Retreat-Planning session scheduled for Friday, January 14.
2. Staff met on January 10, 2005 with Robert Vause, Division 3 DOT Engineer concerning reimbursement of \$3000.00 toward South End Fire Station paving, finalization of prior year mowing contract, need to write for extension for 2005 and to set up a meeting for February 1, 2005 regarding authorization to seek bid documents on Multi-Purpose Bike Path upon receipt of Major CAMA permit.
3. Staff attended half day session January 11, 2005 in Jacksonville for ONWASA Technical Meeting in advance of Annual Meeting of ONWASA set for January 20, 2005 at Swansboro Town Hall.
4. Thursday, January 13, 2005, Chairperson Becky Bowman, Capital Projects Coordinator Shelia Cox and Town Manager attended a delayed monthly meeting with the US Army Corps of Engineers regarding the status of the joint Feasibility Study. Chairperson Bowman will provide a report to the Board on Feb. 3. Next meeting is scheduled for March 3, 2005 at 9 a.m. in Wilmington.
5. The quarterly Four Town Meeting was held on January 13, 2005 in Surf City with State Senator R.C. Soles as the guest speaker.
6. At 8:30 a.m. Friday, January 14, 2005 the Mayor & Board of Aldermen held a ribbon cutting event for the addition to the Public Utilities Building on Gray St.
7. At 9:00 a.m., on Friday, January 14, 2005, Mayor Knowles called to order the Board's Retreat-Planning Session at Town Hall. A full set of minutes are included in the agenda package for February 3, 2005 meeting.
8. On January 19, 2005 Staff attended the monthly meeting of the Topsail Island Chamber of Commerce and Tourism. This was the organizational meeting for the Chairman with new officers. Staff reported briefly on the status of the capital projects.



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9. On Wednesday, January 19, 2005, Town Manager Don Betz submitted his letter of resignation to Mayor Knowles and the Board of Aldermen due to an employment offer from the Lower Cape Fear Water & Sewer Authority as its new Executive Director effective February 21, 2005.
10. On Thursday, January 20, 2005, Staff met with Ms. Judy Hills of the ECC to coordinate the application process for the FEMA Wind Shelter grant program. In the evening staff accompanied Mayor Pro-tem Fred Handy and Alderman Steve Smith to the ONWASA Annual Meeting in Swansboro.
11. On Friday, January 21, 2005, Coastal Planning & Engineering held a Public Meeting here at Town Hall inviting representatives of the Federal and State Agencies as well as the general public to comment on its mission to prepare an Environmental Impact Statement for the proposed shoreline protection project for the portion of the Town's shoreline located within the Coastal Barrier Resource System.
12. Christina Watkins the Town's building inspections clerk, administrative assistant and deputy town clerk, completed and passed her course in Building Inspection Level 1 taken over the last three weekends in January. Over half of the class failed to pass.
13. On January 24, 2005, Mayor Knowles, Mayor Pro-tem Fred Handy, Alderman Steve Smith and staff attended the Onslow County Commissioners meeting to request once again the County return to the Town \$525,000.00 from the sale of a surplus county lot here on the oceanfront for beach nourishment expenses associated with the CP&E Contract in the CBRA. Our request failed for lack of a second to the motion by Commissioner Collins to approve the funds transfer.
14. On Tuesday, January 25, 2005, the monthly meeting of the Topsail Island Shoreline Commission was held at Topsail Beach. Beach Nourishment Chair Becky Bowman, Capital Projects Coordinator Shelia Cox and Town Manager Don Betz represented North Topsail Beach. It is anticipated that a three member delegation of the Commission will visit Congressional members in DC during the period March 14 and 15 in regards to additional funding for Topsail Island projects.
15. The monthly meeting of the Onslow County Mayor's Association was hosted by the Town of Richlands on Wednesday January 26, 2005. Mayor Knowles, Chairman of the Association, Mayor Pro-tem Fred Handy and staff represented the Town. Mark Goodman of the County's emergency services and homeland security office presented a program on the FEMA Wind Shelters.
16. On February 1, 2005, Staff (Capital Projects Coordinator Shelia Cox and Town Manager Don Betz) held a Pre-Construction Meeting with the District Engineer DOT, Robert Vause and his staff. Mayor Knowles attended along with Jim Vtihalani, the Town's engineer. While it was acknowledged that the Major CAMA permit has been delayed and it is now expected to be issued March 24<sup>th</sup>, the consensus was to proceed to advertise for bids on the project. The advertisement will be published February 5 and bids will be opened on March 1, 2005. Hopefully, the contract can be awarded to the lowest, responsible and qualified bidder at the March 3<sup>rd</sup> meeting of the Board of Aldermen with a completion date of July 1.
17. Announcements:
  - A. Planning Board meeting February 10.
  - B. ONWASA meeting February 17.
  - C. TISPC meeting February 22.
  - D. Onslow Mayor's Association meeting February 23.

Mr. Betz noted that we received today the \$100,000 from the county for beach nourishment. Alvin Barrett released the funds before we even requested it.

Mr. Betz said that he appreciated that the Board members went to the Commissioner's meeting to request the \$500,000 and that they should request \$500,000 for 2006 for beach nourishment.

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Alderman Farley said that one of our citizens has had a career writing grants for Maryland and informed him of funding to clear the inlet from Homeland Security which he has passed on to Mr. Betz. Mr. Betz suggested that we hold back on this to see what happens with the wind shelter.

**ATTORNEY'S REPORT:**

Attorney Johnson said that she was working on the resolution for Ocean Drive. She is securing easements for the bike path and the construction period is 90 days. She attended the Board Retreat on January 14<sup>th</sup> and the last Planning Board workshop. She plans to attend the next Planning Board meeting and workshop. She will be attending a weekend school for attorneys. Attorney Johnson said that she prepared a letter on behalf of Attorney Fairley and herself. Following is the letter that was written:

Dear Mayor and Board:

With the resignation of Mr. Don Betz as Town Manager, it seems appropriate that Kate and I offer to withdraw the appointment of Fuss & Fairley as legal counsel for the Town of North Topsail Beach. I would like to make it very clear that it is not our desire to terminate our representation and hope that we will be able to continue this opportunity to serve the Town of North Topsail Beach. However, at this juncture, we will defer to the decision of the Board.

Respectfully,  
Maura Johnson

Attorney Johnson thanked Mr. Betz for his guidance and said that it was a pleasure to work with him.

Alderman Smith said that he would like Attorney Johnson to stay as the Town's attorney and said that there will always be issues. Alderman Farley said that he did not agree and felt that the Town could be better served with people with more experience with municipal law and he said that he has issues. Alderman Smith said that he has learned over the last several months that we don't have to make any decisions quickly. He said that in respect of everyone, we should give legal counsel time to research issues. Especially with Mr. Betz leaving, we will need to retain counsel who is familiar with the Town.

Alderman Duane said that she had a concern; basically that Fuss and Fairley are the real estate attorneys for the island. That is a problem for us when we have people who are using them as an attorney and they come before us with a rezoning issue. We would be better served with someone who is not doing business with people who are approaching us with land use decisions.

Mayor Knowles said that he works with attorneys on a daily basis and different attorneys do different things in an office. If Attorney Johnson's expertise is in

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closings, then that's fine. With the litigation that we have now it would be highly appropriate to keep them.

***Alderman Smith moved, seconded by Alderman Godwin to keep Fuss & Fairley as the Town's law firm.***

Mayor Pro Tem Handy said that he had no problems with Attorney Johnson, but felt that Attorney Fairley is too busy. Attorney Johnson noted that she is acting as an independent attorney at this time and that Attorney Fairley has relinquished her to this position.

Alderman Godwin questioned why we would cut out the firm when we get it all for the same price. Alderman Farley said that there have been problems with getting advice and he has had a lack of response from the firm. He said that there are a substantial amount of people that appreciate the stand he takes and if he doesn't get a response he cannot serve the people. Alderman Farley said it was not acceptable to pick and choose who they work with.

***The motion passed 3 to 2 with Alderman Farley and Duane opposing.***

**MAYOR'S REPORT:**

Mayor Knowles said that he was a grandfather for the first time. He said it was a pleasure to go to Raleigh for the swearing-in of Senator Harry Brown. We need to go there and spend time when they are in session since they could help us.

**ALDERMEN'S REPORT:**

Alderman Duane suggested that they go up to Raleigh before Town Hall Day because they could have more input on a one to one basis to lobby.

Alderman Smith noted that this was their last meeting with Mr. Betz and he said that he has been one fine Town Manager and we have been fortunate to have him. He has done an excellent job in NTB and has helped us get a lot of money and has made our lives easier. Alderman Smith said that he was happy for him.

Mayor Pro Tem Handy said that he has had a great relationship with Mr. Betz and he has been dedicated and has gone above and beyond the call of duty.

Mr. Betz said that he has enjoyed working for NTB and there are still big issues coming up. He urged the Board to follow up in Raleigh to fund phase one of beach nourishment. The State came up with matching funds for Emerald Isle and that's a precedence.

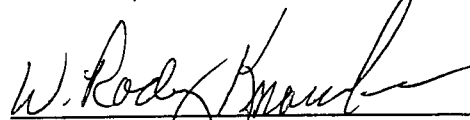
Alderman Smith said that the Town has a good staff and they are loyal and many of them have been here for a long term.

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**ADJOURNMENT:**

***Alderman Smith moved, seconded by Alderman Godwin to adjourn the meeting at 10:30 p.m. The motion passed unanimously.***

Minutes prepared and submitted by Loraine M. Carbone, Town Clerk for North Topsail Beach.

  
\_\_\_\_\_  
Mayor W. Rodney Knowles

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\_\_\_\_\_  
Date Approved

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**TOWN OF NORTH TOPSAIL BEACH  
ORDINANCE WORKSHOP  
FEBRUARY 10, 2005  
5:30 P.M.**

**PRESENT:**

Mayor W. Rodney Knowles, Mayor Pro-tem Fred Handy, Aldermen Laurie Duane, , Buddy Godwin and Steve Smith, Don Betz, Town Manager, Loraine Carbone, Town Clerk, Sue McLaughlin, Planning/Zoning/CAMA Officer, Maura Johnson, Attorney, Bob Clark, consultant

**PLANNING BOARD MEMBERS:**

Steven McGrane, Chairman, Ron Coy, Vice Chairman, Paul Dorazio, Gunnar Matthews, Jim Milligan, Damon Savas, Hillary Zang

**NOT PRESENT:**

Alderman Richard Farley

**QUORUM:**

Mayor Knowles called the workshop to order at 5:30 p.m. in the North Topsail Beach meeting room and declared a quorum present.

**Agreement for Project E- 4913 Between the Department of Transportation and the Town of North Topsail Beach for Bicycle Lane on NC Highway 210:**

Mr. Betz noted that the above-mentioned agreement was received today and that it was imperative to proceed as soon as possible. The Board was given the municipal agreement between the Town of North Topsail Beach and the NC Dept. of Transportation (DOT) in regards to the "Share the Road" project for State Highway 210.

The project, known as the Bicycle and Pedestrian Trail shall consist of the construction of a four foot wide on-road paved shoulder bicycle lane along both sides of NC 210 from Regional Beach Access #2 to the southern limits of the Town, approximately 9000 feet.

The DOT's funding participation in the amount of \$267,750.00 shall be restricted to the following eligible items: Preliminary Engineering, Right-of-way Certification, Environmental Documentation, Construction, Bicycle Striping and Signage, Construction Administration and 5% Contingency.

On June 2, 2004, the Board of Aldermen approved a Resolution Authorizing the Submission of a Grant Request to the North Carolina Department of Transportation Division of Bicycle and Pedestrian Transportation in the amount of \$267,750.00. The local match is \$66,940.00 to be provided by the annual Powell Bill allocations for FY 05-06 and FY 06-07.

The Board of Transportation approved the grant request on October 7, 2004 and assigned project number E-4913. Staff has been anticipating this Municipal Agreement since December, 2004. The project carries a two (2) year period for completion. Staff

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will develop and include a Capital Project Budget entitled Bicycle Path Phase II, Share the Road, for the Fiscal Year 2005-06 as part of the Board's Budget process.

Staff recommends approval of the Municipal Agreement as soon as possible in order to activate the "authorization to proceed" process. Upon execution of this agreement, the DOT will request authorization to proceed from the Federal Highway Administration.

Upon receipt of the "authorization to proceed", staff will initiate the environmental permits needed to construct the project, execute the contract for engineering services to prepare the necessary project designs, construction plans and specifications as well as any other notices and applications to complete the project.

***Mayor Pro Tem Handy moved, seconded by Alderman Smith to approve the Municipal Agreement for Project E-4913 between the Department of Transportation and the Town of North Topsail Beach for Bicycle Lane on NC 210.***

Alderman Duane questioned taking action on an item during a workshop. Mr. Betz said that if all of the Board members were in agreement they could vote on this. Alderman Smith felt that they needed to move on this to create safer conditions for bikers. Alderman Godwin noted that the Board voted on this already and that this was just a formality. Alderman Duane did not agree and said that she wanted it on the agenda at the March 3, 2005 meeting.

***The motion did not pass.***

#### **CHANGES TO THE ZONING ORDINANCES:**

Mr. McGrane, Chairman of the Planning Board noted that there were eight issues and recommendations to make changes to four sections of the code.

Mr. Clark said definitions were needed to clarify some of the new topics, such as in the lighting section. There are different interpretations for the "driveway" definition. The Planning Board tried to be consistent and consider ordinances in other communities. The existing definition for boat slips helps to enforce commercial marinas. Alderman Duane said that commercial says 11 or more slips. Mr. Clark said that it should say more than 10. The outdoor lighting section was added in. Mayor Pro Tem Handy asked if future lighting was addressed and Mr. Clark said it was. It states "crosswalk up to toe of dune" on a new structure. Alderman Godwin questioned regulating candle power. Mr. Clark said there are two approaches; measuring lumens from a light source or setting a maximum of 600 watts for example. They came up with a range of lighting as long as it was directed towards a specific location, but it could be difficult to control. Mr. Dorazio said that this was a good start, but if we need to go into wattages we would have to control it and we may need to refine it. Mr. McGrane noted that under Section 7-179 outdoor lighting, there are two approaches - controlling wattage or controlling the direction of light and they decided to control the direction.

Mr. Clark said that a new section could be established for the future if you decide to be more detailed. It could indicate why lighting is important to the beach environment.

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There are limitations since lighting is not extended past the toe of the dune. This ties into the Land Use Policy and turtle habitat and recognizes them as being important. Mr. Dorazio noted that if there was a complaint it is addressed in here and something could be done about it. Mayor Pro Tem Handy asked whose decision would it be and Mrs. McLaughlin said it would be between the Building Inspector and herself.

Mr. Clark noted during construction, temporary work lights would be acceptable as long as they were directed towards the work site. Alderman Duane said that when they originally looked at the ordinances, that lighting could be interpreted as Christmas lights. Mr. McGrane said that might be in the sign section and that the intent in the lighting section is clear. Christmas lights are not a sign and that would not be affected. Mr. Clark noted that if there was a manger scene that had flood lights on it outdoors and if the lights were not directed towards that object, it would be a matter of contacting them to redirect the lights if need be.

Mr. McGrane noted that this section would make sure that decorations would not be extreme or interfering with the beach. Mayor Pro Tem Handy said that at the fire station there is a spot light on the flag that shines into homes. Alderman Duane asked what we would do if Jones Onslow puts in lights or if they are grandfathered. Mr. Clark said they are standard fixtures and they could change the bulbs, but if they change the poles they need to look at the fixture to make sure it is directed downward. There is no commercial here so that helps you.

Mr. Dorazio said that there should be a clause to put a timeline to conform and he said that some flood lights do shine across roads. Mayor Pro Tem Handy mentioned that there was a light on Ash Island and a light on the Sprint building that were extremely bright. Mr. Dorazio felt that it should be grandfathered for just so long and then give a timeline. Mr. Clark suggested that we look at an amortization period with the attorney and make sure that we set up a time table for notification and change out to give time to conform.

Mr. Clark asked if the Board was at a comfort level with what was presented to them and asked if they still wanted the Public Hearing on March 3<sup>rd</sup>. He said that they could make the effective date in 6 months if they wanted to be fair to everyone. Mr. Coy said that if it was to be retroactive you have to be specific. The burden will be on Mrs. McLaughlin to make sure people are in compliance. Alderman Duane said that a specific date of compliance makes more sense.

Mrs. Zang noted that there was a typo in paragraph 2 on page 57 – “swelling” should be “dwelling”.

Mr. Coy said that we need to be considerate of the beach side since that is most sensitive. Mayor Knowles asked how many complaints have we received regarding lighting in the past year and Mrs. McLaughlin said none. Alderman Godwin noted that the ordinance reads fine and we just need to know if it is retroactive. Mr. Milligan said we should look at 6 months or a year. Mayor Knowles said he had a concern with the Sprint lighting since it is important to them because of potential break-ins. Alderman

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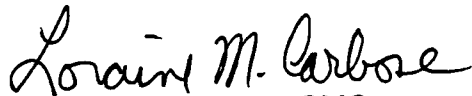
Duane said they could get a variance through the Board of Adjustments. Mr. Clark said that there are exemptions in the sign ordinance and there could be reasons for safety. Mr. Coy suggested that we make lighting subject to inspection of the town and contractors must meet the codes. Mrs. McLaughlin said that once the ordinance is in effect we will look at this issue when construction starts. Mr. Clark asked if there was interest in amortization or an effective date at the end of the year or to give 6 months to give people time to be in compliance. (Mr. Clark will continue to review the amortization issue.)

Mr. McGrane said that another issue was open space and Mr. Clark noted that the overall provision of dedication changed in terms of value. There should be a minimum standard of at least 5% or ½ acre. They looked at the formula and put variables in and this type of formula will be found across the state and has been tested.

In regard to driveway runoff, Mr. Clark said it is specific to driveways and parking areas. Mr. Dorazio said that you could not exceed your 30% pervious coverage. If you want a concrete driveway or brick you may have to make your house smaller to do that. The state requirement of 25% built-upon will remain in effect and pavers are being put in now.

The Workshop adjourned at 6:25 p.m.

Respectfully submitted,



Loraine M. Carbone, CMC  
Town Clerk



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**TOWN OF NORTH TOPSAIL BEACH  
CAMA WORKSHOP – 6:00 P.M.  
PUBLIC HEARING & REGULAR BOARD MEETING - 7:00 P.M.  
MARCH 3, 2005**

**CAMA WORKSHOP – JIM GREGSON, CAMA:**

Mrs. McLaughlin stated that because the Board had questions concerning the CAMA rules in the ocean hazard areas, she asked some of the CAMA officials to do a presentation to clarify some of the rules. Mrs. McLaughlin introduced Jim Gregson, the district manager of the Wilmington office and Jon Giles, the field representative for Onslow County and the Topsail Island beaches.

Mr. Giles gave a presentation on setback requirements in the ocean hazard area and spoke about why setbacks are required. He said they are required to minimize loss of life and property resulting from storms and long time erosion, to prevent encroachment of permanent structures on public beaches, to preserve the natural ecological conditions of the barrier dune and beach and to reduce the public's cost of inappropriately sited development. Mr. Giles explained the four categories of an Ocean Hazard AEC (areas of environmental concern). The first is Ocean Erodible area. He stated this is the oceanfront zone between the mean low water line and a point landward of the first line of stable natural vegetation equal to  $60 \times \text{erosion rate} + 100 \text{ year storm recession}$ . Alderman Farley asked how often the maps are updated. Mr. Gregson said the erosion rate maps are updated every five years. He stated that the Inlet Hazard maps typically don't change. They are a review of about 50 years of aerial photography to see where the inlet has migrated to in the past. Mr. Gregson said the Inlet Hazard maps have not changed significantly since 1979. The second is High Hazard Flood areas which are areas subject to high velocity waters and are identified by V1-30 Zones on the Flood Insurance Rate Maps. The third is Inlet Hazard Areas which are identified as areas vulnerable to erosion and flooding because of proximity to ocean inlets.

Mr. Giles stated in an ocean erodible area the Setbacks are based on erosion rates and are measured from the first line of stable natural vegetation with a minimum setback of 60 feet for structures 5,000 square feet or less and single-family houses. Mr. Giles noted that there are some areas in North Topsail Beach that have 3.5 feet per year erosion rate and therefore the setbacks are much greater.

Mr. Giles explained the difference between a primary dune and a frontal dune. He noted that the primary dune cannot be disturbed by development. Mayor Knowles asked if you could build into a primary dune. Mr. Giles said you can build up to the crest of the dune but you cannot remove a significant amount of sand nor have any major destruction of the dune. Mr. Gregson noted that it would be the decision of the Local Permitting Officer to make the decisions on a

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case by case situation. Mr. Gregson said development on frontal dunes, which is a majority of the dunes here at North Topsail, must be landward of the toe of the dune. Mr. Gregson said there are exceptions to this such as decks and walkways.

Mr. Giles said the definition of stable vegetation is vegetation that covers the ground well, has a diverse species of plant life and has been there 2-3 years. He said this line of natural stable vegetation is where the setback is measured from. Mr. Giles stated after erosion has taken place an owner will replant the dune to establish a new first line of vegetation. Alderman Farley asked if an owner replants the dune would that automatically become the new first line. Mr. Giles said no it would have to be stable and mature. Also if someone planted farther out than what the natural line would be that would not be considered a first line.

Mr. Godwin asked if swimming pools are allowed inside of the setback. Mr. Giles said it is allowed as long as it is behind the toe of the dune. Alderman Smith asked once the setbacks have been determined and a CAMA permit has been issued, how long is it valid. Mr. Giles stated a CAMA permit is valid for three years, but the first line would need to be drawn again prior to starting construction. Mr. Gregson said a lot of things can change within that three year period and that's why before beginning construction the Local Permitting Officer will make a setback determination based on where the vegetation line is at that time. He said that setback determination is then valid for 60 days unless there is a major shoreline change during that 60 day period. Mr. Gregson said during that 60 day period if you have made a substantial start on the building, which means you are at the point where you can have a first floor foundation inspection, then you can finish the house. But if within that 60 days you don't have a substantial start and there is a major shoreline change, setbacks will have to be redrawn and you may be forced to relocate the structure. Alderman Godwin said we have had substantial beach erosion this year and quite a few houses with just pilings in and asked if those would need to be relocated. Mr. Gregson said it would be the responsibility of the local permitting officer to reevaluate.

Mr. Chris Downey, a property owner in Ocean Sound Village, noted that Mr. Downey said Mr. Giles stated that CAMA's concerns were loss of life and property, preservation of structures and reduction of public cost. He said most of the discussion has been about dunes and vegetation and not elevation. He said in researching this matter elevation has a lot to do with beach erosion. He asked how changing the setbacks would have anything to do with the elevation of the property. Mr. Giles stated that elevation is covered by the Federal Emergency Management and they set where the base floor of your house is supposed to be for flood insurance. He said our concern is mostly wave action. The closer you are to the beach the more likely it is that your home could be damaged by

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flooding or waves which could result in loss of life or property. Mr. Downey stated if you increase the setbacks my property will become worthless because it will be

unbuildable. He said he has spent a considerable amount of money to vegetate and put sand fence on the dune, but if it is unbuildable no one will spend money to nourish the dunes. Mr. Downey asked how far you have to move back in order to save structures.

Mr. Gregson said setbacks are not only for long term erosion at 2 feet a year but storm events as well. He said we want the structure set back far enough that if we do have a major storm the structure won't be damaged. Mr. Gregson said we are also charged with allowing the public to use the area seaward of the dune. We can't have structures encroaching into that. Mr. Gregson added there is also a financial issue here. CAMA says the citizens of the State should not have to pay for poorly sited development.

Mr. Downey said it has not been discussed how far you are talking about moving the setback, whether it is 5 feet, 10 feet or 50 feet. Mayor Knowles said there has been misinformation passed around. He stated no one has suggested changing anything. Mayor Knowles stated this workshop is designed to help the Board and citizens understand the setback rules more clearly.

Mrs. Convey, a citizen of North Topsail Beach, said she understood that it takes approximately 2-3 years after planting before a new first line of vegetation can be staked, so it would not be possible for someone to buy an unbuildable lot to plant it and it become buildable in 1 ½ years. Mr. Giles said it is possible but it is up to the Local Permitting Officer to make that decision. Alderman Duane noted that a lot of lots in North Topsail have become buildable over the last year or two.

Mr. Chuck Lukowski, a local real estate agent, asked if the setbacks that are in place now will remain. Mayor Knowles said yes. Mr. Gregson said the only thing that would change the setbacks would be if the erosion rates changed, which are updated every 5 years.

### **End of CAMA workshop**

#### **PRESENT:**

Mayor W. Rodney Knowles, Aldermen Laurie Duane, Richard Farley, Buddy Godwin and Steve Smith, Loraine Carbone, Interim Town Manager, Christina Watkins, Deputy Town Clerk, Maura Johnson, Attorney

#### **EXCUSED:**

Mayor Pro-tem Fred Handy

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**QUORUM:**

Mayor Knowles called the meeting to order at 7:00 p.m. in the North Topsail Beach meeting room and declared a quorum present.

**INVOCATION:**

Rev. Tom Greener, of the Faith Harbor United Methodist Church, gave the invocation.

**PLEDGE OF ALLEGIANCE:**

The Board of Aldermen and citizens present recited the Pledge of Allegiance.

**PUBLIC HEARING – CHANGES TO ZONING ORDINANCE:**

Section 7-92 NTB Town Code states, the Board of Aldermen may, on its own motion, upon recommendation of the Planning Board, or upon petition by any interested person, amend, supplement, change, modify or repeal the regulations established by this ordinance. The Planning Board and Board of Aldermen have held numerous meetings and workshops to review the changes.

The Town's consultant Bob Clark has worked with both Boards in updating and recommending the changes needed to bring the Town's ordinances up to date. Mr. Clark will be available for any questions that the citizens or Board of Aldermen may have at the Public Hearing.

Alderman Smith read a section of the zoning ordinance proposed changes regarding developers paying a fee in lieu of donating open space to the town. He said the way he reads it any of the funds received from a developer must go to open space sights only. Alderman Smith said he would like to see some of the money go to beach nourishment and suggested adding that. Mr. Clark said the fee in lieu of must be directly linked to recreation. Mr. Clark said we need to be cautious in making sure there is a direct link from recreation to where the money will be used. Alderman Duane asked if we could interpret open space to include the beach. She said with the language that is in the ordinance couldn't we purchase a private beach access with the money. Mr. Clark said you could but it would have to serve a public purpose. Alderman Smith said he didn't want the ordinance to lock us in to something specific. He said we are changing that equation for the fee in lieu of open space. He said that monetary value is increasing and some of that should be going to beach nourishment. Alderman Farley said he would prefer we don't use the money for beach nourishment. He stated as this town continues to grow we are going to need the open space.

Mr. Amos Mills, an attorney and a homeowner at 457 Ocean Drive, spoke regarding the re-opening of Ocean Drive. Mr. Mills stated he is also representing Judge Green and Mr. Howey Jr. and other members of the Ocean Beach

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Council. He stated they are not opposed to the re-opening of Ocean Drive, however, Judge Green and the Howey family have no desire to grant any type of easement because of liability issues. Mr. Mills added that he has spoken with Mr. Kenneth Chestnut and he feels the same. The Mayor noted that this issue will be discussed under "old Business".

Alderman Duane made motion, seconded by Alderman Smith to close the Public Hearing. The motion passed unanimously.

**APPROVAL OF AGENDA:**

*Alderman Smith removed item (b) under Old Business. Alderman Duane moved, seconded by Alderman Smith approval of the Agenda as amended. The motion passed unanimously.*

**COMMITTEE REPORTS:**

**Beach Nourishment – Becky Bowman**

There was no meeting with the ACE this morning. In January, it was agreed to hold our next meeting once Geotech determined if any sand quantity revisions were needed based on the hard bottom data from the cultural resource contractor. The contractor has only been able to conduct 3 days fieldwork since January 31 due to weather. An estimated 11 days work remains for this contract.

The President released his FY06 budget proposal on February 7. No funding is proposed for either the West Onslow and New River Inlet project or the Surf City/North Topsail Beach project shoreline protection project.

Once again, the Administration has proposed too little funding for beach projects. Many projects across the country did not appear in the budget. Some projects that were included in the budget received woefully inadequate funding. Only a few have been budgeted at adequate levels.

We need to remember that Congress develops the final budget figures. Efforts must remain focused on securing Congressional "adds" to the budget. Fortunately, our Congressional delegation remains very supportive of the two projects.

A delegation of three members from the TISP Commission is planning a trip to Washington, DC, on March 14-15. Fred Handy will be the NTB representative. I wish to thank Fred for being a part of this delegation. This visit is to be a boost to our efforts to get funding "adds" in the federal budget for our two projects and to ask our Senators and Representatives for their commitment to fight for beach nourishment projects and funding.

In addition to the visit, Marlowe and Co. has related to us in their monthly report that:

Howard (Marlowe) and Paul Ordal, our Marlowe and Co. contact met with Senator Burr's staff to discuss your two projects. They had a very productive discussion with the Legislative Director, the Projects Director and Legislative Assistant handling Corps of Engineers issues. They were informed that Senator Burr is committed to fighting for beach nourishment projects and funding. It appears that the senator has done a very good job of emphasizing his interest

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in coastal issues to his staff during the transition from representing his House District to the broader NC issues facing him in the Senate.

Paul Ordal attended a reception that honored the entire North Carolina delegation and their staff members this month. He visited with Senators Dole and Burr, as well as Congressman McIntyre, about the recently released budget. All of them knew about the lack of funding for beach projects in the President's budget and agreed that it will take a collective effort to secure funds this year. In addition, they brought up

their concerns with the dredging problems that are plaguing many of NC's inlets. He had the opportunity to talk one-on-one with many staff members from the entire delegation. It was encouraging to hear how much interest there is from non-coastal House offices about the condition of the state's beaches.

**Planning Board – Steven McGrane, Chairman:**

Mr. McGrane stated the Planning Board meeting was held February 10. The only item on the agenda was the preliminary plat plan review for application 05/01 for rezoning of 1075 New River Inlet Road. Mr. McGrane stated that the owner was not prepared to present the application therefore the Planning Board voted unanimously to continue the item to the March 10, 2005 Planning Board Meeting. Mr. McGrane said the Planning Board has received a letter of resignation from Ms. McGuire and the Board would like to thank her for her service during her time on the board.

**Transportation Committee – Will Evans:**

Mr. Evans stated that the Transportation Committee met on February 26, 2005 to discuss the scope of the bicycle plan and on March 23 they will hold the first Steering Committee meeting. Mr. Evans said they are looking for more citizens, especially people at the North End of the Island to join the committee.

**OPEN FORUM:**

No one spoke during open form

**CONSENT AGENDA:**

The consent agenda consisted of the February 3<sup>rd</sup> and February 10<sup>th</sup> Board Meeting minutes, Department Head Reports, Benefit Accrual Report, Resolution to Designate Official to Sign Papers in Connection with Mosquito Control and Resignation of Sallie McGuire as a member of the Planning Board.

***Alderman Duane moved, seconded by Alderman Smith approval of the Consent Agenda as presented. The motion passed unanimously***

**OLD BUSINESS:**

a. **Resolution Adopting the Changes to the Planning and Zoning Sections of the NTB Town Ordinance:**

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According to Section 7-94, a Public Hearing was held to review the changes to the Planning and Zoning sections of the Town Ordinance.

Mr. Clark, along with the Planning Board and Board of Aldermen spent many hours in reviewing the changes and concerns that both Boards had. A final workshop took place on February 10, 2005 to go over issues that were still outstanding.

Staff recommends that all of the changes and additions to the Planning and Zoning sections of the North Topsail Beach Town Ordinance be adopted.

Alderman Farley said according to the proposed lighting ordinance a property owner must contain all lighting to his own property. Alderman Farley asked how the Town would enforce that. Mayor Knowles said just like in other Towns, it would take someone to call Town Hall and complain. Mrs. McLaughlin added that it would be handled the same as a nuisance, on a complaint basis. Mrs. McLaughlin added that it will also be looked at during the construction process.

Alderman Farley asked for some clarification regarding concrete driveways. Mrs. McLaughlin said you are still required to use pavers or pourous but if you want to use concrete for the driveway you must have an engineered storm water plan. Alderman Farley asked if the concrete drives need to be reviewed periodically to make sure they are working. Mrs. McLaughlin said the Town does not do inspections unless there is a complaint. She noted the complaint must be from a citizen or a code enforcement official of the Town.

***Alderman Duane made motion, seconded by Alderman Farley to approve the Resolution Adopting the Changes to the Planning and Zoning Sections of the North Topsail Beach Town Ordinance. The motion passed unanimously.***

**Resolution Adopting the Changes to the Planning and Zoning Sections of the North Topsail Beach Town Ordinance**

**WHEREAS**, Section 7-92 North Topsail Beach Town Code states, The Board of Aldermen may, on its own motion, upon recommendation of the Planning Board, or upon petition by any interested person, amend, supplement, change, modify or repeal the regulations established by this ordinance; and

**WHEREAS**, Section 7-93 states, every proposed amendment, supplement, change, modification or repeal of this ordinance shall be referred to the Planning Board for its recommendation and report; and

**WHEREAS**, the Planning Board conducted numerous meetings and workshops to present recommended changes to the Board of Aldermen; and

**WHEREAS**, the Planning Board and Board of Aldermen held an additional workshop on the proposed amendments on February 10, 2005; and

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**WHEREAS**, Section 7-94 states; that the Board of Aldermen must hold a published public hearing on the proposed amendments; and

**WHEREAS**, the Board of Aldermen held a published public hearing on their regular meeting date of March 3, 2005.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Aldermen of the Town of North Topsail Beach hereby adopts the Planning and Zoning amendments to the Town Code.

Adopted this 3<sup>rd</sup> day of March 2005.

**b. Re-opening of Ocean Drive:**

Attorney Johnson stated in 1996 letters were presented to the Board of Aldermen and as a result a portion of Ocean Drive was closed between Lincoln and Carver. Subsequent to that Attorney Johnson wrote Mr. & Mrs. Green and Mr. Howey to inform them of what was happening regarding the re-opening of Ocean Drive. She said Mr. Green had several questions and requested a copy of the minutes from the Board of Aldermen meeting in 1996. She stated she sent Mr. Green a copy of the minutes from April, May and June 1996. Attorney Johnson added that she also sent a copy of the letters that were presented to the board in 1996.

Mr. Mills said Judge Green and Mr. Howey have no objections to re-opening Ocean Drive but do not feel they should be infringed upon to give an easement. Mr. Amos stated they feel it should be the responsibility of the Town to open the street. He there is a document with their signatures on it agreeing to close the street but they have no knowledge of signing such a document. Attorney Johnson stated according to North Carolina General Statute 160A-299, any person aggrieved by the closing of any street may appeal the council's order to the General Court of Justice within 30 days after its adoption, but it must be done within 30 days. Alderman Duane said according to Mr. Mills the owners of the properties have all agreed to the re-opening. Attorney Johnson stated that we do not have consent from Mr. Chestnut, Mrs. Waddell or Mr. Beech.

Judge Green stated he has owned property here for many years. He asked how the city can close a street restricting access to his property with out his consent. He said he would never agree to close the street and not have access to his house. Judge Green said regarding the letters that were submitted to the Board of Aldermen, even though it is his signature it is a copied signature. He stated neither him nor his wife has seen that document. He asked the Board to revoke the order and declare the action that the Board took unlawful treatment. Alderman Smith said to Judge Green that he is ready to open the street back up but we have to go through the proper procedure first.

***Alderman Smith made motion, seconded by Alderman Godwin to hold a public hearing to open Ocean Drive.***



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Alderman Farley said he does not understand why we need to have a public hearing. He said if we are planning to take private property from the owners why is the public involved. He said it should be a legal matter between the property owners and the Town. Mayor Knowles stated it was closed by a public hearing and therefore needs to be re-opened by a public hearing.

Mayor Knowles asked Former Mayor Bostic if he could give the Board some history on this matter. Mr. Bostic said he remembers the public hearing and the letters that were presented to the Board by Mr. Chestnut. He said Mr. Chestnut said he was representing the homeowners. Judge Green said Mr. Chestnut was lying.

Alderman Duane asked what our next course of action is. Attorney Johnson said we can't just take the property. She said we are trying to contact all owners involved. Mr. Mills stated we need to realize that the property is not just owned by Mr. Wade Chestnut but also by his brother Mr. Kenneth Chestnut. He said he has been in touch with Mr. Kenneth Chestnut and the Beech family and they both agree to re-open the street. He said he believes we are well on way to solving this. Alderman Smith said he feels we should go ahead and set a date for a public hearing to get the ball rolling and then if we make contact with the remaining property owners and they agree we can take it off the agenda. Alderman Farley said he does not see why we are holding a public hearing. He said there is not a road there now; the land belongs to private citizens.

Alderman Smith rescinded his motion to hold a public hearing.

**NEW BUSINESS:**

**a. Agreement for Project E- 4913 Between the Department of Transportation and the Town of North Topsail Beach for Bicycle Lane on NC Highway 210:**

Please find enclosed the municipal agreement between the Town of North Topsail Beach and the NC Dept. of Transportation (DOT) in regards to the "Share the Road" project for State Highway 210.

The project, known as the Bicycle and Pedestrian Trail shall consist of the construction of a four foot wide on-road paved shoulder bicycle lane along both sides of NC 210 from Regional Beach Access #2 to the southern limits of the Town, approximately 9000 feet.

The DOT's funding participation in the amount of \$267,750.00 shall be restricted to the following eligible items: Preliminary Engineering, Right-of-way Certification, Environmental Documentation, Construction, Bicycle Striping and Signage, Construction Administration and 5% Contingency.

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On June 2, 2004, the Board of Aldermen approved a Resolution Authorizing the Submission of a Grant Request to the North Carolina Department of Transportation Division of Bicycle and Pedestrian Transportation in the amount of \$267,750.00. The local match is \$66,940.00 to be provided by the annual Powell Bill allocations for FY 05-06 and FY 06-07.

The Board of Transportation approved the grant request on October 7, 2004 and assigned project number E-4913. Staff has been anticipating this Municipal Agreement since December, 2004. The project carries a two (2) year period for completion. Staff will develop and include a Capital Project Budget entitled Bicycle Path Phase II, Share the Road, for the Fiscal Year 2005-06 as part of the Board's Budget process.

Staff recommends approval of the Municipal Agreement as soon as possible in order to activate the "authorization to proceed" process. Upon execution of this agreement, the DOT will request authorization to proceed from the **Federal Highway Administration**.

Upon receipt of the "authorization to proceed", staff will initiate the environmental permits needed to construct the project, execute the contract for engineering services to prepare the necessary project designs, construction plans and specifications as well as any other notices and applications to complete the project.

***Alderman Smith made motion, seconded by Alderman Duane to approve the Municipal Agreement for Project E-4913 between the Department of Transportation and the Town of North Topsail Beach for Bicycle Lane on NC 210. The motion passed unanimously.***

**b. Resolution Awarding Contract to Lowest, Responsible and Qualified Bidder for the Construction of the Multi-Purpose Bicycle Path:**

An "Advertisement for Bids" was placed in local papers on February 5<sup>th</sup> and 6<sup>th</sup>, 2005 for the Multi-Purpose Trail. A minimum of three bids must be received and the Town will be accepting bids until 2:00 pm on March 1, 2005.

Staff has prepared a Resolution awarding the bid to the lowest, responsible and qualified bidder.

Mrs. Carbone informed the Board that there is a list of all the bids in their package. Mr. Vitalani reviewed all the applications with Ms. Cox and he is recommending awarding the contract to C.R. Peele.

Alderman Duane made motion, seconded by Alderman Godwin to approve the Resolution Awarding Contract to C. R. Peele Construction, Inc. for the

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construction of the Multi-Purpose Bicycle Path. The motion passed unanimously.

**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE TOWN OF NORTH TOPSAIL BEACH A CONTRACT AND ANY CHANGE ORDERS WITHIN THE BUDGETED AMOUNT WITH THE PROJECT KNOWN AS THE TOWN OF NORTH TOPSAIL BEACH MULTI PURPOSE BIKE PATH NCDOT PROJECT NUMBER 38225**

**WHEREAS**, the Town of North Topsail Beach publicly solicited and received six (6) bids and held a public bid opening for the Town of North Topsail Beach NCDOT Project number 38225 at 2:00 p.m. on March 1, 2005 at the Town Hall, North Topsail Beach, North Carolina; and

**WHEREAS**, Right Angle Engineering, P.C. the Town's consulting engineering firm has reviewed the bids and recommends that **C. R. Peele Construction, Inc.** be awarded the contract for the Multi Purpose Bike Path NCDOT Project Number 38225 in the amount of **\$96,058.00**.

**NOW THEREFORE BE IT RESOLVED** that the Mayor of the Town of North Topsail Beach is hereby authorized to award on behalf of the Town the contract for construction, sign the agreement, give the "Notice to Proceed" and process any change orders within the budgeted amount, **with C. R. Peele Construction, Inc.** in the amount of **\$96,058.00** for the Multi Purpose Bike Path NCDOT Project Number 38225, provided the award of contract is approved by the North Carolina Department of Transportation.

Adopted this 3<sup>rd</sup> day of March 2005.

**c. Resolution to Schedule a Public Hearing on April 7, 2005 to Discuss Increasing the County of Onslow's Membership in ONWASA:**

Staff has received a letter from the law firm of Hogue, Hill, Jones, Nash & Lynch, LLP on behalf of ONWASA. Onslow County has requested that their membership on Onwasa's Board be increased from two to three. (documents attached)

The above-mentioned law firm has prepared a Resolution for each entity in Onslow County. Unless each member government approves the Resolution, membership will remain as it is now. Each Resolution must be considered at a public hearing held by each member government.

Alderman Smith said when ONWASA first started you had to be an elected official to serve on the Board and it was decided that because of the large population the City of Jacksonville and Onslow County would have two representatives. He noted the City of Jacksonville has decided not to join at this time. He said the County is looking to have a little bit more representation or power. He said this must go before each town that has an ONWASA representative. Alderman Godwin asked how many members are on the Board. Alderman Smith said there are 8, one from Holly Ridge, one from Swansboro, one from Richlands, one from North Topsail Beach, two from the County and Two from the City of Jacksonville.

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Alderman Farley asked why the city of Jacksonville has two representatives when they don't have any assets. Alderman Smith said when ONWASA first started the city of Jacksonville gave a lot of money to get ONWASA going. Alderman Smith is asking the Board to disapprove the resolution.

***Alderman Duane made motion, seconded by Alderman Godwin to disapprove the Resolution to Schedule a Public Hearing on April 7, 2005 to Discuss Increasing the County of Onslow's Membership in ONWASA. The motion passed 4-1 with Alderman Farley opposing.***

**d. Search Committee:**

Mayor Knowles has requested that Board members make recommendations for appointments to the Town Manager Search Committee.

Mrs. Carbone said she has received some suggestions for the committee from the Board. She said Mayor Pro-Tem Handy suggested Larry Hardison, Carol Evans and Dick Peters. Alderman Godwin suggested Billy Sandlin and Dick Peters. Alderman Smith suggested Jim Milligan. Alderman Duane has suggested Hillary Zang.

Alderman Farley asked how the committee will be made up. Mayor Knowles said it will consist of five North Topsail Beach citizens with Mayor Pro-Tem Handy serving as Chairman. Alderman Farley asked why an Alderman will be serving on the Committee when there was an issue about this before. Alderman Duane said she has a copy of the resolution that was approved January 27, 2004 that states members of the Board of Aldermen may not be members of any statutory committee. Mayor Knowles stated this is not a statutory committee. Alderman Godwin said that was for long standing committees. He said this is just an adhoc committee. Alderman Duane said we have had other adhoc committees and the discussion at that time was that we did not want Aldermen serving on a committee. She added that she was opposed to the resolution but it was approved. She said you are saying one year Aldermen cannot serve on a committee and then the next year you're saying they can. Alderman Smith said we cannot restrict Aldermen from having adhoc committees. He added this is not a standing committee; it is a 1 time thing and then its over with. Alderman Duane stated that the comment that was made last year was that the presence of an Alderman on a committee inhibited and intimidated the other members. She asked what the intent of the resolution is. Mayor Knowles said the intent is not to have Aldermen serve on a standing Board. Alderman Smith said we will call it a hiring group and not a committee. Mayor Knowles stated ultimately the decision is up to the Board of Aldermen. Alderman Duane said this is why we should not be involved in the search process. Alderman Farley said it was clear to him that we did not want aldermen on committees, now this year its okay. He feels one Alderman may get a little more say than the others.

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Alderman Godwin said he does not see the problem in Aldermen serving on an adhoc committee. He does see a problem with them serving on a standing committee, week after week, month after month. Alderman Duane said people in the Town have faith in us. She said if we say we are going to do something, we should do it. Alderman Smith said lets just call it an adhoc committee and move on.

**e. Budget Amendment #4:**

Mrs. Carbone stated that Mrs. King went over the Budget Amendment with Mayor Knowles this afternoon. She noted that some of the items could have waited until June, but Mrs. King may be out on maternity leave at that time. Mrs. Carbone said each item that was questionable is highlighted and has an explanation at the bottom of the page. Alderman Smith asked what the \$25,000 for contract services is for. Mrs. Carbone said that is the Clark contract and for the contract with Internet Café for computer maintenance (there are other contracts in that line item). Alderman Farley asked what exactly is Internet Café doing for us and asked if he has sold us hardware. Mrs. Carbone said no, all of the equipment was bought from Dell, but he set it all up for us and maintains it for us. Alderman Farley asked if we have a contract with him. Mrs. Carbone said she would have to check into that. Alderman Farley said it only seems logical that if we have a contract with him, it should have been brought before the Board. He also noted that when we increase the amounts on small items, such as supplies, we seem to get in the mind set close to the end of the budget year that we have all this money left over that you wouldn't have normally spent had it not been there instead of tightening the belt a little. Mrs. Carbone said she knows that when we get close to the end of the year the Finance Officer is very strict as to what is spent. She said you need an approved purchase order or check request to buy anything.

***Alderman Smith made motion, seconded by Alderman Duane to accept Budget Amendment #4. The motion passed unanimously.***

**f. Request of \$900.00 by Historical Society of Topsail Island:**

Staff has received a request from Jaxie Thornton, President of the Historical Society of Topsail Island for a contribution of \$900.00 to update the North Topsail Beach exhibit in the museum. The updates will include graphics.

Ms. Thornton said that the Museum is scheduled to open April 2, 2005 and it was urgent to complete the exhibits. She also said that similar requests were made to Surf City and Topsail Beach. Staff has called the other towns, but they have not approved the allocation as of this date.

We have given \$500.00 to the Historical Society for their expansion and if the Board approves the \$900.00, staff will prepare a Budget Amendment.

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Mrs. Carbone said she requested information on what the money would be used for but she did not get a detailed response. Mayor Knowles added that no one even knew North Topsail Beach had a display at the museum. He said if we are going to donate money we need to know what's going on and what exactly is in the exhibit. Alderman Duane asked if the Historical Society has applied for grants to fund the updates on the exhibit. Mrs. Carbone said she is not sure.

Mrs. Peters spoke from the audience. She stated that she has seen the exhibit and it is made up of photos on a foam board. Mrs. Carol Evans stated that the exhibit is quite impressive and suggested that the Town stipulate that part of the money go to the Town's display.

Mayor Knowles asked for a motion. No motion was made; therefore the request was denied.

#### **MANAGER'S REPORT:**

1. On February 22<sup>nd</sup>, I attended the Topsail Island Shoreline Protection Commission meeting. Mayor Pro Tem Handy also attended and he will travel to DC on March 14<sup>th</sup> with Steve Walter and Mike Curley to meet with our representatives.
2. The Mayor's meeting was held on February 23<sup>rd</sup> in Holly Ridge. Onslow County Chairman Lionell Midgett was the guest speaker and he spoke about the lack of funding for Inlet dredging.
3. The Pender County Retreat took place on February 28<sup>th</sup> and March 1<sup>st</sup> at the Mainsail Restaurant. I attended late in the afternoon on the 1<sup>st</sup> to be present for the Shoreline Protection Commission segment. Steve Walters gave a presentation and asked for additional funding from Pender County. He has offered to give a similar presentation to Onslow County if this Board agrees to do so.
4. Staff met with Attorney Maura Johnson on March 1<sup>st</sup> at 8:00 a.m. in Town Hall. These sessions will continue on a weekly basis.
5. A letter was received on March 2<sup>nd</sup> from DENR notifying us that 100,000 gallons per day will be released immediately for sewer permits. An additional 75,000 gpd will be released upon completion of the 4<sup>th</sup> lagoon.
6. Becky Bowman, Judy Perkins, Steve Walter and Mike Curley are attending the Inlet Dredging meeting in Swansboro this evening. A "Save our Inlets Oyster Roast" will take place on Saturday, March 5<sup>th</sup> from noon to 2:00 pm at the Community Building in Sneads Ferry.
7. Wednesday, March 9<sup>th</sup> at 6:00 p.m. is the workshop on funding beach nourishment. Frank Rush, Town Manager of Emerald Isle will give a presentation.

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- 8. ONWASA is scheduled to meet on March 24<sup>th</sup> at 6:30 p.m. at the NTB Town Hall.
- 9. NTB is hosting the next ONWASA meeting on March 24<sup>th</sup> at 6:30 p.m.

**ATTORNEY'S REPORT:**

Attorney Johnson stated she is working on several items for the Town including the re-opening of Ocean Drive, Bike path easements and questions regarding the land given to us by Mr. Beck. She stated she has spoken with Mr. Ducker from the Institute of Government regarding the vested rights of Mr. Evans for the Sea Side Inn. Attorney Johnson said according to Mr. Ducker, Mr. Evans would be grandfathered in for the plans he submitted for the zoning permit. She said she has been attending weekend classes in Raleigh. She also noted that she meets with Mrs. Carbone every Tuesday morning to go over any questions that arise with the Town staff.

**MAYOR'S REPORT:**

Mayor Knowles thanked the staff for their hard work since Mr. Betz has left. He said the staff works very hard and they are doing an excellent job. Mayor Knowles noted that it is important for everyone who can to attend the oyster roast for the Inlets on Saturday at the Sneads Ferry Community Building. He stated there will be some very influential people there and it will be important to have people there representing North Topsail Beach. Mayor Knowles thanked the citizens for coming out.

**ALDERMEN'S REPORT:**

Alderman Godwin also thanked the staff for the good work they continue to do since the Town Manager has left. He said it's nice to have a competent staff so we don't have to worry about things. He thanked the citizens for attending the meeting and hopes they will continue to join them in the monthly meetings.

Alderman Smith said it was nice to see some familiar faces attend the meeting. He stated it must take issues to bring people out. He thanked everyone for coming out.

Alderman Duane thanked everyone for coming out. She encouraged them to keep coming.

Alderman Farley thanked the citizens for attending the meeting.

**ADJOURNMENT:**

*Alderman Smith moved, seconded by Alderman Godwin to adjourn the meeting at 8:42 p.m. The motion passed unanimously.*

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Minutes prepared and submitted by Christina Watkins, Deputy Town Clerk for North Topsail Beach.

W. Rodney Knowles  
Mayor W. Rodney Knowles

April 7, 2005  
Date Approved



**TOWN OF NORTH TOPSAIL BEACH  
FUNDING BEACH NOURISHMENT WORKSHOP**

**March 7, 2005**

**6:00 p.m.**

**PRESENT:**

Mayor W. Rodney Knowles, Aldermen Laurie Duane, Richard Farley, Buddy Godwin and Steve Smith, Interim Town Manager Loraine Carbone, Finance Officer Lydia King and Capital Projects Coordinator Shelia Cox recording the minutes

**OTHER ATTENDEES:** Lori Brill of Onslow County, Frank Rush Town Manager of the Town of Emerald Isle

**ABSENT:**

Mayor Pro-tem Fred Handy

**QUORUM:**

Mayor Knowles called the meeting to order at 6:00 p.m. in the North Topsail Beach assembly room and declared a quorum present.

**Revenues**

Mrs. King suggested reviewing the draft budget first. She asked the Board what figure they would like to request from the County. Previously, \$100,000.00 has been requested from the County. The majority of the Board discussed asking for \$300,000 from the County. Alderman Farley then commented he had a problem with the entire issue. Most of the citizens he has talked to are not interested in proceeding with the project. His concern is spending \$700,000.00, which is only a portion of the cost unless the Town goes all the way. The citizens should be asked if they want to spend millions for the project. If the citizens are in favor of the project, then he would support the majority.

Alderman Duane commented that every citizen she had discussed beach nourishment with was in favor of it except for one individual.

Alderman Godwin explained the Town is four and half years into a project with the USACE. CP&E has completed the feasibility study. The Town has secured contract documents and permits. If the Town was to withdraw at this phase, then the Town would never receive beach nourishment. Beach nourishment is the most important project that could happen for the Town.

The citizens need to be educated about the benefits and impact of beach nourishment against hurricanes. Alderman Godwin mentioned that Topsail Island and Oak Island were devastated after Hurricane Fran. However, Wrightsville Beach received minimum damage due to their beach nourishment program.

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Alderman Farley is concerned that the Town may no longer receive Federal funding and not be able to finish paying for the project and bankrupt the Town. Alderman Godwin stated the Town would not go bankrupt, but must decide if they could afford it. However, the Town would not be able to make that determination until the environmental studies and investigations are completed and then the final design is presented.

Alderman Farley noted the draft budget did not reflect State revenues. The Town is already spending money that was anticipated but will not receive. Finance Officer Lydia King commented that the Town does not know the State funding for the FY 05/06 and should know by June.

It was discussed to poll citizens if they are in favor of the beach nourishment project or to hold a possible referendum. Alderman Godwin reminded the Board that the Town decided four years ago to do the beach nourishment project. The Board should not second guess at this time, but wait for the final design. The State could possibly pay for 65% of the CBRA zone; the Federal government may pay for 85% of the federal area. Alderman Farley commented the Town may not receive any revenue.

The Board discussed requesting more money from Onslow County. The Mayor confirmed the consensus was to request \$300,000.00 from the County for accommodations tax instead of \$175,000.00.

Finance Officer King explained the local accommodations tax is 3% collected from renters. Each year the budget is increased approximately \$100,000.00 for accommodations tax, which steadily increases. The beach nourishment/dune stabilization line item is five cents from property taxes, which is based on a 98% collection rate.

The expenditures are based on the past expenses. A special beach revenue fund has been set up from the general fund to cover anything pertaining to beach nourishment. Professional services are for crosswalk surveys or easements. Contracted services would cover services to repair crosswalks.

Alderman Farley asked if the Marlowe Contract was through the next fiscal year and the Finance Officer confirmed that it was. He commented he had requested last year to evaluate Marlowe's services prior to extending the contract again. He has not observed any substantial services and would like to know what the Town is getting for their money. Alderman Duane confirmed with the Mayor that this contract is in cooperation with the Towns of Surf City and Topsail Beach. Alderman Godwin added that the Topsail Island Shoreline Protection Commission (TISPC) recommended the renewal of the Marlowe Contract and the three Island Towns share the cost. The TISPC monitors Marlowe's services monthly. *(Resolution authorizing the Town Manager to contract for professional services with Marlowe & Company for the period January 1, 2005 to*

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*December 31, 2005 in an amount not to exceed \$16,500 passed unanimously during the December 2, 2004 Board meeting).*

Alderman Farley asked if the \$50,000 for the wheel backhoe was the same piece of equipment discussed during an earlier workshop. The Finance Officer explained it was not, but a smaller piece of equipment which is more versatile and suitable for beach usage. This would be a long term investment for equipment that should last 10 to 15 years. The current equipment is unsafe and is risky to use. Alderman Farley suggested financing the equipment in order to get pay back. The Finance Officer indicated that was an option; however the fund could support the backhoe purchase.

**Frank Rush Presentation**

Frank Rush, Town Manager for the Town of Emerald Isle distributed a hard copy of his power point presentation. He explained Emerald Isle is approximately 12 miles long with the eastern portion experiencing the most severe erosion.

The Town has been in the USACE Shore Protection Project for the past five years. The project was in the feasibility phase and actual construction was still at least five years out or longer. The eastern section of the Town could not wait that long.

Emerald Isle was part of a project dependent to a Carteret County referendum that failed in 2000 by a wide margin. Due to the failure at the County level the Town Board of Commissioners appointed the Beach Nourishment Committee to review the nourishment issue for six to eight months. The Committee recommended a bond referendum on a project in July 2001. The project was amended to include the Bogue Inlet channel relocation. The referendum passed in March 2002.

The project consisted of the Eastern phase and the Bogue Inlet Channel/Western phase. The project was designed to restore the original sand deficit plus procure 10 years of protection based on historical erosion rates.

Mr. Rush explained the financing plan, the special tax districts, the general obligation bonds, plus the financial concerns of the State Treasurer's Office and the Rating Agencies. He expounded on the pros and cons of the financing plan. He gave recommendations for the Town of North Topsail Beach and explained differences between Emerald Isle and NTB.

*The Mayor called for a recess at 7:40 p.m.*

*The Mayor called the meeting back to order at 7:52 p.m.*

The Finance Officer reiterated the draft budget is a preliminary budget and asked if the Board had any additional questions or changes.

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Jerry Convy of 20 Porpoise Place asked if the proposed \$300,000 request from Onslow County could be requested at an even higher figure due to the expected property tax increase because of next year's reevaluation. The Mayor commented the reevaluation would not come into effect until 2006. The Finance Officer clarified the \$300,000 requested from the County is from the Onslow County Tourism, as part of their accommodation taxes collected from NTB rentals and not from property taxes.

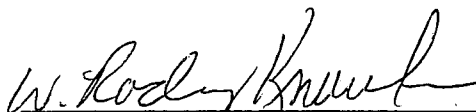
Alderman Farley asked if the Town did receive \$300,000 from the County, which revenue item would be reduced. The Finance Officer explained the accommodations tax would not be reduced since that is the amount to be received nor would any of the other revenues be reduced. Alderman Farley asked then which expenditure would be increased. The Finance Officer remarked it would be used to balance expenditures or placed into the contingency account. Alderman Farley commented the State has a percentage limit for the contingency fund that can not exceed the expenditures and asked what the percentage was. The Finance Officer remarked she did not have that percentage and she would research the limit. She added the Town is required to retain eight percent of the budget in the undesignated fund balance.

The Finance Officer reviewed the budget package which included budget versus actual reports for the last three years for the special revenue fund. The accommodation tax report reflected the total amount collected since January 2002 was \$866,255.15. This collection is from rental agencies and private homeowners. The Town has approximately 835 rental properties.

The Mayor thanked everyone for attending the workshop.

Alderman Duane moved, seconded by Alderman Smith to adjourn the meeting at 8:03 p.m. The motion passed unanimously.

Minutes prepared and submitted by Shelia Cox, Capital Projects Coordinator.



W. Rodney Knowles

Mayor

8-4-05

Date

**TOWN OF NORTH TOPSAIL BEACH  
BOARD OF ALDERMEN  
WORKSHOP  
MARCH 30, 2005**

**PRESENT:**

Mayor W. Rodney Knowles, Aldermen Laurie Duane, Richard Farley and Steve Smith, Loraine Carbone, Interim Town Manager, Christina Watkins, Deputy Town Clerk, Bob Kilroy, Interim Attorney

**EXCUSED:**

Mayor Pro-tem Fred Handy, Buddy Godwin

**QUORUM:**

Mayor Knowles called the meeting to order at 6:30p.m. in the North Topsail Beach meeting room and declared a quorum present.

**REVIEW OF ZONING MAPS**

Mayor Knowles thanked everyone for coming to the meeting and said the purpose of this meeting is to make an announcement. He stated the zoning maps the town has been using since 1998 are incorrect. Mayor Knowles pointed to the two maps hanging on the wall. One is the zoning map the town is currently using and the other is the map dated 1982. He said the 1982 map is as close as we can get to the official zoning map of North Topsail Beach which was adopted in 1990. Mayor Knowles said the map the town is using is a revision to the map that came in sometime around 1997 or 1998, but there are zoning changes on that map that never went through the Planning Board or the Board of Aldermen. He noted a whole area of conservation district was omitted from the current map. Mayor Knowles stated at one time where a lot of the green area is was marked unzoned; however during that period of time there was very little rezoning being done and no one paid a lot of attention to it. Recently there have been some requests and we found out that lines have been moved and zoning had been changed without going through the Planning Board or Board of Aldermen. Mayor Knowles stated that the maps were taken down on Tuesday the 22<sup>nd</sup> because they are not the official maps. He said the Planning staff is now comparing the 1982 map with the current map and anything that has been properly rezoned since the town incorporated will be changed and a new Mylar map will be made and all other areas will convert back to its original zoning. He said there really will be very few areas that will be concerned with this. It basically pertains to the conservation district when it was marked as unzoned land. Mayor Knowles stated you cannot have unzoned land in a town that has any zoning at all. He noted the last official mylar map that was made and adopted by the town has been misplaced within the last 6 or 7 months. Mayor Knowles noted there is no one particular person or group to blame.

Mayor Knowles pointed out a particular area of land behind the Village of Stump Sound where the back portion of the parcel was zoned Con-D on the 1982 map, but the new map showed the entire lot was zoned R-20. He said this was never approved by the Board of Aldermen. Mayor Knowles said we should have never gone to that second map because we still had the official zoning map. Therefore any changes in zoning that did not go before the Planning Board and Board of Aldermen would be null and void. He said anything that has been built that will be affected by the zoning change will not be removed, the land will revert back to its original status and the structure would become nonconforming.

Mayor Knowles read an e-mail correspondence from David Owens at the Institute of Government in which he stated a staff member has no authority or ability to amend, correct, modify or in any way change the zoning of properties. If the Town believes the posted maps may be incorrect, the only way to verify matters is to start with a correct map and then track through Board minutes to be sure only properly adopted amendments are reflected on the map. Mr. Owens e-mail went on to say that if an incorrect map has been used in the past to make regulatory decisions, the town has the option of revoking any permits that were based on an incorrect map and that the landowner would have no vested right to a mistakenly issued permit.

Mrs. Carbone, the Interim Town Manager, introduced Attorney Bob Kilroy who served as the Surf City Attorney from 1989-1994. She thanked Mr. Kilroy for attending the meeting tonight.

Mrs. Carbone asked Mrs. McLaughlin if she had any information to clarify any of the concerns with the maps. Mrs. McLaughlin said this was first brought up in 2003 with the Otha Herring property. Mayor Knowles said he did not want to get into specific properties. He said the purpose of this meeting was just to make an announcement that the maps are changing back to the way they were.

Mr. Charles Riggs of Riggs and Associates said his only concern is that the 1982 map that we are referring to is a copy of the Powell Bill map in 1990-1991. He said we had taken a zoning map of Onslow County and made a copy, because it showed all the streets in North Topsail Beach. Mr. Riggs said this area was originally zoned in 1969 and then became effective in 1982. He said he does not know if the map even shows the changes from 1982 to 1990. Mr. Riggs said he knows the Town is looking for the most accurate map available and he may be able to find a more accurate map in his file but this map may have been altered. He said he just wanted to make it public that the 1982 map was not an official zoning map of North Topsail Beach.

Alderman Duane asked what map was used for the Land Use Plan (LUP). Mayor Knowles said the Land Use Plan has nothing to do with the zoning map.

Alderman Smith said there are several maps in the LUP. He said we would need to look at the minutes to see what was adopted. We should have a good record of minutes.

Alderman Duane asked how we determine what the official zoning map is. She said she would assume we would use the map that is in the LUP because official action was taken by the Board of Aldermen. Mayor Knowles said that the 1982 map is basically the same as the map in the LUP.

Alderman Duane asked if we are going to hold building permits. Mayor Knowles said when a permit is applied for the Planning department will compare the two maps. If they don't match, the records will be reviewed to see if a proper rezoning took place. If there is no record of a rezoning on that property it will revert back to the zoning on the 1982 map. Alderman Duane asked again how we determine what the officially adopted zoning map is. Mayor Knowles said it is the 1982 map. Alderman Farley reminded the Board of what Mr. Riggs stated earlier, that that the 1982 map is not the officially adopted map. It is a Powell Bill map. Mayor Knowles said it states official zoning map on the map. Mr. Riggs said that print is an official zoning map of Onslow County in 1982. He said he cannot say that it was adopted by North Topsail Beach in 1990. Mr. Riggs said he knows the town will research and review maps and try to recreate the zoning maps in 1990. He asked if that map will then go before the Planning Board and Town Council for approval. Mayor Knowles said no. Mr. Riggs asked even if there may be questions or concerns. Mayor Knowles said if there are any questions we will deal with them when they arise.

Alderman Duane said she is still confused why we are using the 1982 map as opposed to the map in the LUP that has been adopted by the Board of Aldermen. Mayor Knowles said that it is basically the same map. Alderman Duane said she is still confused on why we wouldn't use the map in the LUP that has gone to public hearing and been voted on. Alderman Farley noted that we are not certain that the map in the LUP is correct either. Mayor Knowles noted that Mr. Owens e-mail said we start with a correct officially adopted map and then track through each rezoning and make sure that only the properly adopted amendments are reflected on the map. Alderman Duane asked how long this process should take. Mayor Knowles said it could take two weeks or four weeks, but added that the Town is looking to bring in outside help.

Mr. Tuman, of 3944 River Road, stated the law requires a very specific procedure in order to adopt a zoning change. He noted that the LUP is not an official process for adopting a zoning map. Mr. Tuman said if you adopt a LUP plan and it has an erroneous document, that document is still erroneous.

Alderman Farley said we should get outside help. He added we need an inventory of all zoning changes. Mayor Knowles said we are gathering a list of changes by comparing the two maps and tracking through the minutes.

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Mayor Knowles added that the Town is contacting the East Carolina Council and the League of Municipalities for outside help.

Mr. Tuman asked what happens in the meantime to the neighborhoods that are being challenged. He stated there is an issue in his area where a property has been improperly and illegally created. He said this property is currently being marketed to the public. Mayor Knowles said according to Mr. Owens e-mail the fact that someone may have a mistaken notion as to the zoning of a parcel, even if that mistake is based on erroneous information provided by the Town, would not create any legal right to the purchaser to an incorrect zoning classification. He said the e-mail goes on to say that once the error is made it is imperative the Town take immediate action to correct the problem. Mayor Knowles said we discovered this on March 22<sup>nd</sup> and that same day we took the maps down.

Alderman Duane said we have two unofficial maps, an old map and a new map. When building permits come in we are comparing the two maps to check zoning. She said wouldn't we have to take official action to accept a map as the official map before we can provide a building permit or consider a rezoning. Mayor Knowles said we go back to the closest thing we have to an official map and that would be the 1982 map. He said it is the best we have to go by because the other maps were lost or misplaced.

Mr. John Piselli, of 4388 Island Drive, said he understands the remedy, but the Town needs to establish what map you are going to use as the official map. He said it sounds like you are going to use the 1982 map as the baseline map, but Mr. Riggs has already stated that map may not be accurate. Mr. Piselli said the Mayor keeps saying this is the best one we have to go by or the only one we have and that made him nervous.

Alderman Smith asked who made the new map that we are using now. Mrs. McLaughlin said it is done by Onslow County GIS department. She said they have been doing it since 1995.

Alderman Duane recommended that we take action at the next Town meeting to adopt an official zoning map. Mayor Knowles said we have an official map.

Mayor Knowles said the staff is working very hard to update the maps in a timely manner. He thanked the public for coming to the meeting.



**ADJOURNMENT:**

***Alderman Duane moved, seconded by Alderman Smith to adjourn the meeting at 7:00p.m. The motion passed unanimously.***

Minutes prepared and submitted by Christina Watkins, Deputy Town Clerk for North Topsail Beach.

  
\_\_\_\_\_  
Mayor W. Rodney Knowles

5/5/05  
\_\_\_\_\_  
Date Approved

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**TOWN OF NORTH TOPSAIL BEACH  
PUBLIC HEARING AND REGULAR BOARD MEETING  
APRIL 7, 2005  
7:00 P.M.**

**PRESENT:**

Mayor W. Rodney Knowles, Mayor Pro-tem Fred Handy, Aldermen Laurie Duane, Richard Farley, Buddy Godwin and Steve Smith, Loraine Carbone, Interim Town Manager, Roger Moore, Interim Town Attorney, Christina Watkins, Deputy Town Clerk

**QUORUM:**

Mayor Knowles called the meeting to order at 7:00 p.m. in the North Topsail Beach meeting room and declared a quorum present.

**INVOCATION:**

Rev. Tom Greener, of the Faith Harbor United Methodist Church, gave the invocation.

**PLEDGE OF ALLEGIANCE:**

The Board of Aldermen and citizens present recited the Pledge of Allegiance.

**PUBLIC HEARING – REZONING OF TAX ID 779-1.2 FROM R-20 TO CUR-10:**

This request for the rezoning and development application was received on February 23, 2005 for review. All adjacent property owners' notifications were mailed on February 28, 2005. The property was posted with the rezoning sign on February 28, 2005. The applicant has met all the requirements of the town's ordinance with this application. Enclosed in your package is the rezoning application, legal description, copy of deed, receipt of paid taxes, and list of adjacent property owners.

The property is owned by Mr. Ric E. Tomlinson, 3005 Peachtree Road, NE, Suite 100, Atlanta, Georgia, and will be represented by Mr. Charles Riggs and Associates of 202 Warlick Street, Jacksonville, NC 28540.

Mr. Rick Tomlinson is requesting that the 18.3 acres be rezoned from R-20 and R-10 Residential, (RA, Rural Agricultural and Con-D appear on the old maps) to CU R-10 (PRD with Conditional Use Permit). Currently the lots surrounding this property are R-10 Residential (Sea Dragons to the north) and R-5 Residential (LaCosta Place and Ocean Bay Village to the south). The application is proposing a planned residential development with twenty-four (24) duplex townhouses on the sound side and three (3) single family residences on the ocean side.

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The current zoning of R-20, RA allows single family dwellings only and the Con-D does not allow residential structures.

Attached is a sketch design plan showing the property and the proposed development.

Review of the sketch plan shows the following:

1. Streets: The development shows two entrance ways for the PRD, the streets will be private and will be maintained by the HOA. (Orchid Bay Lane and Orchid Bay Court). NC DOT will need to review the plan for permit where it enters off of Highway 1568.
2. Water and Sewer: The development is proposing septic tank system but will acquire sewer taps when available, water by Onslow County Public Utilities.
3. Open Space: Open space and recreation space is shown on the sketch. (Request for easement for future bike path.)
4. Access: The property does have access to water and public and private accesses are shown on the sketch plan. (Possibility of parking being provided near public access?)
5. Lot Size: The ordinance allows that a planned residential development in a residential districts may make use of the zero lot line concept, that is, no minimum lot size or yard requirements, provided that the total area of the development meets the minimum lot size in its district, that the development remains under single control through a property owner's association or similar means, and that minimum yards and buffers as required in its district are preserved around each building, and around the entire perimeter of the development. This proposal meets the requirements of the R-10 District.
6. Flood Insurance: This development will not be eligible for federal flood insurance as they are in the CBRA area.
7. CAMA: If the rezoning is approved the State will need to review the development for possible erosion control and sedimentation permits and Major CAMA permit.
8. Fire Marshal: If approved, the Fire Marshal will need to review the plat plan for fire hydrant requirements.
9. Staff recommendation: The Land Use Plan has this property listed in its Land Classification as "Urban Transition". The proposed development is located in an Ocean Hazard Area and an Estuarine Shoreline AEC. This proposal meets the requirements of the Land Use Plan.

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Mr. Charles Riggs, of Riggs and Associates, spoke on behalf of the owner Mr. Tomlinson. Alderman Farley questioned the true zoning of the property. Alderman Farley and Mr. Riggs compared the older map to the new map. Discussion took place regarding the correct zoning of the property. Mr. Riggs stated that rezoning this property to Planned Residential R-10 would create identical use of both the eastern and western adjoining properties. He added that the development would be comparable to the surrounding neighborhoods; therefore ensuring property value.

Mr. Riggs presented the Board with a survey of the land. Alderman Duane said there is a difference in the new map that Mr. Riggs handed out and the map that was presented to the Planning Board. Mr. Riggs said the only difference is a more accurate delineation of the wetlands. Alderman Duane asked how this board is supposed to vote when there are two different maps. Mr. Riggs assured her the only difference in the two maps is the wetlands delineation.

**Comments from the Public:**

Mrs. Sue Tuman, of 3944 River Road, felt that the Town needs to correct the zoning issue before approving any rezoning and developments. Mrs. Tuman suggested sending it back to the Planning Board once the correct zoning has been determined.

Mr. Mark Evans, an adjoining property owner, spoke in support of the rezoning and development. He said it is a well thought out plan and it would enhance the area.

Mr. Will Evans, of 209 Sea Shore Drive, asked the Board to use caution in making these decisions. He also agreed with Mrs. Tuman that the zoning maps should be straightened out before approving any application for rezoning or development.

Mr. Dan Tuman, of 3944 River Road, said he wanted to comment on the septic system and pumping station. He stated that when the pumping station was put in at the base of the bridge there were concerns about how it would be monitored. He said if the power was to fail in that location there would be a spill. Mr. Tuman said when this development was presented to the Planning Board there was no discussion on how it would be monitored and maintained. He suggested that this be addressed before final approval.

Mr. Jerry Riggleman, of 107 North Permuda Wynd, said he got the impression from last weeks meeting that the Town staff is working to reconstruct the zoning maps. He encouraged the Town to hire a third party to review the maps.

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**Alderman Duane made motion, seconded by Mayor Pro-tem Handy to close the Public Hearing. The motion passed unanimously.**

**APPROVAL OF AGENDA:**

Alderman Duane requested that the Benefit Accrual Report be taken out of the Consent Agenda for discussion. Alderman Duane also asked to move item (d) under New Business to be first and the rest of the New Business items to follow.

**Alderman Duane moved, seconded by Alderman Farley approval of the Agenda as amended. The motion passed unanimously.**

**COMMITTEE REPORTS:**

**Beach Nourishment – Becky Bowman**

There has been no meeting with the Corps of Engineers since January. The latest from the Corps stated there is no progress to report on the cultural resource and essential fish habitat and “hardbottom” survey. The weather has been unusually nasty and, worse, the winds have not come from the predicted direction, leaving the cultural resource contractor sitting at the dock. The contractor, Wes Hall, has managed 1/2 day in the last two or three weeks, and has around 10 more days of survey to complete. The Corps is hopeful that the winds are changing.

The Wilmington area Corps continues to request additional funds for the project from South Atlantic Division. There is now about \$19,000 in remaining project funds. The bulk of the expenditures in March 2005 resulted from a contract payment to UNCW for the recreation demand survey. The final report from UNCW is expected in June.

Regarding the CPE COBRA area project, in December, CPE researchers set up a series of jet probes in targeted areas offshore to verify quantity and quality of potential sand resources. The jet probe data was used to “ground truth” seismic data collected during mid-January geophysical surveys. March 29, CPE geologists set a tide gauge on N. Topsail Pier for the geotechnical survey. CPE was approved as a third party for the development of an EIS. Comments and concerns were received from the Fish and Wildlife Service and Wildlife Resource Commission regarding the project.

The postcard campaign by the Topsail Island Shoreline Protection Commission is a great success. From the 5000 cards sent out to ‘Help Protect Topsail Island’s Beaches’, there have been 998 contacts with Senator and Congressmen.

The Shallow Draft Inlet dredging meetings appear to have been successful. The week after the Swansboro meeting, Congressmen McIntyre and Jones announced that the Corp allocated additional funds for dredging New River Inlet, Lockwood Folly, Bogue Inlet, Carolina Beach Inlet and New Topsail Inlet. The channels can now be cleaned out twice before October.

During our March 16 BN committee meeting, all members expressed concern over the recent article in the Topsail Voice and the idea that NTB residents do not want beach nourishment. To encourage interest, the members wish to educate NTB residents about the benefits and necessity of the Beach Nourishment projects. With the Board’s support, we will start a campaign to educate NTB with an article in the next NTB newsletter. The committee wishes to work with

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the Board to help present the facts and costs as they become available. We think that residents will show enthusiasm for nourishment projects when they are fully informed.

One suggestion was a quarterly newsletter. If the Board wishes to support a quarterly Beach Nourishment newsletter, we estimate postage would be \$400 plus stationery per mailing. The Board should know that the Town's newsletter – both spring and winter issues - as well as the Town's website are to be used where possible. If you wish to encourage two mailed newsletters, the Beach Nourishment Committee asks that you set aside approximately \$1000 to educate the public.

**Planning Board – Steve McGrane, Chairman:**

Mr. McGrane said the Planning Board reviewed rezoning and development application 05\02 and voted 4-2 to recommend approval to the Board of Aldermen.

**Recreation & Appearance Committee – Bill Horstmann, Chairman:**

Mr. Hortsman said several items were discussed at the last meeting. Items that were discussed included the following:

- Annual Spring Yard Sale on May 28, 2005
- Other fund raising efforts:
  - Book "Echoes of Topsail Island" by David Stallman
    - (2nd edition – hardback) \$24.95
  - Dining Guides \$25.00
  - Tee shirts, sweatshirts, hats (\$13.00 each)
- Yard of the Month for March was Carl Chiang at 3634 Island Drive
- Based on advice the committee has received, to spend the money in our budget prior to fiscal year end, it is the consensus of the Recreation and Appearance committee to purchase Snowflakes with the balance of the funds in our account.

Proposal:

- Ask for the Town Council to consider and move forward with the previously planned landscaping of the grounds near Town Hall as per the plan received from Andy Cavender Landscaping.
  - Irrigation has been completed in this area.
- We would also like to encourage improvements to the landscapes at the following locations:
  - Both Entrance signs
    - Irrigation and Lighting
  - Landscape the center bed around the Flag Pole at Town Hall
    - Irrigation

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**Transportation Committee – Will Evans:**

Mr. Evans said the Bicycle Committee met for the first time. He said there was a representative from Department of Transportation and said the meeting went well.

**Board of Adjustment – Dick Peters:**

Mr. Peters said the Board of Adjustments has not been as active because of the issues with the zoning maps. He said at the last meeting there was a request to split a conforming lot into two lots. The Board voted to deny the request.

**REQUEST TO ADDRESS THE BOARD:**

Rose Peters addressed the Board on behalf of the Historical Society of Topsail Island. Mrs. Peters said the museum is requesting \$900 from each town on Topsail Island to make updates to their panels. She stated that both Surf City and Topsail Beach have given the \$900 requested and now they are asking that North Topsail Beach do the same.

Alderman Duane said it seems like the museum didn't plan very well for the updates. She said it almost seemed like an after thought to ask the Town for the \$900. Mayor Knowles said he was at the ribbon cutting for the museum and he said it is very impressive.

**OPEN FORUM:**

No one spoke during open forum.

**CONSENT AGENDA:**

The consent agenda consisted of the March 3, 2005 Board Meeting minutes, Department Head Reports, Resolution "Yes to Beaches". Alderman Duane pulled the Benefit Accrual Report for discussion.

Alderman Duane questioned the vacation time of staff members. She stated that we are at a peak high and asked why staff members are not taking time off. Mrs. Carbone explained that staff has taken on multiple tasks right now since Mrs. King has been on Maternity leave. She added that she begs staff to take time off but all of them have too much work to get done to leave. Chief Salese stated that when the Police Officers take time off it wouldn't necessarily be a week at a time so it's harder for them to use their time, than someone who has a regular 9-5 Monday through Friday work week. He added that even when the Officers are scheduled to be off they may have classes or court that they must attend. Alderman Farley questioned why comp time is so high for some staff personnel. Mrs. Carbone stated that with being short staffed we have all taken on additional duties. She added that Mrs. Watkins and Ms. Cox's comp time has increased due to the number of meetings they attend.

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***Alderman Duane moved, seconded by Alderman Godwin approval of the Consent Agenda as amended. The motion passed unanimously.***

**OLD BUSINESS:**

**a. Ocean Drive**

On Friday, April 1, 2005 Mrs. Carbone left a message for Mr. Wade Chestnut to call her and she did speak with Mr. Ken Chestnut. He told her that he was in agreement to re-open Ocean Drive and that he would fax her a letter stating such. He has not spoken with his brother Wade and does not know what he has decided. (A letter from Ken Chestnut was received today and given to the Board)

Attorney Mills stated he should have something in writing within one week from the Greens, the Howies and the Beech family giving their permission to reopen the street. Alderman Smith said we have consent from all the owners to open the road up to the fence. Alderman Farley asked Attorney Moore what would happen if Mr. Wade Chestnut does not agree and what we would do then. Attorney Moore said the Town could condemn the land. Alderman Farley said he is not in favor of that.

Mayor Knowles asked if the Board can vote to open the street contingent on formal signatures from all the owners. Attorney Moore said the Town can do that but there must be an open hearing. Mr. Marshall Dotson suggested the Town could get a dedication agreement.

***Alderman Duane made motion, seconded by Alderman Smith to allow the Interim Town Manager to proceed with dedication letters. The motion passed 3-2 with Alderman Handy and Alderman Farley opposing.***

**b. Request of \$900,000 from Historical Society of Topsail Island for NTB Display in Museum and Request for \$500.00 from 2005/2006 Budget:**

Mrs. Peters spoke on behalf of the Historical Society in regards to the yearly contribution and also requested the donation of \$900.00 to cover the cost of the NTB Display in the newly renovated Museum.

The Town budgeted \$500.00 last year to the Historical Society which was paid in September 2004.

***Alderman Godwin moved, seconded by Alderman Smith approval of the donation of \$900.00 to the Historical Society of Topsail Island for***



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*the NTB Display at the Museum and to budget \$500.00 for FY 2005/2006. The motion passed unanimously.*

**NEW BUSINESS:**

**a. Discussion Regarding Official Zoning Map for NTB:**

Mayor Knowles said he talked to David Owens today and he suggested we contact Division of Community Services to line up an independent zoning specialist to work with our Planning Board to straighten this out. Mayor Knowles said Mr. Owens will send us some names of people to contact.

Alderman Duane asked if the Town ever officially adopted a map. Mayor Knowles said the Town adopted the 1982 map in 1990. Alderman Duane asked if the Town had adopted any other revisions to that map since 1990. Mayor Knowles said no.

Alderman Godwin felt it was imperative that the Planning Board meet with the independent zoning specialist and then once they have reviewed the maps bring it to the Board of Aldermen to be adopted.

Alderman Smith said he has heard negative comments about past Boards. He said there is no one to blame. He said he doesn't even know if there is an error in the maps. Mayor Knowles said no one is blaming the past Boards. He said there were changes in the zoning maps that the Board never saw. Alderman Smith said he heard there was a committee in 1994 that changed the maps. Mrs. Tuman, a member of the Board during that time period, said there was a committee formed to review the maps. She said the changes never made it to the Town Board for public comments or approval.

Alderman Farley said we don't need data gathering. He said we need an investigation to find out the extent of the problem and make sure this never happens again. He said Mr. Tuman has e-mailed all the Board members with his concerns. Mr. Farley asked if Mr. Tuman will get an answer to his questions. Mayor Knowles said this is why we have the specialist coming in. He will help us find the answers. Alderman Duane said she doesn't see how we can consider any rezoning applications until this is straightened out.

**b. Resolution to Rezone Tax ID 779-1.2 from R-20 to CUR-10:**

A Public Hearing was held at the beginning of the meeting to hear public input on this rezoning request.

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Mr. Rick Tomlinson is requesting that the 18.3 acres be rezoned from R-20 and R-10 Residential, (RA, Rural Agricultural and Con-D appear on the old maps) to CU R-10 (PRD with Conditional Use Permit). Currently the lots surrounding this property are R-10 Residential (Sea Dragons to the north) and R-5 Residential (LaCosta Place and Ocean Bay Village to the south). The application is proposing a planned residential development with twenty-four (24) duplex townhouses on the sound side and three (3) single family residences on the ocean side.

The current zoning of R-20, RA allows single family dwellings only and the Con-D does not allow residential structures.

Alderman Duane suggested sending the application back to the Planning Board to consider it with all current information and zoning. Alderman Godwin said we have to remember that the applicants have purchased this property in good faith from what they were told by the Town. He said they followed all the rules and procedures and the development is in conformance with everything in the area. Mayor Pro Tem Handy asked how could we vote on this when we have been given a different map than what was submitted to the Planning Board. Alderman Godwin said it is not a different map just an adjustment.

Mr. Charles Riggs said he would like discussion on the development itself and not just the zoning. Alderman Farley said he would like it to remain R-20 if it ever was.

Mr. Riggs said his client would like to withdraw his application at this time.

**c. Replacement of the York 10 Ton Heat Pump Condensing Unit in Meeting Room:**

The Heat Pump Condensing Unit in the Meeting Room needs to be replaced. Quotes reflect labor and a new unit. Staff recommends that we replace the unit since several hundreds of dollars has been spent in repairing it and it is inoperable at this time. The prices from the vendors are within dollars.

Staff requests that we utilize Miller Hearing and Cooling since they are a local company and we have used them in the past for any of our emergencies. We have not been satisfied with some of the work that the other vendor has given us because of continuous repairs and response time on their part. Staff had asked for bids this past January because the unit was failing. At this time we are looking at the Carrier 10 ton with pre-coated coil at a cost of approximately \$8200.00.

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Also, the PD unit is failing. We have been holding off on this unit since we were awaiting a decision on the expansion of the PD. This unit also controls the lobby and the bathrooms and would require up fits within the duct system. Staff will be seeking estimates for this as well in the near future.

Alderman Duane said that Millers quote is for \$7100 and she asked where the \$8200 came in at. Police Chief Salese said Mr. Miller gave us a couple of different bids on different units. Alderman Duane asked where the money is coming from. Mrs. Carbone said Mrs. King will make a budget amendment out of the contingency fund.

Alderman Smith said we need to make sure we get a good unit that is coated. He said we may need to spend a little extra money to make sure it will last. He was in favor of allowing Chief Salese to pick the best unit and to spend up to \$10,000. Alderman Farley disagreed with spending that amount. He felt the Town should get some more estimates.

***Alderman Godwin moved, seconded by Alderman Smith approving the bid from Miller Heating and Cooling to purchase a Carrier 10 Ton with pre-coated coil at a price not to exceed \$10,000.00. The motion passed 3-2 with Alderman Duane and Alderman Farley opposing.***

**d. Request from Coastal Planning & Engineering for an additional \$15,000 for side scan sonar work off of Onslow Beach:**

On March 7<sup>th</sup>, Tom Jarrett requested an additional \$15,000 for the side scan sonar work off Onslow Beach. He has stated that if they have to come back later it would cost \$5,000 more for mobilization which would total \$20,000.

In an email dated March 31<sup>st</sup>, Mr. Jarrett said that they plan to go ahead to start this survey because of the time constraints. The \$15,000 will come out of the Beach Nourishment fund.

Alderman Farley asked if the \$15,000 is in addition to the 1.7 million dollar contract we have with them. Mrs. Carbone confirmed that. Alderman Farley noted that this came in at 4 Million; we got it down to 1.7 million. He added that this time they are asking for an additional \$5,000, but next time it may be \$20,000.

**RESOLUTION TO REMIT AN ADDITIONAL \$15,000 TO COASTAL PLANNING & ENGINEERING FOR SIDE SCAN SONAR WORK OFF OF ONSLOW BEACH**

**WHEREAS**, Coastal Planning & Engineering (CP&E) is in the process of conducting a Sidescan Sonar Survey (SSS) off of the south end of Onslow Beach; and

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**WHEREAS**, CP&E informed the Town of North Topsail Beach that they did not emphasize to staff in Florida who worked on the estimate that our project would include a possible mitigation fill on the south end of Onslow Beach; and

**WHEREAS**, the results of these investigations will provide a topographic interpretation of any hardbottom features that are in proximity to the proposed beach fill on Onslow Beach; and

**WHEREAS**, there is no data that currently exists for this area and therefore a baseline of these features is needed to plan and execute the biological characterization studies to be conducted during the underwater investigations; and

**WHEREAS**, knowing where these features are and their proximity to the project will greatly support biological mapping and project design; and

**WHEREAS**, the survey is expected to take two to three days and the SSS equipment is approximately \$2,000/day, the boat and navigation system costs approximately \$1,250/day and an expert is required to conduct detailed analysis which takes about 45 days to complete.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Aldermen do hereby approve the additional \$15,000.00 to Coastal Planning & Engineering to provide the Sidescan Sonar Survey investigations off the south end of Onslow Beach and such monies will be taken out of the Beach Nourishment funds that are put aside for such research.

Adopted this 7<sup>th</sup> day of April 2005.

***Alderman Handy moved, seconded by Alderman Smith to adopt the Resolution to Remit an Additional \$15,000 to Coastal Planning & Engineering for Side Scan Sonar Work off of Onslow Beach. The motion passed 3-2 with Alderman Duane and Alderman Farley opposing.***

**e. Approval of ad for Town Attorney to be placed in the League Letter and Southern City:**

Following is a Draft ad for Town Attorney that will be placed in the League Letter and Southern City.

**Town Attorney** – North Topsail Beach, pop. 843. Seek experienced Attorney currently licensed in N.C. Experience in municipal and governmental law, civil litigation, land use, contracts, business law and employment law. Must be able to attend monthly Board meetings (1<sup>st</sup> Thursday of the month) and occasional Special Meetings or Workshops as needed. Excellent communication skills with elected officials and staff are a priority. Send resume to Interim Town Manager,

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Town of North Topsail Beach, 2008 Loggerhead Court, N. Topsail Beach, NC 28460.

***Alderman Handy moved, seconded by Alderman Godwin to run the ad for Town Attorney in both the League Letter and in the Southern City paper. The motion passed unanimously.***

**MANAGER'S REPORT:**

1. I attended a League Workshop on March 10<sup>th</sup> regarding updates on property/liability insurance and worker's comp insurance.
2. I attended the monthly Chamber meeting on March 16<sup>th</sup>. They thanked everyone involved for their efforts in opening the inlets.
3. On March 21<sup>st</sup> staff had a conference call with Coastal Planning & Engineering and with the Marine Corps Base and discussed a joint effort in procuring information for the surveys that need to be done.
4. On March 22<sup>nd</sup> staff attended the Topsail Island Shoreline Protection Commission meeting at the NTB Town Hall. Mayor Pro Tem Handy was also in attendance to discuss the trip to DC.
5. On March 31<sup>st</sup>, Mark Goodman, Director of Emergency Services for Onslow County informed me that the County has applied for funding to publish four municipal specific All-Hazard Emergency Operations Plans. The plan is a \$7,000 to \$10,000 value and there will be no costs to the towns. Mr. Goodman has sent requests for funding to the NC Emergency Management, Homeland Security Branch.
6. Our Finance Officer, Lydia King will be out until June 1<sup>st</sup> since she did not realize that she is entitled to 12 weeks of maternity leave. She will come in as we need her to work on the budget.
7. We have a Budget Workshop set for next Wednesday, April 13<sup>th</sup> at 6:00 p.m. Notebooks will be ready by tomorrow and delivered to you. The Workshop set for May 11<sup>th</sup> is also Town Hall Day in Raleigh. Can the Board meet on Monday, May 16<sup>th</sup> at 6:00 pm instead?
8. The Four Town Meeting is set for next Thursday, April 14<sup>th</sup> at the Breezeway Restaurant in Topsail Beach at 6:30 p.m. If you haven't responded yet, please do so.

**MAYOR'S REPORT:**

Mayor Knowles said he appreciated all the effort the search group has made in reviewing the resumes for Town Manager. The Mayor also thanked the Staff for working hard.

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**ALDERMEN'S REPORT:**

Alderman Godwin thanked the citizens for coming to the meeting.

Alderman Smith reminded the citizens that the Town will make it through this tough time. He thanked Attorney Moore for attending the meeting.

Alderman Duane encouraged the citizens to let the Board know of their concerns.

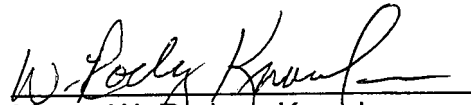
Alderman Handy thanked the Search Group for their hard work.


Alderman Farley thanked Alderman Handy for attending the meeting in his condition. Alderman Farley noted the situation with the maps will be straightened out.

**ADJOURNMENT:**

***Alderman Godwin moved, seconded by Alderman Smith to adjourn the meeting at 9:40 p.m. The motion passed unanimously.***

Minutes prepared and submitted by Christina Watkins, Deputy Town Clerk for North Topsail Beach.

  
\_\_\_\_\_  
Mayor W. Rodney Knowles

  
\_\_\_\_\_  
Date Approved

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**TOWN OF NORTH TOPSAIL BEACH  
BUDGET WORKSHOP**

**APRIL 13, 2005**

**6:00 p.m.**

**PRESENT:**

Mayor W. Rodney Knowles, Mayor Pro-tem Fred Handy, Aldermen Laurie Duane, Richard Farley, Steve Smith and Buddy Godwin, Loraine Carbone, Interim Town Manager, Christina Watkins, Deputy Town Clerk

**STAFF:**

Thomas Best, George Moore, Daniel Salese, Sue McLaughlin, Gene Casey, Lydia King

**QUORUM:**

Mayor Knowles called the meeting to order at 6:30p.m. in the North Topsail Beach meeting room and declared a quorum present.

**Inspections Department**

Alderman Duane noted that under expenditures, the employee training line item has increased from last year. She asked Mr. Casey if he could take some online courses to save some money. Mr. Casey replied that none of his required classes are available on line. He also noted that in 2006 the codes for all trades will be updated and revised. Alderman Duane asked why the class for NC Fire Inspectors Association is in the Inspections budget. Mr. Casey stated he holds that certification.

Alderman Farley questioned the salary increase. He stated by increasing it by only \$1200 it won't even cover a 2% COLA increase. Mrs. King said salaries are based on your anniversary date. She said if you were budgeting for a 2% raise on an employee who was hired in June, you would only figure in 1 week of the fiscal year for the raise. Mrs. King said it makes a significant difference in the numbers. Mrs. King stated last year Mrs. Watkins salary was split 60-40 between Inspections and Administrative. This year it is split 50-50. Alderman Farley asked why group insurance has risen so much. Mrs. King said Mrs. Watkins has been moved to the Inspections Department because it can be carried there with the increased revenue from permits. Mrs. King said she could move it back to be split 50-50 between administrative and Inspections. It was the consensus of the Board to have 50% of Mrs. Watkins Insurance come from Administrative and 50% come from Inspections Department.

Mr. Casey said we are having a problem pricing permits for renovations. He stated currently we charge by square footage, but it is difficult to determine square footage on a miscellaneous repair job. Mr. Casey said we are proposing to base our fee on cost of construction, just as Surf City, Topsail Beach and Onslow County. Mr. Handy asked who determines cost of construction. Mr.

Casey said it is required to be filled out on the application by the contractor. Mr. Casey said we could also require a copy of the contract be submitted to the Inspections Department.

Alderman Godwin suggested two inspections for a repair permit and then charge \$50.00 for each additional one. He said this will help pay for Mr. Casey's time running to and from the job site. Alderman Godwin also suggested increasing the Temporary Pole service by \$25.00. He noted that Mr. Casey should charge no less than \$50.00 if it will require an inspection. The Board agreed.

Alderman Duane asked why we do not charge for a Certificate of Occupancy. Mr. Casey said it is already figured into the cost of the permit. She also noted that the penalty for doing work without a permit is not stiff enough. Alderman Godwin suggested setting a specified amount instead of leaving it up to the discretion of the Building Inspector.

Mr. Casey said we are proposing to require a \$500 bond for moving a house. Mr. Best suggested increasing that to \$1000, because it could cost that much to repair road signs that might be damaged by the house. Chief Salese added that the Police Department is proposing to have the contractors get a permit from the Police Department as well. The Board asked Lydia to investigate this further and have more information at the next workshop.

**Public Works**

Alderman Farley asked why the salaries have increased 6%. Mr. Best stated that they now have 2 part times, 2 full times and Mr. Best salary is split 50/50 between Public Works and Fire Department. Discussion took place on the benefits of hiring 2 part time in lieu of 1 full time.

Mr. Best said the loader needs to be replaced. He said we can either replace the loader with another loader or replace the loader for a backhoe. Mr. Best said the only drawback with getting a backhoe in place of a loader is that he won't be able to pack the trash down, which may increase the number of times the dumpsters need to be dumped. Discussion took place on the cost of dumping the dumpsters more often as related to the cost of the loader. Alderman Duane asked if we could buy this piece of equipment as a shared project between the three towns on the Island. Mr. Best said that option had been discussed before but did not work out. Alderman Godwin said it is in the best interest of the Town to buy the loader. Alderman Handy and Alderman Smith agreed. The consensus of the Board was to gather figures on financing the loader in the General Fund.

Mrs. King said the Dodge truck is rusting and needs to be replaced. Alderman Duane asked what year is the truck and how many miles does it have. Mr. Best said it is a 98 and has 102,000 miles on it. Alderman Duane asked if we have shopped around to different manufacturers. Mr. Best stated it would be best to get a Ford truck because all of the tools we have in the shop will work on Fords.



### **Fire Department**

Mr. Best said the Capital outlay shows \$9800 for the Bio-test System. Mr. Best said at this time we have 7 other departments that will contribute money for this piece of equipment. He said the Town would purchase it and then invoice the other contributing departments for a portion. Asst. Fire Marshall added that this is an OSHA requirement.

Alderman Duane said she gathered information on number of fire fighters that respond to fire calls. She said with the amount of people on the roster in the month of July only an average of 10-11 people responded to the fire calls. Mr. Moore explained that our roster is currently at 18 people. He noted when we lose 8 we may only gain 1. Mr. Moore said we are mandated by the State to maintain a roster of 28 people. He added that if we were to be inspected by the State now, we would be in trouble. Alderman Duane again questioned the benefit of hiring part time in place of full time positions.

Alderman Farley questioned why insurance goes up and volunteer expenses go down. Mr. Moore said that the insurance increased for the Town overall and as for the volunteers if they don't show up to a call they don't get paid.

Mrs. King said there is a proposed change in the fee schedule for fire inspections. She said we have never charged for fire inspections for commercial properties and businesses. Mrs. King said they are proposing a \$50.00 annual inspection fee and a \$25.00 1<sup>st</sup> reinspection fee and \$50.00 for each reinspection after that. Mr. Moore stated it takes about a week to inspect the large condominiums like St. Regis and Topsail Dunes. Alderman Smith asked if they inspect each individual condo. Mr. Moore said they only inspect the common area and the electric room. Alderman Smith said we take tax payers money and we are supposed to provide a service. He added we are not in the business of making money. Alderman Farley agreed.

### **Police Department**

Chief Salese said the major changes in his budget are that they added one full time position, rotating 3 vehicles and added a line for the K-9 division. Chief Salese said the K-9 line item would be to cover expenses for training and maintenance. He noted that the dog has already paid for himself with arrests for drugs and burglaries.

Alderman Godwin said he did not see a police presence on the beach and it makes him uncomfortable. He noted that beach patrol is a necessity in the summer months. Alderman Duane said she sees them patrolling the beach.

Alderman Duane said her concern with the continuing hiring is it increases Insurance. Alderman Duane said this is why hiring part time people may be a

better way to go. Again discussion took place on the benefits of hiring part time versus part time employees.

Alderman Duane stated that there have been reports in other areas of officers killed when rear-ended in the Crown Victoria's that our officers drive. She asked if there were any alternative to the Crown Victoria's. Chief Salese said we could get front wheel drive vehicles, but they are more expensive to maintain.

Alderman Farley stated that most citizens are not in favor of hiring additional officers. Alderman Godwin asked how he can justify keeping the same number of officers with the increase of homes being built here. He said if the Police Department and Fire Department say they need more people, it is our obligation to get them. He said it is not an unreasonable request with the growth we have seen in the Town. Mayor Pro-Tem Handy said we need to look at places we can cut back on to expand the Police Departments personnel.

Chief Salese asked about plans on possibly expanding the Police Department. He noted that he has some homeland Security grants that may help, but he said he's not sure where the town wants to go building wise. Alderman Smith said it all depends on if we get the FEMA Grant for the wind shelter. Chief Salese said the last thing he heard was that they were having a hard time justifying the grant for where we are located. Alderman Godwin said it's hard to believe that we are going to get federal money for a CBRA zone. Chief Salese said the Town has a piece of property in Sneads Ferry that would work for an E.O.C. He added we have had a building donated to us and the land has been surveyed. Discussion took place on buying a piece of property adjacent to Public Works. The Board requested additional information on the possibility of purchasing land around Public Works.

**Police Department Fee Schedule**

Mrs. King said the Police Department would like to change the fee for parking tickets from the current \$15-\$25 to a flat \$25. Chief Salese said with the limited amount of parking we have in the Town, some people don't mind paying a \$15 parking ticket to park close to the beach. Mrs. King stated that the Police Department would like to charge a \$50.00 town citation for speeding. Chief Salese said his officers write a lot of tickets for speeding, but all the money collected goes to the State. Alderman Godwin thought \$50 might not be enough. He felt it would not be much of a deterrent, especially since the ticket would not count as points on your license. Chief Salese noted that if they charged too much it could look as though the Town is getting rich off of tickets. He added that could be bad publicity.

**Governing Body**

Mr. Farley said we have reduced our budget for travel and training by \$2000. Mr. Farley stated it is very important for us to get out and meet people and go to these meetings. Alderman Duane said if we are spending all this money for the

other departments we need to spend the extra \$2000 for us to represent the Town. Mayor Pro-Tem Handy agreed. It was the consensus of the Board to increase the line item to \$3000.

Mrs. King said the only other major change is the litigation line item. Mrs. King stated she asked for a high end and low-end cost. She said the high-end cost was \$16,000. Mrs. King said \$5000 is in this year's budget and \$9000 in next years budget, which still would not be enough. She noted that this is a brand new line item and we have never had to deal with this issue in the past. Alderman Farley thought the league was going to help us with legal expenses. Mrs. Carbone stated that the League of Municipalities is cheaper but is still not free. She also noted that we might have a new litigation with Attorney Shipman.

Alderman Farley questioned the \$30,000 for sand fence and sea oats. He said citizens should pay for those themselves. Mrs. Carbone noted that the sand fence is for the Town only, we do not install sand fence on private properties. She said we buy the plants at full price and then sell them to North Topsail Beach citizens at half cost. Alderman Farley said he is not in favor of the cost share program. Alderman Godwin stated that if we did not offer the plants at a reduced rate it might diminish the incentive for the citizens to plant. Discussion took place regarding different places to buy sea oats. It was the consensus of the Board to continue the cost share program for sea oats.

Alderman Farley disagreed with the \$15,000 for CBRA Mitigation. He said it is a dead issue. Mrs. King said that amount of money is designated for that but if we don't spend it, it will roll over to the fund balance.

**Administration**

Mrs. King said there are no major changes here. She noted that it is a big budget because it carries a lot of big-ticket items like liability insurance and workers comp and it is for all the departments. We may not have enough money budgeted for advertisements. She said the ENC has increased rates and provided on how much what is budgeted may not be enough. She noted the bulk of our advertisements come from meetings and CAMA public notices. She added we are losing \$25 for each CAMA permit we process. Alderman Handy asked if we could raise the fee for CAMA permit applications. Mrs. King said no it is set by the State. Mrs. Carbone said we had discussed putting it into the Topsail Voice, which would be cheaper, but that will not work because it is only published once a week. Alderman Duane asked if you have a continuous AD we might be able to negotiate with the newspaper for a cheaper rate.

Mrs. King said we are proposing to change the fee to reserve the picnic shelter or gazebo at the park. Mrs. Carbone stated that not many people pay to reserve it because the current fee is unreasonable. Mrs. Carbone said we are also looking at purchasing a sign to tell people about reserving the park.

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**Revenues**

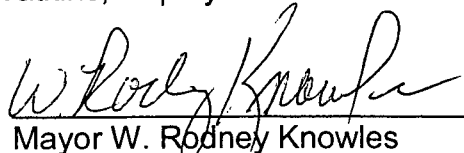
Mrs. King said the only thing that changed with the revenues is that we had to use the appropriated fund balance to make the budget balance. She added that this is the first time we have had to do this since she has been working here. Mrs. King said the departments had no control over litigation, the Public Works expansion and elections. Alderman Duane said she is not comfortable with taking money out of the fund balance to balance the budget. Mrs. King said the only other option would be to take \$9000 away from a department for things that are completely out of their control. She asked whose budget we are going to cut \$9000 from for litigation. Mrs. King said we have a healthy funds balance and we have not touched it in 7 years. Alderman Duane stated we do not meet the requirements of the State. Mrs. King said we do meet the State requirements, which is 8% of your budget. Alderman Duane felt that we should not take money out of the fund balance. Alderman Smith and Alderman Farley agreed. Mrs. King stated if she changes the numbers we are just creating a bigger problem. Alderman Duane said we are just going to have to trim the fat. Mrs. King said there is nothing left to cut. Alderman Duane suggested waiting a year for a new vehicle.

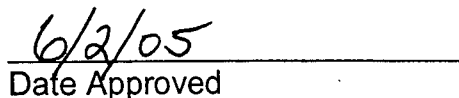
Alderman Smith questioned going into the fund balance with the amount of growth we have within the Town. Alderman Duane said because we are spending the money. Alderman Handy asked what the tax appraisal is. Mrs. King said the appraisal we are using is \$334,925,305. She added that she has it budgeted at 98%. Alderman Duane asked if Mrs. King has taken into consideration the projects under construction. Mrs. King said she must use the number given to her on Dec. 31st. Alderman Duane said we could do a budget amendment once we get some of the revenues from new construction. Alderman Duane asked what the collection rate was last year. Mrs. King stated it was 99.35%. Alderman Duane asked what the maximum percentage we can increase to is. Mrs. King said anything other than 99% and even putting it at 98.5% it would only give us \$7000. Alderman Duane said we have to take out a big-ticket item.

**ADJOURNMENT:**

***Alderman Duane moved, seconded by Alderman Smith to adjourn the meeting at 10:35p.m. The motion passed unanimously.***

Minutes prepared and submitted by Christina Watkins, Deputy Town Clerk for North Topsail Beach.

  
\_\_\_\_\_  
Mayor W. Rodney Knowles

  
\_\_\_\_\_  
Date Approved

**TOWN OF NORTH TOPSAIL BEACH  
REGULAR BOARD MEETING  
MAY 5, 2005  
7:00 P.M.**

**PRESENT:**

Mayor Pro-tem Fred Handy, Aldermen Laurie Duane, Richard Farley, Buddy Godwin and Steve Smith, Loraine Carbone, Interim Town Manager, Christina Watkins, Deputy Town Clerk, Robert Kilroy, Attorney

**NOT PRESENT:**

Mayor W. Rodney Knowles

**QUORUM:**

Mayor Pro-tem Handy called the meeting to order at 7:00 p.m. in the North Topsail Beach meeting room and declared a quorum present.

**INVOCATION:**

Rev. Collins gave the invocation.

**PLEDGE OF ALLEGIANCE:**

The Board of Aldermen and citizens present recited the Pledge of Allegiance.

**APPROVAL OF AGENDA:**

*Alderman Duane moved, seconded by Alderman Godwin approval of the Agenda as presented. The motion passed unanimously.*

**ZONING ISSUES – TOM RICHTER:**

Mr. Richter presented the Board with his proposed time schedule. He said that the work is going much faster than he thought. He stated that with the help of volunteers from the Planning Board and staff, he has looked at every single parcel in the Town. He said he has made a list of approximately 28 places that differ on the maps. He stated that he has summarized each of these discrepancies in a chart. Mr. Richter reviewed the chart with the Board.

Alderman Farley stated he would like to see more of an investigation as to why this happened in the first place. Mr. Richter said that was not part of what he was hired to do.

Alderman Duane asked what map we are currently using. Mr. Richter said the 2004 map is operational. He estimated that 85% of the CON-D district still exists today. Alderman Duane asked if the classification of CON-D would have any bearing on a septic tank. Mr. Richter said there are many reasons for CON-D, but the main reason would be because of wetlands. He explained that the Health Department would not look at the zoning of a parcel necessarily but they would look at the type of soil.

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Mr. Richter thanked the staff and members of the Planning Board for their cooperation.

**COMMITTEE REPORTS:**

**Planning Board –Steven McGrane, Chairman:**

Mr. McGrane stated that the Planning Board has developed a plan of action for the zoning maps and he agreed with Mr. Richter that it is going well. Mr. McGrane said the terms of 3 Planning Board members would expire. He stated Mr. Dorazio and Mr. Matthews will both run for another term, but Mr. Coy will not.

**Recreation & Appearance Committee – Sue Tuman:**

On behalf of Chairman Bill Horstmann, Sue Tuman announced that a Yard Sale will take place on Saturday, May 28<sup>th</sup> at the Town Hall and donations would be accepted on the Thursday and Friday before the 28<sup>th</sup>. A hand painted table and gift certificates to local restaurants will be raffled. The committee continues to sell the Dining Guide, T-Shirts and hats.

**Board of Adjustment – Dick Peters:**

Mr. Peters said the Board of Adjustments had a variance request to build a duplex on a nonconforming lot on Sea Gull Lane. He stated the request was denied.

**OPEN FORUM:**

Paul Searing, of 151 Topsail Road, spoke on his concern on the CBRA Zones in North Topsail Beach. He stated first of all there is not enough clear information on Beach Nourishment, including the CBRA Zones. Mr. Searing also stated that it is important for all property owners to have a say in Beach Nourishment, not just the owners that are registered to vote here. He suggested sending ballots to all property owners because they all have vested interest.

Mike Yawn, of 207 Tamarix Court, stated the real question on Beach Nourishment is how much it is going to cost. He also agreed with Mr. Searing, that there is not enough information out for citizens on Beach Nourishment.

Mr. Dan Tuman, of 3944 River Road, said he attended the last Beach Nourishment meeting and was surprised at how quickly things are moving along. He hopes that the Town will be ready.

Shannon Kelly, of 6402 14<sup>th</sup> Avenue, voiced her concern of the zoning maps. She stated that she has purchased property that may be affected by the change in the zoning maps.

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**CONSENT AGENDA:**

The consent agenda consisted of the March 30<sup>th</sup> and April 7<sup>th</sup>, 2005 Board Meeting minutes, Department Head Reports, Benefit Accrual Report and Proclamations for Municipal Clerk Week honoring Loraine Carbone and Christina Watkins.

***Alderman Duane moved, seconded by Alderman Godwin approval of the Consent Agenda as presented. The motion passed unanimously.***

**OLD BUSINESS:**

**a. Resolution to Re-Open Ocean Drive:**

The Board of Aldermen approved the re-opening of Ocean Drive at the April 7, 2005 meeting, but a resolution was not in place for the Board to adopt. A resolution was presented for the Board to adopt.

Alderman Farley said he did not recall the motion to re-open the road. He said he remembered that it was just to proceed forward with the process. Mayor Pro-tem Handy said we are still waiting to get things in writing and feel we should hold off on adopting a resolution until we get all the documentation in place.

***Alderman Duane made motion, Seconded by Alderman Godwin to table this item until the June Board meeting. The motion passed unanimously.***

**NEW BUSINESS:**

**a. Chamber Request of \$5,000:**

Allan Libby and Bill Keller of the Greater Topsail Area Chamber of Commerce and Tourism addressed the Board in their request for the Town to allocate \$5,000 in the budget for FY 05-06. They also spoke about their efforts in getting the Inlets dredged this year and that everyone will have to encourage their legislators to seek more funds for years to come. Alderman Farley asked about the bill that Representative Culpepper has proposed. Mr. Keller stated that he is familiar with the bill. Alderman Farley said that the bill would take a broad look at beach issues. He said it would be funded by an added occupancy tax. Alderman Farley noted this bill has not been passed.

***Alderman Smith made motion to approve the request of \$5000 to the Chamber of Commerce. Alderman Duane asked to amend the motion for the monies not to come from the fund balance. Alderman Farley seconded the motion with the amendment. The Board agreed that the amendment was an issue for a budget workshop. Alderman Smith rescinded his motion.***

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***Alderman Smith moved, seconded by Alderman Godwin to approve the Request of \$5,000.00 to the Greater Topsail Area Chamber of Commerce and Tourism. The motion passed unanimously.***

**b. Waste Industries Contract:**

Waste Industries is requesting that the Town of North Topsail Beach renew their contract. The CPI change for the 12-month period ending March 2005 was 3.1% and Mr. Stroud has stated that they have experienced significant increases in the cost of fuel, labor and insurance.

They have also requested a 12-month extension on the term of the existing contract which would bring us to September 30, 2007. The base sum is \$166,202.64 per annum. Last year it was \$155,549.88 per annum – a difference of \$10,652.76.

Carts have increased from 1400 to 1466 and we believe that number will grow with the amount of building and the request for 2 carts.

Staff recommends approving the Contract Amendment with Waste Industries.

Alderman Duane asked if we were going to put this out for bids. She said we are currently looking at purchasing a piece of equipment for \$150,000 to pack down dumpsters and also increasing our contract fee. Alderman Duane said either pick ups are not frequent enough or the containers are not large enough. Mayor Pro-Tem Handy said they are only asking for more money because of the increase in carts, fuel and insurance. Alderman Duane suggested seeing a summary of all the services Waste Industries provides before approving an increase. Alderman Godwin stated this is a very low cost for the services they provide. He noted he would be more worried about them canceling our contract and us having to find someone else.

Alderman Farley said they are already being compensated because there is a provision in the contract that states the monthly installment will increase for each 5 additional carts. He added that the contract is less than a year old and they need to stick with it. Alderman Duane said we all face the same problem, but we didn't get a raise in our salaries because the cost of fuel has risen. She added that if fuel comes back down again, it is unlikely that Waste Management would come back to us for a decrease. Alderman Smith noted we are not looking to make money on this. Alderman Duane asked Attorney Kilroy if we could approve the increase of the contract without



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approving an extension of the contract. Mr. Kilroy said the Board can make separate motions.

***Alderman Godwin moved, seconded by Alderman Smith approval of the Contract Amendment between the Town of North Topsail Beach and Waste Industries, LLC for the contract period beginning July 1, 2005. The motion passed 4-1 with Alderman Duane Opposing.***

**c. CAMA Land Use Plan – Holland Consulting Planners, Inc.**

The Town is scheduled by the Division of Coastal Management to renew their CAMA Land Use Plan for the fiscal years of 2005 – 2006. The grant application has been submitted to the Wilmington Office and the required start date should be in July 2005.

Staff contacted five different companies to assist in the development of the plan and has received one proposal for your review. The other planners replied back to staff with their regrets as their schedule would not allow them to participate in the development of the plan.

The proposal received is from Holland Consulting Planners, Inc, (which accomplished the town's previous Land Use Plan), enclosed is a copy of their proposal.

The proposal submitted is for \$35,000.00 (\$17,500 Phase I and \$17,500 Phase II) this fee will match the grant money supplied by the Division of Coastal Management and the amount budgeted by the town.

Mr. Holland said CAMA guidelines and State Funding has changed since he did the last North Topsail Beach Land Use Plan. He said this will be a more comprehensive plan. Mr. Holland said the plan will be funded over a 2 year process. The State will pay \$10,500 once a year for two (2) consecutive years. He said the Towns portion will be \$7000 each year, for a total of \$35,000. Alderman Farley asked if the cost of our plan was comparable to other municipalities. Mr. Holland said it is in line with the other municipalities.

***Alderman Duane moved, seconded by Alderman Smith to award the contract for the Land Use Plan to Holland Consulting Planners, Inc. The motion passed unanimously.***

**d. Re-Appointments and Appointment to the Planning Board:**

The Board reviewed applications requesting re-appointment to the Planning Board by Paul Dorazio and Gunnar Matthews whose terms are up May 2,

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2005. Ron Coy's term will end on May 2, 2005 and he has decided not to serve on this committee.

We have received applications for the Planning Board by Michael Yawn, Gerald Riggleman and Sue Tuman. The openings at this time are for one (1) member and two (2) alternates. The Board has to appoint the three positions accordingly, plus the re-appointments.

***Alderman Smith made motion, seconded by Alderman Godwin to reappoint Mr. Matthews and Mr. Dorazio for another term. Discussion took place on the correct procedure for voting. Alderman Smith rescinded his motion.***

A ballot was cast to determine who will be appointed as Planning Board members and who will be alternates.

***Alderman Godwin made motion, seconded by Alderman Smith to appoint Mr. Matthews, Mr. Dorazio and Mrs. Tuman as Planning Board members and Mr. Yawn and Mr. Riggleman as Planning Board alternates. The motion passed unanimously.***

**e. NCDENR Contract:**

The contract between The North Carolina Department of Environment and Natural Resources and the Town of North Topsail Beach is due to be renewed by July 1, 2005. This contract details the responsibilities and duties defined and described in the Coastal Area Management Act.

Mrs. Carbone said there are no changes in the contract. She said the amount is based on the amount of permits for the two years prior.

***Alderman Duane moved, seconded by Alderman Smith approval of the contract between the North Carolina Department of Environment and Natural Resources and the Town of North Topsail Beach. The motion passed unanimously.***

**MANAGER'S REPORT:**

1. I attended a State Retirement Workshop in Wilmington on April 12<sup>th</sup>.
2. The Board of Aldermen and staff held an intensive Budget Workshop on April 13<sup>th</sup>.
3. A Four Town Meeting was hosted by Topsail Beach on April 14<sup>th</sup>. A presentation was given by the Cape Fear Council of Government.
4. On April 15<sup>th</sup>, our zoning consultant Tom Richter came in and met with staff and the Mayor.

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5. On April 20<sup>th</sup> I met with representatives from Waste Industries and we discussed their contract renewal.
6. On April 21<sup>st</sup> I attended the ONWASA meeting in Holly Ridge specifically to listen to North Topsail Utilities and their hope to work jointly with ONWASA and the Marine Corps Base.
7. On April 22<sup>nd</sup> and 23<sup>rd</sup> staff and representatives of the Planning Board worked with zoning consultant Tom Richter and reviewed all of the town's minutes on re-zoning and corresponded the zoning on existing maps.
8. On April 25<sup>th</sup> I met with Libby Kachmor who teaches Front Page Web Design at Coastal Carolina Community College and she is currently working on a proposal to update our website.
9. On April 26<sup>th</sup> Tom Jarrett and Tom Campbell from CP&E and Spencer Rogers from NC Sea Grant spoke about the benefits of beach nourishment. There were approximately 12 citizens in attendance.
10. On April 27<sup>th</sup> the Mayor, Mayor Pro Tem and myself met with Attorney Lee Crouch regarding the Litvak issue.
11. On April 27<sup>th</sup> the Mayor's Meeting was hosted by NTB and held at the Sea Turtle Restaurant and everyone had an excellent meal. Harry Smith, Tax Administer and David Crenshaw gave a presentation on tax revaluation.
12. On April 28<sup>th</sup>, the Mayor, Mayor Pro Tem and myself met with Attorney Bob Kilroy who agreed to act as our Town Attorney.
13. On April 29<sup>th</sup> I attended the Regional Clerk School in St. James.
14. On May 4<sup>th</sup> a zoning taskforce was held with staff and Planning Board members and Tom Richter. Mayor Pro Tem Handy and Alderman Farley were representatives from the Board of Aldermen and Dick Peters also served on this panel.
15. Our next Budget Workshop is Monday, May 9<sup>th</sup> at 6:00 p.m.
16. Town Hall Day is May 11<sup>th</sup> and Alderman Farley will be attending that.
17. The NC Coastal Communities Coalition conference is May 12<sup>th</sup> and 13<sup>th</sup>. If you are attending please let me know.
18. We all wish Mayor Knowles a speedy recovery!

**ATTORNEY'S REPORT:**

Attorney Kilroy said regarding the lots at the end of River Road, his interpretation is that it would be considered a recombination of lots and not a subdivision. He said it is still unclear whether or not the 2 northern lots are in a conservation district or not. He added that Mr. Jackson does not have vested rights in this property. Alderman Farley said if you have determined these lots were recombined that's fine, but what about the fact that they were zoned Con-D. Mr. Kilroy said in talking with our zoning consultant, Mr. Richter, if the zoning was legally changed it will be reflected in the minute books. He noted that if in fact it

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is determined that it is zoned Con-D then the Town will only permit what would be allowed in that zoning district.

(At the June 2<sup>nd</sup> Board of Aldermen meeting Mr. Tuman voiced his concerns regarding the May 5th minutes. He felt the Attorneys report on the property on River Road was satisfactory, but was not happy with what was stated in the minutes. Mr. Tuman said he understood Attorney Kilroy to say that the property could not receive a building permit and case law was clear and the owners were not entitled to anything. Mr. Tuman also mentioned that Attorney Kilroy stated he had contacted Attorney Wright's office and left a message and that was left out of the minutes.)

**ALDERMEN'S REPORT:**

Alderman Godwin thanked everyone for coming out. He stated he was glad to see so many people apply for the committee positions.

Alderman Smith thanked the citizens for showing up for the meeting.

Alderman Duane thanked the citizens for bringing the concerns over Beach Nourishment to the Board's attention.

Alderman Farley welcomed Mr. Kilroy. He also thanked the citizens who have been faithfully coming to the meetings.

**CLOSED SESSION:**

The Board of Aldermen went into Closed Session to discuss the Town Manager's position.

**OPEN SESSION:**

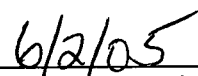
The Board of Aldermen requested that a Special Meeting be held on May 9, 2005 at 6:00 pm to announce the hiring of a Town Manager.

**ADJOURNMENT:**

*Alderman Smith moved, seconded by Alderman Farley to adjourn the meeting at 9:17p.m. The motion passed unanimously.*

Minutes prepared and submitted by Christina Watkins, Deputy Town Clerk for North Topsail Beach.

  
\_\_\_\_\_  
Mayor W. Rodney Knowles

  
\_\_\_\_\_  
Date Approved

**TOWN OF NORTH TOPSAIL BEACH  
BUDGET WORKSHOP & SPECIAL MEETING**

**May 9, 2005  
6:00 p.m.**

**PRESENT:**

Mayor W. Rodney Knowles, Mayor Pro-tem Fred Handy, Aldermen Laurie Duane, Richard Farley, Steve Smith and Buddy Godwin, Loraine Carbone, Interim Town Manager, Christina Watkins, Deputy Town Clerk

**STAFF:**

Thomas Best, George Moore, Daniel Salese, Lydia King

**QUORUM:**

Mayor Knowles called the meeting to order at 6:00p.m. in the North Topsail Beach meeting room and declared a quorum present.

**Appoint new Town Manager**

Mayor Knowles introduced Mr. Tom Cassell as the new Town Manager of North Topsail Beach. Mr. Cassell has 35 years of local government Planning and management experience. Mr. Cassell served on the Village of Bald Head Island's Planning Board from 1990-2000 and served as the alternate Representative for the N.C Secretary of Commerce to the Coastal Resources Advisory Council. In 1998 he was selected by the Cape Fear Council of Governments as Planner of the Year. From November 2000 until October 2004, Mr. Cassell served as Development Services Director for the City of Jacksonville and most recently he was a local government Planning and Management Consultant. Mr. Cassell graduated from East Carolina University in 1970 with a BA degree in Geography/Urban Planning. He resides in Wilmington and is a single parent with three children.

Mr. Cassell thanked the Mayor and the Board. He said he looks forward to working with the Town Staff, Board and citizens of North Topsail Beach.

**Revenues**

Mrs. King said she has increased the revenues for current year taxes from 95% to 95.5%. She added that there is an increase in interest on investments and the cable franchise. Alderman Farley asked why we have increased the cable franchise fees by approximately 20%. Mrs. King said when we received the last payment and it was already at \$32,000 and we still have another quarter. Alderman Farley noted overall we have less revenue than the last time. Mrs. King said it is because the appropriated fund balance was decreased by \$27,000. Alderman Farley asked Mrs. King what her feeling is on funding legal expenses out of the fund balance. Mrs. King said she agreed with it because it is not fair to take money out of the department's budget when it is not in their control. Alderman Duane asked if the revenues equal the expenditures and why litigation didn't have its own line item. Chief Salese said we don't know what that total will be. Alderman Duane said we are not where we need to be with our fund balance.

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Mrs. King said we are only required to have 8% of our total budget and we are somewhere around 20%. Alderman Duane said she doesn't understand why we are not totaling our expenditures and then balance it with the revenue. Alderman Duane asked how much money have we put into the fund balance and how much have we taken out. Mrs. King stated we have put in well over \$400,000 and taken out none. Alderman Godwin said if we were to have legal expenses we didn't plan on it would have to come from somewhere, probably the departments. Alderman Farley agreed with Alderman Duane about not going into the fund balance. He said if we incur a large debt we would have no choice but to pay them. He added we are not going to start cutting police men, we would have to go into the fund balance but he said here we are at the very beginning and we are already saying lets go into the fund balance. Mayor Knowles said with the contingency at zero in the past the contingency has been brought up by unanticipated funds coming in. He added that it could happen again and build up enough to where the fund balance wouldn't need to be touched.

#### **Planning/Zoning Expenditures**

Alderman Farley asked why the salaries went down by \$200 and group insurance went down \$400. Mrs. King said the decrease in salaries is because of the decrease in COLA. She stated the group insurance has been recalculated.

#### **Inspections**

Alderman Godwin said in the fee schedule the house moving fee seems low. He said it needs to be more in line with the actual cost. Mr. Casey noted there is only 1 inspection with moving a house just to make sure the site is cleaned up. Alderman Godwin also noted that \$25.00/hour will not cover a Police Officer. Alderman Godwin suggested increasing it to \$50.00/hour per officer. The consensus of the Board was to increase the fee for a Police Officer from \$50/hour to \$100/hour. Mayor Knowles suggested increasing the amount of the bond required when moving a house.

Alderman Godwin suggested increasing the fee for an elevator permit to \$100. He also suggested removing dumbwaiter from the fee schedule since one has never been applied for. Mr. Casey felt it would be better to leave the dumbwaiter in the fee schedule but to separate it from elevator. Alderman Godwin suggested charging \$100 for an elevator permit and \$50 for a dumbwaiter permit.

Alderman Godwin noted that there is no charge for a Certificate of Occupancy or a residential inspection. Mr. Casey stated that a residential inspection would be more of a consultation for a homeowner and the fee for a Certificate of Occupancy is figured into the building permit cost.

Alderman Handy felt the penalty for occupying a dwelling without a Certificate of Occupancy was not stiff enough. The consensus of the Board was to increase the fee from \$250 a day to \$1000 per day to be levied toward the General Contractor.

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**Police/Fire Department Fee Schedule**

Alderman Godwin felt that the fee for a Town Citation speeding ticket is not enough. He said if someone was speeding down the road at 100 MPH a \$50 ticket would not be severe enough. He felt it should be raised to \$100. Chief Salese noted that the ones who are just blatantly breaking the speed limit will get a regular ticket, not a Town Citation.

Mr. Best said the Fire Department inspects 16 different places. Mr. Best felt that it is unfair to charge an annual fee for those inspections. He felt it is a service the Town should provide. He noted that if they find a violation they can fine them. It was the consensus of the Board to remove the Fire Inspection fee.

**Public Works**

Mr. Best noted the loader is not in the budget. He said the cost of the loader is \$115,891. Discussion took place on the different options to pay for it. Mr. Best said the loader could be used for many things and noted that the Town would save \$19,000 a year by using it as a trash compacter. Alderman Godwin said we need this piece of equipment and asked Mrs. King how she thought we should pay for it. Mrs. King said it would have to come out of the fund balance. Alderman Farley did not agree with taking the money out of the fund balance. Alderman Godwin suggested increasing the annual solid waste fee. Mrs. King said it is very reasonable to increase the solid waste fee with the growth of the Town. Alderman Farley stated the Town only needed to charge the citizens enough to cover the cost. He noted we are not looking to make money off this service. Alderman Smith agreed. The Board asked Mrs. King to recalculate the solid waste fee to include the equipment for Public Works in the budget.

**Police Department**

Chief Salese said the major change is the change in cost of living and cutting out the purchase of a Police vehicle. Alderman Handy asked what mileage was on the vehicles that he's getting rid of. Chief Salese said all three vehicles have over 100,000 miles on them. Chief Salese said the only concern he has is with fuel. He stated that the department has already passed what was budgeted for this year. Alderman Godwin asked if we would get tax money back from the State to help with the fuel. Chief Salese said we will get some money back but it's not until the end of the year, which doesn't help us now. Alderman Duane asked if we had considered using motorcycles to save money. Chief Salese said it had been considered but there is no way to transport people.

Alderman Smith asked if we were getting more money from the officer grant. Chief Salese said we will get more money but it is broken up between his salary, FICA and miscellaneous equipment. He added it does show in the revenue.

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**Administration**

Alderman Farley said he would like to see allocating expenses for things like computers and faxes to each department for budget purposes. Alderman Handy said it really doesn't matter because it's not controllable. Alderman Farley said it would be useful to determine the total cost to run a department. Alderman Smith questioned why contract services went from \$42,000 to \$30,000. Mrs. King said we had a new computer system set up this year. She noted that we won't need that in the new budget because now it will only need to be maintained.

**Public Facilities**

Alderman Handy complimented Shelia Cox for her hard work on Phase 2 of the Town Park.

Alderman Godwin asked who the Town has flood insurance with. Mrs. Carbone said Lloyds of London is the only one who will insure us. Alderman Godwin said he has his personnel flood insurance with BB&T. Mrs. Carbone said she will check into BB&T. Alderman Farley said he would like to know more about our policy and felt that we could be self insured. Mrs. King said we need to be careful of that because we are dealing with public funds. Alderman Duane said there may be something in the Statutes against that.

**Streets**

Mr. Best said we have budgeted \$4500 and the project at Trade Winds Drive is estimated to cost around \$3000. He also said if we are planning on a parking area at Carver Street we need to pave that street as well, which will cost approximately \$7500. Alderman Smith asked how much Powell Bill money do we have left. Mrs. King said it is all in special revenue for the bike path. Alderman Handy said we are still unsure if parking will be required there so we may want to wait.

Next Budget Workshop is scheduled for May 24<sup>th</sup> at 6:30 p.m.

**ADJOURNMENT:**

***Alderman Duane moved, seconded by Alderman Smith to adjourn the meeting at 8:56p.m. The motion passed unanimously.***

Minutes prepared and submitted by Christina Watkins, Deputy Town Clerk for North Topsail Beach.

  
\_\_\_\_\_  
Mayor W. Rodney Knowles

7/7/03  
\_\_\_\_\_  
Date Approved



**TOWN OF NORTH TOPSAIL BEACH  
BUDGET WORKSHOP  
MAY 24, 2005  
6:30 P.M.**

**PRESENT:**

Mayor W. Rodney Knowles, Mayor Pro-tem Fred Handy, Aldermen Richard Farley, Buddy Godwin and Steve Smith, Thomas Cassell, Town Manager, Loraine Carbone, Town Clerk

**QUORUM:**

Mayor Knowles called the meeting to order at 6:30 p.m. in the North Topsail Beach meeting room and declared a quorum present.

**APPROVAL OF AGENDA:**

*Mayor Pro Tem Handy moved, seconded by Alderman Smith approval of the agenda. The motion passed unanimously.*

**CAMA GRANT FOR BEACH ACCESSES:**

Staff has received a grant pre-application request from the Division of Coastal Management for local and regional access improvements. Staff is presenting two areas for Board's review for crosswalk and parking area.

1. The first area is Carver Street (unpaved) and the Onslow County strip of property on Ocean Drive. Enclosed is a map showing 17 parking spaces; 2 handicap, along the right of way of Carver Street.

Carver Street: Rocking and Paving \$28,000.00 (CAMA Grant money will not cover this cost)

Parking Area: (Carver Street) Rocking and Paving \$23,000.00

2. The second area is located at 212 Topsail Road (town owned property). This would provide 5 parking spaces on Topsail Road.

Parking Area: (Topsail Road) Rocking: \$13,000.00

(2) Crosswalks: \$12,000.00

**COST SUMMARY:**

Cama Grant Amount: \$36,000.00

Town's Match: \$12,000.00

**TOTAL PROJECT COST: \$48,000.00**

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Alderman Farley questioned why we were moving ahead with this grant when we didn't know if we were getting federal money.

Mayor Knowles noted that everyone is going ahead and the money will be there one way or the other. Alderman Farley said if we don't need parking in neighborhoods, he would prefer to put in less parking. Mayor Knowles stated that parking is clustered now and if we don't keep up with it we will fall behind with the number of spaces that will be needed.

Mrs. McLaughlin said that parking on Carver Street would be in our right of way. This is just a preliminary step at this time.

It was the consensus of the Board to go forward with the crosswalk area, parking and CAMA Grant pre-Application.

**DISCUSSION OF LOTS BEING SOLD BY ONSLOW COUNTY:**

Mr. Cassell said that time was of the essence in bidding on lots being sold by the County. This is surplus property that will be disposed of and a bid that is in now was not accepted. Mayor Knowles said that we could go through the upset bid process and the County may donate some of the land. Mrs. McLaughlin said that the tax parcels were listed on the County's agenda and she showed the Board an aerial map of the properties. Alderman Farley noted that some lots were on topsail Road near crossovers. Mrs. McLaughlin said that some lots are probably in the dune. Mayor Knowles requested that staff get a map of what we need and what is available. Mrs. King said that they are listed online under surplus property.

Alderman Godwin asked if we could get the Commissioners to donate this land. Mrs. King said that they wouldn't donate them to us, but they could lease them and you have to catch it before it goes for upset bids. Mrs. King said that Wayne Bender in the Purchasing Department is in charge of surplus property. Alderman Smith said that staff should contact the Commissioners to donate property.

Alderman Farley suggested that the manager make a bid on the properties and noted that the bidding process ends May 31<sup>st</sup>.

**PROPOSAL FOR DESIGN OF NEW WEBSITE:**

Staff received a proposal to redesign the Town's website by Coastal Communication Services. The estimated cost is \$1600. Coastal Communication Services has over seven years of experience in web design and more than 15 years developing online and web based documentation for various software companies.

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The Board's consensus was to go forward with the redesign and this work will be done in September 2005.

**REVIEW BUDGET CHANGES:**

Alderman Smith had questions on the \$25.00 increase for refuse collection since the Board has always agreed that solid waste would not be a profit. Mrs. King said that the dumpsters, the time on the beach and the bulk pick-ups were not included in the previous fee. Alderman Smith felt that it was a tax service that people already pay for and asked that staff find \$13,000 somewhere else.

Alderman Godwin said that we really are just covering the cost and were operating within the parameters of what it costs us. Alderman Smith said that contractors have more receptacles. Mrs. King noted that vacant lots would still be charged only \$25.00 and that dwellings with service was the only fee that would go up. Alderman Smith felt that it was just another way of getting more revenue from the citizens and the bottom line is that we look at the growth and homes that weren't there a year ago and we are getting revenues from them.

Mayor Pro Tem Handy felt that more services were needed. Alderman Smith noted that we are still not putting in any money in beach nourishment other than the 5 cents and the Federal government is getting out of beach nourishment.

Mayor Pro Tem Handy said that we need to look at the service the Town is rendering for trash pick up and you have to look at the big trash bins and service of picking up the beach. Alderman Smith felt that some cans don't get filled and they are kept locked up in houses and we are still paying for that service.

Alderman Farley agreed with Alderman Smith and he thought they were just looking for \$13,000.00. Mr. Cassell said that we are having the fee pick up the department's total cost. Alderman Farley said that they didn't want to touch department budgets, but someone could say that we are raising fees to cover our shortfall.

Mayor Knowles asked what would be an acceptable amount of money. Alderman Smith suggested taking it out of a department. Mr. Best noted that public works' budget was tight and there was no where else they could cut. Mrs. King stated that there is \$13,000 for public works equipment and \$13,000 for the public works expansion for a total of \$26,000.00.

Chief Salese said if you pull the money out of the fund balance that would take care of that. Alderman Farley stated that they shouldn't be pulling operating expenses out of the fund balance and suggested bringing the trash fee up just to cover the expenses. Alderman Smith said that if you took it from the undesignated fund balance, people have already paid for that through their taxes.

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Mrs. King said that we were right at 2 million dollars and if it was done carefully it is acceptable by the Institute of Government, but if you balance it all the time through the fund balance, then you could be in trouble. Alderman Godwin suggested that a compromise would be to take care of the buildings and the rest through the undesignated fund balance and he felt that \$125 was cheap to pick up trash.

Alderman Smith noted that we are still a young town and we are learning to provide services for citizens. Where is the point when we put more money in the undesignated fund balance or in beach nourishment.

Mayor Pro Tem Handy said that other towns pay much more. Alderman Farley said that in other months citizens don't have trash picked up. Mayor Knowles said that people also say why do you need police full time, but we have to include the whole year.

Mrs. King suggested cutting the fee back to \$115.00, although she was instructed to look at \$125.00. \$115.00 would cover the expansion and equipment and would leave \$9,000 in the contingency line item. Mayor Pro Tem Handy asked if the Board thought \$10 a year would make a lot of difference since people are paying over a million dollars for their houses. Alderman Godwin said that we agreed to take care of the building and equipment. Mayor Pro Tem Handy said that he realized what our requirements from state organizations were and if we have a hurricane we need the money, but the net result is that we have to pay money out if we don't get reimbursed. You can't get trash picked up for that money anywhere else.

Alderman Godwin felt that the Board should go with the fee of \$115.00. Alderman Farley felt that it was more than what we need.

***Alderman Godwin moved, seconded by Mayor Pro Tem Handy to increase the solid waste fee from \$100.00 to \$115.00.*** Alderman Farley suggested \$110.00 since they raised the fee last year. Alderman Godwin said that they were just talking about a difference of \$5.00. ***The motion passed 3 to 1 with Alderman Farley voting nay.***

Alderman Godwin said that he was satisfied with the budget. Alderman Farley asked if there was anything on the expense side that has changed dramatically and Mrs. King said no. Mayor Pro Tem Handy asked if there were any grants and Chief Salese said a few were out there but we don't know if we will get them.

Mayor Pro Tem Handy said that staff did a good job and they appreciated that.

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Alderman Farley said that he wanted more information next year. He said that he had asked for a copy of a detailed general ledger and he would like that next year. Mrs. King said that the information is always in the finance office, but it would take a long time to printout.

**ADJOURNMENT:**

***Alderman Smith moved, seconded by Alderman Godwin to adjourn the meeting at 7:40 p.m. The motion passed unanimously.***

Minutes prepared and submitted by Loraine M. Carbone, Town Clerk for North Topsail Beach.

W. Rodney Knowles  
Mayor W. Rodney Knowles

7/7/03  
Date Approved

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**TOWN OF NORTH TOPSAIL BEACH  
PUBLIC HEARING AND REGULAR BOARD MEETING  
JUNE 2, 2005  
7:00 P.M.**

**PRESENT:**

Mayor W. Rodney Knowles, Mayor Pro-tem Fred Handy, Aldermen Laurie Duane, Richard Farley, Buddy Godwin and Steve Smith, Tom Cassell, Town Manager, Loraine Carbone, Town Clerk, Robert Kilroy, Attorney

**QUORUM:**

Mayor Knowles called the meeting to order at 7:00 p.m. in the North Topsail Beach meeting room and declared a quorum present.

**INVOCATION:**

Rev. Tom Greener, of the Faith Harbor United Methodist Church, gave the invocation.

**PLEDGE OF ALLEGIANCE:**

The Board of Aldermen and citizens present recited the Pledge of Allegiance.

**PUBLIC HEARING – BUDGET FISCAL YEAR 2005/2006:**

***Alderman Smith moved, seconded by Mayor Pro Tem Handy to open the Public Hearing. The motion passed unanimously.***

**Budget Message follows:**

In accordance with the General Statutes for the State of North Carolina and the Local Government Budget and Fiscal Control Act, GS 159-11, entitled Preparation and submission of the annual budget and budget message; the annual budget shall be submitted to the governing board no later than June 1<sup>st</sup>. Thus, in my role as Budget Officer, I previously submitted to the Mayor and Board of Aldermen for the Town of North Topsail Beach on May 24, 2005 the Proposed Budget.

The Proposed Budget is the result of the Board's budget work sessions of March 9<sup>th</sup>, April 13<sup>th</sup>, May 9<sup>th</sup> and May 24<sup>th</sup> and extensive preparation by the individual departments and the Finance Officer. The total amount of the General Fund is **\$2,167,904.00**.

The Proposed budget projects a levy of \$1,319,606 based upon a **98.5%** collection rate of the Town's total appraised value of \$334,925.305, as of December 31, 2004. The budget holds the property tax rate at 45 cents per \$100.00 of valuation. A portion of the property tax revenue, **5** cents, or \$164,950.00 continues to be dedicated to the Special Revenue Fund for Beach Nourishment. The remaining **40** cents funds the mission of the Town of North Topsail Beach within the General Fund.

The Accommodations Tax Revenue will also continue to be part of the revenues within the Special Revenue Fund to assist with current expenses associated with the Feasibility Studies (Federal & Non-Federal) and to provide the necessary revenue for future debt service associated with a prospective Bond Referendum for Beach Nourishment.

The total for the Capital Projects is \$1,142,341.00. The Special Revenue Fund is \$864,950.00 and this would make the Town's total financial program for Fiscal Year 2005-2006 **\$4,175,195.00**.

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The budget process also includes for adoption a revised fee schedule for services historically rendered by the Town. The Board's review and recommendations for new fees and fee increases insures equity in the cost of these services. The Solid Waste Fee has been increased from \$100.00 to \$115.00 per year. This will cover the increased costs of fuel, labor, supplies and the pick up of trash on our streets, the beach and the use of the dumpsters. Also added in this Fiscal Year Budget is the funding of one new full time fire position and one new full time police officer.

I would like to thank the Mayor and the Board of Aldermen for their valuable input in developing the Fiscal Year 2005-2006 Budget. I would also like to acknowledge the contribution of effort by the Town's staff in the preparation of the fiscal budget.

Mike Yawn applauded the Board of Aldermen and staff that they balanced the budget without using the fund balance. He said that he had concerns on beach nourishment funding since there doesn't seem to be any federal money that we could count on and we were not guaranteed County money. He also said that there is significant funding from the state that we were counting on and we have a Bond issue to look at. Mr. Yawn requested that the Board be sure that they have funding with all the pieces to do beach nourishment and approval from voters. He said that we should not spend money on permits when we can't do the whole project and we should not go forward until we know that this will be funded.

Mr. Yawn noted that revaluation will raise house values up 50% to 100 % or more. He said it would be a bad idea to leave the tax rate flat and count on a boost in property values and that it would drive people off the beach. Mr. Yawn said that in 2006 the Board should think of reducing the tax rate and remain revenue neutral.

Alderman Smith asked if there was grant money for the fire department. Thomas Best noted that the grants are from D.O.T and he hasn't received all the facts yet.

Alderman Farley said that he didn't see state money for the beach nourishment project and we were assured that we would get state money for this. Alderman Godwin said that we were assured by the federal government that we would be funded and now we are not. As a general rule they fund these projects, but it's too early yet. Mayor Knowles said that some of the funding allocated is still valid and we have to do something in order for them to pay us. Alderman Farley said that if they are paying ½ of this then this budget is not right and we would have excess money in that account. He said that he had requested information to work on this budget and that he never received it and he didn't think that he could support this budget without the information he wanted. Mayor Pro Tem Handy noted that all the documents are in the finance office for review. Alderman Farley felt that the procedure to receive information had to change. Mr. Cassell said that he was sympathetic and he would try to do his best to get that information to everyone.

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***Alderman Duane moved, seconded by Alderman Godwin to close the Public Hearing. The motion passed unanimously.***

**APPROVAL OF AGENDA:**

Alderman Duane requested that the Fire Dept. report in the consent agenda be pulled for review. Alderman Farley requested that the May 5<sup>th</sup> Board minutes be pulled for review and that the zoning maps be discussed.

***Alderman Duane moved, seconded by Alderman Smith approval of the Agenda as amended. The motion passed unanimously.***

Mayor Knowles announced that Thomas Best has been with the Town for 15 years and was probably the 2<sup>nd</sup> person to get a paycheck from this town and he thanked him for his service.

**COMMITTEE REPORTS:**

**Beach Nourishment – Becky Bowman**

On May 24<sup>th</sup>, the full House passed its FY06 Energy and Water Appropriations bill. No funding for either Topsail Island beach nourishment project was included. No money was included for maintenance dredging for the Intracoastal Waterway or N.C.'s 5 shallow draft inlets. The bill does however limit the Corps' flexibility to use "reprogramming" or transferring funds between different projects. Hopes are that the Senate bill will look different than the House bill and will not reflect the extreme cuts proposed by the House.

The Senate Environment and Public Works Committee on April 13 approved its Water Resources Development Act of 2005, S. 728. Most importantly, this Senate bill strongly supports 50-year beach projects and continued federal partnerships with state and local governments for shore protection. It also states that preference shall be given to areas where federal funds have been invested and areas where Federal navigation projects have caused the need for prevention. The House will consider its version in June.

The Notice of Intent for the CPE/CBRA area Environmental Study was posted in the Federal Register on May 17. Also posted was notice that the Corps is holding a Scoping Meeting to solicit comments from the public and to identify issues to be addressed in the Draft EIS. It is to be held at Dixon High School on Wednesday, June 8<sup>th</sup> at 6 p.m.

Our next Beach Nourishment committee meeting will be June 14 at 6:30 pm in Town Hall.

On June 22 at 7 pm, Jeff Warren, DCM DENR, will make a presentation on Proposed Sediment Compatibility Standards for Beach Nourishment Projects to the 3 towns beach nourishment committees here at NTB Town Hall. He made a similar presentation at the NC Coastal Communities Conference in Emerald Isle.



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Alderman Farley asked if anyone had heard if money was allocated to Topsail Beach. Mrs. Bowman noted that no money has been approved for 2006. Mayor Knowles asked the status on State Bill 1542 – inlets and waterways and Mrs. Bowman said that Steve Walter would be giving the committee a report.

**Planning Board – Steven McGrane, Chairman:**

A meeting of your Planning Board was held on May 12, 2005. There were three items on the agenda. The first item was the Preliminary Plat Review for the Taylor Subdivision (located on New River Inlet Road across from the Baptist Church). The Board of Aldermen approved the rezoning application for this subdivision in February (rezoned from R-20 Residential to CUR-15 Residential, Single Family Only) and we reviewed the plat and recommend that it be approved.

The second item was to review the sketch plan for Ocean Wynds IV (located on New River Inlet Road, north of the Baptist Church). The preliminary plat for this subdivision was approved three years ago but was void because the final plat was not submitted within the time limit so the preliminary plat is being resubmitted.

The last item was the election of a new vice-chairman and Paul Dorazio was elected the new vice-chairman. The next meeting will be June 9, 2005.

**Board of Adjustments – Dick Peters:**

Mr. Peters said that they had two requests. One was for a pre-existing nonconforming setback to come out 8 feet and construct a deck and that was denied. The second request was for a construction of a residential home in a nonconforming lot zoned R5 and the request was to build on a 2500 sq. ft. lot which was below the minimum requirement for an R5 and that was denied. Alderman Farley asked how many times could a request be brought back up and once they have been turned down shouldn't they have to go to court. Alderman Godwin said that there is a clause that states that the applicant has to wait 6 months to a year to bring the same request back.

**Recreation & Appearance Committee –Bill Horstmann, Chairman:**

On behalf of the Recreation and Appearance Committee, I would like to say thanks to everyone involved in providing NTB with a beautiful Park. It is an outstanding recreation facility and a very attractive place for families and friends to gather and enjoy themselves. You should be very proud of this new facility.

- Annual Spring Yard Sale on Saturday, May 28, 2005 – Very Successful!!!
  - Donated merchandise
  - Sale of T's and Hats with NTB Logo
  - Refreshments
  - Raffle
  - Approx. \$1,900.00 Total
  - Raffle Winners

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- Hand Painted Table - Beth Craft
- \$50 Gift Certificate to Atlantis Restaurant – Jen Haglund
- \$40 Gift Certificate to Rick's Restaurant – Ben Daniel
- \$20 Gift Certificate to Sea Turtle Restaurant – Kathy Goguen
- We have submitted an order for 16 additional Snowflakes
  - Same size and design
  - Same company
- The committee has replanted the flower beds at both Fire Stations and the flower beds at both Entrance Signs.
- We have participated in Governor Mike Easley's Clean Sweep Program,
  - Picking roadside trash along our major highways

Proposal:

- Our Committee is proposing changes to our existing flower bed around the flag pole at Town Hall.
  - Reduce the size of the existing bed.
  - Resulting in much needed additional parking.
  - Install a small circular landscape around the flag pole
  - Include irrigation

Mr. Cassell thanked Mr. Horstmann and the committee for all of their hard work on the yard sale.

**Transportation Committee – Jean Miller:**

Mrs. Miller said that she was reporting on behalf of Will Evans. The Transportation Committee met on May 25<sup>th</sup> and she noted that Shelia Cox announced that there is a community bike ride on June 11<sup>th</sup> to promote the Share the Road Bike Project. The project is to continue the 4 ft. lanes along Highway 210 from beach access number 2 to Surf City. D.O.T is interested in promoting health and recreation. The Bike Ride will begin at 9:00 am at Town Hall. A workshop will follow at Town Hall to give input on ideas and concerns. The bike path from Town Hall to the Town Park is now set to start June 6<sup>th</sup> and the contractor will be working Monday through Thursdays with a completion date around Labor Day.

Mrs. Miller questioned the speed limit of 55 mph on the short span of Highway 210. Mayor Knowles said that they were working on that issue with D.O.T. and working on a caution light. Mrs. Carbone, Town Clerk, noted that the 55 mph issue has been brought forward to D.O.T. many times and each time they denied lowering the speed.

**OPEN FORUM:**

A citizen from Island Dr. asked if the bike path would end at the black top and not from the white line. He also questioned the "Roll Back Service" that was provided last year for trash cans and noted that we need it and he also felt that

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the realtors should bear the responsibility of the cost. (That issue is being looked into.)

Mayor Pro Tem Handy said that he had been advised that the vehicles used last year are out of service now because of the rough treatment of them. Dan Tuman of 3944 River Road had a concern with the May 5<sup>th</sup> minutes. He felt at last month's meeting that the attorney's report on the property on River Road was satisfactory, but he was not happy with the minutes. Mr. Tuman said that he understood that the attorney had reviewed River Road and he determined that the property could not receive a building permit for the effective lots and case law was clear and owners were not entitled to anything. He said the attorney also mentioned that he contacted Attorney Wright's office and left a message regarding the town's position on this matter and that was not in the minutes.

Mike Yawn of Tamarix Court had an issue on the bike path. He noted that he runs a lot on that path and homeowners gravel all the way to the white line and it is not safe and he encouraged homeowners not to do that. He felt that the State should fix any gravel issues.

Mayor Pro Tem Handy noted that the Town requires that homeowners cannot hook up a nonporous driveway to the street. Builders put gravel on there and after continual use it goes into the street.

**CONSENT AGENDA:**

The consent agenda consisted of the April 13<sup>th</sup> Board Meeting minutes, Department Head Reports and Benefit Accrual Report.

*Alderman Duane moved, seconded by Alderman Godwin approval of the Consent Agenda as amended to remove the May 5, 2005 minutes and the Fire Dept. report. The motion passed unanimously.*

**OLD BUSINESS:**

**a. Resolution to Set a Public Hearing to Discuss Amendment to Articles of Incorporation of ONWASA:**

At the March Board meeting staff had presented a Resolution to set a public hearing to change the membership of Onslow County in ONWASA. That resolution was not approved by the Board of Aldermen. In order for the changes to take place in membership, all of the towns in Onslow County had to agree to hold a public hearing. Therefore, Onslow County could not pursue increasing their membership.

The change that would be discussed at the Public Hearing would be that each member government of ONWASA be entitled to appoint persons to ONWASA's Board other than members of its own governing body.

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**Mayor Pro Tem Handy moved, seconded by Alderman Godwin to approve the Resolution to Set a Public Hearing on July 7, 2005 to Discuss an Amendment to the Articles of Incorporation of ONWASA. The motion passed unanimously.**

**RESOLUTION TO SET A PUBLIC HEARING ON JULY 7, 2005 TO DISCUSS AN AMENDMENT TO THE ARTICLES OF INCORPORATION OF ONSLOW WATER AND SEWER AUTHORITY**

**WHEREAS,** The Board of Directors of the Authority initially shall have eight members, two appointed by the Board of Commissioners for the County of Onslow, NC, two appointed by the City Council of the City of Jacksonville, NC, one appointed by the Board of commissioners of the town of Swansboro, NC, one appointed by the Board of Aldermen of the Town of Richlands, NC, one appointed by the Board of Aldermen of the Town of North Topsail Beach, NC, one appointed by the Town Council of the Town of Holly Ridge, NC. Only elected officials of the governing bodies of member political subdivisions may be appointed to the Board of Directors of the Onslow Water and Sewer Authority; and

**WHEREAS,** The Articles of Amendment will delete the requirement that only elected officials of the governing bodies of member political subdivisions may be appointed to ONWASA's Board of Directors and re-writes the first paragraph of paragraph (6) of the Articles of Incorporation to read as follows:

(6) The Board of Directors of the Authority initially shall have eight members, two appointed by the Board of Commissioners for the County of Onslow, NC, two appointed by the City Council of the City of Jacksonville, NC, one appointed by the Board of commissioners of the town of Swansboro, NC, one appointed by the Board of Aldermen of the Town of Richlands, NC, one appointed by the Board of Aldermen of the Town of North Topsail Beach, NC, one appointed by the Town Council of the Town of Holly Ridge, NC.

**NOW, THEREFORE, BE IT RESOLVED,** that the Board of Aldermen of North Topsail Beach does hereby agree to hold a Public Hearing on July 7, 2005 and advertise said hearing at least 10 days prior to the Public Hearing to discuss the amendment to the Articles of Incorporation of Onslow Water and Sewer Authority.

Adopted this the 2<sup>nd</sup> day of June, 2005.

**b. May 5<sup>th</sup> minutes:**

Alderman Farley asked if we were getting what we are saying now and what could we do in the future to ensure that the minutes are audible on the tapes. Mayor Knowles said that we were looking into an updated system. Attorney Kilroy noted that what he said at the meeting is on the tape and basically the first two sentences he said were true. It is a fact that they recombined lots and it is unclear if the two northern lots are in a conservation district or not. In saying that Mr. Jackson does not have vested rights in his property, that statement could be ambiguous. When a person goes through the process and gets approval for a site specific plan, then they have a vested right. In regard to Alderman Farley questioning the lots being recombined even if they were zoned Con-D; Attorney Kilroy did not recall his exact words. Attorney Kilroy said that the only way we could legally change zoning is through the actions the Board takes at a meeting. Mayor Knowles noted that he looked at the recommendations of Mr. Richter on

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that particular property and it was to go back to Con D since that is what it was originally. Attorney Kilroy mentioned that there was a tidal pond in that area years ago.

Mr. Tuman said that apparently Attorney Kilroy is denying that he made the statements that he made in his comments and asked if he didn't say that the property owners could not receive a building permit for these lots. Attorney Kilroy stated that what he said was on the tape and he was just addressing what is in the minutes. Mr. Tuman asked the attorney if he stated case law and Attorney Kilroy said that he could not remember. Mr. Tuman asked if he stated that he contacted Attorney Wright's office and Attorney Kilroy said that he has had several conversations with that office and he could have addressed that point. Mr. Tuman said that he was here and it wasn't in the minutes and the comments were important to him and his neighbors.

Alderman Farley said that he did remember discussion of case law in reference to the fact that if those properties, regardless of any changes, they would not be entitled to R10 zoning. It was also mentioned that Attorney Wright was contacted by our attorney. His question was that if the property was Con D, does the recombination still stand and he thought it was clear that it did not stand. Mr. Tuman said that he was concerned that when we addressed this with Mr. Richter a month ago regarding all of the properties at issue, that this particular property was singled out that it was in the hands of our town attorney. Mayor Knowles said that changed after speaking with Mr. Richter who said that we could not single out any one property and had to treat them all the same. Mr. Tuman questioned if the two lots in the New River Beach property would be addressed by Mr. Richter. Mr. Tuman said that this is a very specific legal issue on River Road and we don't want to expend money or sue the town on something that can be handled rather easily.

Mayor Knowles asked the Board if they wanted to approve the minutes as written. Alderman Duane said that she has noticed that from time to time there are some important comments that are not stated and she suggested using two tape recorders. Mrs. Carbone noted that she uses a computer to take minutes and Mrs. Watkins writes the notes in long hand and listens to the tapes, but that the minutes are not meant to be "verbatim". Alderman Duane said that there are times that we need verbatim comments. Mr. Cassell said that staff would look into purchasing new equipment.

***Alderman Smith moved, seconded by Alderman Godwin to approve the minutes as read. Alderman Duane said that she would like to note Mr. Tuman's comments. Alderman Smith said that part of the motion should include investing in a new sound system.*** Alderman Farley said that it was important to have Attorney Kilroy's comments correctly and he thought it was

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clear to him that they were not sub-dividedable lots. Alderman Duane requested that we correct the sound system by next month's meeting.

***The motion passed 4 to 1 with Alderman Farley voting nay.***

**c. Zoning Maps:**

Mr. Cassell noted that in order to hold a Public Hearing in late July we would have to advertise for 4 weeks and notify all property owners who would be affected by this.

A zoning map workshop is set for June 9<sup>th</sup> at 6:30 p.m. and the Board of Aldermen had a Four Town Meeting at the same time and the Board decided that the Workshop would begin at 5:00 p.m. to enable all members to be present.

Alderman Farley noted that he had a lot of questions and issues and felt that we needed more meetings in regard to the zoning maps. Mr. Cassell said that Mr. Richter is making his recommendations at the workshop. Alderman Farley said that he was not comfortable with the maps that we have. Mr. Cassell said that what we have is what we will use at this time and Alderman Farley again said that he was not comfortable with the maps. Mayor Knowles felt that the map was as close to the original as you could get. Alderman Farley said we have been using three maps and someone said that the crayon map that they were just working on held credibility and he felt that we need to hash out more things. Mr. Cassell noted that Mr. Richter said that he would use the information to see the different points in time and two or three of the maps were valid at different points and he said that we should not continue to look in the past.

Alderman Farley said that no one in this town was concerned about spending the time and getting this right and the nine man task force met only once. Mr. Cassell said that Mr. Richter was satisfied with the changes and he was ready to make corrective action and it is a matter of bringing those items to your attention for your review. Mayor Pro Tem Handy said that there was a conflict on the crown map and he only used that map to justify the other maps. Mayor Knowles noted that if it didn't go through the Planning Board and Board of Aldermen, then the zoning was not legal.

Sue Tuman, 3944 River Rd said that Mr. Cassell remarked that we had to wait to advertise a rezoning, but this is not a rezoning and we do not need a long advertising period for a public hearing. Mayor Pro Tem Handy said that some people would look at it as a rezoning and it would be safe to notify everyone. Mr. Cassell said that it was a poor choice of words on his part, but any change in zoning is as important as initial zoning. You have to do more to notify and advertise.

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**d. Fire Department Report:**

Alderman Duane questioned the personnel response to incidents. She noted that Thomas Best and George Moore responded most of the time. She asked which of the lower responders were full time Fire Fighters and why their response to incidents were so low. Mr. Best noted that he and the Assistant Fire Marshal are first responders and the firefighters are not. Also, Mr. Best said that they run EMS and the firefighters don't and it depends on the time of the call too.

**NEW BUSINESS:**

**a. Budget FY 2005-2006 – Ordinance Making Appropriations:**

**Ordinance Making Appropriations for Fiscal Year Beginning July 1, 2005:**

***Alderman Smith moved, seconded by Alderman Godwin to approve the Ordinance Making Appropriations for Fiscal Year Beginning July 1, 2005.***

Alderman Farley said that he did not support the budget because he didn't support the personnel that would be hired and he was concerned that we were not making cuts to make efficient use of our money. Also, when looking at revaluation in 2006, we haven't shown a desire to cut expenses. If values go up and we are getting a lot more money, he was not comfortable that we would use it wisely.

Alderman Duane said that she was concerned that the Board did not consider hiring two part time firefighters in lieu of one full time and there is a problem recruiting people for the fire department.

***The motion passed 4 to 1 with Alderman Farley voting nay.***

**Ordinance Making Appropriations for the  
Fiscal Year Beginning July 1, 2005**

**Be It Ordained:**

**Section 1: That the following appropriations are hereby made to the General Fund for the Town of North Topsail Beach and that the following revenues are anticipated to be available during the fiscal year to meet these appropriations:**

**GENERAL FUND**

**Appropriations**

Governing Body	\$72,050.00
Administration	\$370,445.00
Planning/Zoning	\$49,668.00
Inspections	\$82,744.00

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Police Department	\$722,731.00
Public Works	\$157,612.00
Fire Department	\$337,778.00
Public Facilities	\$85,012.00
Recreation	\$12,000.00
Committees	\$19,800.00
Streets	\$24,500.00
Refuse	\$233,564.00
Dune Maintenance	\$0.00
Contingency	<u>\$0.00</u>
	\$2,167,904.00

### Revenues

State	\$259,463.00
County	\$45,000.00
Town	\$153,951.00
Outside Sources	\$12,500.00
Property Tax	\$1,333,606.00
Refuse	\$288,050.00
Appropriated Fund	
Balance	\$0.00
Interest	\$30,000.00
Grants	<u>\$45,334.00</u>
	\$2,167,904.00

**Section III: That appropriations herein authorized shall have the amount of outstanding purchase orders as of June 30, 2005, added to each appropriation as it appears in order to account for the payment against the fiscal year in which it is paid.**

**Adopted this the 2<sup>nd</sup> day of June 2005.**

**Ordinance Making Appropriations for Fiscal Year Beginning July 1, 2005**

**Be It Ordained:**

**Section 1: That, pursuant to North Carolina General Statutes 159-13.2, the following appropriations are hereby made to the funds listed in the schedule below and that the following revenues are estimated to be available during the fiscal year to meet these appropriations in the respective funds:**



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## Special Revenue Fund – Beach Nourishment

Account	Description	Recommended Budget
20-301-00	Accommodations Tax-Local	\$400,000.00
20-301-01	Onslow County- Accommodations Tax	\$300,000.00
20-301-05	Beach Nourishment/Dune Stable (5 cents from property taxes for beach nourishment activities)	\$164,950.00
20-317-00	Penalties and Interest for failure to pay Accommodations Taxes in a timely manner	\$0.00
20-335-01	State Non-Federal Projects, CBRA	\$0.00
20-348-00	State Federal	\$0.00
	<b>Total</b>	<b>\$864,950.00</b>

*Expenditures*

Account	Description	Recommended Budget
20-720-02	Salaries	\$13,000.00
20-720-04	Professional Services General	\$40,000.00
20-720-05	FICA	\$1,000.00
20-720-07	Retirement	\$520.00
20-720-08	CBRA Permits (Environmental Impact Study)	\$552,000.00
20-720-09	Feasibility Study CBRA	\$0.00
20-720-10	Marlowe Contract	\$23,000.00
20-720-11	Shoreline Commission	\$10,000.00
		\$0.00
20-720-14	CBRA Mitigation- Professional Services	\$22,230.00
20-720-15	M&R Dunes- Plants & Sand Fence	\$45,000.00
20-720-26	Advertising	\$5,000.00
20-720-33	Administrative (legal, permit fees, and easements purchases )	\$60,000.00
20-720-45	Contracted Services General	\$50,000.00
20-720-46	Federal Contracted Services	\$0.00
20-720-99	Contingency	\$43,200.00
	<b>Total</b>	<b>\$864,950.00</b>

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**Capital Project North Topsail Beach  
Bicycle Path Phase I**

<b>Account</b>	<b>Description</b>	<b>Continuing Budget</b>
40-348-00	NC DOT Bikeway Enhancement Grant	\$175,000.00
40-343-01	Powell Bill Funds - NTB FY 03-04	\$20,828.00
40-343-02	Powell Bill Funds - NTB FY 04-05	\$31,498.00
40-399-00	Appropriated Fund Balance	\$19,700.00
<b>Total</b>		<b>\$247,026.00</b>

*Expenditures*

<b>Account</b>	<b>Description</b>	<b>Continuing Budget</b>
40-560-02	Salaries	\$8,000.00
40-560-04	Engineering & Design	\$25,500.00
40-560-05	FICA	\$613.00
40-560-07	Retirement	\$480.00
40-560-15	Mobilization & Storm Drainage (repair existing concrete)	\$12,950.00
40-560-16	Signage & Marking--Barriers	\$17,000.00
40-560-45	Bike path Construction	\$140,250.00
40-560-46	Fill - Town Hall Area	\$10,800.00
40-560-53	Administrative-Legal	\$19,400.00
40-560-99	Contingency	\$12,033.00
<b>Total</b>		<b>\$247,026.00</b>

**Capital Project North Topsail Beach  
Bicycle Path Phase II  
Share the Road**

*Revenues*

		<b>Continuing</b>
<b>Account</b>	<b>Description</b>	<b>Budget</b>
60-348-00	NC DOT Federal Enhancement Funds	\$267,750.00
60-348-01	Powell Bill Funds 2005-2006	\$31,498.00
60-348-02	Powell Bill Funds 2006-2007	\$31,498.00
60-399-00	Appropriated Fund Balance	\$3,944.00
	<b>Total</b>	<b>\$334,690.00</b>

*Expenditures*

		<b>Continuing</b>
<b>Account</b>	<b>Description</b>	<b>Budget</b>
60-560-04	Salaries	\$12,500.00
60-560-04	Engineering & Design	\$20,740.00
60-560-05	FICA	\$956.00
60-560-07	Retirement	\$625.00
60-560-15	Environmental Clearances: Sediment-Erosion Control, Storm Drainage, Major CAMA Permit	\$12,500.00
60-560-16	Signage & Marking	\$33,000.00
60-560-17	Road Intersection & Driveway Modifications	\$38,000.00
60-560-33	Construction Admin & Inspection	\$9,200.00
60-560-45	Bike path Construction	\$184,000.00
60-560-46	Survey- Right of ways	\$10,500.00
60-560-99	Contingency	\$12,669.00
	<b>Total</b>	<b>\$334,690.00</b>

FY 2005-2006  
CAPITAL PROJECT  
FEMA WIND SHELTER

*Revenues*

		<b>Recommended</b>
<b>Account</b>	<b>Description</b>	<b>Budget</b>
70-348-00	FEMA Federal Grant	\$560,625.00

	<b>Total</b>	<b>\$560,625.00</b>
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*Expenditures*

Account	Description	Recommended Budget
70-500-02	Salaries	\$0.00
70-500-04	Appraisal	\$4,625.00
70-500-05	FICA	\$0.00
70-500-07	Retirement	\$0.00
70-500-08	Surveying	\$0.00
70-500-12	Permits	\$5,000.00
70-500-16	Construction	\$475,000.00
70-500-17	Engineering-Design	\$60,000.00
70-500-26	Advertising	\$1,000.00
70-500-33	Construction Admin & inspections	\$15,000.00
70-500-99	Contingency	\$0.00
	<b>Total</b>	<b>\$560,625.00</b>

**Section II:** That appropriations herein authorized shall have the amount of outstanding purchase orders as of June 30, 2005 added to each appropriation as it appears in order to account for the payment against the fiscal year in which it is paid.

Adopted this 2<sup>nd</sup> day of June 2005.

**b. Resolution to Adopt National Incident Management System:**

In order to continue to be eligible for Federal and State Homeland Security (HLS) grants, the Town needs to adopt the National Incident Management System (NIMS) as the official command and control system for use in North Topsail Beach.

The Governor has adopted a similar resolution for the State of North Carolina and Onslow County has also adopted NIMS.

***Alderman Duane moved, seconded by Alderman Smith approval of the Resolution to Adopt the National Incident Management System. The motion passed unanimously.***

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Mr. Best noted that this Resolution is tied into our federal monies. We will be asked if we adopted it and this is nationwide and staff is required to take a test online.

***The motion passed unanimously.***

**RESOLUTION TO ADOPT THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) BY THE BOARD OF ALDERMEN OF NORTH TOPSAIL BEACH**

**WHEREAS,** the President in Homeland Security Directive (HSPD)-5, directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for Federal, State, local, and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to, and recover from domestic incidents, regardless of cause, size, or complexity; and

**WHEREAS,** the collective input and guidance from all Federal, State, local, and tribal homeland security partners has been, and will continue to be, vital to the development, effective implementation, and utilization of a comprehensive NIMS; and

**WHEREAS,** it is necessary and desirable that all Federal, State, local, and tribal emergency agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management; and

**WHEREAS,** to facilitate the most efficient and effective incident management it is critical that Federal, State, local, and tribal organizations utilize standardized terminology; standardized organizational structures; interoperable communications; consolidated action plans; unified command structures; uniform personnel qualification standards; uniform standards for planning, training, and exercising; comprehensive resource management; and designated incident facilities during emergencies or disasters; and

**WHEREAS,** the NIMS standardized procedures for managing personnel, communications, facilities, and resources will improve the Town's ability to utilize federal funding to enhance local and state agency readiness, maintain first responder safety, and streamline incident management processes; and

**WHEREAS,** the Incident Command System components of NIMS are already an integral part of various incident management activities throughout the State, including current emergency management training programs; and

**WHEREAS,** the North Carolina Emergency Response Commission, by unanimous vote, formally endorses the National Incident Management System for use in incident management and emergency prevention, preparedness, training, response, recovery, and mitigation programs and activities.

**NOW, THEREFORE,** the Town of North Topsail Beach does hereby establish the National Incident Management System (NIMS) as the Town's standard for incident management for its use in daily operations.

Adopted this 2<sup>nd</sup> day of June 2005.

**c. Ordinance for Adoption of the 2005 National Electrical Code:**  
The Town of North Topsail Beach is required to adopt the 2005 National Electrical Code. The Ordinance will be added to Section 7-313 under Inspections.

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**Alderman Smith moved, seconded by Alderman Duane to approve the Ordinance for Adoption of the 2005 National Electrical Code for the Town of North Topsail Beach. The motion passed unanimously.**

**ORDINANCE FOR ADOPTION OF THE 2005 NATIONAL ELECTRICAL CODE FOR THE TOWN OF NORTH TOPSAIL BEACH**

An ordinance of the Town of North Topsail Beach adopting the 2005 edition of the National Electrical Code, regulating and controlling the design, construction, quality of materials, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of electrical performance in the Town of North Topsail Beach; providing for the issuance of permits and collection of fees therefore when used with money; repealing any other ordinance of the Town of North Topsail Beach and all other ordinances and parts of the ordinances in conflict therewith.

The Mayor and Board of Aldermen of the Town of North Topsail Beach does ordain as follows:

**Section 7-313. National Electrical Code.**

a. That certain documents, of which are on file in the office of the Building Inspector and the Town of North Topsail Beach, being marked and designated as National Electrical Code, including Annex Chapters (A, B, C, E, and F).[ See National Electrical Code Section 10.1, 2005 edition]), as published by the NFPA and is hereby adopted as the code of the Town of North Topsail Beach for regulating the design, construction, quality of materials, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of electrical performance in the Town of North Topsail Beach; and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such National Electrical Code, 2005 edition, published by the NFPA on file in the office of the Building Inspector are hereby referred to, adopted and made a part hereof as if fully set out in this ordinance.

b. That if any section, subsection, sentence, clause or phase of this ordinance is, for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Town of North Topsail Beach hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause or phase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phases be declared unconstitutional.

c. That the Inspections Department is hereby ordered and directed to cause this ordinance to be published.

d. That this ordinance and rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effective June 2, 2005 from and after the date of its final passage and adoption.

Adopted this 2<sup>nd</sup> of June, 2005.

**d. Budget Amendment #5:**

This Budget Amendment includes any increases or decreases in the budget since our Finance Officer has been on leave.

This Amendment is necessary in order to balance the budget for Fiscal Year 2004/2005.

**Alderman Smith moved, seconded by Mayor Pro Tem Handy to approve Budget Amendment #5.**

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Alderman Farley noted that there were a lot of changes that were significant and there was a 30% increase and he questioned the increases. Mr. Cassell said that we have gone through three months without any budget amendments since the Finance Officer has been off on maternity leave. Typically there is always a budget amendment at the end of a fiscal year. Alderman Farley said that the Treasurer suggests that you spell out what those changes are.

Alderman Smith said that we have to balance the numbers and he was concerned too, but he realized that it had been three months without a budget amendment. Some line items have been lowered and some have been raised. Alderman Farley noted that it cost us \$6,000 to collect taxes. Mayor Knowles said that we have gone over this since the Town was incorporated. It would cost the Town three times as much of the cost of the County doing the taxes for us. Alderman Farley said that it is more than 25% of the revenue. Alderman Godwin stated that we have no control over the retirement and we are catching up. Mayor Knowles noted that Mrs. King said that there were a couple of misfigures in retirement. Alderman Farley felt that we should get all the details.

Alderman Duane said that she was surprised the flood insurance was lower and Mrs. Carbone explained that the rate did not go up this past year. Alderman Duane questioned where we were with the Wind Shelter and Mrs. Carbone said that she spoke to Mr. Crew in Raleigh and he still had the application on his desk, but he did not think that we would qualify for the Wind Shelter.

Mayor Pro Tem Handy said that Mrs. King had a reason for all of the changes, i.e., fuel and oil for the cars. Alderman Farley stated that there was an \$80,000 budget increase and the procedure of receiving information has to change.

***The motion passed 4 to 1 with Alderman Farley opposing.***

**MANAGER'S REPORT:**

1. On May 9<sup>th</sup> staff attended the Budget Workshop and the Town Manager's contract was signed. May 20<sup>th</sup> was my start date and we had an introductory staff meeting at 9:30AM.
2. On May 23<sup>rd</sup> staff met with Planning Consultant Tom Richter. He was in the office for the entire morning finalizing recommendations on Zoning. Mr. Richter will meet with the Planning Board on June 9<sup>th</sup>.
3. Staff met with Shane Lippard of Right Angle Engineering, Bret Horne of Horne Paving and Striping and Steve Gurganus and Douglas Racine of NC DOT for a Pre-Construction Conference for the Multi-Purpose Bike Path on May 24<sup>th</sup>. Mr. Horne hopes to initiate construction on June 6<sup>th</sup>. NC DOT approved a waiver to the Town's Encroachment Agreement that would have prohibited construction activity during daylight hours. Consequently, the contractor can work in the right-of-way from Monday through Thursday, 9:00 AM to 4:00 PM.

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4. A Staff Meeting was held in the afternoon of May 24<sup>th</sup>. Staff also attended the Topsail Island Shoreline Protection Committee along with Alderman Buddy Godwin at the Surf City Town Hall at 5:30 PM and thereafter attended the Town of North Topsail Beach's Budget Workshop at 6:30 PM.
5. On May 25<sup>th</sup> staff attended the Onslow County Mayor's Meeting along with Mayor Pro Tem Fred Handy. The new Onslow County Manager was in attendance however; his start date is June 13<sup>th</sup>.
6. On May 26<sup>th</sup>, staff met with Don Betz who visited the Town Hall. Also, that same day staff met Mr. Dick Barnes who is very much interested in developing some land (former spoil island) that he and others own along ICWW just north of the NC 210 Bridge. Staff also spoke to Mr. Ed Beck of the NC Division of Water Quality, Wilmington Regional Office (WRO) regarding the odor from the pumping station. He stated that they had addressed that issue recently in a letter to Don Betz in October 2004. He stated that he would continue to monitor the situation however; odor is not addressed in their regulations. Nevertheless, he stated that there are steps that the utility company can take to try to improve the situation. Alderman Farley questioned Dick Barnes' comments. Mr. Cassell said that he also spoke to Mayor Pro Tem Handy of his interest in developing property that he and others own. Mayor Pro Tem Handy said that Mr. Barnes just came into the office and spoke of his plans that he had and he was concerned that it would be zoned Con D. He told him that whatever the zoning is right now it would be corrected so that each property is handled uniformly. Alderman Farley said that he has heard several times that people were trying to develop that piece of property and it is Con D property. Sue Tuman said that the spoil island was never to be developed.
7. On May 26, staff attended the Topsail Island Chamber of Commerce's Business After Hours at the Chamber's offices.
8. On May 27, Staff met with David and Roy Poole who operate Poole Maintenance and Repair, Inc. of Emerald Isle, NC. They will provide us estimates of the rollback and the rollup refuse container service. Two items they emphasized: 1) the need for a local ordinance which is endorsed and promoted by the local real estate companies and 2) that ultimately the Town of North Topsail Beach will need both the rollup and rollback service.
9. On May 27<sup>th</sup>, Staff hand delivered the pre-application for the CAMA Beach Access Grant Program to the WRO of EHNR/DCM.
10. Staff attended the Four Town Manager's Breakfast meeting on June 1<sup>st</sup> to review the agenda for the Four Town Meeting set for June 9<sup>th</sup>. Staff from the Island towns will meet on June 29<sup>th</sup> in Surf City to discuss joint evacuation procedures.
11. Onslow County Emergency Management has asked that the Town appoint a liaison to the EOC who would communicate with the Town during hurricanes. This person would stay at the EOC and would be a vital link between the town and the County. Does anyone have any suggestions as to who this person should be? Alderman Duane volunteered to be the liaison to the EOC.
12. Mr. Bender's office responded to me with information on the surplus land that the County owns in the Stump Sound Township. Attached is a list of ALL the surplus land in Stump Sound Township that is currently owned by Onslow County. These were tax foreclosures at some point and time. Most were acquired in 1997 after Hurricanes Bertha and Fran. All these parcels have been available to the public to bid on for years. Any citizen may come in and make an offer. Recently, (about 3 weeks ago) a person came in and made an offer on the following parcels: 807-4; 811-9; 812-3; 812-4; 812-5; 812-6; 812-7; 812-7.1; 812-7.2; 812-7.3; 812-8; 812-10. The original offer was made for \$100 each. They have had another upset offer and now it is at \$110.00 each. The deadline was Tuesday the 31st at 11:00 am. Since these have already been upset, a new notice will be published in the paper on Friday, June 3rd and then they will wait another 10 days to see if we receive any other upset offers.

Mayor Knowles recommended Alderman Farley, Mr. Cassell and himself to review the upset bid process.



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Upcoming Events:

1. June 8<sup>th</sup>, at 6:00 PM --The US Army COE will be conducting a scoping meeting at the Dixon High School Auditorium. The main purpose of the scoping meeting is to identify all the issues and inform all parties relating to the North Topsail Beach's Federal and Non-Federal shoreline protection projects for the Environmental Impact Statement (EIS). All Board members and citizens are invited to attend.
2. June 9<sup>th</sup>, 6:30 PM—North Topsail Beach Planning Board Meeting. It is anticipated that Planning Consulting Mr. Tom Richter will present his recommendations to the Planning Board.
3. June 9<sup>th</sup>, 6:30 PM—Four Town Meeting, Atlantis Restaurant.
4. June 14<sup>th</sup>, 6:30 PM—Beach Nourishment Committee Meeting – upstairs conference room.
5. June 14<sup>th</sup>, 6:30 PM—Recreation and Appearance Committee Meeting
6. June 17<sup>th</sup>, 10:00 AM—Ribbon Cutting Town Park
7. June 22-23, 9:00-5:00, I will attend the Hurricane Preparedness Class, Jacksonville EOC
8. June 22<sup>nd</sup>, Onslow County's Mayor Meeting, Jacksonville, 6:30 PM
9. June 22<sup>nd</sup>, NTB Transportation Committee Meeting, 6:30 PM
10. June 23<sup>rd</sup>, ONWASA Meeting, Swansboro, 6:30 PM

Alderman Farley questioned the roll back service on trash cans and asked if the town was paying for this service or individual homeowners. Mr. Cassell said we are just at the discussion stage and we have to see what they charge for the service. Alderman Farley said that he preferred that homeowners contract themselves. An Ordinance would require that trash would have to be brought back. Mayor Pro Tem Handy said that if you want control of cans being moved back it has to be town wide. Mayor Knowles felt that this would be a service that people are paying for with their taxes already. A citizen remarked that realtors get 18% to manage properties and they could hire someone.

**ATTORNEY'S REPORT:**

Attorney Kilroy said that there was nothing exciting and he was waiting for Mr. Richter to finish with the zoning maps. Alderman Farley questioned if we had heard from Attorney Wright in regard to the lots at the north end and Attorney Kilroy said that they are demanding information (all minutes since the conception of the town, a copy of our zoning ordinance and copies of our maps) and we will tell them to give us money for temporary help. (The law firm did send someone from their office to look at our minutes and to make copies, which they have paid for.)

**MAYOR'S REPORT:**

Mayor Knowles thanked Alderman Farley for taking his place in Raleigh on Town Hall Day and he thanked Mayor Pro Tem Handy for handling the meetings while he was sick. Mayor Knowles welcomed Tom Cassell, Town Manager and said that he was looking for a good rest of the year.

**ALDERMEN'S REPORT:**

Alderman Godwin reminded everyone that on June 8<sup>th</sup> a Scoping meeting will be held at Dixon High School at 6:00 pm and it was very important that we had a

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good attendance and many state agencies would be there. He said it was nice to see everyone at the meeting.

Alderman Smith thanked everyone for attending the meeting.

Alderman Duane welcomed Tom Cassell as the Town's new manager.

Mayor Pro Tem Handy said that he was glad to have the Mayor back. He acknowledged a couple from Maryland in the audience who took the time to come to the meeting and we appreciate it since our own town's people don't come. He also thanked everyone for attending the meeting.

Mr. Peters noted that the Board of Adjustments has lost one member and will lose another and he said that he would appreciate new members.

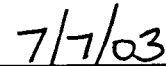
Alderman Farley questioned the number of alternates on the Planning Board. Mayor Knowles said that the Planning Board is a non-judicial board and the number of alternates has no bearing on this since no final decisions are made. Alderman Farley asked if we had to change our ordinance and Mayor Knowles said that he was concerned too, but if you want to change it you could. Attorney Kilroy noted that the Planning Board doesn't decide anything and they just gather information.

**ADJOURNMENT:**

***Alderman Duane moved, seconded by Alderman Godwin to adjourn the meeting at 9:05 p.m. The motion passed unanimously.***

Minutes prepared and submitted by Loraine M. Carbone, CMC, Town Clerk for North Topsail Beach.

  
\_\_\_\_\_  
Mayor W. Rodney Knowles

  
\_\_\_\_\_  
Date Approved

**TOWN OF NORTH TOPSAIL BEACH  
SPECIAL BOARD MEETING  
JUNE 20, 2005  
5:30 P.M.**

**PRESENT:**

Mayor W. Rodney Knowles, Mayor Pro-tem Fred Handy, Aldermen Laurie Duane, Richard Farley, Buddy Godwin, Don Betz, Town Manager, Loraine Carbone, Town Clerk, Mary C. Fairley, Attorney

**NOT PRESENT:**

Steve Smith (Alderman Smith came in after items were voted on)

**QUORUM:**

Mayor Knowles called the meeting to order at 5:30 p.m. in the North Topsail Beach meeting room and declared a quorum present.

**Resolution to Set Filing Fee for Elections:**

**Resolution to Set Filing Fee for Elections**

**WHEREAS**, Onslow County has determined that each Governing Board must set a filing fee for the primary or election; and

**WHEREAS**, the 2005 Municipal Election shall be on November 8, 2005; and

**WHEREAS**, the filing fee must be approved before June 30, 2005 so that the Board of Elections may attach the fee to the election schedule for the media and other interested citizenry; and

**WHEREAS**, the Governing Board shall have the authority to set the filing fee at not less than five dollars (\$5.00) nor more than one percent (1%) of the annual salary of the office sought unless one percent (1%) of the annual salary of the office sought is less than five dollars (\$5.00), in which case the minimum filing fee of five dollars (\$5.00) will be charged.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Aldermen for the Town of North Topsail Beach does hereby set the filing fee at **five dollars (\$5.00)** and this fee shall be paid to the Board of Elections at the time notice of candidacy is filed.

Adopted this 20<sup>th</sup> day of June 2005.

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**Mayor Pro Tem Handy moved, seconded by Alderman Duane approval of the Resolution to Set Filing Fee for Elections. The motion passed unanimously.**

**Budget Amendment #6:**

Mayor Knowles noted that we have increased attorney fees. Alderman Godwin asked how we could recoup our money. Mayor Knowles said that we would have to discuss that in a closed session and he would want the Town's attorney present for any discussions in regard to this issue.

**Alderman Duane moved, seconded by Mayor Pro Tem Handy to approve Budget Amendment #6. The motion passed unanimously.**

	<u>Account</u>	<u>Name</u>	<u>Budgeted</u>	<u>Increase Decrease</u>	<u>Amended Budget</u>
1	10-410-61	Litigation	\$8,500.00	\$13,473.00	\$21,973.00
2	10-420-02	Salaries	\$147,500.00	\$10,500.00	\$158,000.00
3	10-420-05	FICA	\$11,300.00	\$805.00	\$12,105.00
4	10-420-07	401K	\$4,450.00	\$315.00	\$4,765.00
5	10-420-26	Advertising	\$10,500.00	\$700.00	\$11,200.00
6	10-500-15	M&R Building & Grounds	\$23,000.00	\$9,500.00	\$32,500.00
7	10-580-45	Sanitation-Contract	\$173,000.00	\$16,500.00	\$189,500.00
8	10-695-93	Recreation & Appearance	\$3,781.00	\$2,568.00	\$6,349.00
9	10-720-15	Dune Maintenance & Repair	\$25,000.00	\$6,185.00	\$31,185.00
	10-999-00	Contingency	<u>\$25,280.00</u>	<u>\$24,958.00</u>	<u>\$50,238.00</u>
			\$432,311.00	\$85,504.00	\$517,815.00

Expenditures increased by: \$85,504.00

\$0.00

- 1 Litigation on Zoning Issue
- 2 Payout of Manager, temporary increase for Interim Manager and Assistant Finance Officer
- 3 & 4 Result of payout and increases
- 5 Increased advertisement for positions and CAMA Permits
- 6 Repairs and Painting Town Hall
- 7 Increased collections and tonnage
- 8 Offset by donations collected by the committee
- 9 Offset by 50/50 cost share received for plants

**ADJOURNMENT:**

***Alderman Duane moved, seconded by Alderman Godwin to adjourn the meeting at 5:35 p.m. The motion passed unanimously.***

Minutes prepared and submitted by Loraine M. Carbone, Town Clerk for North Topsail Beach.

  
\_\_\_\_\_  
Mayor W. Rodney Knowles

7/7/03  
\_\_\_\_\_  
Date Approved

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**TOWN OF NORTH TOPSAIL BEACH  
REGULAR BOARD MEETING**

**July 7, 2005  
7:00 P.M.**

**PRESENT:**

Mayor W. Rodney Knowles, Mayor Pro-tem Fred Handy, Aldermen Laurie Duane, Richard Farley, Buddy Godwin and Steve Smith, Tom Cassell, Town Manager, Christina Watkins, Deputy Town Clerk, Robert Kilroy, Attorney

**QUORUM:**

Mayor Knowles called the meeting to order at 7:00 p.m. in the North Topsail Beach meeting room and declared a quorum present.

**INVOCATION:**

Rev. Tom Greener, of the Faith Harbor United Methodist Church, gave the invocation.

**PLEDGE OF ALLEGIANCE:**

The Board of Aldermen and citizens present recited the Pledge of Allegiance.

**PUBLIC HEARING- AMENDMENT TO ARTICLES OF INCORPORATION ON  
ONWASA:**

*Alderman Duane moved, seconded by Alderman Smith to open the Public Hearing. The motion past unanimously.*

At the June 2, 2005 Board of Aldermen meeting a Resolution was approved to hold a Public Hearing to discuss the amendment to the Articles of Incorporation of Onslow Water and Sewer Authority.

The change removes the restriction from ONWASA's Charter that only elected officials of governing bodies of member political subdivisions may be appointed to ONWASA's Board of Directors.

Therefore, each member government of ONWASA will be entitled to appoint persons to ONWASA's Board other than members of its own governing body.

Alderman Smith said that in 1997 a group formed called "The Joint Utility Resource Team" (JURT). He said because we didn't have any money we decided that each representative would be an elected official so that they could bring in money from their jurisdiction. In April of 2000, JURT became Onslow County Water and Sewer Authority (ONWASA). Alderman Smith said the City of Jacksonville and Onslow County both have two representatives; Holly Ridge, Swansboro, Richlands and North Topsail Beach each have one representative.

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He said county water is good for us and county sewer will be good too. He said this is a great direction to take Onslow County in. Alderman Smith noted this change would still allow for an elected official to be a representative, but does not make that a requirement.

Alderman Farley asked if there were any limit to terms. Alderman Smith said they are appointed to 2 and 3 year staggered terms. Alderman Farley said the reason behind having an elected official as a representative is because of what happened with the Hospital Authority. He said in that situation there was mismanagement and money abuse. He said if there were elected officials serving on the Board it would force the people to be reelected by the public so if there was mismanagement they would be put out. He noted that by approving this amendment we may be getting away from what the intent was. Alderman Smith said it was his understanding the reason for the elected officials was to get money for the project. Mayor Pro Tem Handy said even with the change we still have the authority to appoint an elected official. Alderman Duane asked if this request was part of the request to increase the number of representatives. Alderman Smith said this is a different issue.

Mr. Mike Yawn, of Tamarix Court, spoke during the Public Hearing. He said he supports the amendment with some conditions. He said he knows many qualified non-elected officials who would be great representatives of the Town. He stated that the request tonight may not be to increase the number of representatives, but he said no doubt that request will come. He noted that North Topsail Beach gives approximately 2.5 million dollars to Onslow County and once we are reevaluated that will increase to about 4 million, but he felt that we don't get much in return. Mr. Yawn said if they want 3 representatives they need to give us something in return. He suggested Onslow County giving all the properties they own in North Topsail Beach back to us or they could agree to buy North Topsail Utilities, who provided our sewer system. Mr. Yawn also suggested Onslow County giving back some of our tax money through grants. He asked the Board to remember that even though this is not the issue before them tonight be mindful of it because it will come.

Alderman Godwin said we went to the County and asked them to donate one lot worth \$500,000 and they disapproved it. He said their reasoning was that it would set a precedent for other towns. Alderman Smith encouraged the citizens to talk to the Onslow County Commissioners. Mayor Knowles said a big difference between this and the Hospital Authority is they were all appointed by one Board.

Alderman Smith said some Onslow County representatives believe that the Onslow County water system assets have been turned over to ONWASA and

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currently ONWASA owns the county wide water system. He noted the County did not give it to us, we are County tax payers. We have all paid for that water system. Alderman Smith felt that Onslow County did not need any more representation.

***Alderman Duane moved, seconded by Alderman Godwin to close the Public Hearing. The motion passed unanimously.***

**APPROVAL OF AGENDA:**

Alderman Duane requested the June 2, 2005 minutes be pulled from the agenda and put under Old Business (d). Alderman Farley added the use of the Town Hall under New Business (c).

***Alderman Duane moved, seconded by Alderman Godwin approval of the Agenda with the changes. The motion passed unanimously.***

**RECOGNITION OF ALEX KILLIN:**

Fire Marshal Best stated the World Police Firefighter games took place during the week of June 27th in Quebec, Canada. There were 46 Countries represented and Chief Best said that Alex Killin, one of our North Topsail Beach Firefighters, participated in this event and set two world records and tied for a third. Mr. Killin won two gold medals, one for the dead lift and one for bench press. Chief Best said Mr. Killin is to be commended for his self discipline, determination and for representing the Town of North Topsail Beach. He is proposing to place two signs within the Town recognizing Mr. Killin for his accomplishments.

**COMMITTEE REPORTS:**

**Beach Nourishment- Becky Bowman:**

This afternoon CPE gave a comprehensive presentation on their studies to date for the Environmental Impact Statement. The Marine Base/Onslow Beach onshore investigations are completed. North Topsail Beach near shore studies find 4 possible "hard bottom" sites. The New River sand resource area shows patchy hard bottoms.

CPE has investigated near shore sites in the north section and has pinpointed coral and underwater areas of concern. In August they will return for transects in the central area and finish in the north. The draft Environmental Impact Study is on schedule for October but, fall 2007 is now the construction timeframe.

In late May, the Corps allocated an additional \$10,000 for FY'05 federal project of Surf City/NTB. It is to be used to complete the Coastal Model Granduc scooping runs. The Corps will be meeting with the sponsors on the 20<sup>th</sup> of July to talk about sand quantities and any changes that resulted from the Cultural Studies.



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There is some good news for a change. In the early morning of July 1, the Senate passed the FY06 Energy and Water Spending Bill. It contained \$1.05 million for dredging New River Inlet; \$675,000 for New Topsail Inlet; \$350,000 for SC/NTB shore protection and \$600,000 for Topsail Beach shore protection. You will remember that the House bill looked very different with no funds allocated for our project so it now must move into a Conference Committee to negotiate the final version.

The Shoreline Protection Commission will be sending out postcards again in the near future to ask owners to contact their Legislators to ask them to support the funding levels passed by the Senate.

Alderman Smith said we have already had a study done that said we have sand. He asked if we will have to pay for CP&E to do another study and asked if CP&E could use the data that the Corps of Engineers gathered. Mrs. Bowman said CP&E will use that information but they have to do additional studies as well.

Alderman Farley said he received an e-mail stating that the Beach Nourishment Committee is talking about tax districts to fund the project. He asked Mrs. Bowman to confirm that. Mrs. Bowman said it is being discussed and the Committee will work on getting details together to present to the Board.

**Planning Board –Paul Dorazio, Vice Chairman:**

The Planning Board met on the 23<sup>rd</sup> of June at their regular scheduled meeting.

A public hearing was held at this meeting to discuss zoning ordinance text changes. The Planning Board voted to recommend approval to the Board of Aldermen on the zoning text changes, and requested that the Board set a date for the public hearing. Also, the Planning Board made a recommendation for approval on administrative procedures for map changes and rezoning applications.

The Planning Board reviewed the zoning map issues; and has made a recommendation to the Board of Aldermen on 34 properties. In addition, the Planning Board made a recommendation that the Board of Aldermen may want to hold a public hearing on the rezoning of some of the properties. These properties are identified as Properties # 5, 11, 15, 19, and 21.

**Transportation Committee- Will Evans:**

Mr. Evans stated the Transportation Committee hosted a bike ride on June 11th. He said 34 riders of all ages participated. Mr. Evans said that the Committee is working on ideas to enhance the bike path for the Town.

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**Board of Adjustment – Dick Peters:**

Mr. Peters said the Board of Adjustments did not hold a June meeting.

**OPEN FORUM:**

Mr. Joe Sommers, a resident of Bermuda Landing, stated he and his wife were interested in having recycling available in the Town. He said currently they have to travel to Surf City to recycle. Mayor Knowles said we are currently talking to Waste Industries about recycling options. Alderman Farley noted there is an Onslow County recycling center on Old Folkstone Road.

**CONSENT AGENDA:**

The consent agenda consisted of the May 9<sup>th</sup>, May 24<sup>th</sup>, June 2<sup>nd</sup> and June 20<sup>th</sup>, 2005 Board Meeting minutes, Resolution approving financing terms for Terex loader, Local Government resolution-Governors Highway Safety Program, NCLM Agreement for Workers Comp Risk Sharing, Appointment of Gary Miller as an alternate to the Board of Adjustments, Department Head Reports and Benefit Accrual Report.

*Alderman Duane moved, seconded by Alderman Godwin approval of the Consent Agenda with the exception of the June 2, 2005 minutes. The motion passed unanimously.*

**OLD BUSINESS:**

**a. CAMA Grant Application for crosswalks and parking:**

Mr. Cassell stated that last month this came before the Board as a pre-application and we now have the final paperwork to submit to the State. The application is for two areas, Carver Street and the Onslow County strip of property on Ocean Drive. Mr. Cassell said this would add handicap parking spaces to the Onslow County property. The second area is located at 212 Topsail Road which is owned by the Town.

Alderman Farley asked where we are with the Ocean Drive situation. He asked if we have received permission from Mr. Chestnut to go over his property or if we have started condemnation proceedings. Alderman Farley felt we may be being presumptuous by approving money when we are not sure we have the land. Mr. Cassell said we have a deadline to apply for the money and if we are awarded the project we will have to work out the details. Alderman Farley asked what was holding us up with the land. Mr. Cassell said he understood that there is one property owner we have not received authorization from.

Attorney Kilroy said when the Town closed a portion of Ocean Drive at the request of the owners; the Town essentially withdrew it from public use. He said that does not mean that the street is closed; it is still available for use by

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anyone who owns a lot in that subdivision. Attorney Kilroy noted the only way to close the street would be to have the authorization from every property owner on the entire street. Alderman Duane asked who is responsible to maintain that road because it is in terrible shape. Attorney Kilroy said it is not our problem. Alderman Duane said if we closed it how do we open it back up. Attorney Kilroy stated the only way is to have every lot owner request to open it back up. Alderman Duane asked when the Town closed the road in 1996 did the property revert back to the owners. Attorney Kilroy stated when the State abandoned the road ownership went to the property owners, then the Town assumed it and then gave it up and ownership again went to the property owners. He said it is closed to the public, but not to the owners.

Alderman Godwin asked if the Town would have any liability by approving this application and could the property owners stop people from getting to the parking area. Mayor Knowles stated no because the property in question is on Carver Street and not Ocean Drive. Alderman Godwin noted if we do not submit the application we will not be eligible for the money. Attorney Kilroy advised the Board to apply and work out the details if the Town receives the money.

***Alderman Godwin moved, seconded by Alderman Smith to submit the final application for the crosswalk area and parking. The motion passed unanimously.***

**b. Resolution to set a Public Hearing to consider Zoning Ordinance Text Amendments and to also consider Five Items in Question:**

On June 9th and 23rd, the Planning Board conducted a detailed review of the 34 Zoning Map recommendations provided by Planning Consultant Tom Richter.

Furthermore, the Planning Board, with the assistance of Mr. Richter have recommended a Zoning Ordinance Text Amendment and changes to administrative procedures to prevent future problems. The text amendment and administrative procedures are also attached.

Finally, the Planning Board has identified 5 items (property # 5, 11, 15, 19 and 21) that may warrant further zoning district boundary amendment action.

Mr. Cassell said this is really a three part item. First thing is the recommended Zoning Ordinance amendment and the second item is proposed changes to administrative procedures of the zoning map. The third item is to consider further review of 5 properties. Alderman Smith asked if they would be separate Public Hearings. Mr. Cassell said they could be combined. Alderman Farley asked what the purpose of the Public Hearing was. Mr. Cassell stated it would be for

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public comment. Alderman Farley felt it was a legal issue that needs a legal answer.

Discussion took place on the interpretation of the motions made to rezone properties.

Alderman Duane noted property #11 needs to be investigated further. She said she made the motion to approve the rezoning but was not given all the facts. She said no where on the application was it stated a portion of that parcel was zoned Con-D. She said she trusted staff to present the information pertinent to making a decision. Mr. Cassell said that is a perfect example of why 5 properties may warrant further review. Alderman Duane felt she made a decision based on false information and asked what could be done now. Mr. Cassell said there is a period of 60 days where you may revisit the motion made for possible changes, after those 60 days the window of opportunity is closed. Attorney Kilroy said if the minutes of the meeting were approved it is set in concrete and there is no way you can change it, even if it was erroneous information.

Attorney Kilroy noted the matter may be brought back up as new business. Alderman Duane said she would like to do that. Mr. Cassell noted that property is one of the five the Planning Board has asked the Board to consider for further review. Alderman Farley said there is a provision in either the Statute or our Ordinance that states if false information was presented then that rezoning is null and void.

***Alderman Godwin moved to approve the Public Hearing on the 29 properties and hold a separate Public Hearing for properties # 5,11,15,19 and 21.***

Alderman Duane said she is willing to second the motion, but it would be pending her contacting the Institute of Government for guidance.

Alderman Farley did not agree to hold a Public Hearing. He said we promised the citizens an investigation and we have not done that. He asked how the administrative changes were made and who made them. He said the citizens want to know who did it and who benefited from the changes. Mr. Cassell said he could not answer that because he was not here at the time they were made. He noted that if properties were changed by administrative action and not legislative, it was never changed and is considered a nonevent.

Mr. Dorazio, the Planning Board Vice Chairman, stated that the Planning Board has spent a lot of time and effort on this and is ready to move forward.

Alderman Godwin amended his motion.

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**Alderman Godwin moved, seconded by Alderman Smith to hold 2 separate Public Hearings, one for the 5 properties (#5,11,15,19 & 21) and one for the text amendment. The motion passed 3-2 with Aldermen Duane and Farley opposing.**

**c. Sound System Upgrades:**

Chief Salese received three bids to update the sound system in the meeting room. After meeting with each company he recommends that we use **Castle Productions**. His estimate is the largest of the three, and only reflects a five microphone system. However, this estimate is to completely upgrade the system with today's technology. The other vendors do not seem interested in our thoughts and are not as cooperative. Chief Salese thinks it would be a waste of money to mix and match old and new components as we have done in the past.

The bids are:

Castle Productions	Complete	5 Microphone Systems	\$6,294.12
		9 Microphone System	\$9,076.32
Independence Communications		Partial Replacement – 9 Microphone System	\$5,555.16
Soundtronics		Partial Replacement – 9 Microphone System Labor	\$5,510.50 +

Mayor Knowles said all we need to do is get 3 more microphones so that each person will have one in front of them. He noted we also need a new recorder. Chief Salese said this system will not accommodate a recorder system.

**Alderman Duane moved, seconded by Alderman Smith to table the item to investigate other alternatives. The motion passed unanimously.**

**d. June 2, 2005 minutes:**

Alderman Duane requested a change to paragraph 1, page 10 in the June 2<sup>nd</sup> minutes to read as follows:

Alderman Duane questioned the personnel response to incidents. She noted that Thomas Best and George Moore responded most of the time. She asked which of the lower responders were full time Fire Fighters and why their response to incidents were so low.

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*Alderman Duane moved, seconded by Alderman Godwin approval of the June 2, 2005 minutes with the changes. The motion passed unanimously.*

**NEW BUSINESS:**

- a. **Resolution approving an Amendment to the Articles of Incorporation of Onslow Water and Sewer Authority:**

*Mayor Pro Tem Handy moved, seconded by Alderman Smith to approve the Amendment to the Articles of Incorporation of Onslow Water and Sewer Authority. The motion passed 4-1 with Alderman Duane opposing.*

- b. **Petition to Close Ocean Drive- Attorney Hunter Broadwell:**

Staff has received a letter from Attorney J. Hunter Broadwell requesting on behalf of his clients, Mr. Scott Murray, Mr. Gene Murray and M&M Developers to close the northernmost portion of Ocean Drive. A map was provided for the Board to review. Attorney Broadwell has said that he has authorization from all property owners to close this portion of the road.

Attorney Broadwell spoke on behalf of his clients, M&M Partnership. Attorney Broadwell stated they are asking the Board to pass a resolution manifesting their intent to close a portion of Ocean Drive. He said the plan they envision should not create any controversy. Mayor Knowles noted that this area has their own deed restrictions and asked if this will comply with those restrictions. Attorney Broadwell said they are currently researching the deed restrictions and covenants and have not found anything that would restrict them from moving forward. Alderman Duane asked if all adjacent property owners have been notified and if they have approved this, why aren't the signed letters included in this packet. Attorney Broadwell stated he did not have time to prepare affidavits and have them signed before this meeting.

Alderman Duane asked what would happen if the ocean front lots became buildable. Attorney Broadwell said the plan was to combine the lots so that they would go from the ocean to Hwy 210. Mayor Knowles asked what utilities run down the road. Attorney Kilroy said he is sure power, but unsure whether there are water and sewer lines there.

Mayor Knowles said he would like to see written authorization from the property owners and a copy of the restrictive covenants for Ocean City. Attorney Kilroy also suggested a statement from the property owners giving access to the utility departments.

Alderman Farley said this is zoned CUR-5 and allows Single Family only.

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**Alderman Duane moved, seconded by Alderman Smith to table this item for additional information. The motion passed unanimously.**

**c. Town Hall Use:**

Alderman Farley said he received an email concerning the use of our Town Hall. He said there was a conflict with the Beautification Committee having to vacate the meeting room for a private organization to use it. Alderman Farley stated we need to figure out who has priority in our town.

Mayor Knowles said the main purpose of the meeting room is for nonprofit organizations and town business. He said if a full profit organization wants to reserve the room we need to be competitive with our fees.

Mr. Cassell acknowledged the conflict with the Beautification Committee, but noted that it was the first time that a mix up like that had ever occurred. Aldermen Duane said we need to keep a calendar of when the meeting room is reserved and we need to block it off for meetings we know take place monthly or annually.

**d. Discussion on Signs:**

Mr. Cassell stated that he has been approached by members of the Chestnut Church who are asking to place a sign at each entrance of the church. He stated he has contacted D.O.T. and is waiting for something in writing from Robert Vause.

Chief Best stated the two signs he wants to purchase will cost \$85 each. He asked the Board their approval to move forward with purchasing the signs. Alderman Smith asked if we needed to wait for approval from D.O.T. and Chief Best said he would put them at the Fire Department if D.O.T. does not allow them on the road.

**Alderman Smith moved, seconded by Alderman Duane approval to purchase the 2 signs he requested. The motion passed unanimously.**

**MANAGER'S REPORT:**

1. Staff conducted a personnel meeting on June 3.
2. Staff met with Attorney Lee Crouch regarding Litvak on June 6.
3. A staff meeting was held on June 7. Staff met with Rogers Bay Campground property owners in the morning and attended a technical staff meeting of ONWASA in Jacksonville in the afternoon.
4. Staff met with three representatives of Coastal Planning and Engineering regarding the EIS on June 8 and attended the Corps of Engineers' Scoping Meeting at Dixon Middle School in the evening.

5. Staff members attended the Board of Aldermen and Planning Board Workshop on June 9 and the Four Town Meeting at the St. Regis Restaurant that evening.
6. Staff members participated in the Town's first annual bike ride on June 11, 2005.
7. Staff attended the North Topsail Beach Nourishment Committee Meeting on June 14.
8. Staff met with Mr. Buddy Persons and Ms. Lesleigh Reynolds of DRC, Inc. regarding disaster recovery.
9. Staff attended the Town of North Topsail Beach's Town Park Phase II Dedication on June 17.
10. Staff attended the Board of Aldermen's Special Meeting on June 20.
11. Staff attended the NC Division Emergency Management's Hurricane Planning Course at the Onslow County's EOC on June 22-23. Staff attended the Mayors' meeting on the evening of June 22 and the Planning Board meeting on the evening of June 23.
12. Staff met with Mr. Joe Wright of Alternative Power on June 24.
13. A staff meeting was held on June 27. Staff met with Planning Consultant Mr. Tom Richter on June 27.
14. Staff attended the Topsail Island Shoreline Protection Committee meeting on June 28.
15. Staff met with staff members of the four towns and others on June 29 regarding emergency operations and natural disaster planning.
16. Staff members met with Mr. Mark Evans and his attorney on June 30.
17. Staff members met with Ms. Debbie Vick of NC DOT on July 1 regarding the "Share the Road" project.

Upcoming Events:

1. I will be in Raleigh on July 11 attending Ms. Marianne Frederick's retirement luncheon.
2. A meeting with Wilmington District of the US Army Corps of Engineers is scheduled for July 20 regarding the EIS/Beach Nourishment Projects.
3. CAMA Beach and Waterfront Access Grant Applications are due July 29.

**ALDERMEN'S REPORT:**

Alderman Godwin said he hoped everyone had a nice Fourth of July and hoped to see them at next months meeting.

Alderman Smith thanked the citizens for attending the meeting.

Alderman Duane stated it is her pleasure to be a part of the meeting and appreciates the citizens that attend.

Alderman Farley said he is not happy with the zoning maps and felt the citizens didn't get what they asked for. He encouraged the citizens to express their feelings.



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**CLOSED SESSION:**

The Board of Aldermen went into Closed Session to discuss personnel issues.

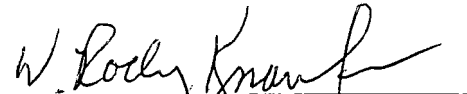
**OPEN SESSION:**

*Alderman Godwin made motion, seconded by Alderman Duane to approve compensation benefits for the Town Manager not to exceed the amount of a regular employee's health benefits. The motion passed unanimously.*

**ADJOURNMENT:**

*Alderman Smith moved, seconded by Alderman Farley to adjourn the meeting at 9:47 p.m. The motion passed unanimously.*

Minutes prepared and submitted by Christina Watkins, Deputy Town Clerk for North Topsail Beach.

  
\_\_\_\_\_  
Mayor W. Rodney Knowles

8/4/05  
Date Approved

**TOWN OF NORTH TOPSAIL BEACH  
PUBLIC HEARING AND REGULAR BOARD MEETING  
AUGUST 4, 2005  
7:00 P.M.**

**PRESENT:**

Mayor W. Rodney Knowles, Mayor Pro-tem Fred Handy, Aldermen Laurie Duane, Richard Farley, Buddy Godwin and Steve Smith, Thomas Cassell, Town Manager, Loraine Carbone, Town Clerk, Robert Kilroy, Attorney

**QUORUM:**

Mayor Knowles called the meeting to order at 7:00 p.m. in the North Topsail Beach meeting room and declared a quorum present.

**INVOCATION:**

Mr. Prince, of the North Topsail Shores Baptist Church, gave the invocation.

**PLEDGE OF ALLEGIANCE:**

The Board of Aldermen and citizens present recited the Pledge of Allegiance.

**RECOGNITION OF GENE CASEY:**

Mayor Knowles presented Building Inspector Gene Casey with a Certificate of Achievement. Gene received his Fire Inspector Level III from the NC Code Officials and has attained all three levels in all five trades.

**Resolution Authorizing the Governing Board of the Town of NTB to Conduct Business with Finistar:**

Melissa Marsal, the Local Government Account Representative with Finistar, Inc. gave a presentation to the Board.

All deposits are insured by funds of the FDIC and the participating banks are attached to the Resolution.

Ms. Marsal said that the Town would have the option to deposit cash and keep it liquid with a better return of funds. Safekeeping is the key as all funds are FDIC insured and it places money back into North Carolina community banks which are safe and secure.

Alderman Duane asked what the fee was and Ms. Marsal said that it is taken in-between the spread and 3.35% is the August rate. They would set a different rate for a community bank. The rate varies from month to month and the product is liquid with no penalties.

Alderman Farley also questioned the fees and Ms. Marsal noted that it was between 30 and 40 basis points. She said that the system they use is the banking industry whereas they pull money out and make deposits in local

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banks. They are the gatekeepers. Alderman Duane asked what were the advantages and Ms. Marsal said a better interest rate and a more secure fund. Other options are mutual funds and those are taken out of the state through Fidelity. There is no minimum, but there is a maximum and you will never reach that. Mayor Knowles asked if any of the banks were in Onslow County and Ms. Marsal said they are and were listed on the information handed out.

Alderman Farley noted that they take \$95,000 at a time to a community bank and questioned if they checked into the interest rate. Ms. Marsal said no, they set the rate and they look and take the basis point spread and the rates are disclosed on monthly statements.

Mrs. King, Finance Officer, noted that they could start with \$500,000 and Alderman Farley asked how much money would they have all together. Mrs. King said approximately 1.2 million dollars. There is 1.2 million dollars in First Citizens bank, but we need money on hand. We have money in a Capital Management Trust and in other CD's for a total of approximately 2.5 million. Alderman Farley noted that having more money to invest would dictate what kind of rate we could get somewhere else and that is what we should use. Mrs. King stated that we are receiving 2% at First Citizens right now. Alderman Farley said we would be speculating and maybe there were some other deals elsewhere and we should look at who will manage our money best.

Alderman Godwin said that Finistar has been approved by the League of Municipalities and he was comfortable with them. Alderman Duane said if we could get 3.7% on \$600,000 in a FDIC, couldn't we look elsewhere. Mrs. King said that we could not do that since we would be tying it up for a long period of time. Six months is the shortest time without being penalized for taking it out. Alderman Duane asked how much do we need in the operating fund and Mrs. King said that right now 1.2 million is sitting in First Citizens and \$400,000 are in CD's, but that varies from 6 months to 3 years. They would take out \$500,000 for 30 days for a better return.

Mayor Pro Tem Handy noted that they could draw on money in the 30 day period. Alderman Duane asked if we were not drawing from it why did we require it and Mayor Knowles said that it would give us another avenue of investment. Ms. Marsal said that their system is based on diversification. Mrs. King said that they would know what percentage she could tie up and what rates she would need. Alderman Duane asked what the term would be and Mrs. King said there would be no term at all and that interest would accrue daily and the rate is good for 30 days to get the maximum money. Ms. Marsal noted that NC Capital Trust is their competitor as well as larger

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banks. CD's are great, but not as great as what their rates would be and Mrs. King could move it back and forth a lot easier.

***Alderman Godwin moved, seconded by Alderman Smith to approve the Resolution Authorizing the Governing Board of the Town of North Topsail Beach to Conduct Business with Finistar.***

Alderman Duane said that she was confused as to why this was coming up before any other options were reviewed. Mayor Knowles said that this was a step of many options and Alderman Duane said that she wanted to see the other options. Alderman Godwin noted that the interest was higher with Finistar.

***The motion passed four to one with Alderman Duane voting nay.***

**RESOLUTION AUTHORIZING THE GOVERNING BOARD OF THE TOWN OF NORTH TOPSAIL BEACH TO CONDUCT BUSINESS WITH FINISTAR**

The Governing Board of The Town of North Topsail Beach (Town) adopted the following resolution as of the date set forth below:

**WHEREAS**, the Governing Board has approved a Custodial Agreement among the Finance Officer of the Town, Finistar, Inc. ("Finistar"), and Gateway Bank & Trust Company, 1145 North Road Street, Elizabeth City, North Carolina 27909-3334 ("Fiscal Agent"); and

**WHEREAS**, the Finance Officer has been authorized and directed by the Governing Board to deposit funds of the Town in a custodial account as Fiscal Agent for disbursement and deposit in North Carolina financial institutions, the deposits of which are insured by funds of the Federal Deposit Insurance Corporation ("FDIC") and which are Participating Banks (as defined in the Custodial Agreement), as provided in the Custodial Agreement.

**NOW, THEREFORE, BE IT RESOLVED** that the Fiscal Agent, a North Carolina chartered, commercial bank, the deposits of which are insured by funds of the FDIC, be and hereby is designated as an official depository of the Town; and

**BE IT FURTHER RESOLVED**, that each Participating Bank, the name and address of which is listed on Attachment "A", be and hereby is designated as an official depository of the Town, such List being deemed incorporated by reference into this Resolution for the purpose of making deposits in accordance with this agreement with Finistar, Inc.; and

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**BE IT FURTHER RESOLVED**, that the Finance Officer shall report the Fiscal Agent and each Participating Bank on the List as required by GS 159-33 and 20 NCAC 7.

Adopted this 4th day of August, 2005.

**ON SLOW COUNTY TAX REVALUATION PRESENTATION:**

Harry Smith and David Crenshaw gave an overview of the Tax Revaluation process to the Board. Mr. Smith stated that the County was charged with evaluating property at the local market price and general statute gives the Boards more flexibility to do it more often and to provide NCGS equitable assessments. Property is selling for more than the tax value. In some areas there are great differences and inequities. Personal property, such as manufactured homes, boats, etc. change each year.

The County decided to use an in-house revaluation with six appraisers. The appraisers are certified by the state and they have taken educational courses with the Institute of Government. The last tax revaluation was in effect in 2000 rather than 1998 because of the hurricanes. The County went back to a 6 year plan and then they will go with a 4 year cycle. The prices have changed dramatically since last fall.

Mr. Crenshaw noted that letters have been mailed out and they will ask if the information from the Register's Deed office is correct. The tax office will use this form to check their records. There were 65,631 parcels as of July 5<sup>th</sup>. A total of 642 "Neighborhoods" were set up. They will use a computerized system for appraisals.

If anyone disagrees with the tax value there is a three step appeal process. 1. You will have to contact the County Tax Office and meet with an appraiser. The square footage of a home is important. 2. The next step is the Board of Review and ; 3. NC Property Tax Commission in Raleigh. You would have to show conditions that we don't know about the house. Statistics would reflect the assessment level and they would take the assessed value and the market value and you would get the level of assessment. The market value is standard in North Carolina. There is no way to know how much the tax rate will increase to. Budget divided by Value equals the Rate.

In regards to a Revenue Neutral Tax rate, each finance office is required to publish what the revenue neutral tax rate would be. The January 1, 2006 bills will go out next summer.

Alderman Godwin asked how current are they from 2000 to 2006. Mr. Smith said that they continue to assign values and do reviews. Alderman Farley noted that the tax card on the internet shows square footage and asked if there would be

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discounts. Mr. Smith said that there is an appreciation factor. In some areas, a schedule of values will be adopted. If a schedule is over priced or under priced, it would go up or down.

Mike Yawn questioned the appeal process and noted that his lot dimensions were incorrect and should he do something now to correct it. Mr. Smith said that he could bring it to their attention, but the price of the lot may not be exact if it is an irregular lot. Mr. Yawn asked if the County Commissioners would set the new tax rate next spring and Mr. Smith said by June 30<sup>th</sup>.

A citizen asked if people on the ocean side would have the same value as those on the sound side. Mr. Smith said the sound side would not be priced the same as ocean front. A citizen asked if there was a storm would they reassess and reevaluate and could they appeal. Mr. Smith said that they would go out and look at any physical damage, but it would be hard to speculate. He said that they had to do certain things according to NC General Statute and they would have to consider that impact when they cross that bridge.

A citizen asked if they would consider revenue neutral and Mr. Smith said that he couldn't answer that. A citizen said that they were pushing him off of his property which he has owned for many years. Mr. Smith said that they were governed by state statutes, and there was limited help for those who have owned their property for a long time. The citizen said that he was 81 and he felt that at that age he should pay normal taxes and the next person who buys his house should pay for the higher taxes because it would be sold at a higher amount. Mr. Smith said that the revaluation does impact people, but they are looking at their responsibility and they couldn't reduce the value based on how long someone has owned their property.

A citizen stated that North Topsail Beach was up 300%, but other towns were just 30%. He said that this can scare the elderly who are living on social security or a person just making their mortgage and they were forcing the elderly and younger people out of their homes.

Mr. Smith again said that Onslow County was bound to follow state statutes and he suggested that they contact their legislators.

Mr. Convy noted that in the examples they showed the top end of the market and asked what they determined the value and what percentage did they use. Mr. Smith said that they would do a neighborhood analysis and look at the sales ratio and compare sales and they would look for the median.

Alderman Farley said that there is speculation on the island and it is forcing the prices up which are artificial prices. He also said that most of the home sales are

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homes that are rented and we have a different set of circumstances here. Mr. Smith noted that it is based on what homes have sold for.

A citizen said that they would be paying taxes for the county. Mr. Yawn asked what the current taxes were assessed for the county and Mr. Smith said the total levy is 6.6 billion. Mr. Yawn noted that we were at 300 million. He said they would likely see an increase and commissioners could adjust the rates and we could have significant tax increases. Mr. Yawn noted that the town elections would be in November and he said that the candidates should swear that they would be revenue neutral. Mayor Pro Tem Handy said that we are at .45 cents for the town with 5% going towards beach nourishment, so therefore the town's taxes are at .40 cents and the county is .67 cents. We need to lower our rates, but we can't make it revenue neutral. The county is our biggest problem. Mr. Yawn said that we could not do anything about the county and Mayor Pro Tem Handy said that we could.

A citizen said that the county will go around and have meetings and those are the people we have to roast. He said that his house was paid for, but if they raise the taxes enough, it could hurt him and the county has to help us. He noted that banks will be holding the houses when people will not be able to pay their taxes. Mayor Pro Tem Handy said that the county will continue to look at the figures and we are overinflated right now and the more expensive properties aren't selling.

***Mayor Knowles called for a recess at 8:10 p.m. for 10 minutes.***

**PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT:**

***Alderman Duane moved, seconded by Mayor Pro Tem Handy to open the Public Hearing. The motion passed unanimously.***

Mr. Cassell noted that Chapter 7, Article IV, Section 7-123 would be amended to add a couple of paragraphs under "zoning map".

Mr. Convy noted that in the first paragraph, last sentence "undated" should be "updated". Alderman Farley questioned "will be" amended periodically and asked why it is "will be" and said should it be "can be" or "may be"? Mr. Yawn noted that the Planning Board wanted that wording and it would absolutely be printed every year. Alderman Farley said that it is saying "amended" and Mr. McGrane noted that it was covered in the last sentence. Alderman Farley felt that we have had enough problems with wording and suggested that it read "may be amended periodically".

Attorney Kilroy recommended that it read "*Upon enactment of any zoning classification changes, the zoning map shall be amended and published by the Board of Aldermen.*" Mr. McGrane noted that it was not their intent to publish a

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map every year and Mayor Knowles said that there is a section on the map where changes will be noted.

***Alderman Duane moved, seconded by Mayor Pro Tem Handy to close the Public Hearing. The motion passed unanimously.***

**PUBLIC HEARING – REVIEW FIVE PROPERTIES:**

***Alderman Duane moved, seconded by Alderman Smith to open the Public Hearing. The motion passed unanimously.***

Mr. Cassell stated that Tom Richter, Planning Consultant, along with the assistance of the Planning Board, Town Staff and other interested citizens identified thirty-four (34) zoning map items in question. Some of these were administrative events and some were legislative events. The administrative events are non-events because these were done without the benefit of a public hearing and Board of Aldermen action. The legislative events were properly advertised, public hearings held and recorded actions of the Board of Aldermen and thus, are official acts. After much discussion by all the Planning Board members, they recommended at its June 23rd meeting that the "Board of Aldermen may want to consider five (5) parcels of land for rezoning."

At the July 7, 2005 Board of Aldermen Meeting, the Board voted to hold a Public Hearing to further review these parcels. Mr. Cassell reminded the Board that the advertisement has been a generic advertisement and any specific action on these parcels would necessitate another public hearing in order to notify owners.

Alderman Farley questioned where the motions and back up documents were for these rezonings since that was quite an issue with the Planning Board. The intent of the Board is of paramount importance. Mr. Cassell noted that the earlier material given out at other meetings did have the minutes attached. Alderman Farley said that R20 property has been rezoned to R10 and the property was Con D and the vote was to change R20 to R10 and the Con D should not have been changed. Mr. Cassell said that he was satisfied that the recommendation was a summary of action and they are all legislative and they reflect minutes of those actions. Alderman Farley said that the Board didn't know the property had Con D on it and they were told R20 to R10 and now we are saying that legislative action is completed. Mr. Cassell noted that our attorney said that the action stands in concrete and the intent was 60 days after the motion was made and we are moving beyond that. Alderman Farley said if false information is presented to the Board then it doesn't stand. Attorney Kilroy noted that after 60 days is set in concrete and you cannot change it. Alderman Farley said that he called the Institute of Government and they said if the intent was not to rezone Con D then it was not rezoned and it wasn't advertised as Con D.



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Alderman Duane noted that she also called the Institute in regard to parcel #11 and she asked that the Board discuss that and take each parcel individually. Mr. Cassell said that our view was to gather the public's comments and if there were sufficient questions, we would advertise a specific parcel and then notify adjacent property owners. We have not notified anyone at this time.

Mr. Yawn noted that he is on the Planning Board and he agreed with Mr. Cassell and that Mr. Richter and the attorney said we had to stand by previous motions. The property got rezoned and that is what it is now. The Planning Board has asked that the Board of Aldermen adopt the properties, get a proper zoning map and adopt the new map. Mr. Yawn said that the Aldermen were powerful and that they could notify property owners and hold a Public Hearing in the future if they so wished. Mr. Yawn noted that Alderman Farley has said that he wants more of an investigation and Mr. Richter and the Planning Board are not investigators and you need to call the State Bureau of Investigations if that is what you want to do.

Attorney Marshal Dotson said that he represented North Topsail Partners (parcel #11). He said that the property was rezoned and they had building and sewer permits on this property and buildings would be on the way. Attorney Dotson said that it would be a serious move to attempt to take back part of the property and establish a Con D zoning. He said that he respected what the Board was doing and he was not there to convince anyone not to have a public hearing, but he felt it would be appropriate to leave it as it was.

Alderman Duane said that in reviewing the Board package for June 2003, the motion on rezoning parcel #11 was not designated as Con D or R20. She questioned accepting this as the motion of June 5, 2003 as Conditional Use R10 because if structures are destroyed and can't be rebuilt it will go back to the original 1992 map. Mr. Cassell said that the parcel would remain what the Board rezoned it to. It is a separate zoning classification. Alderman Duane said that if it was reverted to R20 Con D they could come back before us with a Conditional Use R 10. Mr. Cassell said that they could do that anytime.

Mayor Knowles noted that there were quite a few rezoning in 2002/2003 and the Conservation District was wiped off the maps. Mr. Cassell said they were administrative actions, thus they were non-events and did not occur. Mayor Knowles said that the maps they worked on had no Con D on them when the Board voted. Mr. Cassell said there was confusion, but they were non-events. Alderman Farley noted that these changes were illegal if someone changed our maps and the action they took at that time was affected by these administrative changes.

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Mayor Knowles said that our attorney was right in stating that it was administratively done and approved by the Board. Alderman Farley said that if we take the argument that illegal changes were made then how can we say the action the Board took was for more than R20. How can they be carried over if the Board didn't know what they were voting on? Mr. Cassell noted that the five parcels were all legislative acts. Some information provided could have been erroneous, but the action that was taken was advertised, a public hearing was held and it was rezoned at that time. Attorney Kilroy noted it was a legislative act and the Board acted on it and you only have up to 60 days to complain. Alderman Duane said that they did not have all the information and nothing stated that this property was zoned both Con D and R20. Attorney Kilroy said that again the fact is the Board took action. Alderman Godwin noted that this has been told to us before and he felt that this was a dead issue. Attorney Kilroy said that they could create a new zoning classification and hold a public hearing. Alderman Duane asked if they take action and leave it as is where would that lead us in regard to liability. Attorney Kilroy said that they were only administrative changes and the Board speaks through its minute books and certain limitations apply and that is 60 days.

Alderman Farley said if the intent was to change R20 to R10, then that was the intent and the minutes won't say anything about Con D. Attorney Kilroy said that the minutes record action and that is all. The only real part is what the Board did take action on.

Rose Marie Martin asked on parcel #5, does it mean that all 14 acres are buildable since it is all R20 and asked if it could be divided and she also asked if it could become buildable. Mr. McGrane noted that rezoning would not make it buildable. Alderman Farley said if it was Con D and somehow it changed to R10 and it is now buildable the answer could be yes. Mr. Cassell said that tax parcel 763-1.4 is a parcel that includes wetlands that are unbuildable. The 1.4 acres is high ground or unbuildable and the state would determine that. R20 would allow as much of the property that is buildable to be used. Mrs. Martin asked if anyone could put in fill and Mr. Cassell said they would still have to abide by federal and state laws in addition to our zoning.

Bill O'Donnell noted that he was on the Board at that time and if the minutes say R20 zoned to R10 then just R20 was rezoned to R10. He said he was sure the vote would not have been in favor if they did consider changing Con D to R10. The minutes said that R20 changed to R10 and that was all that was changed. Mr. Cassell said that when the motion was made it referenced the tax parcel. Mr. O'Donnell said part of the parcel of R20 was changed to R10 and asked how the whole parcel could be changed to R10. You cannot be creative and say this is what the Board did.

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Mr. McGrane noted that if it was that clear in the minutes we wouldn't be talking about this right now. Alderman Farley asked why everyone was so sure that we did something. Mr. Yawn noted that we had a consultant who reviewed this and the Board has the power to fix this by holding a hearing and rezoning it. Alderman Farley questioned why we needed to go back if it never changed. Mr. Yawn said that he agreed in principal, but there is a process and we need to do it as Mr. Cassell said.

Mary Convy of Dolphin Shores questioned why no one had a copy of the minutes to show the motions and Mr. Cassell said that he did have a copy.

Mr. Cassell reviewed all of the motions with the Board of Aldermen and Mayor Knowles stated that all actions were duly recognized as Board actions.

***Alderman Smith moved, seconded by Mayor Pro Tem Handy to close the Public Hearing. The motion passed unanimously.***

**PUBLIC HEARING – ORDINANCE ON SPRINKLER SYSTEMS:**

***Mayor Pro Tem Handy moved, seconded by Alderman Smith to open the Public Hearing. The motion passed unanimously.***

Fire Marshall, Thomas Best, has requested that the Town include language in our Ordinances that address sprinkler systems in order for the Town to maintain their ISO rating and to promote life safety.

Therefore, under Article VI., Section 7-300. Building codes adopted. (d) All structures that require a sprinkler system under the North Carolina State Building Codes in the Town of North Topsail Beach shall be required to send sprinkler plans and related material to the Insurance Service Organization (ISO) to be approved with the exception of one and two family dwellings as per NC State Building Codes.

There were no comments during the Public Hearing.

***Mayor Pro Tem Handy moved, seconded by Alderman Godwin to close the Public Hearing. The motion passed unanimously.***

**APPROVAL OF AGENDA:**

***Mayor Pro Tem Handy moved, seconded by Alderman Smith approval of the Agenda as presented. The motion passed unanimously.***

**COMMITTEE REPORTS:**

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Mr. McGrane noted that on July 14<sup>th</sup> the Planning Board held a Public Hearing for a Conditional Use Permit application. The property is located on New River Inlet Road across from Ocean Bay Village Condos and is known as La Costa. The Planning Board voted unanimously to recommended approval for the preliminary design subject to three conditions: 1. Attention to minimum parking requirements; 2. The next plan includes the swimming pool, dock and path to dock; 3. They get a stormwater permit and elevation plan. The Board also discussed water courses and the interpretation of district boundaries as they apply to accreted land. The next meeting is August 11<sup>th</sup>. Alderman Farley asked if the project consisted of town homes and Mrs. McLaughlin said there would be 24 unit condos.

**OPEN FORUM:**

Bernard Allen, II, President of the Ocean City HOA said that after reading recent minutes he saw that there was a petition to close a portion of Ocean Drive and open a portion of Ocean Drive and that the Board was looking at parking and crosswalks. There were also questions about covenants on the property and he said that the Board can just call him with any questions.

**CONSENT AGENDA:**

The consent agenda consisted of the March 7<sup>th</sup> Workshop on Beach Nourishment and July 7th Board Meeting minutes, Department Head Reports, Benefit Accrual Report and Resolution Awarding Vehicle Financing for FY 05/06 to First Citizens Bank & Trust Company.

***Alderman Duane moved, seconded by Alderman Smith approval of the Consent Agenda as presented. The motion passed unanimously.***

**OLD BUSINESS:**

**a. Zoning Ordinance Text Amendment**

Mr. Cassell noted that a Public Hearing was held to receive the public's input on the text amendment to Section 7-123. Zoning map.

Planning Consultant, Tom Richter and the Planning Board have given their recommendations to the Board of Aldermen at previous meetings.

***Alderman Duane moved, seconded by Alderman Smith to approve An Ordinance Amending Chapter 7, Article IV, Section 7-123 as changed by the Board in the Public Hearing.***

Alderman Farley questioned how this change does what we want it to do and shouldn't we have been reviewing the maps. Mayor Knowles said that we would be looking at the maps. Alderman Farley didn't see it as doing

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anything and after months of looking at this we are saying the Board could change the maps. Alderman Duane said that it does stipulate that there could be more than one zoning on a lot and we need that in writing. Alderman Farley said that was an excuse to change our maps. Alderman Smith asked if the changes could have happened in Onslow County and Alderman Farley said no. Alderman Smith said that we know errors have been made in the past with the County.

***The motion passed four to one with Alderman Farley opposing.***

**AN ORDINANCE AMENDING CHAPTER 7, ARTICLE IV, SECTION 7-123**

ARTICLE IV. Section 7-123- Zoning map.

Section 7-123. Chapter 7 – Zoning map, add in its entirety the following:

BE IT ORDAINED by the Board of Aldermen of the Town of North Topsail Beach that More than one zoning classification may be applied on one parcel or lot.

Upon enactment of any zoning classification changes, the zoning map shall be amended and published by the Board of Aldermen. A revised map incorporating approved updates will be produced at the direction of the Board of Aldermen by competent cartographers. After review by the Planning Board, the Board of Aldermen will approve the map for use as the Official North Topsail Beach Zoning Map; fixing that approval date at the appropriate place on the map. The map will be periodically updated – on an annual basis and whenever the Board of Aldermen determines appropriate.

The Town Clerk will certify the original and copies of the map. The map will be kept in the office of the Town Clerk as part of the Town Minutes. Working copies will be made available to appropriate Town staff. Copies will be available to the public; any copy sold will be stamped to indicate the date to which it is current.

This Ordinance shall become effective upon adoption.

Adopted this 4<sup>th</sup> day of August, 2005.

**b. Review of Five Properties:**

Mr. Cassell noted that a Public Hearing was held to receive the public's input on the 5 parcels that the Board felt should be reviewed in more detail in regard to their zoning status.

As stated in the Public Hearing, Tom Richter, Planning Consultant, along with the assistance of the Planning Board, Town Staff and other interested citizens identified thirty-four (34) zoning map items in question. Some of these were administrative events and some were legislative events. The administrative events are non events because these were done without the benefit of a public hearing and Board of Aldermen action. The legislative events were properly advertised, public hearings held and recorded actions of the Board of Aldermen and thus, are official acts. After much discussion by all the Planning Board members, they recommended at its June 23rd meeting that the "Board of Aldermen may want to consider the five (5) parcels of land for rezoning."

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Alderman Duane requested that a Public Hearing be held on parcel #11.

Alderman Farley noted that #19 had the same situation since a vote was taken later on by the Board and he had questions regarding #15.

**Alderman Duane moved, seconded by Alderman Farley to hold a Public Hearing to consider rezoning Parcels #11, #19 and #21. The motion failed three to two with Mayor Pro Tem Handy and Aldermen Smith and Godwin voting nay.**

**Alderman Smith moved, seconded by Alderman Godwin to accept the "current" zoning of parcels #5, #11, #15, #19 and #21. The motion passed three to two with Alderman Farley and Duane voting nay.**

**c. Guidelines for Town Hall Meeting Room:**

Mr. Cassell noted that at the July 7, 2005 Board of Aldermen meeting discussion took place regarding the reservation process for the meeting room.

Staff has had guidelines in place and they have reviewed them and made changes that they felt were appropriate for the Town.

A calendar has always been in place and reservations are made on a first come basis and deposits are accepted accordingly. All of the town's boards and committee meetings are posted on this calendar and no outside group can use the meeting room on their regularly scheduled meeting dates.

Mr. Cassell said that if a group scheduled and reserved the facility we would try to honor that reservation.

Alderman Smith requested that a "for profit business" should not rent the meeting room except for any Town business.

Alderman Farley noted that our Recreation and Appearance committee had a young woman who asked the previous Town Manager to use the room for yoga classes or bingo and she was turned down. He felt that we should look favorably on that.

**Alderman Smith moved, seconded by Alderman Farley to approve the Guidelines for the Town Hall Meeting Room. The motion passed unanimously.**

**GUIDELINES FOR TOWN HALL MEETING ROOM TOWN OF NORTH TOPSAIL BEACH**

1. These guidelines shall govern the use of the North Topsail Beach Meeting Room. The primary purpose of the meeting room is for scheduled meetings of the North Topsail Beach Board of Aldermen, committees of the Town, the departmental functions of the

Town and other governmental agencies. Except for reservations secured with a deposit on unscheduled meeting dates, the right is reserved to utilize the room at any other time by the Town of North Topsail Beach Board of Aldermen, staff, or any other board or commission of the Town, namely, the Planning Board, Board of Adjustments, Transportation, Beach Nourishment and Recreation and Appearance Committee. Any deviation of this policy shall have the prior approval of the Town Manager.

- 2. The meeting room is available to the general public for meetings or functions deemed appropriate by the Town Manager or his designee. The room is available on a daily basis from 8:00 a.m. until 11:00 p.m. **Reservations for unscheduled events or meetings for the room shall be arranged on a first come, first served basis.** The meeting room will not be used by "For Profit" organizations other than business conducted by Town committees.
- 3. In order to reserve the meeting room, the applicant must be at least 18 years of age. The individual completing the application for use of the meeting room shall be the designated person to be responsible for the event.
- 4. Deposit and fee shall be paid within 10 days after reserving a date. The fee is \$50.00 per day. There will also be an additional \$50.00 deposit that will be refunded to the organization 10 days after the meeting room has been inspected for any damage. If the meeting room is used multiple times by an organization, the \$50.00 deposit will be refunded at the end of the Town's fiscal year (June 30<sup>th</sup>). There is a \$25.00 charge for all returned checks.
- 5. For cancellations, full refund of rental fee will be made, if requested at least three (3) days prior to the event.
- 6. Meetings and other activities held in the meeting room cannot disrupt the operations of other offices located in the Municipal Complex. The person or organization reserving the room shall be responsible for leaving the room in proper order and shall be responsible for any damage to Town property. The organization or persons reserving the room are responsible for obtaining any audio-visual equipment, supplemental equipment or furniture that may be needed. The Town does not furnish any such facilities or the use of telephones, office facilities, such as secretarial assistance, paper, notepads, etc.
- 7. Capacity may not exceed the maximum occupancy requirements required by the Fire Marshal. **Smoking and alcoholic beverages are prohibited** anywhere in the Meeting Room, hallway or restrooms. No decorations or materials may be attached to the walls, tables or chairs of the Meeting Room.
- 8. The Town of North Topsail Beach is not and shall not be responsible for losses by the Renter, its agents or employees or patrons occasioned by theft or disappearance of equipment or other personal property.

**NEW BUSINESS:**

**a. Ordinance to Include Sprinkler System in Section 7-300:**

Mr. Cassell noted that a Public Hearing took place to discuss the addition of (d) to Article VI. Buildings and Building Regulations, Section 7-300.

*"All structures that require a sprinkler system under the North Carolina State Building Codes in the Town of North Topsail Beach shall be required to send sprinkler plans and related material to the Insurance Service Organization (ISO) to be approved with the exception of one and two family dwellings as per NC State Building Codes."*

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**AN ORDINANCE AMENDING CHAPTER 7, ARTICLE VI, SECTION 7-300**

**ARTICLE VI. BUILDINGS AND BUILDING REGULATIONS  
DIVISION 1. GENERALLY**

Section 7-300: Chapter 7 – Building codes adopted, add in its entirety the following:

BE IT ORDAINED by the Board of Aldermen of the Town of North Topsail Beach that “(d) all structures that require a sprinkler system under the North Carolina State Building Codes in the Town of North Topsail Beach shall be required to send sprinkler plans and related material to the Insurance Service Organization (ISO) to be approved with the exception of one and two family dwellings as per North Carolina State Building Codes.”

This Ordinance shall become effective upon adoption.

Adopted this 4<sup>th</sup> day of August, 2005.

***Alderman Godwin moved, seconded by Mayor Pro Tem Handy to Adopt An Ordinance Amending Chapter 7, Article VI, Section 7-300. The motion passed unanimously.***

**b. Motion to Set a Public Hearing on September 1<sup>st</sup> for new Flood Damage Prevention Ordinance:**

Mr. Cassell noted that staff has received a letter from FEMA dated July 12, 2005, concerning the new flood maps for North Topsail Beach. These maps will become effective on November 3, 2005.

The town must have adopted its ordinance by November 3, 2005, as explained in the letter from FEMA.

***Alderman Smith moved, seconded by Alderman Godwin to set a public hearing for September 1, 2005 to review the new Flood Damage Prevention Ordinance. The motion passed unanimously.***

Alderman Farley noted that as far as the flood map goes, we had two areas in town that had been told that they were put into the CBRA zone and he asked if that has been resolved. Mrs. McLaughlin said that was by River Road and Topsail Reef and she was contacted by FEMA and a surveyor has called her and she will follow up on this issue.

***The motion passed unanimously.***

**MANAGER’S REPORT:**

1. A staff meeting was held on July 8.
2. Staff attended Ms. Marianne Frederick’s retirement luncheon in Raleigh on July 11.



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3. Staff members met with Ms. Debbie Vick, Robert Vause, Hugh Thompson and Eric Ray all of NC DOT regarding the Town's "Share the Road" project (E-4913) on July 12.
4. Staff members attended the July regular meeting of the Planning Board on July 14.
5. Staff members attended the meeting of the NC Beaches, Inlets and Waterways Association meeting held here in Town Hall on July 15.
6. Staff, along with the Mayor and Aldermen Farley and Godwin attended the Onslow County Commissioners meeting on July 18. The County Commissioners in a 3-2 vote agreed to reject all previous bids and to sell to the Town of North Topsail Beach the 41 surplus properties on North Topsail Beach. There is a reverted clause in the sale proposal. Our Attorney, Mr. Bob Kilroy will be crafting/reviewing a package to transfer the property with Mr. Ron VonLembke, County Attorney.
7. A staff meeting was held on July 19.
8. Staff members along with representatives from Surf City met with Corps of Engineers in Wilmington regarding the Beach nourishment feasibility study.
9. Staff members attended the TISPC meeting on July 26 in Topsail Beach.
10. Staff met with Frank Clifton, Onslow County Manager on July 27 and attended the Onslow County Mayors meeting that evening.
11. Staff submitted our CAMA Beach and Waterfront Access Grant Application on July 28. Applications were due July 29.

Upcoming Events:

1. Onslow County candidates filing closes on August 5.
2. The East Coast Waterways & Beaches Symposium will be held at Pine Knoll Shores, NC on August 12, 2005. Cost is \$35.
3. The Topsail Island Shoreline Protection Committee (TISPC) is attempting to set up a meeting with COE Wilmington on regional sand management on August 16, 17 or 18. We will keep you posted.
4. The next EIS Project Delivery Team (PDT) meeting is scheduled for August 23, 2005 at 10:00AM in Town Hall.
5. A Beach Vitex (beach kudzu) Symposium will be held at Ft. Fisher Aquarium at Kure Beach, NC on August 25, 2005. Cost is free.
6. The League of Municipalities Annual Conference is October 16-18 in Hickory. Registration materials were mailed by the NCLM in July and online registration begins in August. We need to know who will attend.

Attachments given to Board of Aldermen:

1. The Onslow County Planning Board will consider rezoning property adjoining property owned by the Town of North Topsail Beach at its August 4, meeting at 6:30 PM. (Tonight). Our comments are attached. Additional comments that the Town may have can be presented at the public hearing conducted by the Onslow County Commissioners.
2. The Onslow County Commissioners are soliciting citizens to serve on the Joint Land Use Study (JLUS) Implementation Committee. Three citizens will be appointed from the Stump Sound Township. Commissioners hope to establish the committee membership by August 15 therefore; Citizen Participation Applications are due August 5.
3. The Coastal Resources Commission (CRC) has asked local governments to consider nominating candidates for appointment to the Coastal Resources Advisory Council (CRAC). The nominations are due September 9.

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lot of building going on there. Thomas Best said he has put up signs and they disappear. Mr. Cassell noted that staff recently ordered more signs.

**ATTORNEY'S REPORT:**

Attorney Kilroy noted that he was working on getting the deeds for the donated unbuildable property from the County.

**MAYOR'S REPORT:**

Mayor Knowles said that they have had several meetings with the County. CNN was in Town on Monday conducting interviews in regard to the Town's growth since the hurricanes and they will let us know when the segment will be broadcasted.

**ALDERMEN'S REPORT:**

Alderman Godwin said that it was nice to see a big crowd and he thanked the Planning Board for all of their work on the zoning issues.

Alderman Smith thanked everyone for attending and he also thanked the Planning Board.

Alderman Duane thanked everyone and encouraged citizens to serve on committees.

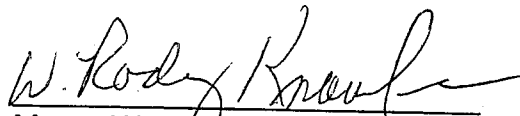
Mayor Pro Tem Handy congratulated Gene Casey for his accomplishment in receiving all of his certifications. He reminded citizens that tomorrow will be the last day for filing for the election.

Alderman Farley said that he still had issues regarding the zoning maps since we have been told different reasons for changing them. He thanked everyone for coming out and he said he was hopeful that the Town could become revenue neutral.

**ADJOURNMENT:**

*Alderman Smith moved, seconded by Alderman Godwin to adjourn the meeting at 9:55 p.m. The motion passed unanimously.*

Minutes prepared and submitted by Loraine M. Carbone, Town Clerk for North Topsail Beach.

  
\_\_\_\_\_  
Mayor W. Rodney Knowles

9/1/05  
\_\_\_\_\_  
Date Approved

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**TOWN OF NORTH TOPSAIL BEACH  
PUBLIC HEARING AND REGULAR BOARD MEETING  
SEPTEMBER 1, 2005  
7:00 P.M.**

**PRESENT:**

Mayor W. Rodney Knowles, Mayor Pro-tem Fred Handy, Aldermen Laurie Duane, Richard Farley, Buddy Godwin and Steve Smith, Tom Cassell, Town Manager, Loraine Carbone, Town Clerk, Robert Kilroy, Attorney

**QUORUM:**

Mayor Knowles called the meeting to order at 7:00 p.m. in the North Topsail Beach meeting room and declared a quorum present.

**INVOCATION:**

Paul Prince, of the Verona Free Will Baptist Church, gave the invocation.

**PLEDGE OF ALLEGIANCE:**

The Board of Aldermen and citizens present recited the Pledge of Allegiance.

**PUBLIC HEARING – FLOOD DAMAGE PREVENTION ORDINANCE**

***Alderman Smith moved, seconded by Alderman Duane to open the Public Hearing regarding the Flood Damage Prevention Ordinance. The motion passed unanimously.***

Mr. Cassell noted that the Board of Aldermen had received a copy of the new proposed Flood Damage Prevention Ordinance. Staff received a letter from FEMA dated July 12, 2005, concerning the new flood maps for North Topsail Beach. These maps will become effective on November 3, 2005. The town must adopt its ordinance by November 3, 2005, as explained in the letter from FEMA.

Ed Curtis, with NC Division of Emergency Management, was present to answer any questions that the public had on the new maps and ordinance. Mr. Curtis said that they were very supportive of towns like North Topsail Beach who had higher standards in their ordinances.

Alderman Godwin asked if there was any difference in CBRA vs. Federal as far as assistance went. Mr. Curtis said there had been no changes and that the CBRA boundaries would be the same in future maps. Alderman Duane questioned the optional language on page 8 in regard to "substantial damage ..... two separate occasions during a 10-year period...." and asked if the Board could approve the Ordinance without the "optional language". Mr. Curtis noted that it is optional since it goes beyond FEMA standards. Alderman Duane asked if it was optional for us or for NFIP and Mr. Cassell said that it was optional for the Town.

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Dick Macartney questioned what the issues were and Mr. Cassell said that the new ordinance has provisions dealing with substantial damage that limits repetitive loss, such as the two occasions in a 10-year period and the freeboard refers to the additional feet above the Base Flood Elevation. Mr. Macartney asked if we have a hurricane and the house is damaged 25% and if it happens again in 10 years, then would that property be condemned with no recourse? Mr. Curtis noted that the Town's current ordinance has a provision if in any one flood damage to property is more than 50%, then when it is repaired to current standards and the additional wording would change that if two occasions within 10 years that work out averaging 25%, between the two they would exceed 50%, but it doesn't mean that the property is condemned. Mr. Macartney said then if you lose 25% the ordinance doesn't come in, if you lose 50% the ordinance does come in and now if you lose 40% one time the ordinance doesn't come in but if you lose 20% the next time it does. Mr. Curtis said that was a good explanation.

Mr. Cassell noted that the Town has a community rating system and if we make any improvements to our Flood Damage Prevention Ordinance, property owners could get a better rate. Mr. Curtis noted that we would have to have a substantial damage language provision in the ordinance in order to offer flood insurance to properties not in the CBRA zones. An additional coverage is "Increased Cost of Compliance" so that when there is substantial damage they qualify for up to \$30,000 to be used to cover the costs to bring the structure into compliance.

Mr. Macartney noted that with the old system of 50%, the Inspector comes out if there is over 50% damage and now if we have one small flood the Inspector makes a record of every damaged property in the Town and will keep it on file and will add to it. He noted that it would take a lot more work for town officials to do that and a 10 year time period is arbitrary. Mr. Macartney felt that we should get away with the former definition since it would be less work on the Town and less pressure on homeowners. Mayor Knowles said that if we don't add the optional language we won't qualify for the maximum amount of flood insurance.

Mayor Pro Tem Handy noted that during the 1996 storm timeframe, he had a damage total of 95% value of the house, but never more than 49% at one time and he asked if he would lose his flood insurance. Mr. Curtis said that according to the NFIP program you cannot lose your insurance no matter how many claims you have made. In 1996, if you had damage from two or more storms and together averaged out to 25% and together they brought you over 50%, then when you did the repairs after the second storm, you would be required to put your house back together based on what is in the current ordinance.

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Alderman Duane asked how premiums compare for a substantial damage policy opposed as to one that is not. Mr. Curtis noted that there is no special substantial damage policy. The Premium is based on the flood zone and elevation. It is the same nationwide and has nothing to do with previous claims. Alderman Duane stated that when you sell a house you have to disclose any repetitive losses and substantial damage would have to be disclosed also. Could this affect insuring that property when you sell that property? Mr. Curtis said he was not sure if the previous loss goes with the house or the owner, but normally it goes with the house. Alderman Duane asked under this clause if this was retroactive then would anything that was built during the floods fall into this category. Mr. Curtis said it was his understanding that it was not retroactive and he could send a letter to the Town to confirm that.

Dan Tuman said that the problem with this ordinance are the properties that might exceed the 50% damage and therefore would have to be rebuilt to the new standards or where you have duplexes or triplexes. They would have to be elevated and how do you elevate just one side with three attached buildings? Mayor Pro Tem Handy noted that if you are on the 2<sup>nd</sup> or 3<sup>rd</sup> row and the house on the oceanfront gets knocked over and hits a house behind it you would have the same situation. Mr. Tuman asked if the state would require that every unit attached be brought into code. Mr. Curtis said it would be a local requirement. Mr. Cassell noted that the federal flood insurance program is administered on the local level. Mr. Tuman asked if this was a recommended federal requirement to our local ordinance to qualify for federal funds. Mr. Cassell said that this specific optional language is, but the ordinance is mandatory. Mr. Tuman said he was speaking about the specific language, is it a requisite? Mr. Cassell said that it was optional, but in order to get the best insurance rate for our homeowners they encourage us to include this language. Mayor Knowles noted that you would receive \$30,000 additional money to make improvements. Mr. Curtis said it would be included in the premium if the Town has a provision. The maximum coverage is \$250,000.

Sue Tuman stated that they have a \$250,000 policy, but if you have to raise the house that will cost a lot more even if you are up to code so \$30,000.00 may not be enough. We would be incurring an added cost for people. Mrs. Tuman noted that their house was built prior to the 1996 change and their house would not be up to code and they would have to raise their side of the duplex.

Mrs. Tuman noted that she scanned through the ordinance and what caught her eye was the CBRA and non CBRA zones since their house is in a non CBRA and they were never aware that the line got moved. She said that they put in a request last fall to the Town that they felt that their

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neighborhood should still be in a non CBRA zone. Mr. Cassell said that they are not changing the boundaries of the CBRA zone as modified by the new maps. If you had flood insurance and the boundary changed, as long as you didn't let it lapse it could continue. We tried to contact Raleigh regarding the CBRA issue and have not spoken to them as of yet. Mrs. Tuman said you could tweak a line but not chop a whole neighborhood off and questioned what would happen to people who have lots that are non CBRA. Mr. Cassell said you are still grandfathered as a structure. Mr. Tuman said if more than 50% is destroyed then it is not rebuildable. The point is that a neighborhood was in a federal flood zone, a new map was made and it was removed and he asked if that was a physical error. Mr. Tuman said that they asked the Town to get an explanation and someone said that the map was drawn to the latest quadrants.

Mr. Cassell noted that the information provided was from the minutes of a meeting three years ago. We are actively pursuing this issue, but we haven't been able to reach Raleigh. Mr. Tuman said that he asked last June what the status was and the response he received was that a surveyor with Fish and Wildlife had been in contact with the Town. He asked if the Town has had any correspondence from a letter that was sent out last March to have them reassess that change.

Mrs. McLaughlin noted that they just had a phone call from surveyors and all they asked her was what sections did they have to look at and she has been in contact with Raleigh.

Mike Yawn noted that the 1996 codes did change that homes would have to adhere to higher elevations.

Wayne Lanier, who owns the lots past the Tuman's said that he would like to be informed if he has federal flood insurance.

Paula Roland asked if the improvement in the rating of the Town would affect any other insurance other than federal flood and the answer was no.

***Alderman Duane moved, seconded by Alderman Godwin to close the Public Hearing. The motion passed unanimously.***

**PUBLIC HEARING – CONDITIONAL USE APPLICATION FOR LACOSTA:**  
***Alderman Godwin moved, seconded by Alderman Smith to open the Public Hearing for the Conditional Use Application for LaCosta. The motion passed unanimously.***

Attorney Kilroy noted that this request for a Conditional Use Permit was received on May 26, 2005. The Conditional Use Permit is for the Planned Residential Development called LaCosta.

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This property is located on New River Inlet Road (SR 1568) across from the Ocean Bay Village Condos on the sound side. This was originally the LaCosta Bay subdivision approved by the Board of Aldermen in 1991. The original subdivision was approved with 15 lots and zoned Residential (R-5). The owner has combined these 15 lots into one and is proposing a Planned Residential Development.

The site plans shows the required elements for review. Multi-family and condominiums are a permitted use in the R-5 zoning district.

The following information was provided:

1. Water and Sewer: Water provided by ONWASA and sewer provided by North Topsail Utilities.
2. Open Space: Is shown on the site plan.
3. Access: A public access is located at Ocean Bay Village.
4. Flood Insurance: These lots will not be eligible for federal flood insurance as they are located within the CBRA area.
5. CAMA: A Major CAMA permit, storm water permit and sedimentation and erosion control permit may be required if more than 1 acre is disturbed.
6. Street: NC DOT will need to review for their comments.
7. Fire Hydrant: The Fire Marshal has reviewed the site plan; an additional fire hydrant is not required.

This development is in compliance with the Town's Land Use Plan policies of Section IV (C): (Miscellaneous Resource Protection; Estuarine Waters and Estuarine Shorelines) and meets all the standards required by (CAMA: 15A NCAC 7H; 30% percent coverage and 30' buffer area). The Land Classification Map in the Land Use Plan classifies this property in the Conservation.

The Planning Board recommended approval of the site development plan after its second review on August 11, 2005.

Decisions on conditional use permits require special handling. These decisions involve determining the facts of the case and exercising some degree of judgment and discretion. They are called quasi-judicial decisions and they are subject to rather demanding procedural rules set forth by the courts, including the requirement of a formal evidentiary hearing.

Section 7-163 Procedures for reviewing applications; findings necessary to approve or disapprove the Conditional Use Permit.

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- A. The use requested is (or is not) listed among the conditional uses in the district for which application is made; or is similar in character to those listed in that district;
- B. The requested use (will or) will not impair the integrity or character of the surrounding or adjoining districts, nor adversely affect the safety, health, morals, or welfare of the community or of the immediate neighbors of the property;
- C. The requested use is (or is not) essential or desirable to the public convenience or welfare;
- D. The requested use will be in conformity with the Land Use Plan;
- E. Utilities, access roads, drainage, sanitation or other necessary facilities are or will be adequate (or will be inadequate) or;
- F. That adequate measures have (or have not) been or will be taken to provide ingress and egress so designed as to minimize the traffic congestion in the public street and;
- G. That the conditional use shall, in all other respects, conforms (or does not conform) to the applicable regulations of the district in which it is located.

Attorney Kilroy swore in the following individuals to testify during the Public Hearing:

Mike Yawn, Dan and Sue Tuman, Mark Evans, Attorney Stroud, Richard Collier and Margaret Gray

Mark Evans noted that the LaCosta development would consist of a three story building with 24 units. All the utilities are on the plan. They have Onslow water and sewer is provided by North Topsail Utilities. They meet the required parking and height restrictions. The H.O.A. has dictated the parking spaces. They anticipate getting a major CAMA permit, state sewer permit, state storm water and D.O.T. driveway permits. The units consist of three bedrooms and three baths and the Planning Board approved going with 60 parking spaces rather than 72. There is additional land, but it would be an eyesore to have a sheet of parking that won't be utilized. Land that will be grassed could be for overflow parking. The H.O.A. could expand paved parking at a later date, but to decrease any storm water run off, this is the best use of the space.

Sue Tuman, 3944 River Road, noted that she is a member of the Planning Board and she had a problem with this proposal when it was presented on the site plan since it said 24 units and she assumed there was only one bedroom because of the parking requested. She asked when the project became three bedrooms. Mr. Evans said the minutes of the August Planning Board stated that he said if these become three bedrooms that they have the required parking spaces. He also said the Planning Board voted to reduce the number of parking spaces for less pervious coverage. Mrs. Tuman said that she did not think they were all three bedrooms. Mr. Evans said the maximum was 72 spaces as the worst case



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and if it were two bedrooms there would be 48 spaces. Mrs. Tuman stated that there was discussion regarding two bedrooms requiring three parking places. Mr. Evans said that they addressed parking and they did what the Planning Board requested of them and they just increased the spaces by six. He said they could pave the entire area, but it would not be in the best interest of storm water run off.

Alderman Farley questioned the public access to the sound and Mr. Evans said he was not sure that access was a requirement since that is a marsh area. Alderman Farley noted that the original subdivision had an access that will be taken away. Mr. Evans asked what would the public be accessing and Alderman Farley said they would have access towards the sound. Mr. Evans said that the sound is beyond the property. Alderman Farley noted that there was a public access on that map along the property and he felt that the public was losing something if it is not there and it was on the original subdivision map. Mr. Evans said that access is probably under water because the geography changed. Alderman Farley said that the left hand corner of the property is an easement. Mr. Evans said that this was a mute point for us because you can't go anywhere at that access. Alderman Farley questioned a canal and Mr. Evans said there isn't a canal there, but there is a house there. Attorney Kilroy stated that if that map has not been recorded there is no public access and no canal. Alderman Smith said the original proposal for the development was never done. Alderman Farley said that the deed book number was right here on the map and Alderman Smith again noted that nothing was developed on it. Attorney Kilroy said that the adjacent land owner was listed on the deed book and not this development. Mr. Evans said that it has to have a stamp on it if you go to the register of deed and Attorney Kilroy said that this map was never recorded. Mr. Evans noted that his map on the board reflects all utilities and monuments and there are no easements on record or they would have to be reflected on the map before them. Alderman Farley said that he agreed with that.

Alderman Duane asked what was the adjacent zoning on each side of this project and Mr. Evans said R5, R10 and R20 and Ocean Bay is across the street. Alderman Duane said that her map showed a swimming pool and Mr. Evans said that was a site drawing showing a future map. Alderman Duane asked if there were a den or a study or a family room and Mr. Evans said that there are three fixed bedrooms all with closets.

Alderman Farley noted that he was not comfortable with 60 parking spots since our ordinance states what we felt was appropriate. He said the least of our concern for development was 12 parking spots and asked if they could be done in a pervious surface. Alderman Farley asked why they wouldn't comply with our ordinance and Mr. Evans stated that the Planning Board discussed the issue of run off at length at their last meeting. He said that parking was flexible and not

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an almighty rule and if you would rather have 12 more spaces that won't be utilized, but there will not be a driver for every bedroom. Mr. Evans noted that they are conscientious in what they do. The Planning Board has reduced the number of parking, there will be overflow provided and the property has land that is already grassed to accept overflow parking.

Alderman Farley asked where the heating and cooling were located and Mr. Evans said that some were underneath and some were in attics and they are all elevated and out of the flood plain. Alderman Duane asked if there was parking underneath and Mr. Evans said no and there would be no storage there either.

Mrs. Tuman questioned the utilities out of the flood plain and Mr. Evans said that the code requires them to have them elevated 14 plus 2. Mrs. Tuman asked if the purpose was to approve the recombination of lots and Mr. Evans said it was for a Planned Residential Development. Mrs. Tuman said a recombination was reflected in Onslow County and that map is not present at this meeting. Mr. Evans said that survey represents that. Mrs. Tuman noted that there were two map renderings on the wall and they were dated the same and Mr. Evans said that the changes were reflected by the Planning Board on the other map.

Gene Falco was sworn in by Attorney Kilroy. He said he has lived here for five years and he felt that this was a good plan and would be aesthetically pleasing. He said that Mr. Evans answered the parking issue and he wouldn't worry about that.

Mrs. Tuman noted that the problem is the parking and when it was first presented with 24 units and extra parking spaces she felt it was a one bedroom unit. That requires two parking places and each additional bedroom required an additional parking space. Mrs. Tuman noted that if she looked at three bedrooms, that means four parking spaces and the flexibility would be to come down from four parking spaces.

Alderman Duane stated that when the Planning Board looked at parking and given the fact that there is an access road to the utilities, did you take into account that cars could park on the access road. Mrs. Tuman said that she did not consider that. She said that in the future when something comes to the Planning Board for the first time they need to know exactly how many bedrooms there are.

Attorney Kilroy asked if there were any other testimonies and if not this concludes the Public Hearing.

Mr. Tuman said that he had testimony. He said that there are requirements to make this a satisfactory quasi judicial process. He said that he is a resident and

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a member of the Board of Adjustments and this Board makes quasi judicial decisions. Mr. Tuman said that they recently received some training from Bob Clark on making these decisions and documenting our decision process so that it would stand up under judicial review. Attorney Kilroy said that this issue was not relevant to this hearing.

***Alderman Duane moved, seconded by Alderman Smith to close the Public Hearing. The motion passed unanimously.***

Mayor Knowles requested a ten minute break at 8:15 p.m.

The Board went back into session at 8:30 p.m.

#### **APPROVAL OF AGENDA:**

Alderman Smith requested that the Board add to New Business "Donation to the Red Cross" and he also requested to hold an Executive Session to discuss personnel and potential litigation issues.

***Alderman Smith moved, seconded by Alderman Duane approval of the Agenda as amended. The motion passed four to one with Alderman Farley voting nay.***

#### **COMMITTEE REPORTS:**

##### **Beach Nourishment – Richard Macartney:**

Mr. Macartney noted that since Chairperson Becky Bowman was out of town she asked if he could prepare and give their committee report.

The Beach Nourishment Committee met on August 17th. Chairman Bowman reported on the USACE Surf City/NTB Project.

In the meeting in Wilmington on July 22, the USACE told us that the project would be receiving an additional \$10,000 (the 2nd extra \$10,000 funding this year). Additionally, borrow area volumes were adjusted based on the new cultural resource study. Whereas, the previous volume was 53 MCY, the revised figure is now 30.85 MCY. This estimation then shows a 3 MCY shortage for the project. Our project has now slipped 6-9 months since January.

The Water Resources Development Act of 2005 was passed by the full House of Representatives on July 14th by a margin of 406-14. This bill authorizes USACE projects and modifies the Agency's policies. The bill includes provisions that restate the need for federal involvement in shore protection, continuing the 50-year partnerships with non-federal sponsors to construct and renourish beach projects. Passage of this bill solidifies the Congressional commitment to the USACE. This act does not however fund the USACE or beach nourishment. This is provided in the annual appropriations bills.

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The Senate appropriations bill included \$350,000 for our Surf City/ NTB USACE project and \$600,000 for Topsail Beach. As you remember the House appropriations bill did not fund our projects. Since there was such a wide funding gap, differences must now be resolved during conference committee hearings.

In the Shoreline Protection Committee's efforts to make sure that Members of Congress support the highest level of funding for our project, another postcard campaign was initiated this month asking property owners to contact legislators now.

Ms. Bowman also shared some summary information she developed concerning the cost estimates of the beach nourishment projects under discussion.

Federal Flood South Section	\$8.73 m
CBRA North Section	\$12.84 m
CBRA Central Section	\$5.81 m
Inlet Project & Northern tip	\$12.178 m
Total without Federal Flood South Section	\$30.828 m
Total for both Federal Flood and CRBA	\$39.56 m

This estimate is before any borrowing cost, which could add up to \$15 million more depending on the rate and the time frame.

Much of the committee discussion was devoted to the developing facts, statistics and options for the Board of Aldermen.

On August 18th there was a meeting of the "Sand management Committee" of Topsail island. Representatives of the three towns met together to coordinate which sand borrowing areas would support the various projects. Becky reports that it was a good start and that there will be a follow up meeting in six months.

There was also a CPE/ PDT meeting on Tuesday, August 23rd. Mr. Macartney noted that Mr. Cassell has an updated timeline as part of his report.

Our next committee meeting will be September 21<sup>st</sup> @ 6:30 P.M.

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**Planning Board – Steve McGrane, Chairman:**

Mr. McGrane stated that the Planning Board met on August 11<sup>th</sup> and approved the Application for La Costa. He said that according to our ordinance change for parking, two and three bedrooms require three parking spaces. The guidelines are 72 and they agreed to 60. In regard to a Public Hearing for rezoning 4021 Island Drive, the developers decided that they will reschedule.

**OPEN FORUM:**

Bob Hale said that he attended the last beach nourishment meeting and he asked why the Town was spending millions of dollars if we can't afford nourishment. He said there was going to be a tax revaluation and a \$90 million dollar school bond by Onslow County and his \$3200 tax bill will double and he said he will not be here if that happens.

Mike Yawn requested that the executive session take place after the Manager's and Board's reports. He said that he was at the last beach nourishment meeting and he applauded Dick Macartney for providing the numbers to the Board. Just to do the north and central projects would take our Tax revenues over 4 million/year to fund just a portion of beach nourishment. He concurred with Mr. Hale and felt that it would be important to have a bond referendum before we set a budget next year. Mr. Yawn also noted that there will be three new board members in November and it will be their responsibility for the preliminary work that has to be done. We have to have a bond issue early next spring before we spend millions.

Gene Falco said that the island is here naturally. There are many shoals that exist off shore. If a hurricane comes it could bring a lot of sand where we want it without paying millions of dollars to move it. We could help people who are in trouble to move their houses and you could build a lot of houses for \$30 million dollars.

Dan Tuman noted that the Town held a quasi judicial hearing and there are instructions from the Institute that must be upheld and our recordings may be inadequate. If there is an appeal, a judge could rule in his favor if it was not held properly.

Wayne Lanier of Surf City said that he bought property at the end of River Road and they were given permission to build. He asked how the Town could go to another map and taking back Con D is not acceptable and the Town is responsible. Mr. Lanier said that Mr. Tuman caused most of the problems and he should buy their property.

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**CONSENT AGENDA:**

The consent agenda consisted of the August 4, 2005 Board Meeting minutes, Department Head Reports, Benefit Accrual Report and Special Warranty Deed Resolution.

Mayor Knowles had a change to the August 4, 2005 Board Meeting minutes. On page one, under the Invocation, change the church to North Topsail Baptist Church.

***Alderman Duane moved, seconded by Alderman Smith approval of the Consent Agenda as amended. The motion passed unanimously***

**OLD BUSINESS:**

**a. Resolution Requesting the State to Provide Assistance for Shoreline Protection:**

A Resolution will be sent to John Sutherland, P.E. Chief of the Water Projects Section in Raleigh requesting that the State provide assistance for the final design and environmental studies in the amount of \$417,500.00 in FY 2005-2006 and FY 2006-2007 in continuation of a 50% cost sharing formula.

**Resolution Requesting the State of North Carolina to Provide Assistance to the Town of North Topsail Beach for a Shoreline Protection and Stabilization Project Final Design, Environmental Studies and Construction Design and Specifications**

**WHEREAS**, The North Topsail Beach Board of Aldermen desires to sponsor a study of shoreline management issues to more accurately determine final design and environmental studies including construction design and specifications. This final design and specifications follows the completion of the Feasibility Study in September 2004.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

1. The Board of Aldermen requests the State of North Carolina to provide financial assistance to the Town of North Topsail Beach for a Shoreline Protection and Stabilization Project Final Design and Environmental Studies, as well as Construction Design and Specifications in the amount of \$417,500 in FY 2005-2006 and FY 2006-2007 in continuation of a 50% cost sharing formula;
2. The Board of Aldermen assumes full obligation for payment of the balance of the non-federal portion of the study costs;
3. The Board of Aldermen will comply with all applicable laws governing the award of contracts and the expenditure of public funds by local governments.

**Adopted by the North Topsail Beach Board of Aldermen this 1<sup>st</sup> day of September, 2005.**

Alderman Farley questioned what happened last year and Mr. Cassell said that it was part of the legislation last year when we received the accommodation tax and we didn't need a resolution.

***Alderman Godwin moved, seconded by Alderman Smith to approve the Resolution Requesting the State of NC to Provide Assistance to NTB***

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***for a Shoreline Protection and Stabilization Project Final Design, Environmental Studies and Construction Design and Specifications. The motion passed unanimously.***

**NEW BUSINESS:**

**a. Flood Damage Prevention Ordinance:**

As noted in the Public Hearing, staff received a letter from FEMA dated July 12, 2005, concerning the new flood maps for North Topsail Beach. These maps will become effective on November 3, 2005.

The Town must have adopted its ordinance by November 3, 2005, as explained in the letter from FEMA.

Ed Curtis with NC Division of Emergency Management was available to help answer any questions that the public may have on the new maps and ordinance.

***Alderman Duane moved to Adopt the New Flood Damage Prevention Ordinance by November 3, 2005 and to delete the optional sentence regarding "substantial damage" on page 8.***

Mayor Knowles noted that they would be deleting the \$30,000.00 that someone could receive to make upgrades to their property. Alderman Duane said that policies are changed and modified according to this language and it could hurt us more and hurt the market value of property that is up for sale.

***The motion failed for lack of a second.***

***Alderman Godwin moved, seconded by Alderman Smith to Adopt the New Flood Damage Prevention Ordinance by November 3, 2005.***

Alderman Farley noted that Dan Tuman said no one will get that \$30,000 because most properties are over \$250,000. Mayor Knowles said that it would not be included in the \$250,000. If an electrical part had to come up to a different code, that would pay to update it to code. Alderman Farley asked if we had any studies on how many properties have been affected and questioned if we were lowering the threshold. We are exposing more houses to potentially lose insurance. Alderman Duane noted if there is repetitive loss a property could be labeled that and the value would be lower and that affects the loan.

***The motion passed four to one with Alderman Duane voting nay.***

**b. Conditional Use Application for LaCosta:**

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As stated in the Public Hearing information, this property is located on New River Inlet Road (SR 1568) across from the Ocean Bay Village Condos on the sound side. This was originally the LaCosta Bay subdivision approved by the Board of Aldermen in 1991. The original subdivision was approved with 15 lots and zoned Residential (R-5). The owner has combined these 15 lots into one and is proposing a Planned Residential Development.

The Planning Board recommended approval of the site development plan after its second review on August 11, 2005.

Decisions on conditional use permits require special handling. These decisions involve determining the facts of the case and exercising some degree of judgment and discretion. They are called quasi-judicial decisions and they are subject to rather demanding procedural rules set forth by the courts, including the requirement of a formal evidentiary hearing.

Section 7-163 Procedures for reviewing applications; findings necessary to approve or disapprove the Conditional Use Permit.

- A. The use requested is (or is not) listed among the conditional uses in the district for which application is made; or is similar in character to those listed in that district;
- B. The requested use (will or) will not impair the integrity or character of the surrounding or adjoining districts, nor adversely affect the safety, health, morals, or welfare of the community or of the immediate neighbors of the property;
- C. The requested use is (or is not) essential or desirable to the public convenience or welfare;
- D. The requested use will be in conformity with the Land Use Plan;
- E. Utilities, access roads, drainage, sanitation or other necessary facilities are or will be adequate (or will be inadequate) or;
- F. That adequate measures have (or have not) been or will be taken to provide ingress and egress so designed as to minimize the traffic congestion in the public street and;
- G. That the conditional use shall, in all other respects, conforms (or does not conform) to the applicable regulations of the district in which it is located.

***Alderman Smith moved, seconded by Alderman Godwin, having found in the affirmative: A through G above, approval of the Conditional Use Permit (#05/01) for LaCosta.***

Alderman Farley noted that is the first time this issue is coming before us in regard to parking changes. We have maps and recordings, yet the notice for the Public Hearing talks of LaCosta approved in 1991. When did we give up our



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rights? Alderman Farley requested that the easement issue be settled and he wanted to know what a canal easement is.

Alderman Duane said that this is a conditional use permit so we could put conditional uses on it. She asked if the developers would be willing to keep the public access on record. Alderman Godwin noted that Attorney Kilroy advised them that the access doesn't exist. Alderman Duane said it was a Conditional Use Permit and they could put that forward. Alderman Godwin said it was an access that doesn't go anywhere. Alderman Duane said if they want to walk over and look at the sunset over the marsh they could. Further discussion ensued between Aldermen Godwin, Farley and Duane in regard to the public access and canal.

Attorney Kilroy stated that the map cannot be put on public record until the Board issues a special use permit. It cannot be recorded unless everyone signs off on it.

Alderman Duane noted that under the "Findings to approve or disapprove the C.U.P.", if they maintained that public access just to walk there to a dead end will that satisfy these requirements? Attorney Kilroy said that there were limitations as to what we could make a landowner do and you reach a point where you are in a "taking" position. Alderman Duane said that the Planning Board does not make the decision; we make the decision since we are the governing body.

***The Motion passed three to two with Aldermen Duane and Farley voting nay.***

Mr. Cassell said that there was one condition that might be appropriate and that is that before the building permit is issued that the applicant provides a letter from a financial institution guaranteeing the improvements. Alderman Smith did not think it was necessary to do that. Mr. Cassell said it would be for public improvements.

***Alderman Duane moved, seconded by Alderman Farley to amend the motion to include that a letter be provided from a financial institution guaranteeing the improvements. The motion failed with Mayor Pro Tem Handy and Aldermen Godwin and Smith voting nay.***

***Alderman Godwin moved, seconded by Alderman Smith having found in the affirmative: A through G above, to approve the Conditional Use Permit (#05/01) for LaCosta.***

Alderman Farley questioned if the project was essential or desirable.

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*The motion passed with Aldermen Farley and Duane voting nay.*

**c. Budget Amendment #1:**

Mr. Cassell noted that on January 6, 2005 the Board of Aldermen unanimously approved a Budget Amendment to take a single one time permit fee of \$25,280 from the St. Regis to be set aside for a future vehicle for Inspections (Gene Casey's), rather than rolling that into undesignated funds. Gene's current vehicle is an Expedition and it has over 112,000 miles and has begun to have transmission problems.

We have secured very favorable vehicle quotes from Capital Ford. Based on the quotes from Capital Ford, the vehicle specifications needed, the value received and considering the estimated MPG, he recommend that the Town of North Topsail Beach purchase the 2006 Ford Expedition for Inspections. The capital cost difference between the Ford Explorer and the Ford Expedition is \$628 (\$22,850 vs. \$22,222) and the annual operational cost differential is \$252 (\$2.52 per gal based on 10,000 miles per year). The Expedition gets a combined mileage rating of 16 mpg while the Explorer gets 17 mpg.

The other factors supportive of the Ford Expedition are: 1) higher resale value, 2) equipment already purchased for an Expedition, 3) more seating capacity, 4) ridged suspension over independent suspension, 5) higher corrosion resistance rating ( 72 months vs. 60 months) 6) engine life expectancy of V8 vs. V6.

Mr. Cassell said that in addition he would suggest that in support of this that this Board be given the opportunity to make this decision and to avoid the purchase of seven vehicles next year and he was told that other vehicles of a similar size would cost more. He said staff has secured a good quote.

Alderman Farley questioned taking \$25,000 directly and not financing the vehicle. Mr. Cassell noted that the money was put in the line item to spend it. Alderman Farley noted that at the time they moved it to a budget item and they didn't put it in the appropriated fund balance and they stated an intent. Alderman Farley suggested that depending on interest rates, let us match our expenses and buy it on time and pay for it. Mr. Cassell said that we were above the cost with our permit fees at this time. Mr. Cassell said that we were authorized to purchase a vehicle and we will use the best financing terms we could get. Alderman Duane said that during the budget process she was opposed to taking money from the fund balance. We had a time when we planned to purchase a vehicle for Inspections and we also talked about sharing a vehicle. Alderman Duane said that she understood there was a lot of development, but she was opposed to taking money from the fund balance.

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Alderman Farley asked if the money was in the designated fund balance or are we taking it from the unappropriated fund balance. Mr. Cassell said they would be taking the money from the appropriated fund balance since that is where it presided. Alderman Smith said that the bottom line is that the inspection vehicle is worn out and it was not part of the budget and we will have to replace it. Alderman Duane asked how it wore down in two months and Mr. Cassell said the transmission problems just occurred. Mayor Pro Tem Handy stated that this money was put in a fund for a vehicle for inspections because of the money received from permits and we are not taking money from the undesignated fund.

***Alderman Smith moved, seconded by Mayor Pro Tem Handy to approve Budget Amendment #1 to purchase a vehicle for the Inspection's Department. The motion passed with Aldermen Duane and Farley voting nay.***

**d. Nomination to the Coastal Resources Advisory Council (CRAC)**

The NC Resources Commission has requested coastal areas to submit a nomination to serve on the CRAC. Recommendations must be sent in by September 9, 2005.

***Mayor Pro Tem Handy moved, seconded by Alderman Duane to nominate Mayor W. Rodney Knowles to the Coastal Resources Advisory Council. The motion passed unanimously.***

**e. Donation to the Red Cross for the Victims of Hurricane Katrina:**

Alderman Smith said that a citizen has called him and asked what we could do for the people affected by Hurricane Katrina.

***Alderman Smith moved, seconded by Alderman Duane to donate \$2500 to the Red Cross.***

Alderman Farley felt that it was not the Town's responsibility to provide donations. It is not a town obligation and citizens will send their money to organizations that they see fit. It is a worthwhile cause, but individuals will send money.

Mayor Knowles noted that the Town has received a letter from the League to give out information on agencies to donate to. If anyone wants to donate anything they could call Town Hall for the list (the list is on the Town's website). Mayor Knowles noted that four towns in New Hanover County have made a donation too. He said if you were here in 1996 you would not hesitate to donate money.

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Alderman Godwin said that this will do some good and it won't hurt us and we will gain it back ten fold. Alderman Farley felt we should get support from our citizens and he said there are hungry people in our community.

*The motion passed with Alderman Farley voting nay.*

**MANAGER'S REPORT:**

1. A staff meeting was held on August 5.
2. Staff met with Jim Carter and Michael Moore on August 8 to develop the administrative budget for the TISPC.
3. Staff members attended the August regular meeting of the Planning Board on August 11.
4. Staff met with Jim Gregson of Coastal Management to review oceanfront site information on August 16.
5. Staff attended the Topsail Island Chamber of Commerce Board of Directors meeting on August 17.
6. Staff members attended the NTB Beach Nourishment meeting of August 17.
7. Staff members attended the COE Regional Sand Management Meeting on August 18 in Surf City.
8. Staff received a call on August 22 from Representative George Cleveland of the NC House regarding the sewer smell from Topsail Utilities, Inc.'s lift station at the bridge. Received another call today. Mr. Beck from Division of Water Quality did inspect it. \$50,000 cost estimate to improve it to eliminate the smell.
9. Staff members attended COE's PDT meeting regarding the EIS in the morning and the TISPC meeting in the evening on August 23 at Surf City.
10. Staff and Bob Kilroy received on August 24 the draft transfer documents (General Warranty Deeds) for the 41 surplus properties from Onslow County Attorney Ron vonLembke.
11. Staff attended the Onslow County Mayor's meeting on August 24 in Surf City
12. Staff members attended the COE's meeting with CPE and State Regulatory Agency representatives on August 31.

**Upcoming Events:**

1. The Four Town Meeting will be hosted by the Town of Holly Ridge on September 8, 2005, at 6:30PM at the Smokehouse Restaurant on US Hwy 17. Please let Loraine know if you can attend and if you have any agenda items for this meeting.
2. The Coastal Resources Commission (CRC) has asked local governments to consider nominating candidates for appointment to the Coastal Resources Advisory Council (CRAC). The nominations are due September 9.
3. Chief Salese and I will attend a seminar on Performance Measures for Local Government on September 12 in Jacksonville conducted by Prof. David Ammons of the School of Government.
4. I will attend the NC Chapter of American Public Works Association Conference in Wrightsville Beach on Storm Water Management on September 19 and 20.
5. NC Big Sweep (Beach cleanup) coordinated by Keep Onslow Beautiful is planned for October 1 and NC DOT's Litter Sweep (Roadside cleanup) is planned for September 17-October 1. Volunteers are needed.
6. The next EIS Project Delivery Team (PDT) meeting is scheduled for October 6, 2005 at 10:00AM in Town Hall.

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**ATTORNEY'S REPORT:**

Attorney Kilroy said that he has received from Onslow County the deeds that they conveyed to us and he will execute the resolution.

**MAYOR'S REPORT:**

Mayor Knowles stated that there was a report on CNN last week on NTB and it was negative even though we were assured that wouldn't happen.

**ALDERMEN'S REPORT:**

Alderman Godwin said if Rep. Cleveland gets the sewer smell eliminated he would applaud him. He thanked everyone for attending the meeting and said to enjoy a safe weekend.

Alderman Smith thanked everyone who helped them make decisions.

Aldermen Duane, Farley and Mayor Pro Tem Handy thanked everyone for attending the meeting.

**EXECUTIVE SESSION:**

*Alderman Duane moved, seconded by Alderman Smith to go into Closed Session. The motion passed three to two with Mayor Pro Tem Handy and Alderman Farley voting nay.*

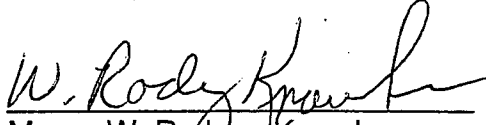
The Board went into Executive Session at 9:45 pm to discuss a personnel issue and possible litigation. The Mayor will address the personnel issue and will get back with Board members within 10 to 14 days.

*Alderman Duane moved, seconded by Alderman Godwin to close the Executive Session. The motion passed unanimously.*

**ADJOURNMENT:**

*Alderman Duane moved, seconded by Alderman Godwin to adjourn the meeting at 10:00 p.m. The motion passed unanimously.*

Minutes prepared and submitted by Loraine M. Carbone, Town Clerk for North Topsail Beach.

  
\_\_\_\_\_  
Mayor W. Rodney Knowles

*10/6/05*  
\_\_\_\_\_  
Date Approved

**TOWN OF NORTH TOPSAIL BEACH  
EMERGENCY HURRICANE MEETING  
SEPTEMBER 21, 2005  
4:30 P.M.**

**PRESENT:**

Mayor W. Rodney Knowles, Mayor Pro-tem Fred Handy, Aldermen Laurie Duane, Richard Farley and Steve Smith, Tom Cassell, Town Manager, Loraine Carbone, Town Clerk, Robert Kilroy, Attorney; Staff: Thomas Best, Gene Casey, Shelia Cox, Christine Henderson, Lydia King, Sue McLaughlin, Daniel Salese, Christina Watkins

**NOT PRESENT:**

Alderman Buddy Godwin

Mayor Knowles welcomed everyone to the meeting and he thanked staff for all of their help and noted that many of them put in a lot of hours before and after Hurricane Ophelia. He also publicly thanked Jones Onslow, ONWASA and D.O.T. The mayor said that the Town had excellent cooperation with the Onslow County EOC.

**1. DEBRIS REMOVAL AND PLACEMENT OF DEBRIS:**

Mr. Cassell noted that the Town has had a service agreement since 1999 with DRC and it continues until December of next year. The estimate from them is in regard to 2,000 cubic yards for the streets. We have two operations, one on the ocean front under public works and he said that they did a fine job working with the Department of Corrections. In regard to the street right of way debris, he asked for the citizen's patience. Since there is a minimal amount, the Town was looking to pick up one time, by putting the debris out by September 30<sup>th</sup> and we would pick it up October 3<sup>rd</sup>.

Fire Marshal Best said that past Hamilton Colony is complete and it took them three days to do it and he felt it would take another three days to finish, but the tides will dictate how fast they can move. On Monday morning, they will have the corrections people back. Chief Salese said that the trash sites are located on our properties and we set them up as we need them. Mayor Pro Tem Handy noted that if you see the trash collecting, it will not stay there. Alderman Farley asked if they would pick up on the ocean front at the north end all of the wires, etc., or would the utilities pick it up. Chief Salese said it would be easier to pick it up on the ocean side. At the New River Beach Club there is no right of way to pile the debris and it is up to the Board if we go into other areas.

Mayor Pro Tem Handy said that anyone who has debris on their ocean front property must sign a right of entry form. Mayor Knowles said that debris put out on the side of the road has to be storm related debris only.

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Fire Marshal Best said that if anyone is re-roofing their house they are responsible to have it taken away, but if you have a few shingles that won't be a problem for them to pick up. A citizen noted that they have debris in the middle of the yard and asked if the Town would get that. Fire Marshal Best said that everything has to be moved to the right of way. Dan Tuman said that there are absentee owners who have debris on their property and how will we address that. Mr. Cassell said that is why we had a removal date at a later date to give owners time to get here. Mayor Handy said that the release is on the website. Chief Salese asked if we haven't heard from absentee property owners, do you want us to go on their property?

Alderman Duane asked if we would get reimbursed for this. Chief Salese said that we are still under a B category which states that federal would pay 75% and the state 25%. Fire Marshal Best asked Attorney Kilroy that if we have a right of entry signed who would be responsible for septic tanks. Chief Salese noted that we just have a right of entry form now and not a hold harmless form. Alderman Smith noted that in a week or two we would have a good idea as to who didn't get here and we should send them a letter that we will charge them if they haven't picked up their debris yet and we may need another pick up. Mayor Knowles said if it is rental property then there is a property management agreement. Chief Salese said that the vacant lots are the main ones.

Dan Tuman reiterated that people will be asked to move their debris to the right of way and the Town will post on the website that they should do this and then the Town will notify individuals who didn't get the message. Alderman Smith said that everyone doesn't have the internet so we should send a letter along with a right of entry form. Mr. Cassell said that property owners should try to cooperate and meet the deadline to utilize the services of our contractor. Alderman Farley said we would have a better response if we get to them sooner.

Sue Tuman noted that other communities are already picking up the debris and she asked why they are able to do it and we can't. Mr. Cassell said the reason we are utilizing one pick up is the gage used by our service provider since they said we have a minimal amount and it would be done in one pick up. Other towns could have more debris. 90% of our debris is construction material.

Mr. Parrish asked if beach easements would be considered property where you would pick up since at the north end there is a lot of debris that is in the easement. Fire Marshal Best said the Town needs to do that. Alderman Smith questioned the County crossovers and Fire Marshal Best said that they did clean up some and they put it to their right of way and they have asked us for help.

Mrs. Shipley noted that the northern part got hit the hardest and they have spent many days picking up the trash and they need the Town's help. She felt if the

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pick up of debris took too long that it will blow around. She asked how are we saving any money and how are you helping us and noted that the beach accesses were dangerous.

Dan Tuman felt that there should have been re-entry passes to limit traffic to the north end of the island since there is a problem of scavengers picking over everything. You should restrict non-NTB residents from heavily debris areas.

Alderman Duane said that if we are planning on two pick ups why not schedule a pick up sooner and schedule another one for mid-October to contact owners who haven't brought their debris to the right of way.

Mr. Cassell noted that DRC said one pick would be enough given the minimal amount of debris and the cost is at issue. Chief Salese said that we would pay for the equipment and rent it hourly. Alderman Farley asked where the added cost was and Mr. Cassell said that the amount shouldn't be static. Our thoughts were with one pick up and we could cover the 2000 yards. Alderman Farley asked if we could find out whether we could do one or two pick ups. Mr. Cassell noted that public works hasn't made it to the north end yet to pick up the beach. Chief Salese said that we have to move it regardless if FEMA pays or not. Alderman Duane said that we have to get it out of the streets since it is dangerous to everyone.

Alderman Farley said that we are talking about a clean up in 13 days and he asked what would we save and he said that we need to find out the added costs. Mayor Knowles asked if we would wait to pick up the north end until after the beach is cleaned. Fire Marshal Best said if we pick it up now at the north end, then they will put debris out again and you can end up with three pick ups. Alderman Smith asked if we could rent a dump truck and Fire Marshal Best said that everything has to go to the landfill and you need drivers. Alderman Farley said that we have to look at the most efficient way to get it done and find out the added costs to do the pick up.

***Alderman Duane moved that the Town schedule a debris removal as soon as possible and advise the property owners to have the debris ready at their right of way and if necessary schedule a second debris removal at the most practicable date.***

Sue McLaughlin said that it would take a couple of days to mobilize the trucks. Sue Tuman said for those who don't comply, don't we have something in our ordinance that they would be notified and they have to pay. Mrs. McLaughlin said that we do have a nuisance letter that would go out.



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**Mayor Pro Tem Handy seconded the motion. The motion passed unanimously.**

**2. DANGEROUS/THREATENED STRUCTURES:**

Mr. Cassell said that there are presently eight duplexes and two multifamily units that are in a dangerous situation. The Department of Coastal Management has advised us that it is not likely that they will allow reconnection to those units. Mr. Cassell noted that the community has been in this position in the past. We have talked with hazard mitigation, but the units do not qualify for funds since it is an erosion issue and has been an ongoing process. We spoke with the League of Municipalities and the lien provision is not available to residents. A lien provision would be available if the owners didn't take action and did not remove the structure, but if the Town declared it a safety issue, the Town would be faced with taking action. A citizen said that they would be stuck with a mortgage and the Town tells me to tear their house down and he wouldn't be able to afford to do that and asked what could he do. Mayor Knowles said that they would need to get an attorney.

Gene Casey noted that once a house is condemned you would have 10 days for a hearing and after that hearing is held if the house is still condemned you would have 60 days to tell us what you will do to proceed to relocate, demolish, etc.

**3. REPLENISH DUNES/BERMS:**

Mr. Cassell said that they have an estimate to push sand, but Coastal Management said there is little sand to push. It would be advantageous for the Town to do this under one permit that Coastal Management said they would issue to us. The range of the cost would be approximately \$90,000.00 if it is done in 14 days and up to \$360,000. The bi-hourly rate would be more economical to the Town.

Alderman Duane asked what the cost was to rent a dozer. Fire Marshal Best said that it would take a lot of time and it has taken him three months to bull doze during low tide before. Alderman Duane noted that if we push right now and a hurricane comes the sand will be gone and we will keep throwing out money to push the dunes. A citizen said that some houses are level with the ocean.

Mayor Knowles said that right now we should be in a waiting game to get sand since we will have to wait for it to come back in. A citizen asked if they could get a private permit. Alderman Smith said that CAMA will still tell you and us when to push sand. Mr. Cassell said there would be a site by site evaluation by CAMA. Sue McLaughlin noted that if the Town pushes the dune will be consistent, but if individuals decide to push it will not be a consistent dune all the way down.

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Mayor Pro Tem Handy said that this information should be available to the citizens and they should contact Mrs. McLaughlin.

Alderman Farley questioned if the Town gets a CAMA permit does that mean an individual couldn't push and Mrs. McLaughlin said that if individuals don't want us to push their property they could ask for an individual push, but she would need to keep track of who is pushing and keep track of the contractors. Alderman Smith said that he wants the Town to push, but if an individual wants to push they should be able to. Mrs. McLaughlin noted that there wasn't enough sand on the beach at this time. She also noted that an individual who wanted to push would have to notify their adjoining property owners and you could only correct what you lost to create a berm and you could not block the beach. If it is threatened you could push one time. A citizen asked how long before sand could be pushed and could we get sand from somewhere else. Alderman Smith noted that it would be very expensive to get compatible sand out of Wallace and Mrs. McLaughlin said that we would need a major CAMA permit.

Alderman Farley asked if the only individuals who could get permits to push were those who had threatened structures and Mrs. McLaughlin said yes and if they have erosion we could issue a different permit. She also noted that if you push as a threatened structure or for erosion it is a one time push.

Mayor Knowles said the consensus was that we need to wait to see what CAMA tells us and to pursue a permit.

**4. PURCHASE OF SEA OATS AND SAND FENCE:**

Mr. Cassell said we have an estimate for plants that we could purchase later in the year or in the spring. Mayor Pro Tem Handy said that we could buy the sand fence and make it available for half the price and the land owner would have to put it up themselves. Alderman Smith noted that we have used prison labor before and he asked that the Board discuss this issue at their October 6<sup>th</sup> meeting.

**5. TRASH CANS REPLACEMENT:**

Mr. Cassell noted that about five trash cans have been lost at this time and he asked if the town provides for the lost ones or is it the responsibility for property owners to purchase another can and the Board's consensus was that property owners were responsible.

**6. DAMAGE FIGURES PROVIDED BY INSPECTIONS:**

Gene Casey said that he used a residential damage estimator from FEMA and major damages total approximately \$3 million dollars, \$800,000 for minor damages and government structures will be well over \$50,000. The Reef's damage is at \$1.9 million dollars.

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**7. REPLACEMENT OF POLICE VEHICLE:**

Chief Salese said that insurance will pick up as much as they will and the town will have to pay the rest for the replacement of a police vehicle that was damaged. He explained that the car was at the south end at that time patrolling and the vehicle had to go under some houses and they went in too deep and water entered the fuel injection. Alderman Smith asked the Chief to bring them back a number.

**8. OTHER BUSINESS RELATED TO HURRICANE OPHELIA:**

Cindy from 210 Port Drive said she has talked with her neighbors and they were glad that the north end was blocked off, but they felt that it was opened up too soon to the public. They didn't have time to reclaim their items.

Dan Tuman also said that the north end was reopened prematurely.

A citizen asked what the Town was applying for with FEMA and asked if we were eligible and what is the affect on the Budget. Mayor Knowles said we will apply for everything that we can get.

Alderman Farley questioned the Level B and Mr. Cassell said we had emergency protective measures up and through the event and we are hoping for an additional declaration of category A. Representatives from our Senator's office said they are waiting for the governor and the question is what additional categories will be part of the declaration.

Mayor Knowles said that we are working with the county and the senator's offices.

**9. ADJOURNMENT:**

*Alderman Smith moved, seconded by Alderman Duane to adjourn the meeting at 6:00 p.m. The motion passed unanimously.*

Minutes prepared and submitted by Loraine M. Carbone, Town Clerk for North Topsail Beach.

  
\_\_\_\_\_  
Mayor W. Rodney Knowles

10/6/05  
\_\_\_\_\_  
Date Approved

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**TOWN OF NORTH TOPSAIL BEACH  
REGULAR BOARD MEETING & EXECUTIVE SESSION  
October 6, 2005  
6:30 P.M.**

**PRESENT:**

Mayor W. Rodney Knowles, Mayor Pro-tem Fred Handy, Aldermen Laurie Duane, Richard Farley, Buddy Godwin and Steve Smith, Loraine Carbone, Interim Town Manager, Christina Watkins, Deputy Town Clerk, Robert Kilroy, Attorney

**EXECUTIVE SESSION:**

The Board held an executive session at 6:30 p.m. regarding legal issues.

**QUORUM:**

Mayor Knowles called the meeting to order at 7:00 p.m. in the North Topsail Beach meeting room and declared a quorum present.

**INVOCATION:**

Rev. Tom Greener, of the Faith Harbor United Methodist Church, gave the invocation.

**PLEDGE OF ALLEGIANCE:**

The Board of Aldermen and citizens present recited the Pledge of Allegiance.

**APPROVAL OF AGENDA:**

Alderman Smith added discussion on exceeding the budget of the Town Park under New Business (d). Alderman Farley added discussion on hiring additional personnel to Fire Department under New Business (e).

*Alderman Godwin moved, seconded by Alderman Handy approval of the Agenda with the additions. The motion passed unanimously.*

**COMMITTEE REPORTS:**

**Beach Nourishment – Michael Scott**

Mr. Scott stated that the Topsail Island Shoreline Protection Commission (TISPC) is publishing a series of 9 articles in the Topsail Advertiser explaining what the TISPC is, the beach nourishment options on Topsail Island and the benefits of beach nourishment. The next TISPC meeting will be held October 25, 2005 at 5:30 at the Topsail Beach Town Hall.

Mr. Scott said the Beach Nourishment Committee has requested information from the Town staff on ocean side and sound side property owners. This information will be compiled and analyzed to decide the best way to fund the beach nourishment project. Mr. Scott noted that the Town initiate action to push the dunes as soon as possible.

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**Planning Board – Steven McGrane, Chairman:**

A meeting of your Planning Board was held on September 8th, 2005. There were three items on the agenda.

First a public hearing was held for the Parkside Properties rezoning application #05/03. The board then discussed the application and voted to recommend that the application not be approved because the majority of the board thought it would be unreasonable spot zoning.

The board then reviewed the new zoning map and the changes to the map that the Board of Alderman ordered. The Planning Board then asked the staff to return the map to the printer for corrections and improvements before it could be certified.

Lastly the board held a discussion on possible changes to the zoning ordinance. The three areas that were suggested for possible amendments were: accreted land, clear cutting, and requiring all developments to have approved development plans. The board then asked the staff to research these issues and to draft proposed ordinance amendments for the board to consider.

The next Planning Board meeting will be October 13<sup>th</sup>.

**Recreation & Appearance Committee – Bill Horstmann, Chairman:**

- North Topsail Beach (NTB) participated in the 2005 NC Big Sweep on October 1<sup>st</sup> from 9am until 1pm. Trash was picked up from 8 miles of NTB Beaches and Recreational areas.
  - We had 33 volunteers picking up trash. Most of the volunteers were high school age young adults. Some students were able to earn credits toward their community work. We had one family of volunteers who were on vacation that helped with Big Sweep.
  - The total trashed picked up was 98 bags.
  - One area which was cleaned up was the boat ramp area under the bridge. This area required a great deal of attention. It was reported that there were no trash cans in this area.
  
- The 2006 Dining Guides are available for \$25.00
  - In addition to numerous coupons to many restaurants, there are also coupons for other retail outlets.
  
- Also "T" shirts, hats, visors and sweatshirts are also available for purchase at Town Hall.
  
- The snowflakes which were ordered in May have been received.

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- Specific telephones poles have been identified and marked for installation of the electrical outlets necessary to accommodate these new snowflakes
- The snowflakes will span the entire length of NTB,
- The committee has been maintaining the flower beds at both Fire Stations and the flower beds at both Entrance Signs.
- The Committee is still very interested in the proposed changes to our existing flower bed around the flag pole at Town Hall.
- The Committee has scheduled Oct 13, 2005 at 9:00 AM to clean up the existing flower bed around the flag pole at Town Hall. Weeding etc.

**OPEN FORUM:**

Larry Martin of 128 Topsail Road spoke on behalf of citizens who are concerned about beach renourishment plans for North Topsail Beach. He stated that he along with other citizens have formed a group called North Topsail Beach Property Owners Association. He said they are in favor of nourishing the beach but has concerns on how the Town might be funding the project. Mr. Martin felt it is was the duty of all property owners to share the burden of the cost, not just oceanfront owners. He also stated that it was important for all owners to cast their opinions by a poll not only those registered to vote here. Mr. Martin stated that the group is looking forward to working with the Town.

Mr. Martin also asked the Town to close the parking lot on 21<sup>st</sup> Avenue. He said the crosswalk was destroyed by Hurricane Ophelia therefore the people who park in the parking lot have to cross over the dunes to access the beach.

Mr. Godwin encouraged Mr. Martin and other members of the group to join the Beach Nourishment Committee.

**CONSENT AGENDA:**

The consent agenda consisted of the September 1, 2005 and September 21, 2005 Special Board Meeting minutes, Department Head Reports and the Benefit Accrual Report.

***Alderman Godwin moved, seconded by Alderman Handy approval of the Consent Agenda as presented. The motion passed unanimously.***

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## **OLD BUSINESS:**

### **Review of Preliminary Plot for Taylor Property**

This is the preliminary plat plan review for the rezoning and development application that was approved by the Board of Aldermen on February 3, 2005. The Planning Board reviewed and recommended the approval of the preliminary on May 12, 2005 (copy of minutes enclosed). This request for a major subdivision was received on April 28, 2005. This plat meets the requirements of the North Topsail Beach's zoning ordinance. This property is located on New River Inlet Road (Hwy 1568) across from the Baptist Church.

Review of the sketch and preliminary plat shows the following:

1. Water and Sewer: The water will be provided by Onslow County, the owner of the property is proposing sewer taps for the 5 lots.
2. Open Space: The owner will donate property (2.8 acres) to the town, which will adjoin the 7.5 acres received last year; a 30 foot easement exists to the property.
3. Access: The plat shows a one way private street, the owner will need to apply to NC DOT to shorten the guard rail to make the exit large enough to meet the fire code requirements.
4. Flood Insurance: These lots will not be eligible for federal flood insurance as they are located within the CBRA area.
5. CAMA: The Division of Coastal Management will need to review the plat plan for any major CAMA permits and sedimentation and erosion control.
6. Fire: The Fire Marshall has reviewed the plan; additional fire hydrant will not be required.

Mr. Charles Riggs, of 202 Warlick Street, Jacksonville, NC will be presenting this proposal on behalf of the owners and was present to answer any questions.

Alderman Duane asked where the bridge and guardrail was shown on the plot map. Mr. Riggs stated it is indicated by a thick black line. Alderman Duane asked if this was the area where the ocean washed over from one of the Hurricanes. Mr. Riggs said it is all uplands now.

Mr. Riggs stated that nothing has changed since the Board last seen the plot. He noted that the homes shown on the plot are typical size homes but not necessarily what would be built. He stated that they proposed a 25' wide road servicing the property. Mr. Riggs also noted Onslow County will supply water and Mr. Taylor is arranging for sewer taps from North Topsail Utilities. Mayor

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Knowles asked how Mr. Taylor was arranging for sewer taps. Mr. Riggs said he was on the list. Alderman Farley asked if he was definitely getting a tap or was he just on the list. Mr. Riggs stated he was on the list and would be getting the taps he needed. Mr. Riggs noted that Mr. Taylor is aware that he cannot come back for final review until he has the sewer taps.

Alderman Farley asked if Mr. Taylor would need to ask for a special request from D.O.T. for the service road. Mr. Riggs said we are proposing a one way street through the property, entering on the east side. Mr. Riggs said they would like to have a 24' or 25' wide exit, but to do that we would need to reduce the length of the existing guardrail. He noted that D.O.T. has given him permission to do so. Mayor Knowles asked him if he had that in writing. Mr. Riggs stated he did not at this time.

Mayor Knowles asked if there was anything in writing stating that the back portion of the property could not be subdivided. Mr. Riggs said it was rezoned single family only, conditional use showing only the five lots. He said it was understood at that time that if it was going to be subdivided it would have to go before the Planning Board and the Board of Aldermen. Mayor Knowles then asked Mr. Riggs if he needed a Storm Water permit. Mr. Riggs said because the development is less than 1 acre a Storm Water permit is not required. Mr. Knowles asked Mr. Riggs to get that in writing because it is debatable whether or not it is less than 1 acre.

Alderman Farley suggested the item be tabled until he got the requested items in writing. Mr. Riggs reminded the Board that this is only the preliminary review.

***Alderman Godwin moved, seconded by Alderman Smith to approve the preliminary plot of the Taylor property.***

Alderman Farley wanted it noted that the zoning of this property has been inappropriately changed. Alderman Duane felt it was irresponsible of the Town to approve construction in an area that might be condemned by the breaching of the ocean in the future.

***With a motion made and seconded the motion passed 3-2 with Alderman Farley and Alderman Duane opposing.***

## **HURRICANE RELATED ISSUES**

### **Pushing Dunes**

Staff has been in contact with the Division of Coastal Management concerning the permit required to repair dune damage and push a dune where the storm breached.



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Currently the staff is working on the Emergency Permit that would allow the town to bulldoze and repair the damage to the dunes. This permit would allow the town to push from landward of the high water mark only. The town could also apply for a Major Cama Permit to push and repair the dunes, this permit would allow the town to bulldoze landward of the low water mark. The cost of the Major Cama Permit would be \$475.00; there is not a fee for the Emergency Permit. The staff has been informed that bulldozing will only be allowed after the turtle season, which ends in mid November.

Staff requested authorization from the Board of Aldermen to submit for both permits. Some of the areas of the beach may not have enough sand to push from high water mark only. Having both the permits would allow the town to make a decision on whether to push from high water mark or from low water mark. In addition with the Major Cama Permit the town can add in a request to haul in beach compatible sand from an outside source.

Mayor Knowles asked if we have applied for the CAMA permit yet. Mrs. McLaughlin said she has not, because we needed Board approval. Alderman Handy said he has heard that CAMA will not allow us to push until after turtle season. Interim Town Manager Carbone stated only until we have the major permit can we then proceed with requesting permission from the Army Corps of Engineers and Fish and Wildlife to push during turtle season. Alderman Handy suggested getting a letter from the Turtle Hospital stating that there are no turtle nests in our town. Mayor Knowles reminded the citizens that at present time there is no sand to push.

***Alderman Duane made motion, seconded by Alderman Smith to apply for a Major CAMA permit. The motion passed unanimously.***

Mrs. Carbone asked the Board if they want to go with D.R.C. to do the pushing or go out for bids. Alderman Duane suggested waiting until November so we know how much sand they will push. Mrs. McLaughlin stated the bids can be based on linear foot or hourly. She said it will cost more to push by linear foot rather than hourly, because some of the dunes don't need as much sand pushed up as other areas.

Alderman Smith said we don't need to wait. He said we need to have a contractor ready to push as soon as we get our permit.

***Alderman Smith made motion, seconded by Alderman Duane to obtain bids to push the dunes. The motion passed unanimously.***

**Purchasing Plants and Sand Fence**

At the special meeting held by the Board of Aldermen it was requested that staff obtain information pertaining to the replacement of the lost sand fences and plants.

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If the Board wishes to order plants we will need to place an order as soon as possible to have them available for the spring planting season. (David Nash and Spencer Rogers have advised staff to wait for the spring planting and not to plant this fall). There is approximately 58,000 linear feet of beach and this equates to approximately 20,000 plants for one row.

Price for plants (\$0.40) Sand Fence is ranging from \$35.00 to \$50.00

As an example, four rows of plants for each property would be about 115,000 plants at a cost of \$46,000.00.

OPTIONS:

- Town buys and installs plants and sand fencing with prisoner help.
- Town cost shares with home owners' and owners do the plants and fencing.
- Town buys plants and installs with prisoner help and buys fencing and owners place the sand fence on their property.

Mrs. Carbone asked the Board how they would like to proceed with purchasing and if the Board wants to do a cost share program with the citizens. Alderman Godwin stated he is in favor of the Town buying the plants and having them installed with the prisoners help. He stated this way we know it will be done correctly and according to State guidelines and it will be consistent along the beach.

Alderman Smith asked if this was the only quote we have received. Mrs. McLaughlin stated that it is Barbara's Bloomers who we have been using. Alderman Smith said he would like to see us work out something with Carolina Beach. Mrs. Carbone said she remembers us checking out their program and it was comparable with Barbara's Bloomers, but not sure about how they work delivery. Alderman Smith asked if the price of \$46,000 was only for the plants and Mrs. McLaughlin said it was. She noted that the sand fence would range between \$35 and \$50 for a 50 foot roll.

Mrs. McLaughlin explained how the cost share program works. She stated that the Town pays .40 cents per plant and then the property owners pay the Town .20 cents per plant. Alderman Smith questioned property owners not participating and Mrs. Carbone stated that the cost share program has worked very well in the past.

Alderman Farley asked if the Town was allowed to spend tax payers' money on private property. Attorney Kilroy said it is basically a project for public health and safety. Mrs. Carbone reminded Alderman Farley that the money comes from the Beach Nourishment funds which the citizens pay for. Mayor Knowles said nourishing the dunes helps all the citizens of North Topsail Beach. Alderman Farley stated he

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lives at the North End and no one at that part of the beach has benefited from this program.

Alderman Smith asked when the plants would be ready. He noted that he has planted as early as February. Mr. William Hortsmann, a member of the Recreation Committee and a landscaper stated that late January, February and early March is the best time to plant sea oats. Alderman Smith said he would like a price for sand fence. Mrs. McLaughlin noted that the price fluctuates so depending on how much and when we order will depend on the amount per roll.

Discussion took place on the benefits and drawbacks on hydro seed. The general consensus was that it wasn't the best option for the Town at this time.

***Alderman Duane made motion to place our order for 4 rows of sea oats and get a price on sand fence.***

Alderman Farley wanted it on record that he was not in favor of having the Town pay for the plants and sand fence.

***Alderman Duane restated her motion, seconded by Alderman Smith to place the order for 4 rows of sea oats and to get a price for purchasing sand fence. The motion passed 4-1 with Alderman Farley opposing.***

Mrs. McLaughlin explained to the Board how the cost share program works. She stated that the Town purchases the plants and the owners who would like to plant on their lots pay half of the cost. Mrs. McLaughlin said that money is then put back into the fund. She said the Town has done it that way since Hurricane Floyd and has had great success. Alderman Smith said it is the Town's responsibility to plant the dunes and then if owners want to purchase additional plants they can do so. He noted that once we get the dunes vegetated we can start with the cost share program again.

### **Unsafe Buildings**

Inspection staff has sent out a letter to property owners whose dwellings are now unsafe because of the detrimental effects of Hurricane Ophelia. They were informed that their properties have been condemned as of September 28<sup>th</sup>, 2005 and that they will have to bring the structure into compliance with all applicable state and local codes within an established time period. A hearing will be held on October 13, 2005 at 10:00 am to review the matters and hear from the owners.

Alderman Godwin asked how many letters were sent out. The Building Inspector, Gene Casey, stated that although 16 units were condemned only 14 letters were sent out because some owners own both sides of the duplex. Alderman Farley thanked Gene Casey for a job well done.

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**Memorandum of Agreement with D.O.T.**

Mrs. Carbone stated the Town needs to sign this agreement with D.O.T in order for us to pick up the debris in their right of way here in North Topsail Beach.

***Alderman Smith moved, seconded by Alderman Handy to sign the agreement with D.O.T. The motion passed unanimously.***

**Resolution – Designation of Applicants Agent**

Mrs. Carbone said this is a resolution that must be signed before we can request federal monies.

***Alderman Godwin made motion, seconded by Alderman Handy to sign the resolution. The motion passed unanimously.***

**NEW BUSINESS:**

**Beach Nourishment Questions/Answers**

The Beach Nourishment Committee has prepared these questions and answers in order to focus the community's discussion on the viability and feasibility of the beach nourishment project(s). The information is the best available that the committee has at this time. Alderman Godwin read the following questions and answers.

Alderman Godwin reviewed the questions and answers for the Board and citizens.

1. ***What is the cost of beach nourishment, including financing and insurance?*** The Feasibility Study for Shoreline Protection (August, 2004) identified several components and their cost of the recommended plan: 1) nourish 16,600 feet, Central Section, \$5.8 million; 2) nourish 20,320 feet, South Section, \$8.73 million; 3) nourish 20,000 feet, North Section, \$9,221,880; 4) Dredge New River Inlet & Cedar Bush Cut, \$2,064,820; 5) Mitigation fill Onslow Beach, \$389,520 and 6) Engineering and design during construction 3%, administrative cost 2% and contingency 10%. In September, 2004 the Town and Coastal Planning and Engineering, Inc. signed a professional service contract for Final Design and Environmental Studies with a project area shoreline defined as the North Section (20,000 feet) and the Central Section (16,500 feet). Recent meetings of the Project Development Team (PDT) have noted environmental difficulties with dredging Cedar Bush Cut and Mitigation fill for Onslow Beach. Thus, the beach nourishment project would consist of: 1) North Section:

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2. \$9,221,880; 2) Central Section: \$5.8 million; 3) Dredge New River Inlet: \$4,000,000 and 4) Engineering, Design, Administrative and Contingency 15%, \$2,850,000; Total Cost: \$21,871,880 rounded to **\$22 million**. This is initial construction cost and does not include periodic nourishment cost. Financing is the cost of borrowing the necessary funds (bonds) for a specific term and at the market rate for the securities. Actual financing cost will not be known until the bonds are sold in the market. However, for our purposes we can use an example for illustration. **\$3,096,612** (\$258,051 per month) is the annual debt service required to retire \$22 million for a term of 8 years with an interest rate of 3%. In regard to insurance, there will be some insurance cost. The Town of North Topsail Beach has not ever sold bonds before so the Town's bonds are not rated. Therefore, the rating of the bonds will reflect this and the rating will determine the interest rate. Insurance cost will be included in the bond rating and interest rate.
3. ***Would the project include the North, Central and South sections?*** Currently, the beach nourishment project consists of: 1) North Section, 2) Central Section and 3) Dredging New River Inlet, but not the South Section.
4. ***How could the Town exclude the South Section and obtain voter approval?*** The South Section is in a non-Coastal Barrier Resources Act (CBRA) area and is eligible for Federal funding assistance. If the Town moves forward on beach nourishment and the South Section is not included, then at a minimum the Town would need to assure the property owners in the South Section that the Town would follow through once the federal government appropriates the money for the South Section. Of course, one governing body can not obligate a future governing body.
5. ***Is Coastal Planning and Engineering including all sections of NTB in the shoreline protection project?*** No, currently the project consists of a North Section, Central Section and dredging New River Inlet, but not the South Section.
6. ***What Federal and State funds are available for which sections?*** Federal funds are available for the South Section and for dredging New River Inlet. Federal funds are not available for the North Section and Central Section since they are in a CBRA area. State Funds may be available for dredging New River Inlet. The availability of state funds for beach nourishment of any sections is uncertain. The State of North Carolina (Water Resources Division) has been reimbursing the Town one-half the cost of the local share of the feasibility and design studies for both projects. ***How likely are the federal funds?*** Recent

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federal action has not been kind to beach nourishment. Will there be a positive change in that regard due to the events of Hurricane Katrina?

7. **Does the Town proceed with construction as planned in 2007 for the North and Central Section or postpone and coordinate with the Federal NTB/Surf City Project (South Section)?** It would seem prudent to proceed with whatever the Town of North Topsail Beach can support and afford. The longer the Town waits the higher the project cost, greater the loss of tax base and infrastructure and a likely diminishing community support. However, if the Town can not afford to undertake the project or a portion of the project then a postponement is advisable.
8. **Can NTB qualify for bonds in accordance with the Local Government Commission (LGC)?** While the Town of North Topsail Beach can look at a few indicators, review the general obligation bond application package and make comparisons to other Town's (i.e. Emerald Isle) projects the final determination rests solely with LGC. Once the Town knows the project cost and is ready to proceed the Town is advised by the staff of the LGC to schedule a pre-application conference in Raleigh.
9. **Can funds including grants be obtained from other sources, such as Onslow County, the State of North Carolina, Federal government including the Department of Defense?** The Town of North Topsail Beach would be extremely shortsighted not to thoroughly investigate these potential and all other sources of funds.
10. **What is the maximum term for general obligation bonds?** The term of the bonds depends on what the bonds are being used for. Beach nourishment is viewed differently than water and sewer. One factor is the life of the asset. Obviously, water and sewer has a longer life expectancy than say beach nourishment. The Town of Emerald Isle's beach nourishment project was approved by the LGC for a term of 8 years.
11. **What is the expected date for the federally assisted NTB/Surf City Project (South Section)?** At a recent meeting a Corps of Engineers staff member mentioned FY 2010-12 as possible funding years. Nevertheless, it is anybody's guess as to when the Town of North Topsail Beach (NTB) would actually receive the funding assistance.
12. **Does the Town have other beach nourishment project options rather than the \$30.7 million project?** Yes, but the question becomes, will the entire Town support the reduced geographically covered project area? Or stated another way, are voters willing to pay for a smaller project area when they realized their immediate area may not be nourished initially.
13. **Should the Town of North Topsail Beach establish more than one tax district?** It is certainly true that all property owners' benefit from beach nourishment since it protects the Town's greatest asset.

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- 14. However, the major point in support for more than one district is the perception on the part of many property owners that ocean front property owners benefit to a greater degree than other property owners with beach nourishment and thus, the oceanfront property owners should pay accordingly. On the other hand, one tax district would be simpler to administer and explain. Consequently, there are pros and cons on the issue of the number of tax districts. In the end, the bond referendum becomes a referendum on beach nourishment. The Town will need to structure the vehicle to pay for the project for a successful bond referendum.
- 15. **What options are there to ad valorem taxes to pay for the general obligations bonds?** If the Town of North Topsail Beach had the money on hand it would not need to borrow the money. Since beach nourishment projects do not involve an operation that produces revenue that can pay for the bonds, then the only option is general obligation (GO) bonds. GO bonds pledge the full faith and credit or taxing ability of the Town in order to pay for the bonds (debt). Consequently, there are no other options to raising taxes in order to pay for GO bonds. Certainly, other funds such as the Town's accommodation taxes, sales taxes, county, state and federal funds can contribute to reduce the debt service needed.
- 16. **What is the total amount paid to Coastal Planning and Engineering (CPE)?** Since July 1, 2002 the Town of North Topsail Beach has paid CPE \$902,775. Since July 1, 2002 the Town of North Topsail Beach has received \$319,795 from the NC Division of Water Resources, Department of Environment and Natural Resources. The Town has submitted request for reimbursement for \$144,887.50.
- 17. **Does CPE anticipate any real estate issues?** Tom Jarrett stated in an email to the Town: "As far as real estate issues, we would need construction easements to allow the contractor and survey crews to have access to the beach. We would need to designate staging areas and access points in order to get the pipeline and heavy equipment on and off the beach. The construction easement would include the area seaward of the ocean toe of the existing dune. Since the fills are larger than 50cy/lf, we will have to survey the seaward line of vegetation to comply with CAMA requirements. This pre-project vegetation line will be more-or-less a permanent line that will control future set backs. I plan to develop an option with a dune for the town's consideration. That option would require an easement for additional land landward of the toe of the dune."

**16. Is the Town close to meeting public beach access requirements?** Tom Jarrett has advised us, "in regard to public beach access, since

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the town is relying on funding assistance from the State, the State will probably have some access requirements. I will check with John Morris to see what these requirements will be. Note that the State does not have the same access requirements as the Corps of Engineers."

Mrs. Carbone thanked Alderman Godwin and the Beach Nourishment Committee members for all their hard work.

### **Town Manager Search**

Since the Town Manager has resigned effective September 30, 2005 the Board may choose to appoint an "Advisory Panel" to review applications. Also, if the Board agrees, an ad can be placed in the League of Municipalities publications.

Mayor Knowles explained that a search advisory panel will be put together to help with the search of a new manager. He noted that Alderman Handy will head that team. Mayor Knowles asked each Board member to submit two nominees for this panel. Mrs. Carbone said the criteria for the Town Manger will be advertised. Mayor Knowles requested to have something posted at the League of Municipality for their meeting next week.

### **Appointment of Interim Town Manager**

***Alderman Duane moved, seconded by Alderman Godwin to appoint Loraine Carbone as Interim Town Manager. The motion passed unanimously.***

### **Exceeding the Budget for the Town Park**

Mrs. King, the Finance Officer, stated that she had spoken with Tom Cassell, the previous Town Manger, back in August about her concerns with the park being overspent. She said there was no follow through on his part to bring it to the attention of the Board so she then sent an e-mail and there was still no follow through. She said the overage is roughly \$111,000 over spent. She said we do have money left over from Phase 1 that can be carried over. Mrs. King stated there were several factors contributing to the overage. She said the original draft budget that was adopted was done in 2003 and there were no adjustments made for inflation or price increases. Mrs. King also said there were change orders during construction. Alderman Duane asked who approved the change orders. Mrs. King stated that most of the change orders were done while she was out on maternity leave. Alderman Handy asked who signed them. Mrs. Carbone said several people had approved the payments including herself. Mrs. King stated some were signed by the two previous managers, Mr. Betz and Mr. Cassell. Alderman Farley said Mr. Cassell must have had very little to do with this being as he came on board approximately a week before the grand opening of the park. Mrs. Carbone reiterated that Mr. Cassell may not have signed any of the change orders, but that he was made aware of the overage back in August and no action was taken at that time. Alderman Farley



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stated this is something that should have been watched throughout the entire process. He said once we went over budget it should have been noticed right away. Mrs. King agreed that once she was out on maternity leave there was a breakdown and it wasn't monitored the way it should have been.

Alderman Farley noted that the budget was for less than \$200,000 so this is a 50% overage. Alderman Duane stated that there wasn't approval to pay for this and someone should be held accountable. She also noted that she is not happy about having to dip into the fund balance to pay for it.

**Adding Personnel**

Alderman Farley stated he heard something about hiring another fireman and wanted to know if there was any truth to it. Mr. Best stated it would not be a fireman position but a position for Public Works. Mayor Knowles said that we hear rumors everyday we don't need to be adding hearsay to the agenda. He noted if you want to add to the agenda it needs to go through the proper channels.

**MANAGER'S REPORT:**

1. A staff meeting was held on September 2.
2. Staff members along with Mayor Knowles met regarding the Beach Nourishment Committee's Q & A and database research and analysis.
3. Staff members met on September 8 with Mayor Knowles, Attorney Bob Kilroy and Dan Tuman regarding Mr. Curtis Jackson's second subdivision recombination exemption. A letter was sent noting that the second recombination was a violation of Town's lot frontage requirements.
4. In the evening on September 8 Staff attended the Four Town meeting in Holly Ridge.
5. Staff attended Onslow County Managers' meeting in Jacksonville on September 9.
6. Staff Along with Onslow County Department Heads attended a Benchmarking/Performance Measurement session with David Ammons of the Institute of Government.
7. Staff members participated in a special Board of Aldermen meeting on September 21.
8. Staff members attended the Beach Nourishment Committee meeting on the evening of September 21.
9. Staff members toured the north end of NTB with Charles Jones, Dir, NC Division of Coastal Management and Ms. Mary Jo Alcocke, NC Attorney General Office.
10. The Mayor and staff attended a FEMA Briefing and State Kick Off meeting regarding Hurricane Ophelia at the County's EOC on September 23.

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11. Staff members met with State Hurricane Ophelia contacts Robert Cauley and Bob Dowel on September 27.
12. Staff members met with Topsail Island Shoreline Protection Committee in the evening of September 27.
13. Staff members met with Bill Farris, Planning Consultant regarding the Share the Rode bicycle project along NC Highway 210 on October 5.
14. Mayor Knowles, Mayor Pro Tem Handy and Alderman Farley will attend the NCLM annual conference in Hickory on October 16<sup>th</sup> through the 18<sup>th</sup>.
15. One stop voting begins on October 20<sup>th</sup>.
16. The next EIS Project Delivery Team (PDT) meeting is scheduled for October 26, 2005 at 10:00AM in Town Hall.

**ATTORNEY'S REPORT:**

Attorney Kilroy said he will be attending the Hearing for the condemned duplexes at the North End scheduled for October 13, 2005.

**MAYOR'S REPORT:**

Mayor Knowles stated that representatives from Senator Dole and Senator Burrs office were here yesterday. He said they say we will be declared they just don't know when. Mayor Knowles thanked the Staff and the citizens for being understanding during all of this.

**ALDERMEN'S REPORT:**

Alderman Godwin thanked the Staff for good work as a result of the hurricane and thanked the citizens for coming to the meeting. Alderman Godwin also thanked the Beach Nourishment Committee for all that they do.

Alderman Smith thanked the citizens for coming to the meeting. He noted the questions and answers from the Beach Nourishment Committee is a good start in educating the citizens. He said as we get more information we may need to increase the frequency of the meetings.

Alderman Duane thanked the citizens for attending the meeting. She invited anyone who is interested in serving on the advisory panel to contact her.

Alderman Handy thanked the citizens for attending the meeting. Special thanks to Police Department, Public Works and staff for their long hours and hard work. He said it is much appreciated by everyone.

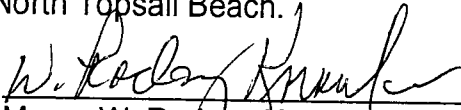
Alderman Farley said he heard that Gene Casey was being criticized on the radio for doing his job. Alderman Farley reminded the Board and the citizens that he needs our support.

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**ADJOURNMENT:**

***Alderman Godwin moved, seconded by Alderman Smith to adjourn the meeting at 8:55p.m. The motion passed unanimously.***

Minutes prepared and submitted by Christina Watkins, Deputy Town Clerk for North Topsail Beach.

  
\_\_\_\_\_  
Mayor W. Rodney Knowles

11/3/05  
\_\_\_\_\_  
Date Approved

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**TOWN OF NORTH TOPSAIL BEACH  
EMERGENCY BOARD MEETING  
OCTOBER 12, 2005  
4:00 P.M.**

**PRESENT:**

Mayor W. Rodney Knowles, Mayor Pro-tem Fred Handy, Aldermen Laurie Duane, Richard Farley, Buddy Godwin and Steve Smith, Loraine Carbone, Interim Town Manager

**NOT PRESENT:**

Alderman Steve Smith

**QUORUM:**

Mayor Knowles called the meeting to order at 4:05 p.m. in the North Topsail Beach meeting room and declared a quorum present.

**RESOLUTION TO HIRE CONTRACTOR FOR REPAIRS OF TOWN HALL:**

Discussion took place on the bids that were received for the repairs to Town Hall due to damage by Hurricane Ophelia on September 14, 2005. Gene Casey, Building Inspector, noted that Mr. Valiante was a licensed contractor and we had two other bids, but one withdrew because of a conflict of interest and the other contractor did not have a license.

***Mayor Pro Tem Handy moved, seconded by Alderman Duane to approve the Resolution Authorizing Town Manager to Contract for the Repairs to Town Hall after Hurricane Ophelia with Leo F. Valiante, General Contractor in an amount not to exceed \$38,230.00. The motion passed unanimously.***

**Resolution Authorizing Town Manager to Contract for the Repairs to Town Hall after Hurricane Ophelia with Leo F. Valiante, General Contractor in an amount not to exceed \$38,230.00**

**WHEREAS**, the Town of North Topsail Beach was impacted by Hurricane Ophelia on September 14, 2005; and

**WHEREAS**, the Town Hall has extensive damage to the front entrance, meeting room, Town Clerk's office, upstairs foyer and various tile damage in other offices; and

**WHEREAS**, this bid includes the replacement of carpet in the entrances downstairs and upstairs and to the meeting room and to the Town Clerk's office by Custom Floors by Prince, Inc. in the amount of \$8,228.55; and

**WHEREAS**, the Town has received bids to complete the repair work and Leo F. Valiante, General Contractor is the only Licensed Contractor who gave a reasonable and fair bid of \$30,000.00.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Aldermen for the Town of North Topsail Beach authorizes the Town Manager to contract for the repair work of the Town Hall to Leo F. Valiante, General Contractor of 649 Sound Road, Holly Ridge, North Carolina in the amount not to exceed \$38,230.00.

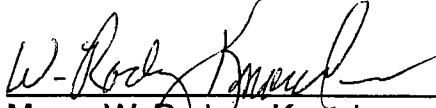
Adopted this 12th day of October 2005.

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**ADJOURNMENT:**

***Alderman Godwin moved, seconded by Alderman Duane to adjourn the meeting at 4:15 p.m. The motion passed unanimously.***

Minutes prepared and submitted by Loraine M. Carbone, Interim Town Manager for North Topsail Beach.

  
\_\_\_\_\_  
Mayor W. Rodney Knowles

11-3-05  
Date Approved

**TOWN OF NORTH TOPSAIL BEACH  
PUBLIC HEARING AND REGULAR BOARD MEETING  
NOVEMBER 3, 2005  
7:00 P.M.**

**PRESENT:**

Mayor W. Rodney Knowles, Mayor Pro-tem Fred Handy, Aldermen Laurie Duane, Richard Farley, Buddy Godwin and Steve Smith, Loraine Carbone, Interim Town Manager, Robert Kilroy, Attorney

**QUORUM:**

Mayor Knowles called the meeting to order at 7:00 p.m. in the North Topsail Beach meeting room and declared a quorum present.

**INVOCATION:**

Rev. Tom Greener, of the Faith Harbor United Methodist Church, gave the invocation.

**PLEDGE OF ALLEGIANCE:**

The Board of Aldermen and citizens present recited the Pledge of Allegiance.

**EXECUTIVE SEARCH PROPOSAL:**

John T. Maxwell of Springsted Incorporated addressed the Board in regard to their proposal to provide an Executive Search. Mr. Maxwell noted that they have offices in St. Paul, Minnesota and Virginia Beach. He said there would be three of them working on this project and they would conduct a nationwide search after they meet with the Board and the community to get a position profile. They will find out what the major issues are for the next three to five years and will look at education and background that will best match the needs of the community. Mr. Maxwell said that they will also narrow it down to a reasonable level and they would check backgrounds and will seek out people they know who will best match NTB.

There will be a careful background check to ensure if they have a Master's degree if they say that they do and that their achievements are correct. He said that there would be no ethics violations on their finalists. Once the Board makes a decision they will assist with an agreement. A search could take 120 to 150 days assuming there is appropriate lead time for advertising. They will need time to match resumes and the Board will then get together and will assist with interviews and will provide sample questions. Mr. Maxwell said that interaction between them and the community is important and they will look at the issues that confront a community.

Alderman Farley asked if their proposal was guaranteed and Mr. Maxwell said that they would not recruit anyone that they have for another job and if someone leaves in a year, they would find another candidate at no charge except for

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expenses. Mayor Pro Tem Handy noted that the Town's policy has a probation period of 12 months. Mr. Maxwell said if the Board was not satisfied they would go through the process again.

Mayor Knowles stated that the Mayor of Nags Head used Springsted to get their new manager and they were very pleased. Also, the City of Greenville used them and they are pleased with this company. Mr. Maxwell said that they want to be sure that the person represents the needs of the community. Alderman Godwin asked how many candidates would be in the final decision and Mr. Maxwell said three to five since beyond that it becomes difficult and you need time to interview.

Alderman Farley asked if the candidates had to be unanimously accepted by the Board and Mr. Maxwell said we would hope that they would at least be on the public record.

Alderman Smith asked if they would be involved in salary negotiations and Mr. Maxwell said yes, they look at salary parameters and they will suggest to the Board their knowledge of salary requirements for the right person that you need. They will also work on an employment agreement.

**Mayor Pro Tem Handy moved, seconded by Alderman Duane to approve the proposal presented by Springsted Incorporated to provide an Executive Search.**

Alderman Farley stated that the idea that the Board should publicly express solidarity of a manager and that possibly the vote is 3 to 2 is unacceptable to him and it is not giving the public what they want. Alderman Duane said that she was confident that this company will bring five qualified candidates to the Board.

**The motion passed 4 to 1 with Alderman Farley opposing.**

**OPEN PUBLIC HEARING:**

**Alderman Smith moved, seconded by Alderman Duane to open the Public Hearing. The motion passed unanimously.**

Mr. Charles Riggs was sworn in by Attorney Kilroy.

**Conditional Use Permit for Orchid Bay as a Planned Residential Development:**

The following information was given to the Board of Aldermen for their review in regard to this issue.

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This request for a Conditional Use Permit was received on September 23, 2005. The Conditional Use Permit is for the Planned Residential Unit called Orchid Bay.

This property is located on New River Inlet Road (SR 1568) across from the Ocean Bay Village Condos and is adjacent to LaCosta Bay property. The owner had submitted a request for rezoning on this property in April 2005, but it was withdrawn at the public hearing.

A Planned Residential Development is planned and developed as an integral unit, in a single development operation or a definitely programmed series of development operations and according to an approved development plan. The intent of this development is to permit flexibility from conventional development controls of use, setback, and minimum lot size requirements of other zoning districts while at the same time provide criteria for planned residential development based on performance. Within PRD regulations are designed to accomplish the purposes of zoning and the subdivision regulation to an equivalent or higher degree than where such regulations are designed to control unscheduled development on individual lots and to promote economical and efficient land use; and improved level of amenities, such as open space; appropriate and harmonious variety; creative design; and a better environment.

The site plans shows the dimensions of the tract and the proposed 15 single family dwellings. This property is currently zoned R-20 which allows for single family only.

The following information was provided:

1. Water and Sewer: Water provided by ONWASA and sewer provided by North Topsail Utilities.
2. Open Space: Is shown on the site plan.
3. Access: Public and private beach accesses are proposed on the ocean side.
4. Flood Insurance: These lots will not be eligible for federal flood insurance as they are located within the CBRA area.
5. CAMA: A Major CAMA permit, storm water permit and sedimentation and erosion control permit will be required for this development.
6. Street: NC DOT will need to review for their comments.
7. Fire Hydrant: The Fire Marshal will require an additional fire hydrant between Units 3 and 4.

This development is in compliance with the Town's Land Use Plan policies of Section IV (C): (Miscellaneous Resource Protection; Estuarine Waters and Estuarine Shorelines) and meets all the standards required by (CAMA: 15A



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NCAC 7H; 30% percent coverage and 30' buffer area). The Land Classification Map in the Land Use Plan classifies this property in Urban Transitional area.

Section 7-163 Procedures for reviewing applications.

- A. The use requested is listed among the conditional uses in the district for which application is made; or is similar in character to those listed in that district;
- B. The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor adversely affect the safety, health, morals, or welfare of the community or of the immediate neighbors of the property;
- C. The requested use is essential or desirable to the public convenience or welfare;
- D. The requested use will be in conformity with the land use plan;
- E. Adequate utilities, access roads, drainage, sanitation or other necessary facilities have been or are being provided;
- F. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize the traffic congestion in the public street and;
- G. That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

Decisions on conditional use permits require special handling. These decisions involve determining the facts of the case and exercising some degree of judgment and discretion. They are called quasi-judicial decisions and they are subject to rather demanding procedural rules set forth by the courts, including the requirement of a formal evidentiary hearing.

Alderman Farley noted that the minutes of the Planning Board stated that their motion was to approve a rezoning and Mrs. McLaughlin said that it was a Conditional Use Permit and that was an error in the minutes since it wasn't a rezoning application. The minutes haven't been approved yet and are draft only at this time.

Mayor Knowles said that the total lot area on the ocean side and sound side would need 300,000 sq. feet and you don't have that on the sound side. Mayor Pro Tem Handy asked if the proposal they received was the same that was presented to the Planning Board and Mrs. McLaughlin said yes and the only change was a fire hydrant between unit 3 and 4. Alderman Farley questioned the crosswalk and Mrs. McLaughlin said that was changed by the Planning Board. Alderman Farley noted that the minutes say they were looking for written approval from LaCosta and Mrs. McLaughlin said that it would be up to D.O.T. Alderman Godwin asked how this could be approved if there wasn't enough

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acreage for density and Mrs. McLaughlin noted that the sound side is larger than the ocean side property.

Charles Riggs spoke on behalf of the developers. He said this development consists of land on the ocean side and sound side and one tract is separated by the right of way. It is presently zoned R20 on both sides and is 300,000 sq. ft. of space therefore they are allowed to build 15 single family homes. The homes will be clustered in a well designed plan on the sound side. This area is located in a VE zone and is not eligible for flood insurance. The homes will be two stories on pilings and they are the same homes that were built at Seaside Village. There is a common area and two fire hydrants will be placed. They do have sewer capacity from North Topsail Utilities and they will have gravity sewer throughout the project. The street will be private and asphalt. An access will be shared through LaCosta Drive and that is the driveway easement that the Planning Board recommended. Amenities include a swimming pool and bathrooms. On the Oceanside of the property there is a dune crossover, volleyball area and horseshoe area. All amenities, the water, sewer and streets will be maintained by an H.O.A. They have provided a two ft. public beach access easement. The open space requirement exceeds the 1/2 acre requirement. The project will require the permits mentioned in the description above. They will apply for a Major CAMA permit. The clustering of single family homes on the sound side reduces the threat of storm damage.

Mr. Riggs said in response to the required findings of the Planned Residential Development, this request is allowed under the R20 zone and it does ensure the integrity of the community since it is single family homes instead of multi-family. This request conforms with the Land Use Plan and conforms to the regulations of R20. The tract is considered one tract of land and it is 300,000 sq. ft.

Alderman Farley noted that even including this, he found it hard to believe that they have 300 feet to the high water mark since we have had so many hurricanes. Mr. Riggs said that the 300 feet goes to the approximate mean hard water line and it changes every 17 years. The line could change after bulldozing. Alderman Farley said that it was hard to believe that there was 225 feet at the end of the right of way. Mr. Riggs noted that some of the dunes have ventured out further away and has actually increased the beach.

Mayor Knowles said that our ordinance states that to plot out 15 houses you couldn't do it on this property since you don't have the square footage. Mr. Riggs noted that is why they are asking for a Conditional Use Permit to cluster the homes. Mayor Knowles said that under a CUP you still have to maintain as good as or better than what is in a R20. Mr. Riggs said that the ocean side is included in the tract and the ordinance states that we are allowed to use the tract itself. Mayor Knowles said that they have a highway in between the tract and the

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houses are on one side and it should be at least 20,000 sq. ft. Mr. Riggs said the ordinance states that we could use the tract itself and the total tract is 300,000 sq. ft. They are taxed for this property as shown on the map and they have the right to use that square footage. Mayor Knowles noted in another case where a house was being built and it is sitting 5 feet from the dune, but the lot goes another 120 sq. ft. out and the land isn't there.

Mr. Riggs said that they have the square footage and he would not have brought this issue before the Board if they thought they did not have the correct footage. Mayor Knowles said that they are just making it a higher density and Mr. Riggs disagreed. Mr. Riggs said that he had no objections from the Planning Board or the planning staff and the Planning Board felt that it was a good design.

Alderman Duane asked what would be required to meet these requirements and Mayor Knowles said 20,000 sq. ft. per house. Mr. Riggs said that the sound side is a different design. If you just look at the sound side then we are not required to give a beach access and you are penalizing us to say we can't use the Oceanside.

Alderman Godwin felt that if we found that this violated the ordinance and this was approved and the CUP would not be affected and we would need legal interpretation if they met the CUP and requirements of the square footage. He felt the Board shouldn't be discussing this if there was a question if whether the 300,000 sq. ft. was applicable.

Alderman Farley asked if we should table this and Mr. Riggs noted that this is the Public Hearing now and we could address that under new business. Alderman Farley questioned horseshoes and volleyball on the public beach and Mr. Riggs said it would be between the dune and the right of way and they would not be on the beach.

**CLOSE PUBLIC HEARING:**

*Alderman Duane moved, seconded by Alderman Smith to close the Public Hearing. The motion passed unanimously.*

**APPROVAL OF AGENDA:**

Mayor Knowles requested that Old Business a – Clarification of Town Park Expenditures be removed until next month and the Audit was removed until next month.

*Alderman Duane moved, seconded by Alderman Smith approval of the Agenda as amended. The motion passed unanimously.*

**COMMITTEE REPORTS:**

**Planning Board – Steven McGrane, Chairman:**

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A meeting was held on October 13<sup>th</sup> and there were four items on the agenda. A Public Hearing was held for Conditional Use Permit Application #05/02. The CUP is for the Planned Residential Unit (PRU) known as Orchid Bay, located on New River Inlet Road across from Ocean Bay Village Condos and adjacent to LaCosta Bay property. No members of the public spoke for or against the application. The board later voted unanimously to recommend approval of the application on the condition that the owner receives written permission from LaCosta Bay to use LaCosta Drive. The Board also was presented the Preliminary Plat Review for Ocean Wynds subdivision (8 lots). The board voted unanimously to recommend approval to the Board of Aldermen. The third item on the agenda was proposed ordinance changes, but this item was tabled until the next meeting because they did not have all of the information available that they needed and not all of the members were present. The last item they discussed was the Annual Report. This is ongoing and will be submitted to the Board of Aldermen in December. The next meeting will be November 10<sup>th</sup> at 6:30 p.m.

**Recreation & Appearance Committee – Bill Horstmann, Chairman:**

- The committee has conducted a clean up of the center bed at Town Hall on the 13th of October. Although a small crew of volunteers participated in this project, the improvement to the appearance of this bed was greatly appreciated.
- The 2006 Dining Guides are available for \$25.00
  - Available are both the
    1. Crystal Coast Dining Guide
    2. Carolina Coast Dining Guide
  - In addition to numerous coupons to many restaurants, there are also coupons for other retail outlets.
- Also a physical inventory of our available NTB "T" shirts, hats, visors and sweatshirts was conducted and an order was placed to restock our supply.
- The electrical outlets have been installed on the telephone poles to support the additional snowflakes which are being installed this week.

**OPEN FORUM:**

Ed Tennent, of Old Village Lane, asked if the Board was confident that the zoning maps have been put back the way they were since some property was formerly zoned Con D. Mayor Knowles said that the lay out is not correct yet.

**CONSENT AGENDA:**

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The consent agenda consisted of the October 6<sup>th</sup> and October 12th Board Meeting minutes, Department Head Reports, Benefit Accrual Report and Adoption of Flood Damage Ordinance.

***Alderman Godwin moved, seconded by Alderman Duane approval of the Consent Agenda as presented. The motion passed unanimously.***

**OLD BUSINESS:**

**a. Review of Zoning Map:**

At the August 4, 2005 Board of Aldermen meeting, the Board approved the production of a revised zoning map for use as the official North Topsail Beach Zoning Map. As stated in the Ordinance, the map will be periodically updated – on an annual basis and whenever the Board of Aldermen determines appropriate. The zoning map has been produced by the Onslow County GIS office.

A Mylar Town Map could be produced by Parker & Associates to keep on file.

Discussion took place on whether or not the map from the County was what the Board had requested. Alderman Duane said that staff should review the minutes to see what the Board voted on. The map presented was not approved at this meeting.

**b. Update on Hurricane Recovery Issues:**

1. Major CAMA Permit: Jim Gregson reported to staff on 10/25/05 that we will get approved in "record" time. This permit must go through 15 State agencies for approval.
2. Sand: At this time, the sand that meets the Town's standards comes from Riverside Sand. The bids for pushing the dunes will be discussed under "New Business b". Mrs. McLaughlin said that she was not sure if FEMA would pay for the CBRA zones.
3. Sea Oats and Sand Fence: After comparing prices of plants and delivery times, staff has contracted with Coastal Transplants since they can deliver plants to us on a daily basis and Carolina Beach could not. We will contact Carolina Beach the next time we just do a cost share with citizens since they will be able to deliver to us once/week. We have FEMA costs for sand fence and labor and have received bids to construct them.
4. Condemned houses: At this time, property owners are waiting to hear what their insurance companies will cover. They all have

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until December 12<sup>th</sup> to inform Inspections what their course of action is.

**c. Police Vehicle Damaged by Hurricane Ophelia:**

As the Board is aware, as the result of Hurricane Ophelia, the Police Department suffered the loss of a patrol vehicle. The vehicle was totaled along with other pieces of equipment due to salt water damage. After working with the NC League of Municipalities, and taking into account the age and depreciation factors, the insured portion is in the amount of \$14,272.50.

Following is the breakdown:

• 2001 Crown Victoria patrol vehicle	\$ 7,000.00
• Equipment	<u>\$ 7,272.50</u>
• Total	\$14,272.50
• Subtract	<u>-\$ 500.00 deductible</u>
• Total	\$13,772.50
• Add	<u>+\$ 500.00 Fema</u>
• Total	\$14,272.50
• Cost of New Vehicle	\$25,275.17
• ADDITIONAL FUNDS NEEDED	\$11,002.67

Fema will reimburse the Town for the deductible, but will not match the difference needed to replace the vehicle. The department would like to move forward and replace the totaled vehicle. The total for the replacement is \$25,275.17 including the replacement radio and taxes and registration. To do this we would need to request from the Board additional funds of \$11,002.67 to offset the costs. We have elected to combine the equipment funding with the vehicle portion to purchase the replacement vehicle. We will put basic operating equipment back into the vehicle and apply for grant funding to replace the damaged camera and computer system, to replace those items would cost an additional \$7,000.00. This vehicle would need to be ordered due to the availability, therefore there is not a clear delivery date.

Mayor Pro Tem Handy noted that if we don't order the vehicle now the prices would go up. Mayor Knowles said that we need to put enough money in to cover the whole car.

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***Alderman Duane moved, seconded by Alderman Smith to approve taking \$11,002.67 out of the fund balance to purchase a new police vehicle in the amount of \$25,275.17. The motion passed unanimously.***

**NEW BUSINESS:**

**a. Conditional Use Permit for Orchid Bay:**

As discussed in the Public Hearing, this property is located on New River Inlet Road (SR 1568) across from the Ocean Bay Village Condos and is adjacent to LaCosta Bay property.

A Planned Residential Development is planned and developed as an integral unit, in a single development operation or a definitely programmed series of development operations and according to an approved development plan. The intent of this development is to permit flexibility from conventional development controls of use, setback, and minimum lot size requirements of other zoning districts while at the same time provide criteria for planned residential development based on performance. Within PRD regulations are designed to accomplish the purposes of zoning and the subdivision regulation to an equivalent or higher degree than where such regulations are designed to control unscheduled development on individual lots and to promote economical and efficient land use; and improved level of amenities, such as open space; appropriate and harmonious variety; creative design; and a better environment.

The site plans shows the dimensions of the tract and the proposed 15 single family dwellings. This property is currently zoned R-20 which allows for single family only.

Mr. Riggs noted that the ocean side and sound side are considered one tract. Attorney Kilroy said that a planned residential development is a land under unified control to be planned and developed as a whole.

Mr. Riggs said that they created a plan that was good for the development and the Town. The clustered homes are in a nice pattern and are 10 to 15 feet apart and are well constructed and they have provided all the services that the Town has requested. Alderman Farley asked if they could have built ocean front homes on those lots and Mr. Riggs said that the first line of vegetation has been damaged so at this point they could not. Once the dunes are pushed up and they are vegetated, we could have 523 feet. Alderman Farley noted that there is a 60 ft. setback so behind the dune, there may be a 60 ft lot there and you would not be able to build anything. Mr. Riggs noted that there is always a possibility to build in the future, but we are not looking at that now.

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Alderman Godwin asked what needed to be done and Attorney Kilroy noted that the argument is whether or not these 15 buildings times 20,000 sq. ft would fit on the property and we have to determine where that land is and if it meets 300,000 sq. ft. and if so then he has met the criteria and is entitled to a special use permit. Attorney Kilroy said that Mr. Riggs is a licensed surveyor and he has the expertise. Mr. Riggs noted that they were out there on a monthly basis to check the changes in the property. Alderman Farley asked that this issue be tabled for more review.

***Alderman Smith moved, seconded by Alderman Godwin to approve the CONDITIONAL USE PERMIT #05/02: ORCHID BAY (OWNER: Mr. Ric Tomlinson (TAX ID# 779-1.2).***

Alderman Farley felt that the required land was not there and that they would be allowing more houses than what is allowed. He said that we owe it to the citizens that we put on this land what is intended to be there. There has been considerable erosion there and the issue is how many houses could they build. Attorney Kilroy noted that when we look at this map we see the meets and bounds of the description of a unified piece of property owned by one person to  
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make this development. What we are arguing about is public land's doctrine and if the surveyor says mean high water mark on the other side of this property then this is all of their property. It comes and it goes and that is their legal description. If the high water mark does come back all that does is to let the public walk over it.

Alderman Duane felt that the issue was density on the sound side. You have the amount of land you need but it is not equalized over the area of land and it compromises the Land Use Plan. The density is not a true picture and it is not a true conformity. Alderman Godwin noted that the attorney said that they met the requirements and Alderman Duane felt that there were some questions and that she would like to see it tabled for more information, but she was not saying that it should be denied. She said that we have had problems with other applicants and she didn't want the Town to be liable. Alderman Godwin said it would be a liability if we don't go forward. Mrs. McLaughlin noted that the Land Use Plan has it classified as developed already. 30% impervious is allowed and they are only doing 13%.

Alderman Smith called the question.

***The motion passed three to two with Aldermen Farley and Duane opposing.***

**b. Dune Push Bids and Crosswalk Repairs:**



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On October 12<sup>th</sup> and 14<sup>th</sup>, the Town published in the Daily News "Bid Solicitations for Dune Repair Work and Crosswalk Repairs. The bids were requested by November 1, 2005. The staff has received the following bids:

<u>DUNE REPAIR:</u>	<u>PRICE</u>	<u>TIME</u>	<u>EQUIPMENT</u>
DRC	\$338,000.00	35-45 DAYS	5 DOZERS
WHITEHEAD, INC	\$262,500.00	2 MONTHS	2 DOZERS
RM HAYES	\$261,183.00	2 MONTHS	4 DOZERS

<u>CROSSWALK:</u>	<u>PRICE</u>
CUSTOM OUTDOOR	\$38,884.00
A.D. REGISTER, INC	\$35,940.00
PATRICK ANTINORI	\$20,450.00

Staff has received a quote from Riverside Sand (Wallace, NC, already tested and matches NTB sand) to truck in sand from their approved sand site for \$13.75 per ton, Total for 58,000 cubic yards \$1,036,750.00.

Sand is available from the Army Corps Spoil Island, but the site must be tested for compatibility. We received a quote on testing the site from CP&E and Tom Jarrett said it would cost approximately \$9,000.00 (Caitlin Engineering Firm would accomplish the testing). Mr. Jarrett stated that this quote is for only 25,000 cubic yards. He also stated that he is not sure if there is enough compatible sand there for 58,000 cubic yards. In addition to the testing, we would need surveys and more and deeper coring for that amount. The Town would need to contract to dig the sand and haul to the beach. Therefore, it may not be a feasible or cost effective project to get sand from the Spoil Island at this time.

Staff recommends that the contracts be awarded to:

R.M. Hayes –	Pushing Sand	\$261,183.00
Patrick Antinori –	Crosswalks	\$20,450.00
Riverside Sand –	Hauling sand	\$1,036,750.00

Mayor Knowles noted that Cecil Carter said there was a discrepancy in what he was told regarding pushing the sand. Mrs. McLaughlin said that he called and asked when we would push and she told him that we didn't have a permit yet. She said that she does not call any contractors to pick up bids

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and that the bidding process was advertised and Mr. Carter never came to get a package.

Alderman Farley questioned if a developer has approached the Town to develop the spoil island property and Mrs. McLaughlin said that the owner would have to get the easement removed that the Corps now has there.

Mrs. McLaughlin noted that she asked Jim Gregson if the spoil island was ever tested and he said they have nothing on record that states it being beach compatible and we would have to get it tested.

Alderman Smith said that we have to make sure that this be approved according to the specifications that were bid on. Alderman Godwin said that we would have a superintendent that works for the Town to oversee the work. Mrs. McLaughlin noted that Thomas Best has pushed our dunes before and he rode with her today to determine where they would push and he will oversee the project.

In regard to the crosswalk project, Alderman Godwin questioned if the contractor has a performance bond and Mrs. McLaughlin said she would check into that. Alderman Godwin said if he bid this price then it has to be inspected before he gets paid. Alderman Farley said we should have an agreement that he would not get the last 50% until it is done.

Lydia King noted that it has been the Town's practice not to pay out a contractor completely until the work is finished and our Inspector approves that it has passed.

***Alderman Godwin moved, seconded by Mayor Pro Tem Handy to approve all three contracts.***

Alderman Farley asked if we knew anything about R. M. Hayes and Mrs. McLaughlin said that he has worked for Pender County.

Alderman Smith said that when they truck the sand in that they get it in the critical areas such as the high tide breach areas. Mrs. McLaughlin noted that FEMA rode the beach and they came up with the 58,000 cubic yards. Alderman Godwin stated that with a project such as this which is over a million dollars, could Thomas Best look over this along with all of his other duties and Mrs. McLaughlin said that she would help. She said that trucks will be weighed and we will know how much is dumped and the contractor will keep track also, which is a requirement by FEMA. Mayor Pro Tem Handy asked if Onslow County received money to repair their accesses and Mrs. Carbone said that they were approved. Mrs. McLaughlin said that Onslow County has asked us to bulldoze their accesses.

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*The motion passed unanimously.*

**c. Budget Amendment #2**

Budget Amendment #2 takes into consideration expenditures made during Hurricane Ophelia that will be reimbursed. These items are highlighted in blue.

The following highlighted items are in bold on the Expenditures sheet:

1. **Special Warranty Deeds** – The County donated properties to NTB and the Town was responsible for recording the Deeds.
2. **Capital Outlay – Public Works** – Trex Loader Loan – the bank makes the payment to the town and the town pays the vendor. (copy of letter from BB&T attached)
3. **Bike & Ped Grant** – This grant was awarded for a study to be done.

<u>Account</u>	<u>Name</u>	<u>Budgeted</u>	<u>Increase Decrease</u>	<u>Amended Budget</u>
10-410-14	Travel/training -Governing Body	\$3,000.00	\$1,000.00	\$4,000.00
10-410-58	Tax Refund	\$100.00	\$200.00	\$300.00
<b>10-410-80</b>	<b>Storm Damage-Governing Body</b>	<b>\$0.00</b>	<b>\$241.00</b>	<b>\$241.00</b>
10-420-10	Employee Training-Admin	\$3,000.00	\$800.00	\$3,800.00
<b>10-420-80</b>	<b>Storm Damage-Admin</b>	<b>\$0.00</b>	<b>\$25.00</b>	<b>\$25.00</b>
10-490-57	Miscellaneous-Admin	\$0.00	\$37.00	\$37.00
10-490-58	Permit Refunds	\$0.00	\$50.00	\$50.00
10-491-31	Gas, Oil, & Tires	\$350.00	\$300.00	\$650.00
<b>10-500-36</b>	<b>Special Warranty Deeds</b>	<b>\$0.00</b>	<b>\$1,153.00</b>	<b>\$1,153.00</b>
10-500-57	Town Sign	\$0.00	\$3,429.00	\$3,429.00
<b>10-500-58</b>	<b>Storm Damage-Buildings</b>	<b>\$0.00</b>	<b>\$3,626.00</b>	<b>\$3,626.00</b>
10-510-02	Salaries- Police	\$401,630.00	\$250.00	\$401,880.00
10-510-53	Dues & Subscriptions-Police	\$3,000.00	\$218.00	\$3,218.00
<b>10-510-80</b>	<b>Storm Damage-Police</b>	<b>\$0.00</b>	<b>\$270.00</b>	<b>\$270.00</b>
<b>10-545-74</b>	<b>Capital Outlay-Public Works</b>	<b>\$20,402.00</b>	<b>\$115,891.00</b>	<b>\$136,293.00</b>
10-580-58	SWF Refunds	\$100.00	\$130.00	\$230.00
<b>10-580-80</b>	<b>Storm Damage-SWF</b>	<b>\$0.00</b>	<b>\$2,013.00</b>	<b>\$2,013.00</b>
10-620-13	Park Utilities	\$3,000.00	\$3,000.00	\$6,000.00
10-620-15	Park Maintenance & Repair	\$2,000.00	\$500.00	\$2,500.00
<b>10-620-73</b>	<b>Bike &amp; Ped Grant</b>	<b>\$0.00</b>	<b>\$19,200.00</b>	<b>\$19,200.00</b>
<b>10-690-80</b>	<b>Storm Damage-Fire</b>	<b>\$0.00</b>	<b>\$1,541.00</b>	<b>\$1,541.00</b>
10-695-93	Recreations & Appearance	\$300.00	\$750.00	\$1,050.00
<b>10-720-80</b>	<b>Storm Damage-Dunes</b>	<b>\$0.00</b>	<b>\$735.00</b>	<b>\$735.00</b>
10-999-01	Contingency	\$0.00	\$310.00	\$310.00
		\$436,882.00	\$155,669.00	\$592,551.00

Expenditures increased by: \$155,669.00

\$0.00

- 10-500-36 Special Warranty Deed: for filing of lots donated by Onslow County to Register of Deeds
- 10-545-74 Trex Loader Loan: Due to the introduction of the Patriot Act BB&T will no longer make 3rd party payments. The Bank Makes payment to The Town. The Town pays vendor.
- 10-620-73 Bike & Ped Grant: was awarded for study to be done

**Storm**

**Items:** Expenditures made during Hurricane Ophelia that will be reimbursed

<u>Account</u>	<u>Name</u>	<u>Budgeted</u>	<u>Decrease</u>	<u>Budget</u>
10-325-00	Privilege Licenses	\$6,600.00	\$1,500.00	\$8,100.00
10-335-00	Miscellaneous	\$500.00	\$350.00	\$850.00
10-335-01	Meeting Room Deposits	\$500.00	\$150.00	\$650.00
10-336-06	Recreation & Appearance	\$100.00	\$750.00	\$850.00
<b>10-336-10</b>	<b>Trex Loader Loan</b>	<b>\$0.00</b>	<b>\$115,891.00</b>	<b>\$115,891.00</b>
10-350-00	Recreation Fees	\$201.00	\$145.00	\$346.00
10-351-05	Officer Use-House Moving	\$0.00	\$250.00	\$250.00
10-359-51	Addt Carts SWF	\$3,250.00	\$5,000.00	\$8,250.00
10-367-01	Sales Tax Refund	\$10,000.00	\$3,982.00	\$13,982.00
<b>10-335-13</b>	<b>Bike &amp; Ped Grant</b>	<b>\$0.00</b>	<b>\$19,200.00</b>	<b>\$19,200.00</b>
<b>10-335-18</b>	<b>Hurricane Ophelia</b>	<b>\$0.00</b>	<b>\$8,451.00</b>	<b>\$8,451.00</b>
		\$21,151.00	\$155,669.00	\$176,820.00

Revenues increased by: \$155,669.00

- 10-336-10 Trex Loader Loan: Due to the introduction of the Patriot Act BB&T will no longer make 3rd party payments. The Bank Makes payment to The Town. The Town pays vendor.
- 10-335-13 Bike & Ped Grant: was awarded for study to be done
- 10-335-18 Hurricane Ophelia: for Expenditures made during Storm Event

***Alderman Godwin moved, seconded by Alderman Smith to approve Budget Amendment #2.***

Alderman Farley felt that some items were small, but there was a substantial increase over what we budgeted. He said that privilege licenses were over and so were the carts. Alderman Farley said that we increased the trash fee so we could pay for the Trex loader and we should do a better job of estimating our revenue. The line items are higher and we need to start looking at this closer.

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Mayor Pro Tem Handy said that the discussion on this loader was that it was not going to pay for trash. Alderman Duane said that it was and we could have saved the trash increase. Alderman Smith said that we have to negotiate more carefully and to look at another contractor when our contract is up.

Alderman Godwin said that he couldn't see how they pick up trash for only \$115.00 a year.

***The motion passed unanimously.***

**d. Topsail Island Shoreline Protection Commission Update:**

Mayor Pro Tem Handy attended the October 25<sup>th</sup> Topsail Island Shoreline Protection Commission meeting in Topsail Beach and he gave an update to the Board.

Mayor Pro Tem Handy said that this is a Resolution of the Town of North Topsail Beach Approving an Amendment to the Topsail Island Shoreline Protection Commission which would remove the restriction that only elected officials of governing bodies be members of this commission. A good example is that Buddy Godwin will be off the Board and he has put a lot of time into this and we will lose this expertise. He felt that we shouldn't have a mandate to just have an elected official.

**RESOLUTION OF THE TOWN OF NORTH TOPSAIL BEACH  
APPROVING AN AMENDMENT TO THE TOPSAIL ISLAND SHORELINE PROTECTION  
COMMISSION**

**WHEREAS**, the Topsail Island Shoreline Protection Commission (herein noted as Commission) has adopted a Charter which includes the Mission, Purpose, Goals, Organization and Responsibilities; and

**WHEREAS**, this Commission comprises the towns of Surf City, North Topsail Beach and Topsail Beach and they are charged to advise the three Town Boards on strategies for securing beach nourishment; and

**WHEREAS**, it is desired that each member of this Commission be entitled to appoint persons to the Commission's Board other than members of its own governing body.

**NOW, THEREFORE, BE IT RESOLVED** that removal of the restriction from the Topsail Island Shoreline Protection Commission Charter that only elected officials of governing bodies of member political subdivisions may be appointed to the Commission's Board is hereby approved.

**BE IT FURTHER RESOLVED** that the Commission is authorized to execute this Amendment to the Charter, a copy of which is attached hereto and incorporated herein by reference.

Adopted this 3<sup>rd</sup> day of November 2005.

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***Alderman Duane moved, seconded by Mayor Pro Tem Handy to approve the Resolution of the Town of North Topsail Beach Approving an Amendment to the TISPC. The motion passed unanimously.***

**MANAGER'S REPORT:**

1. Staff held a cookout on October 10, 2005 at the South end Fire Station with funds received by retrieving hurricane debris which consisted of copper wiring to a salvage company. Many thanks to the chefs!
2. FEMA representatives met with staff on October 11<sup>th</sup> to confirm the erosion areas.
3. The Board held an emergency meeting on October 12<sup>th</sup> at 4:00 p.m. to approve a contract to repair town hall.
4. A hearing was held on October 13<sup>th</sup> at 10:00 a.m. in regard to the condemned buildings on the north end.
5. Staff met with FEMA representatives on October 13<sup>th</sup> at 2:00 pm to review the Project Worksheets for Hurricane Ophelia.
6. Staff attended the Chamber meeting on October 19<sup>th</sup>.
7. Staff attended the Topsail Island Shore Protection Commission on October 25<sup>th</sup> at 5:30 p.m.
8. Staff attended the Mayor's Meeting on October 26<sup>th</sup> at the Golden Corral restaurant in Midway Park and Mayor Knowles, Mayor Pro Tem Handy and Alderman Farley also was in attendance. The Guest Speaker was Jeff Hudson who gave a presentation on the 90 million dollar bond referendum for schools.
9. Staff attended the Chamber Business after Hours at Coldwell Real Estate in Surf City. Mayor Pro Tem Handy and Jane also attended.
10. Mayor Knowles and Mayor Pro Tem Handy and staff met with Attorney Lee Crouch on October 28<sup>th</sup> to review Mr. Litvak's request and to discuss the Town's response.
11. A Candidate's Forum took place at Town Hall on November 1<sup>st</sup> at 6:30 p.m.
12. Staff attended a meeting on November 2<sup>nd</sup> with David Bender, Project Administrator with D.O.T., Jim Vithalani of Right Angle Engineering and Bill Farris, consultant to review the Town's "Bicycle Development Plan".
13. Staff received a letter from NCDENR informing us that our request for grants from the NC Public Beach and Coastal Waterfront Access Program for FY 05-06 has been approved for the Carver Street Beach Access Parking Project as well as for 212 Topsail Road Beach Access. Since Topsail Road did experience erosion, staff will have to review the project to see if we could still provide parking in that area.
14. Staff met with Robert Vause, District Engineer with D.O.T. on November 3<sup>rd</sup> to review the multipurpose bike path.
15. Election Day is Tuesday, November 8<sup>th</sup> and residents can vote at Town Hall from 6:30 am to 7:30 pm.
16. Town Hall will be closed on Veteran's Day, Friday, November 11<sup>th</sup> and November 24<sup>th</sup> and 25<sup>th</sup> for the Thanksgiving Holiday.
17. The Town's Christmas Party is set for December 10<sup>th</sup> at the Atlantis Restaurant.

Alderman Smith noted that north of 10<sup>th</sup> Avenue has experienced wash outs with any heavy rain.

Mayor Pro Tem Handy said that ECC has a meter available to count traffic and that would be good for us during the summer months and we need to guide Bill Scott who is our designee on the ECC.

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Alderman Farley noted that we need to check into the budget for Onslow County for our beach nourishment money.

**ATTORNEY'S REPORT:**

Attorney Kilroy said that he met with Christina Watkins and Gene Casey in regard to the properties that were condemned and basically we will have to identify those that do nothing and give them notice and we will search all the titles to see who owns mortgages or have liens.

**MAYOR'S REPORT:**

Mayor Knowles said that he went to Hickory for the League conference with Mayor Pro Tem Handy and Alderman Farley. He noted that Mr. Maxwell was there and he said this meeting was very informative and one of the best one's that he has attended. We are going in the right direction for the search of a manager and Nags Head was very impressed with Springsted. Mayor Knowles said that in regard to the Town Park over expenditures, we have had three town managers and there was a breakdown in the system. He has asked Alderman Farley to form a panel to get recommendations and Mrs. King was in favor of this.

**ALDERMEN'S REPORT:**

Alderman Godwin thanked the Mayor and Mayor Pro Tem for recommending this search firm.

Alderman Smith said he was glad to see everyone and wished them all a good holiday.

Alderman Duane thanked the citizens for electing her four years ago and she said that it's been a privilege to sit on the Board of Aldermen.

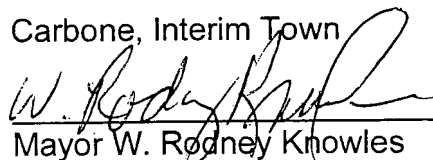
Mayor Pro Tem Handy thanked everyone for attending the meeting and he gave special thanks to Bill Horstmann since he and his employee did all of the clean up work in front of Town Hall.

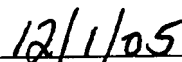
Alderman Farley reminded everyone that Tuesday was Election Day and to elect people to serve their purposes and the Town.

**ADJOURNMENT:**

***Alderman Duane moved, seconded by Alderman Godwin to adjourn the meeting at 9:00 p.m. The motion passed unanimously.***

Minutes prepared and submitted by Loraine M. Carbone, Interim Town Manager/Town Clerk for North Topsail Beach.

  
\_\_\_\_\_  
Mayor W. Rodney Knowles

  
\_\_\_\_\_  
Date Approved

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**TOWN OF NORTH TOPSAIL BEACH  
REGULAR BOARD MEETING  
December 1, 2005  
7:00 P.M.**

**PRESENT:**

Mayor W. Rodney Knowles, Mayor Pro-tem Fred Handy, Aldermen Laurie Duane, Richard Farley, Buddy Godwin and Steve Smith, Loraine Carbone, Interim Town Manager, Christina Watkins, Deputy Town Clerk, Robert Kilroy, Attorney

**QUORUM:**

Mayor Knowles called the meeting to order at 7:00 p.m. in the North Topsail Beach meeting room and declared a quorum present.

**INVOCATION:**

Rev. Tom Greener, of the Faith Harbor United Methodist Church, gave the invocation.

**PLEDGE OF ALLEGIANCE:**

The Board of Aldermen and citizens present recited the Pledge of Allegiance.

**AUDIT PRESENTATION:**

Gregory Adams of Thompson, Price, Scott, Adams & Co. presented the North Topsail Beach Financial Statements to the Board.

The assets of the Town of North Topsail Beach exceeded its liabilities at the close of the fiscal year by \$4,593,844 (net assets). The total net assets are \$300,739. At the close of the current fiscal year the Town's funds reported combined ending fund balances of \$2,457,415 – an increase of \$50,748 in comparison with last year. Approximately 97.27 percent of this total amount or \$2,390,402 is available for spending at the government's discretion (unreserved fund balance). At the end of the current fiscal year, unreserved fund balance for the General Fund was \$1,274,035 or 48.57 percent of total general fund expenditures for the fiscal year. The tax collection rate was 99.2% for the year which had increased from last year's collection rate of 98.84%. Mr. Adams stated he would be happy to answer any questions the Board may have.

Alderman Farley asked if the Town overspent in our General Fund. Mr. Adams confirmed that but noted that the Town got more revenue than budgeted. Alderman Farley said if we went over budget I would assume that there were expenditures that were not authorized by the Board of Aldermen. Mr. Adams said he could not answer that question. Alderman Farley asked Mr. Adams to explain the \$144,000 transfer that was not budgeted. Mr. Adams said that money was reserved in last year's audit in the General Fund before the Town had a special revenue fund. Alderman



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Farley stated that the Town had a Beach Nourishment fund last year and questioned why it wasn't transferred then.

Alderman Farley stated the numbers for the Town Park are questionable. Mr. Adams said the numbers are correct. Discussion took place regarding the expenditures on the park. Mayor Knowles stated that this meeting is not the right time or place to discuss this and suggested that the Board call a special meeting for further discussion.

**APPROVAL OF MINUTES:**

***Alderman Smith made motion, seconded by Alderman Duane to approve the November 3, 2005 minutes.***

Alderman Farley changed the 3<sup>rd</sup> paragraph on the second page from "Mr. Maxwell said they would hope for that and when an appointment is made they would encourage the Board to vote aye for the appointment" to "Mr. Maxwell said we would hope that would at least be on the public record". Alderman Farley also made a change to the 6<sup>th</sup> paragraph on page 2. He added "that possibly the vote is 3-2" in between "manager" and "is" in the sentence "Alderman Farley stated that the idea that the Board should publicly express solidarity of a manger is unacceptable to him and it is not giving the public what it wants".

Alderman Handy made a change to page 11. He said the motion should read 3-2 instead of 3-1.

***Alderman Smith made motion, seconded by Alderman Duane to approve the November 3, 2005 minutes with the changes. The motion passed unanimously.***

**Comments from outgoing Aldermen Duane, Godwin and Smith**

Mayor Knowles thanked and gave his appreciation to Aldermen Godwin, Duane and Smith for serving on the Board.

Alderman Duane thanked the citizens for giving her the opportunity to serve them. She said she will take fond memories with her.

Alderman Smith said it has been an honor for him to serve the citizens of North Topsail Beach. He said he has been here a long time and the beach means a lot to him. He challenged the newly elected officials to help move the Town forward for the betterment of all citizens of North Topsail and not just one particular group.

Alderman Godwin said it has been a pleasure and a privilege to serve the citizens. He said he appreciated the support from the Mayor and fellow

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Board members for their support while serving. Alderman Godwin also thanked the Town staff.

Mayor Trott of Richland's and Mr. David Walker of ONWASA thanked Alderman Smith for his 8 years with ONWASA. Mayor Trott stated Alderman Smith has been very valuable and is a man with wisdom and vision. He added that without Alderman Smith's support and involvement ONWASA would not be where it is today. Mayor Trott presented a plaque to Alderman Smith on behalf of ONWASA.

Alderman Smith said he remembers when the idea came up about a County wide sewage system and knew he wanted to be a part of it.

Mayor Knowles presented Aldermen Duane, Godwin and Smith with a plaque of appreciation.

**RESULTS OF MUNICIPLAL ELECTION OF NOVEMBER 8, 2005:**

The Interim Town Manager, Loraine Carbone, reported that the official results are as follows:

Mayor – Rodney Knowles 160; Larry Hardison 122; Dan Tuman 121; Richard Peters 113; Richard Macartney 110; Marty Bostic 67; Steve Smith 61.

Mrs. Carbone also noted that Aldermen Hardison, Tuman and Peters have all resigned from the Board of Adjustments in order to serve on the Board of Aldermen.

**OATH OF OFFICE:**

Clerk of Superior Court, Bettie Gurganus, gave the Oath of Office to Mayor Knowles and Aldermen Hardison, Tuman and Peters.

**ELECTION OF MAYOR PRO TEMPORE:**

According to G.S. 160A-70, at the organizational meeting, the Board shall elect from among its members a Mayor Pro Tempore to serve at the Board's pleasure. A Board member who serves as Mayor Pro Tempore shall be entitled to vote on all matters and shall be considered a Board member for all purposes, including the determination of whether a quorum is present. In the Mayor's absence, the Board may confer on the Mayor Pro Tempore any of the Mayor's powers and duties.

Mayor Knowles thanked Mayor Pro Tem Handy for serving in that role. He stated that Mayor Pro-Tem Handy has been very helpful and supportive. Mayor Knowles said he was informed on Tuesday that the newly elected members of the Board had already acted on 2 items that are on tonight's agenda.

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Mayor Knowles asked Attorney Kilroy for his comments and view on the situation. Attorney Kilroy cautioned the newly elected officials that any time three members meet to make decisions about Town business they may be violating the open meeting laws. Alderman Farley disagreed with Attorney Kilroy. He said according to the open meeting law it is clear that it is not a violation if they are not yet sworn in. Alderman Tuman stated he respects the Attorney's opinion. He added that tonight he took an Oath of Office to uphold the law of North Carolina and he will uphold that law.

***Alderman Tuman moved, seconded by Alderman Peters to nominate Alderman Hardison as Mayor Pro Tempore. The motion passed 4-1 with Mayor Pro Tem Handy opposing.***

#### **REAPPOINTMENT OF TOWN ATTORNEY**

According to G.S. 160A-173 and Article III, Section 2-50 of the North Topsail Beach Ordinance, at the first meeting of the Board after their election and qualification or as soon thereafter as possible, they shall appoint a Town Attorney.

Attorney Robert W. Kilroy has requested that he be re-appointed to act as Attorney for the Board of Aldermen and the Town of North Topsail Beach.

***Alderman Handy moved, seconded by Alderman Tuman to reappoint Robert Kilroy as the Attorney for North Topsail Beach.***

Alderman Farley said in the 2 years on the Board he has never once met with the Attorney regarding Town business. He suggested to Mr. Kilroy to get more involved with the Board. Mayor Knowles said there are 6 people on the Board plus a manager and staff. He said if someone has a problem they go to the manager or the Mayor who would then contact the Attorney. He noted that we are not Mr. Kilroy's only clients. Alderman Tuman said he does not agree with going through the Town Manager or Mayor and would like Attorney Kilroy to interject himself during a meeting if the Board is going in a direction that is not with the law.

***With the motion restated, the vote was 3-2 with Mayor Pro Tem Hardison and Alderman Farley opposing.***

#### **APPROVAL OF AGENDA:**

***Alderman Peters made motion, seconded by Alderman Tuman to approve the agenda.***

Alderman Farley added update on the Town Park expenditures under Old Business.

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***Alderman Peters made motion, seconded by Alderman Tuman to approve the agenda with the addition. The motion passed unanimously.***

**COMMITTEE REPORTS:**

**Beach Nourishment – Greg Hoch**

On November 16<sup>th</sup>, a quorum of the beach nourishment committee met here at town hall. 16 citizens of the town attended the meeting. Because of a conflicting Mayor's meeting, many items on the agenda had to be tabled. Of those discussed:

Shelia Cox gave a report of the TISPC meeting on October 25<sup>th</sup>.

The committee has requested an official reaction from the Board of Alderman to the Beach Nourishment Question and Answer Document that has been posted on the town's webpage.

During the September meeting of the Beach Nourishment Committee, the committee requested the compilation of data from the town staff. Shelia Cox reported an answer to one of the 5 data requested.

- a. Ocean front property distinguished from ocean side
- b. Sound front property distinguished from sound side
- c. Tax Value of each parcel (\$321,796,015.00)
- d. Voter occupied property versus non-voter occupied property
- e. CBRA parcels versus NON-CBRA parcels

Primary Dune Push Update – Shelia Cox forwarded information from Sue McLaughlin that all CAMA permits have been applied for.

The committee requests the Board of Alderman consider placing a survey on the town website to determine support for Beach Nourishment.

New Business – No items discussed.

Open Forum – The citizens present expressed disappointment and concern. They stated they feel that the town is not moving forward quickly enough in the areas of Beach Nourishment and especially Dune Push Up.

**Planning Board – Paul Dorazio:**

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A Planning Board meeting was held November 10, 2005. They discussed a landscaping ordinance, an ordinance regarding accreted land and the review process for commercial property. The zoning map was heavily discussed in regards to where are we in the process of printing a zoning map and having it certified. Mayor Knowles added that we will have a cost for printing a map at the January meeting.

**OPEN FORUM:**

Mary Convy, 20 Porpoise Place, asked Attorney Kilroy that he give a more detailed report at the Board meetings. She suggested Attorney Kilroy have a bullet point of items he is working on for the Town. Mrs. Convy also stated that she had asked for a financial report but was told that it is only available in hard copy. She suggested having important documents like the audit scanned and available on our website. Mrs. Convy said she and her husband attend the meetings regularly and said the people are aggravated that the process of repairing our dunes is dragging on. She said people are concerned not only about the pushing of the dunes and why our applications were submitted late, but the whole beach renourishment project in general. She said the Beach Nourishment committee has been waiting for over 21/2 months for Shelia Cox, the Capital Projects Manager, to get simple statistics together. Mrs. Convy said Ms. Cox stated that Lydia King, the Finance Officer, has those files but won't share them with her. Mrs. Carbone said that is not true. She said Ms. Cox and Mrs. King have worked together on this. Mrs. Carbone added that it is a big file and is only on Mrs. King's computer and Ms. Cox can only work on it when she has time given all her other duties.

Mike Yawn, 207 Tamarix Court, said regarding Beach Nourishment he hopes that the bond issue will be settled before we set the 06/07 budget.

Rachele Caputo, 230 Topsail Road, said she believes a lot of people are confusing beach nourishment and dune pushing. She said she understands that beach nourishment is an ongoing long term plan but the need to repair the dunes is immediate. She encouraged the Board to pursue that in order to get it done as soon as possible.

Alderman Tuman said regarding dune pushing, beach nourishment and the Beach Nourishment Committee, there was a motion made about 3 years ago by the Beach Erosion Committee that gave the responsibility of their duties to the Beach Nourishment Committee once the Beach Erosion Committee resolved. He questioned if the Beach Nourishment Committee realized they had that responsibility. Mr. Macartney, a member of the Beach Nourishment Committee, said they met after Hurricane Ophelia and requested that the Board of Aldermen go forward with obtaining the necessary permits to start pushing the dunes immediately.

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**CONSENT AGENDA:**

The consent agenda consisted of the Department Head Reports, Benefit Accrual Report and Budget vs. Actual.

Alderman Farley pulled the Budget vs. Actual from the Consent Agenda.

***Alderman Peters moved, seconded by Alderman Handy approval of the Consent Agenda with the change. The motion passed unanimously.***

**BUDGET VS ACTUAL**

Alderman Farley stated that the Town Park is over budget. The general fund is over by \$60,000. In the Capital Outlay the Police Department is already 11% over what they budgeted and we are only 33% into the year. Alderman Farley said we need to start monitoring our budget a little closer. Alderman Handy noted that some of the expenses could be hurricane related that we would get reimbursed for. Alderman Farley said no because this is the Capital Outlay i.e. equipment.

***Alderman Peters made a motion, seconded by Alderman Handy to add this item to the meeting with the auditor next week.***

Alderman Tuman said he was not in favor of handling the budget and the auditors report at the same meeting.

***With the motion restated the motion passed unanimously.***

The consensus of the Board was to hold a Special Meeting to discuss these issues on December 8 at 2 p.m.

**OLD BUSINESS:**

**Bids to push the dunes**

The Town had to re-bid the bulldozing to repair the dune erosion damage caused by Hurricane Ophelia since we did not denote that the Contractor must be a Licensed General Contractor.

On November 10<sup>th</sup> and 13<sup>th</sup> the attached "Bid Solicitations" was published in the Daily News. On November 23, 2005 at noon, the Interim Town Manager and Building Inspector opened the bids. Also present was ES&J Enterprises, Inc.

Following are the bids:

HPE Bldg. Corp.	\$104,940.00
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ES&J Enterprises, Inc	248,000.00
David Massengill	287,301.00
DRC, Inc.	298,000.00

ES&J Enterprises, Inc. sent a letter to the Town dated November 23, 2005 and noted that the low bidder, HPE Building Corporation is licensed only for Residential Building.

Gene Casey called Joel Macon, Licensing Board Investigator and he said that HPE Building Corp. would not be able to do the work since he did not have the correct license. Therefore, ES&J Enterprises was the next lowest bid at \$248,000.00.

Mayor Knowles asked if ES&J Enterprises, Inc had any references. Mrs. Carbone said we did not have any but we could request them.

Cecil Carter spoke on behalf of HPE Bldg. Corp. He stated that the advertisement did not state that you needed a grading and paving license only that you had to be a Licensed General contractor. Mrs. Carbone said that is true but every contractor should know what their limitations are for their license. She also added that we must abide by the State regulations. Mr. Carter said the Town must go out for new bids being it was advertised incorrectly.

Attorney Kilroy said he would like to look into this further to see if there was a variance in the specs in what was advertised. He said if the ad only asked for a General Contractor instead of a Specialty License to do this type of work then we may have to readvertise. Mayor Knowles asked if waiting would hinder the process of pushing the dunes. Mrs. Carbone explained that we had not received our CAMA permit so we are not able to start pushing now even if we had a contractor. She added that the ad CAMA was required to put in the newspaper did not go in at the right time and therefore has caused a delay in the issuance of our permit. Citizens questioned why Topsail Beach has already pushed their dunes. Mrs. Carbone said Topsail Beach already had a CAMA permit and they only had to modify that permit to begin pushing. Alderman Tuman said he hopes that the Town would not allow our CAMA permit to lapse again in the future.

### **Review of Orchid Bay**

Mayor Knowles stated that the Board of Aldermen approved a development at the November meeting and has since discovered that there may not be enough land to meet the requirements of the Conditional Use. Mayor Knowles said a representative from the CRC Mapping Division will be here on Tuesday to review the property and to start a geodetic survey. This is something we will be looking

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at doing, especially for the oceanfront and sound side properties. Mayor Knowles said the first initial survey will not cost us anything. He added that each application will be looked at individually to see if a geodetic survey is needed. Mayor Knowles said no permits will be issued until we get the results from the survey.

Alderman Tuman said the survey that was submitted showed 150-170 feet from the dune to high water. He went to the site to verify the figures and found that they are 50-70 feet short. He added that he used the boundary markers to measure but could not find the survey marker for the boundaries of the oceanfront area. Alderman Tuman stated if the application was submitted in error then the Board should withdraw the approval of the Conditional Use permit for further investigation. He said the applicant may then come back to the Board, put their survey markers in place and confirm their map, although he feels that can't be done.

***Alderman Tuman made a motion to withdraw the Conditional Use permit approval for Orchid Bay.***

Mrs. Carbone said we cannot do that because the applicant must receive 10 days notice. Mayor Knowles informed Alderman Tuman that at the last meeting the Attorney suggested we get another survey and that's what we are doing. Attorney Kilroy said at the last meeting we didn't have any information to rebut. He noted that this is not an isolated problem and it happens in areas where people want to develop on the water. Attorney Kilroy suggested that it be addressed in our zoning ordinance that when a survey comes in to develop on the waterway the mean high water mark and normal high water be clearly defined on the survey. Attorney Kilroy said there was a case in 1986 that basically voided all deeds that went into the waterways. He said the reason this happened was because in 1984 the Public Trust Doctrine was established, which meant that any land subject to the flow of the tide is public land.

Alderman Farley said that is not what Attorney Kilroy said at the last meeting. He said we were told that Charles Riggs is licensed and has the expertise and we shouldn't question it. Attorney Kilroy said his comment at the last meeting was unless we have something to rebut it with, Mr. Riggs line stands. Mayor Knowles reiterated that is why we are getting another survey.

Alderman Tuman stated that it is a reasonable request to have Mr. Riggs come out and physically demonstrate his line on the site. He feels then Mr. Riggs might admit that the survey is inaccurate and he would withdraw the application. Mayor Knowles said if the Board has approved something with inaccurate information it would automatically be withdrawn.



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**Town Park Overage**

Alderman Farley stated he has reviewed invoices and various reports provided to him from the Finance Officer regarding expenditures on the park. While I am still waiting for a few items, I can report the following based on the information I was provided:

1. Expenses for the Phase II of the Town Park were over the amended budget by \$107,691. Revenues below budget by \$19,665 so that the total additional cost to the town for the project was \$127,356.
2. Almost all of the overage relates to construction. Construction cost exceeded the budget by \$130,550 or 34.3%. Wages and engineering were also over budget by a total of \$4,142.
3. It has been reported that the overages relate to only one contract. The truth is that the overage relates to two major contracts. Change orders, not authorized by the Town Board, totaled \$53,313 on those contracts. The contracts when approved by the Town Board totaled \$340,008 or \$38,240 over budget. There were additional construction costs paid to other vendors for paving (\$11,000) and other services.

Alderman Farley said that is just a brief summary on where we stand. I feel that after the stories in the paper we needed to look at it. He said we will come back with a final report and offer suggestions on how we can prevent this from happening again.

**NEW BUSINESS:**

**Resolution to Adopt Regular Meeting Schedule**

**RESOLUTION TO ADOPT THE REGULAR MEETING SCHEDULE  
OF THE BOARD OF ALDERMEN FOR THE  
TOWN OF NORTH TOPSAIL BEACH FOR 2006**

**WHEREAS**, General Statute 160A-71 allows a Board to fix a time and place for regular meetings; and

**WHEREAS**, General Statute 143-318.12(a) requires the Board of Aldermen's schedule of regular meetings to be kept on file with the Town Clerk.

**NOW, THEREFORE, BE IT RESOLVED** that the following meeting schedule be adopted by the North Topsail Beach Board of Aldermen.

Thursday	January 5, 2006	7:00 p.m.
Thursday	February 2, 2006	7:00 p.m.
Thursday	March 2, 2006	7:00 p.m.
Thursday	April 6, 2006	7:00 p.m.

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Thursday	May 4, 2006	7:00 p.m.
Thursday	June 1, 2006	7:00 p.m.
Thursday	July 6, 2006	7:00 p.m.
Thursday	August 3, 2006	7:00 p.m.
Thursday	September 7, 2006	7:00 p.m.
Thursday	October 5, 2006	7:00 p.m.
Thursday	November 2, 2006	7:00 p.m.
Thursday	December 7, 2006	7:00 p.m.

***Alderman Handy made motion, seconded by Alderman Tuman to approve the resolution to adopt regular meeting schedule. The motion passed unanimously.***

**Appointment of Karen Justice, Jerry Convy and Carol Baldwin to the Board of Adjustments**

Mrs. Carbone stated she has attached the applications of Karen Justice, Jerry Convy and Carol Baldwin to the Board of Adjustments. She said we have three openings on this Board and we also need one alternate.

Alderman Farley asked Ms. Justice how long she has lived in North Topsail Beach. Ms. Justice said she has been on the island for a long time but she just moved to North Topsail Beach in November. She noted she is registered to vote here.

***Alderman Tuman made a motion to approve the appointments with the stipulation prior to conducting a meeting they be provided with the book "Introduction to Zoning", are on the same wave length as the Zoning Officer, have had at least one training session on their responsibilities as the Board of Adjustments and given a set of the Towns zoning ordinance and Storm Water plan. Alderman Handy seconded.***

Alderman Farley said he is sure Ms. Justice would be a fine candidate, but he has concerns with appointing someone who has only lived in the Town 2 weeks. He said he thought there was something in the ordinance that states that they have to be a resident for at least 6 months. Mrs. Carbone said she remembers that being discussed but it was never approved, but she will check to make sure.

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***With a motion made and seconded to appoint Karen Justice, Jerry Convy and Carol Baldwin to the Board of Adjustments passed 4-1 with Alderman Farley opposing.***

**Dune Pushing (revisited)**

Attorney Kilroy said he has been looking at the bid advertisement. He said the ad states the scope of the work, to bulldoze to repair the dunes damaged by Hurricane Ophelia and also that the bids shall be submitted in a lump sum price. Attorney Kilroy said HPE Bldg. Corp. submitted a quote by linear foot not a lump sum. He added that HPE is not properly licensed to do the scope of the work. Attorney Kilroy said if the Town wants to readvertise that's fine, but he believes we are fine with how we advertised and the bids we received. Alderman Farley noted that even if we readvertised HPE Bldg Corp still would not qualify to be awarded the bid.

Steve Smith argued that Cecil Carter has always pushed the dunes for us. He added that we wouldn't get any more out of a Licensed Specialty Contractor than we would from Cecil Carter. Mr. Smith said we have water under houses here and we need sand now. He asked the Board what are they afraid of by hiring a non licensed contractor to do the work. Attorney Kilroy said we would be faced with the General Contractor's Licensing Board issuing a stop work order for doing work without the proper license. Alderman Farley pointed out that if we couldn't award the bid to the first contractor for not having the proper license, then we certainly can't award it to Mr. Carter.

***Alderman Farley moved to award the contract to the lowest licensed qualified bidder, which is ES&J Enterprises, Inc.***

Attorney Kilroy said according to ES&J Enterprise's bid, they describe themselves as unlimited license in highway and public utilities and not specialty license.

Mayor Knowles suggested readvertising with exactly what type of license is required. Mrs. Carbone stated that it will probably take approximately 3 weeks because after we advertise we have to wait at least 10 days to open the bids. Alderman Tuman asked to have the Building Inspector call Joel Macon and find out if ES&J Enterprises are qualified. If in fact he is qualified then we need to award them the contract. He added if we find that none of these contractors are qualified then we need to readvertise.

***Alderman Farley amended his motion to award the contract to ES&J Enterprises, Inc, upon confirmation from the Licensing Board that they are qualified. Alderman Tuman seconded the motion. The motion passed 4-1 with Alderman Peters opposing.***

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**Appointment of Linda Daniel and Rachele Caputo to the Beach Nourishment Committee.**

Mrs. Carbone stated that she attached the applications of Linda Daniel and Rachele Caputo to the Beach Nourishment Committee. This committee currently has 5 members on it and it has had up to 10 members in the past.

Alderman Farley asked Mrs. Caputo how long she has lived in North Topsail Beach. Mrs. Caputo said she has lived here for 1 year. She also added that she is registered to vote. Alderman Farley asked if she voted in this year's municipal election. Mrs. Caputo said she did not because she was not registered in time to vote.

***Alderman Handy made motion, seconded by Alderman Peters to appoint Linda Daniel and Rachele Caputo to the Beach Nourishment Committee. The motion passed unanimously.***

**Resolution to appoint Board member to ONWASA**

Mrs. Carbone stated that the Town has to replace Steve Smith on the Onslow Water and Sewer Authority Board. The new member will be sworn in at the Annual meeting on January 19, 2006 and will serve until July 31, 2006 and then will either be reappointed or replaced. ONWASA meets the third Thursday of the month.

**RESOLUTION TO APPOINT MEMBER TO THE ONSLOW WATER AND SEWER AUTHORITY**

**WHEREAS**, the Town of North Topsail Beach (NTB) is a member of the Onslow Water Sewer Authority (ONWASA); and

**WHEREAS**, the Articles of Incorporation of ONWASA states that NTB appoints a Board member to the Board of Directors; and

**WHEREAS**, the term of office expires on July 31, 2006; and

**WHEREAS**, a new director must be appointed and sworn in at the January 19, 2006 Annual ONWASA meeting.

**NOW, THEREFORE**, the Board of Aldermen for the Town of North Topsail Beach does hereby appoint \_\_\_\_\_ as a Director of the Onslow Water and Sewer Authority to a term which expires on July 31, 2006 at which time the member could be reappointed or replaced.

***Alderman Farley made motion, seconded by Mayor Pro-Tem Hardison to appoint Alderman Tuman as the ONWASA representative. The motion passed unanimously.***

**Resolution Authorizing Execution of Planning & Management Grant Contract**

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Mrs. Carbone stated that the Division of Coastal Management requires a Resolution Authorizing Execution of Planning and Management Grant Contract in order to carry out the Land Use Plan Phase I project.

Alderman Peters asked what the grant contract is for. Mrs. Carbone stated it is to update our Land Use Plan which must be updated every 5 years. Alderman Peters asked if we are getting reimbursed. Mrs. Carbone stated we have a grant but it will cost the Town \$14,000. Alderman Handy noted this is a State requirement; we do not have a choice.

**RESOLUTION AUTHORIZING EXECUTION OF PLANNING AND MANAGEMENT GRANT CONTRACT**

MINUTES OF A REGULAR MEETING OF THE BOARD OF ALDERMEN OF THE TOWN OF NORTH TOPSAIL BEACH, NORTH CAROLINA.

A regular meeting of the Board of Aldermen of the Town of North Topsail Beach was held in the Town Hall, the regular meeting place, on December 1, 2005. There were five Aldermen present and the Mayor.

The Board of Aldermen were advised that a proposed contract between the Town of North Topsail Beach (herein NTB) and the North Carolina Department of Environment and Natural Resources (herein NCDENR) for the provision of Planning and Management Services was presented and discussed; that, under the terms of the said contract, NTB will pay a total of \$14,000.00 as its local share of the planning project costs.

**BE IT RESOLVED, BY THE Board of Aldermen of the Town of North Topsail Beach:**

1. That the contract between NTB and NCDENR be and the same is hereby approved.
2. That the Mayor and the Clerk be and they are hereby authorized to sign and execute the said contract for and on behalf of NTB and forward the same to NCDENR.
3. That upon final execution, a copy of said contract be filed with the minutes. Upon motion of \_\_\_\_\_, seconded by Alderman \_\_\_\_\_, said resolution was unanimously passed.

***Alderman Handy made motion, seconded by Alderman Peters to approve the Resolution Authorizing Execution of Planning & Management Grant contract. The motion passed unanimously.***

**Registration for essentials of Municipal Government.**

Mrs. Carbone stated that the Mayor and Board of Aldermen are encouraged to register for the 2006 Essentials of Municipal Government at the Wilmington Hilton – January 11-13, 2006. The School of Government at the University of NC at Chapel Hill and the NC League of Municipalities conduct a course for Mayors and Council members every two years following the statewide municipal elections. This program is intended for both veteran and new council members, managers, town administrators, attorneys and clerks. She asked for each Board member to let her know as soon as possible if they are going so she can register them.

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**Contract for Engineering Services with Right Angle Engineering**

Mrs. Carbone stated that Shelia Cox, Capital Projects Coordinator has supplied the Board with the following information:

The Town of North Topsail Beach asked Right Angle Engineering, P.C. to prepare a proposal for funding through the Transportation Enhancement Program of the North Carolina Department of Transportation. RAE prepared the application, prepared the cost estimates and created drawings associated with the requirements of the eligible cost reimbursement program. Due to the efforts of Right Angle Engineering the Town's application was selected for funding of the project on October 7, 2004.

After the project award the North Carolina Department of Transportation entered into an agreement with The Town of North Topsail Beach on April 6, 2005. Then NCDOT notified the Town that they would hold a scoping meeting at the Town Hall on July 12, 2005. The Town Manager requested that the Capital Projects Coordinator contact Right Angle Engineering to attend the scoping meeting because of their knowledge of the proposed project.

During the scoping meeting the NCDOT discussed the Right of Way certification, the environmental documentation, identified project managers and the project oversight committee (POC) and then developed a project implementation schedule. NCDOT informed the Town that they could now submit an engineering contract to NCDOT.

NCDOT informed the Town during the scoping meeting that monthly project status reports would be required beginning August 15, 2005, failure to do so would delay or possibly forfeit reimbursement. The project process was started.

Town Manager Tom Cassell directed Jim Vithalani of RAE after the scoping meeting to submit to the Town a contract for engineering services for the NC 210 Bike Lanes. RAE forwarded the contract to the Town, which was then forwarded to NCDOT in Raleigh for their review. NCDOT reviewed and returned the Engineering Contract to the Town in September at which time Town Manager Tom Cassell signed on September 28, 2005.

Mrs. Carbone stated Alderman Farley has a few concerns and asked him to share those concerns with the Board. Alderman Farley said Right Angle Engineering does a lot of work for the Town, but his concern is that Right Angle has already been paid for a contract that was not approved by the Board. He noted that the only authority authorized to award contracts is the Board.

Alderman Farley asked what the budget was for this item and asked how this contract could be approved without looking at the budget first. Mrs. Carbone said

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we don't have the budget information at this time. Alderman Tuman recommended that this item be discussed at the Special Meeting with the budget information available. Alderman Tuman said organizations are dependant on the Finance Officer to protect the Managers or anyone else from making unauthorized disbursements. He said the Town's Finance Officer should not authorize any payment unless it is an authorized approved disbursement. Alderman Tuman said he is uncomfortable knowing that the Town does not have budget control or financial control.

Alderman Peters suggested establishing a committee to monitor these things. Alderman Farley agreed. Alderman Tuman disagreed. He said the answer is to hire a capable Town Manager and a capable Finance Officer.

It was the consensus of the Board to discuss this item at the Special Meeting scheduled for December 8, 2005.

#### **TISP Commission Charter Revision**

Mrs. Carbone stated that the Topsail Island Shoreline Protection Commission met on Tuesday, November 29, 2005 to discuss revising their Charter and changed the number of members that the Commission could have (on page 2 under "Organization") Therefore, the Commission shall be composed of eleven (11) members instead of eight (8). An "at-large member" will be added by the three towns. Pender and Onslow County will remain the same. Mrs. Carbone said the Board will also need to appoint someone to the Shoreline Protection Commission.

Mrs. Carbone said basically we need an elected official, the Chairman of the Beach Nourishment Committee and one at large member. Alderman Handy said we had Buddy Godwin as the elected official and Becky Bowman from the Beach Nourishment Committee. Alderman Farley noted that at the last meeting the Board voted to change the Charter so that it did not require an elected official, but anyone the Board felt was qualified. Alderman Handy stated that it did not pass.

Buddy Godwin said they want an elected official appointed from each town and that's all they will accept. He noted that if for some reason that elected official couldn't be at the meeting then he could write a letter stating that someone else would be taking the elected officials place for that meeting.

***Alderman Tuman made a motion, seconded by Alderman Handy to approve the Charter. The motion passed unanimously.***

***Alderman Handy made motion, seconded by Alderman Tuman to nominate Mayor Pro-tem Hardison as the Towns representative for TISP. The motion passed unanimously.***

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**Resolution to Support Dixon Soccer Club**

Holly Ridge has asked that the Town support the efforts of the Dixon Soccer Club to obtain 25 acres of state-owned property located between NC Hwy. 172 and 210.

Alderman Farley stated that Dixon is one of the only areas that does not have its own soccer field. Right now they use the school fields, but they fear that with the expansion of the schools the land will be developed. Alderman Farley said we are hoping that the State will donate thee property to the Dixon Soccer Club.

**RESOLUTION TO SUPPORT THE DIXON SOCCER CLUB AND THEIR EFFORTS TO OBTAIN 25 ACRES OF STATE-OWNED PROPERTY**

**WHEREAS**, the Dixon Soccer Club would like to Lease or Purchase 25 acres of state-owned property located between North Carolina Highway 172 & 210, Sneads Ferry, N.C.; and

**WHEREAS**, the purpose of the Lease and or Purchase of the land is to build a multi- sports complex; and

**FURTHERMORE**, the Dixon Soccer Club has requested the State of North Carolina to make the property available to the club through a long term lease or lease-purchase agreement and the Soccer Club is requesting the support of the North Topsail Beach Board of Aldermen in their Lease and or Purchase of the 25 acres.

**NOW THEREFORE BE IT RESOLVED**, that the North Topsail Beach Board of Aldermen voted unanimously to support the Soccer Club's efforts of Leasing and or Purchasing the state-owned property for the purpose of building a multi sports complex; and

**WHEREAS**, Alderman \_\_\_\_\_ made a motion to support the Dixon Soccer Club and their efforts to obtain 25 acres of state-owned property to build the multi sports complex and to send a copy of the Resolution to the State Legislature and Governor Mike Easley, asking for their support also. Alderman \_\_\_\_\_ made a second to the motion and all agreed.

***Alderman Handy made motion, seconded by Alderman Peters to approve the resolution to support Dixon Soccer Club. The motion passed unanimously.***

**Resolution of Town of North Topsail Beach/North Topsail Utilities**

Mrs. Carbone said David Walker has forwarded to us a Resolution in regard to the North Topsail Utilities, Inc. proposed sale. She added that ONWASA will pay for an attorney to represent NTB in regard to this sale.

Alderman Handy moved, seconded by Alderman Tuman to approve the Resolution for ONWASA to represent North Topsail Beach in regards to the sale of North Topsail Utilities.

Alderman Farley said his concern is with the paragraph that states "The Town Attorney, in consultation with the Mayor, the Chairman of ONWASA



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and such other persons as he deems appropriate is authorized to direct a strategy and participate in the proceedings and any other matter pertaining to the proposed sale of North Topsail Utilities". He feels that should say the Town Attorney in consultation with the Board of Aldermen, not the Mayor. He said according to how it's written the Town Attorney would be authorized. Attorney Kilroy noted that the Town Attorney could not do anything without direction from the Board of Aldermen. Alderman Handy suggested we get clarification before we approve the Resolution.

***Alderman Peters made motion, seconded by Alderman Farley to table this item pending interpretation clarification. The motion passed unanimously.***

**MANAGER'S REPORT:**

1. Update on Hurricane Recovery: Staff spoke with CAMA today and they are still waiting on the Army Corps of Engineers paperwork in order for us to get our Major CAMA Permit to push the dunes. We have Riverside Sand ready to haul in sand for us as soon as we receive the permit. FEMA will not pay for pushing the dune or for any sand fence.
2. Staff attended the Project Delivery Team meeting with Coastal Planning and Engineering and other state agencies on November 9<sup>th</sup> at Town Hall.
3. Staff attended the Army Corps of Engineers meeting on November 10<sup>th</sup> in Wilmington.
4. Staff attended the NC Beach and Inlet Waterway Annual Conference in Carolina Beach on November 14<sup>th</sup> and 15<sup>th</sup>.
5. Staff met with Frank Rush, manager of Emerald Isle, and discussed beach nourishment issues on November 16<sup>th</sup>.
6. Staff attended the Mayor's Meeting with Mayor Pro Tem Handy on November 16<sup>th</sup>.
7. Staff attended the Chamber's Dinner Meeting on November 18<sup>th</sup>.
8. The Town's Christmas Party is December 10<sup>th</sup> at the Atlantis Restaurant for Board and committee members and staff.
9. On December 12<sup>th</sup> Mr. Maxwell from Springsted Inc. will meet with Board members on their criteria for a town manager.
10. The December PDT meeting is set for December 14<sup>th</sup> at 10:00 am
11. The December Corps meeting is set for December 15<sup>th</sup>.
12. Everyone thanks the Recreation and Appearance Committee on the wonderful Holiday decorations.

**ATTORNEY'S REPORT:**

Attorney Kilroy reported that the Litvak lawsuit is still ongoing but is being handled by Attorney Crouch. He said also there are no new developments

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in the Jackson & Lanier suit. Alderman Tuman said the Town was going to write a letter saying that some of the lots in that subdivision did not meet our ordinance. He asked if that was followed through with. Attorney Kilroy confirmed that it was.

**MAYOR'S REPORT:**

Mayor Knowles stated that we need to set up a time for our December 12<sup>th</sup> meeting with Mr. Maxwell. He said the Board and the citizens assisting the Board need to meet to write up the requirements for a Town Manager. The Board agreed on 1p.m.

Mayor Knowles also stated that he and members of the staff will be meeting with CRC Mapping Division on December 6<sup>th</sup> regarding Orchid Bay and the possibility of using their services in the future.

Mayor Knowles wished everyone a Merry Christmas and safe travels.

**ALDERMEN'S REPORT:**

Alderman Handy said he has enjoyed working with the Mayor for the last two years as Mayor Pro Tem. He said it has been a learning experience and he appreciates all the advice he has received from the Mayor over the last two years.

Alderman Farley stated he has concerns about the financial report. He said the Board approved an additional \$400,000 above and beyond our 2 million dollar budget that was initially approved and still went above that by \$56,000. Alderman Farley added we still have a lot of work to do.

Alderman Peters thanked the citizens for voting. He said he hopes the new Board can deliver and meet the expectations of the citizens. He said he would like to bring up the issue of trash cans being left out on the street for an extended period of time. He requested that Mrs. Carbone bring a proposal to the Board to initiate a mandatory 24 hour perimeter to which the garbage can could be put out and pulled back. Mayor Knowles noted that has already been done.

Mayor Pro Tem Hardison said he is honored to be able to serve the citizens of North Topsail Beach. He reminded the citizens that he does not make promises and take Oath's lightly.

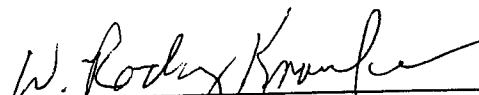
Alderman Tuman said there are a number of challenges ahead that will require an active and participating Board. He noted that Beach Nourishment will be very important in the upcoming years. We need to have a direction and know where we are going. He said although Mayor Pro Temp Hardison has agreed to be our representative for Shoreline Protection, the responsibility does not end with him.

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**ADJOURNMENT:**

*Alderman Peters moved, seconded by Alderman Handy to adjourn the meeting at 10:42p.m. The motion passed unanimously.*

Minutes prepared and submitted by Christina Watkins, Deputy Town Clerk for North Topsail Beach.

  
\_\_\_\_\_  
Mayor W. Rodney Knowles

1-5-06  
\_\_\_\_\_  
Date Approved

**TOWN OF NORTH TOPSAIL BEACH  
SPECIAL BOARD MEETING  
DECEMBER 12, 2005  
7:00 P.M.**

**PRESENT:**

Mayor W. Rodney Knowles, Mayor Pro-tem Larry Hardison, Aldermen Richard Farley, Fred Handy, Richard Peters and Daniel Tuman, Loraine Carbone, Interim Town Manager, John Maxwell, Springsted Inc.

**QUORUM:**

Mayor Knowles called the meeting to order at 1:00 p.m. in the North Topsail Beach meeting room and declared a quorum present.

**APPROVAL OF AGENDA:**

*Alderman Tuman moved, seconded by Alderman Handy approval of the Agenda with the addition of Budget Amendment #4. The motion passed unanimously.*

**REVIEW CRITERIA FOR TOWN MANAGER:**

John T. Maxwell of Springsted Inc. reviewed with the Board the criteria for choosing a Town Manager.

- Probation Period - Performance Evaluation
- Education Qualifications - Advanced degree
- Educational Specialty - Public Administration/Finance
- Experience as Town Manager - 5 to 9 years
- Years served - At least one, but not more than 3
- Availability of candidate - 30 to 60 days
- **Qualification Factors:**
  1. Integrity
  2. Finance Skills
  3. Planning Skills
  4. People management
  5. Leadership
- **Issues Facing the Town:**
  1. Growth/zoning
  2. Accounting procedures/Budgeting
  3. Beach Nourishment
  4. Trust and confidence
  5. Communication
- **Priorities of new Town Manager:**
  1. Improve Town image
  2. Staffing challenges/critical skill needs
  3. Growth/future vision

4. All above "issues facing Town"
- **Employment Parameters:**
    1. Salary - \$70,000 to \$80,000
    2. Professional dues and subscriptions
    3. National and State Association conferences
    4. Moving Expenses – negotiable
    5. Home Sale and Purchase Expenses – negotiable
    6. Civic club membership dues
    7. Health Insurance – Employee only (fully paid)
    8. Retirement program

**Budget Amendment #4**

This Budget Amendment includes invoices owed to Hurricane Ophelia contractors that will be paid by FEMA or by the League of Municipalities Insurance and also includes the Toys for Tots donations.

*Alderman Handy moved, seconded by Alderman Tuman to approve Budget Amendment #4. The motion passed unanimously.*

**ADJOURNMENT:**

*Alderman Farley moved, seconded by Alderman Handy to adjourn the meeting at 3:00 p.m. The motion passed unanimously.*

Minutes prepared and submitted by Loraine M. Carbone, Interim Town Manager for North Topsail Beach.

  
\_\_\_\_\_  
Mayor W. Rodney Knowles

1-5-06  
\_\_\_\_\_  
Date Approved