

TOWN OF NORTH TOPSAIL BEACH
REGULAR BOARD MEETING
JANUARY 10, 2002
7:00 P.M.

PRESENT:

Mayor Marty Bostic, Mayor Pro-tem John Flynn, Aldermen Steve Smith, Laurie Sandberg, Loraine Carbone, Interim Town Manager, Christina Watkins, Deputy Town Clerk, Bill Fuss, Attorney

NOT PRESENT:

Bill O'Donnell, Joe Vecchione

APPROVAL OF AGENDA:

Alderman Smith made motion, seconded by Alderman Flynn approval of the agenda. The motion passed unanimously.

REQUEST TO ADDRESS THE BOARD:

Planning Board

Mrs. McLaughlin explained what the Planning Board is working on and what is planned for the future. She said there are two amendments to the Land Use Plan they will be bringing before the Board of Alderman. Mrs. McLaughlin also stated the Major CAMA permit application has been submitted for the town park. The permit should be approved around March 11, 2002. She said the Town will now advertise for bids. Alderman Flynn asked when the park should be completed. Mrs. McLaughlin said CAMA gives us one year on our CAMA permit and the State gives us two years on the grant.

Beautification Committee

Sallie McGuire said the Beautification Committee wants to participate in the Spring Fling by selling hats with the North Topsail Beach logo on them. In order to get the hats here in time they must order them as soon as possible. Mrs. McGuire is requesting \$300 to order the hats. Alderman Sandberg made a motion, seconded by Alderman Smith to loan \$300 to the Beautification Committee. The motion passed unanimously.

OPEN FORUM:

Mrs. Bertarelli

Mrs. Bertarelli approached the Board concerned about where the sand will be placed once the Army Corp of Engineer dredges the channel. Mrs. Bertarelli said last year the sand was placed in a big pile on the shore, but because it was on private property and because CAMA rules did not allow lateral pushing of sand, the Town could not distribute it to other areas on the shore. Mrs. Bertarelli suggested that a waiver be signed by the owner of the lot where the sand is placed giving the Town all rights to the sand. She also suggested our Mayor or other Town official approach CAMA and

ask for permission to push sand laterally, given the severe erosion problems at the North End. Mrs. Bertarelli asked someone from the Town to take the initiative and be involved with the dredging. She noted that communication must begin now, before the dredging starts.

Mike Rabinowitz

Mr. Rabinowitz owns 2286 NRIR, which is located next to the beach access that has been temporarily closed. He is asking the Town to use any funds available to rebuild the access. Mr. Rabinowitz stated it has caused resentment between neighbors at the North End. He noted it is only fair to allow all North End residents access to the beach. Mayor Bostic suggested a sand crossover in place of the hardened crossover. Mr. Rabinowitz also would like clarification of public beach sandbags and asked if someone from the Town could look into it and clarify it. Mr. Rabinowitz asked Mayor Bostic to resign or take a leave of absence until he clears up his financial matters with the State.

Clyde Kent

Mr. Kent stated he is still having a problem with his neighbor's barking dogs. Mr. Kent said it has been going on for about 6 months and nothing has been done. He noted that when he calls the Police they respond quickly, but by the time they get there the dogs have stopped barking. He is asking the Board of Alderman what his next step should be. Mayor Bostic reminded Mr. Kent there is no ordinance that limits the number of dogs a homeowner can own. He said the Police department can ticket Mrs. Ford for violating the noise ordinance, which they have done. Chief Salese said they have ticketed Mrs. Ford, she has paid them, and there is nothing else they can do. Alderman Flynn told Mr. Kent he will have the Town Attorney and the Chief of Police continue to look into the matter.

Dick Farley

Mr. Farley wanted to reiterate what Mr. Rabinowitz said about the crosswalk. He would like to see the crosswalk opened up in a way that will be safe and fair for everyone.

Introduction of New Town Manager

Mayor Bostic introduced Mr. Don Betz as the New Town Manager of NTB. Mayor Bostic explained that Mr. Betz has given a 3 week notice to Holly Ridge, but will start sooner if available. Mr. Betz said he is eager to get to work. He stated North Topsail Beach has a terrific staff and is looking forward to working with them.

CONSENT AGENDA:

The Consent Agenda consists of December 6, 2001 minutes, Resolution designating official to sign papers for mosquito control, Comp time reports, and department head reports. Alderman Flynn asked to table the agreement for the shore protection feasibility study until the next months meeting. Alderman Sandberg asked that a correction be made in the minutes where her name is misspelled. Attorney Bill Fuss, asked for a closed session at the end of the Board Meeting. Motion made by Alderman

Smith, seconded by Alderman Sandberg approval of the agenda with the appropriate changes. The motion passed unanimously.

OLD BUSINESS:

North End Houses

The Building Inspector, John Starzynski, informed the Board on the situation with the North End erosion. He will be sending out letters to certain homeowners to give them the opportunity to have a hearing and would like to have those hearings scheduled within the next 15 days. Mr. Starzynski explained he has been getting phone calls from residents who are concerned about the condemned homes falling and causing additional damage at the North End. He would like to move forward with the procedures to have these homeowners remove their home before they cause a safety risk to other citizens. Alderman Sandberg asked if each homeowner will receive a separate hearing. Mr. Starzynski said yes. Attorney Fuss said they will be scheduled to accommodate the homeowner. He noted if some of the homeowners have hired the same legal representation it could be scheduled in the same day to accommodate the homeowners and the attorney. Alderman Flynn stated this is important for the homeowners and he suggested Attorney Fuss organize, be present at, and bring any necessary staff from his office to the hearings. Mrs. McLaughlin noted the North End is gaining a small amount of sand. Thomas has left the bulldozer at the North End, if enough sand fills in he will push.

Request to Condemn Parcels 778C11

At the December meeting, Mr. Rabinowitz requested that we condemn parcels 778C11 and 778C11, 1 due to the homeowner neglecting to take care of the lots. Mrs. McLaughlin stated she has been in contact with the property owner and he has not abandoned his property. At this time these lots are unbuildable because of the erosion. No action was taken.

Board Retreat

Lorraine Carbone stated she had set a date for the Board Retreat to take place Saturday, February 16, 2001 at the Onslow County EOC. This date will not be good for certain Board members and asked the Board for their suggestions on a new date. Discussion took place for what date is open for all Board members. The Board would like for Mrs. Carbone to check about March 2, 2002 at the Holiday Inn Express.

Beach Planning Assistance Proposal

The Town has received the proposal from Tom Jarrett. Alderman Flynn is in favor of accepting this proposal. Alderman Flynn stated that he had a conversation with the Chairman of the Division of Water Resources and asked if they would help pay for us to bring in someone to help with a Beach Nourishment Analysis. The Chairman said if we move forward with the analysis and find out what it will take to get sand on the beach, it will possibly enable the State to contribute financially. Alderman Flynn also noted this is a way to open up some form of Beach nourishment activity within the CBRA area. Tom Jarrett will be meeting with Alderman Flynn and Mrs. Carbone next

week to negotiate his fee. Alderman Flynn made a motion to approve the proposal, seconded by Alderman Smith. Motion passed unanimously.

Beach Grass Proposal

Mrs. McLaughlin presented a proposal for beach grass. The proposal is to purchase 100,000 plants at .40/plant. She would like the Board to decide whether or not to approve the purchase of the plants and determine if we cost share with ocean front property owners. Alderman Smith asked if Mrs. McLaughlin has had any feed back from homeowners as to the cost share program. Mrs. McLaughlin stated she has had a few calls from homeowners and all were in favor of a cost share program. Alderman Flynn asked how the homeowners would know we have the plants. Mrs. McLaughlin said we could advertise, put it on the website, or send out flyers. Alderman Flynn asked where the money will come from to buy these plants. Mrs. McLaughlin said it is not in the budget. Mrs. King, the Finance Officer, said she could take it out of the same fund as last year. Mayor Bostic suggested the Beach Nourishment fund. Mayor Bostic also noted that if we are billed for the plants, we would generate some money from the homeowners. Alderman Smith questioned if we needed 100,000 plants. He suggested we order 5200 plants, enough to plant the areas that we have pushed, and then maybe order more as we go. Alderman Sandberg made a motion to purchase 50,000 plants and fund it from the Beach Nourishment Fund with no cost share program. Alderman Flynn stated he has a problem with using the Beach Nourishment fund. Mrs. King suggested she could use the Contingency line item. Alderman Sandberg rescinded her first motion. Alderman Sandberg made a motion for the Town to purchase 30,000-50,000 plants and pay for it from the Contingency line item, seconded by Alderman Flynn. The motion passed unanimously.

NEW BUSINESS:

Amendment to Fence Ordinance

The Planning Board requests that the Board of Alderman hold a public hearing to amend the fence ordinance. The Planning Board would like to prohibit barb wire and electrified fences within the town limits. Alderman Sandberg noted that she was serving on the Planning Board while this issue was discussed, and one concern of the Planning Board is that no one be grandfathered. Alderman Flynn stated he is in favor of Mr. Fuss looking into it and bringing a proposed ordinance to the February meeting.

NC Local Government Debt Setoff Clearinghouse

Mrs. Carbone noted at the last meeting Alderman O'Donnell asked about a new way to collect unpaid debts. Mrs. Carbone has gathered information from the NCLM regarding this program. Mrs. Carbone explained this can be done through Onslow County since they collect the taxes for the town, at a cost of \$15 for each successful collection. If the debtor is due a refund on 2001 NC State income taxes, the municipal debt will be withheld from that refund. The debt must be at least \$50. There are also other requirements, including steps that must have been taken to collect the debt, proper notice and notification of rights of appeal. Alderman Flynn said he does not feel

this program would apply to NTB. Attorney Fuss said he will look into what is considered a municipal debt. Mrs. Carbone stated she will continue to talk with Onslow County for additional information.

2002 Planning

Interim Town Manager, Loraine Carbone, went over some of the goals for North Topsail Beach for the upcoming year. Included in these goals is the construction of the town park, the "Share the Road" program and department goals. Mrs. Carbone welcomed any suggestions or input from the Board.

Budget Amendment #5

The Board was asked to review Budget Amendment #5. Alderman Flynn noticed the increase in Building permits. He asked the Building Inspector if he was charging the North End homeowners for the permits they must obtain to reinforce their homes. Mr. Starzynski said he is not charging for those permits. Alderman Smith questioned why the money was taken out of the ONWASA line item. The Finance Officer, Lydia King, stated that Onslow County did not budget any money for that so it was taken out. Alderman Flynn made a motion, seconded by Alderman Smith to accept Budget Amendment #5. The motion passed unanimously.

MANAGER'S REPORT:

JANUARY 10, 2002

1. We have received a Certificate of Plan Approval for our Park. The certificate certifies that an erosion and sedimentation control plan has been approved for this project by the NC Department of Environment and Natural Resources.
2. I have met with Alderman Flynn and Steve Walters, of Topsail Beach to plan the Coastal Municipalities Meeting which will take place February 21st and 22nd here at NTB. The 3 towns are sponsoring this conference and municipalities throughout the coast of NC are invited along with some state agencies and state representatives.
3. We will need to look at a "maintenance line item" for next year's budget. The town hall needs to replace/repair all of the window casings because of rotting.
4. The next 4 town meeting is scheduled for Thursday, January 17th at 6:30 p.m. at the Seahorse Café in Surf City. I will need a count by next Monday. I have given you a preliminary agenda.
5. Staff have been instructed by Lydia to produce a draft budget by February 15th.
6. I am attending the Annual City and County Clerk's School from January 23rd to the 25th in Raleigh.

MAYOR'S REPORT:

Mayor Bostic mentioned that he and some other key personnel will be going to Mt. Weather, Virginia for an Integrated Emergency Management Course. This school will be from April 15-19. Mayor Bostic stated that homeowners from the Villa Capriani have offered their condo's to 28 New York Firefighters and their families for Easter week. Anyone who is interested in helping or donating contact Thomas Best @ 910-328-5297 or Ed O'Neil @ 910-328-1900.

ALDERMEN'S REPORT:

Mayor Pro-tem Flynn said he feels that we need to form a committee that would be in charge of the Beach Access at the North End. Alderman Flynn also noted that he has asked the Staff to gather data from Onslow County as to who is considered oceanfront housing, second row, and so on in the case of additional taxes for Beach Nourishment. He hopes to have this information within the next month. Alderman Flynn congratulated Lydia King on the superb job she did with the Toys for Tots program.

Alderman Smith thanked everyone who served on the Committee in charge of hiring a new Town Manager.

Recessed:

The meeting recessed at 8:55 p.m.

Closed Session:

Alderman Smith moved, seconded by Alderman Flynn to go into Closed Session to discuss a personnel matter at 9:15 p.m.

Adjournment of Closed Session:

Alderman Sandberg moved, seconded by Alderman Smith to adjourn the Closed Session at 9:40 p.m.

The regular meeting was called back into session at 9:40 p.m.

ADJOURNMENT:

The meeting adjourned at 9:41 p.m. Motion made by Alderman Flynn, seconded by Alderman Sandberg.

Respectfully submitted,



Christina Watkins
Deputy Town Clerk

Budget Amendment #5 Revenues

<u>Account Name</u>	<u>Budgeted</u>	<u>Increase Decrease</u>	<u>New Budget</u>
10-336-08 NTB Holiday Fund	\$40.00	\$502.00	\$542.00
10-352-01 Fire Fines & Violations	\$2,000.00	\$100.00	\$2,100.00
10-355-01 Mechanical Permits	\$3,000.00	\$570.00	\$3,570.00
10-355-02 Electrical Permits	\$6,000.00	\$610.00	\$6,610.00
10-357-03 CAMA Permits	\$2,500.00	\$300.00	\$2,800.00
10-357-08 Zoning Permits	\$1,000.00	\$615.00	\$1,615.00
10-359-01 Refuse Collection Prior Year	\$2,800.00	\$875.00	\$3,675.00
10-367-01 Sales Tax Refund	\$9,502.00	\$11.00	\$9,513.00
10-367-03 Federal Excise Tax	\$4,150.00	\$371.00	\$4,521.00
10-383-00 Sale of Fixed Assets	\$3,000.00	\$2,055.00	\$5,055.00
	\$33,992.00	\$6,009.00	\$40,001.00

Revenues increased by: \$6,009.00

- 10-336-08 Holiday donations received
- 10-352-01 Fines imposed by Fire Marshal (false alarms)
- 10-355-01 Revenues higher than anticipated
- 10-355-02 Revenues higher than anticipated
- 10-357-03 Revenues higher than anticipated
- 10-357-08 Revenues higher than anticipated
- 10-359-01 SWF fees paid for prior years
- 10-367-01 Revenues higher than anticipated
- 10-367-03 Revenues higher than anticipated
- 10-383-00 Sale of Crown Vic & Public Works computer

Expenditures

<u>Account Name</u>	<u>Budgeted</u>	<u>Increase Decrease</u>	<u>New Budget</u>
10-410-51 NTB Holiday Donations	\$40.00	\$542.00	\$582.00
10-410-57 Miscellaneous	\$200.00	\$60.00	\$260.00
10-410-58 Tax Refunds	\$850.00	\$100.00	\$950.00
10-410-59 FEMA Payback	\$35,114.00	\$788.00	\$35,902.00
10-410-93 Employment Security Commission	\$1,500.00	\$2,810.00	\$4,310.00
10-410-53 Dues & Subscriptions	\$600.00	(\$60.00)	\$540.00
10-410-42 Charter Code Services	\$2,000.00	(\$1,735.00)	\$265.00
10-410-60 ONWASA	\$1,260.00	(\$1,260.00)	\$0.00
10-560-33 Departmental Supplies	\$1,097.00	\$23.00	\$1,120.00
10-620-27 Special Events	\$3,000.00	\$162.00	\$3,162.00
10-690-10 Employee Training	\$500.00	\$190.00	\$690.00
10-690-36 Uniforms	\$1,500.00	(\$308.00)	\$1,192.00
10-690-74 Capital Outlay	\$2,450.00	\$118.00	\$2,568.00
10-999-01 Contingency	<u>\$74,301.00</u>	<u>\$4,579.00</u>	<u>\$78,880.00</u>
	\$124,412.00	\$6,009.00	\$130,421.00

Expenditures increased by: \$1,430.00

10-410-51 Offset by revenues
 10-410-57 expenditures higher than expected
 10-410-58 refunds from prior years
 10-410-59 admin money paid back for FEMA
 10-410-93 money paid to ESC for former employees
 10-410-53 reduced to cover over expenditures
 10-410-42 reduced to cover over expenditures
 10-410-60 reduced to cover over expenditures
 10-560-33 no parking signs purchased
 10-620-27 holiday party cost more than anticipated (higher attendance than last year)
 10-690-10 Fire Marshal class higher than anticipated
 10-690-73 reduced to cover over expenditures
 10-690-74 expenditures higher than expected
 10-999-01 Actual contingency is \$59,037.00 increased due to revenues & expenditure increases
 (\$ 54,458.00+\$4,579.00=\$ 59,037.00)

Total Revenue Increases	<u>\$6,009.00</u>
Total	\$6,009.00

Expenditure increase for each department

Governing Body	\$1,245.00
Administration	\$0.00
Planning/Zoning	\$0.00
Inspections	\$0.00
Police Department	\$0.00
Public Works	\$0.00
Streets	\$23.00
Refuse Collection	\$0.00
Recreation	\$162.00
Fire Department	\$0.00
Public Facilities	\$0.00
Beach Renourishment	\$0.00
Contingency	<u>\$4,579.00</u>
Total	\$6,009.00

\$6,009.00
<u>-\$6,009.00</u>
\$0.00

**TOWN OF NORTH TOPSAIL BEACH
SPECIAL BOARD MEETING
JANUARY 22, 2002
9:00 A.M.**

PRESENT:

Mayor Marty Bostic, Aldermen John Flynn, Laurie Sandberg, Joseph Vecchione, Loraine Carbone, Interim Town Manager

NOT PRESENT:

Aldermen O'Donnell and Smith

QUORUM:

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

SHORE PROTECTION FEASIBILITY STUDY AGREEMENT:

Alderman Flynn noted that he did have concerns with not receiving comprehensive treatment for the Town. He met with senior members of the Corp's last week and they agreed to broaden the aspect of the study. They are in the process of writing different language for the study.

The agreement is a typical business agreement which needs signatures from North Topsail Beach and Surf City. Alderman Flynn requested that Mayor Bostic contact Mayor Guy to sign the original.

Alderman Flynn said that he would write a letter to DENR requesting the state's share for the study. Our contributions would consist of in-kind services such as town staff support in collecting data and holding meetings.

Alderman Flynn moved, seconded by Alderman Vecchione to accept and sign the Shore Protection Feasibility Study Agreement between the Department of the Army, North Topsail Beach and Surf City. The motion passed unanimously.

Mayor Bostic noted that we need to follow through with the CBRA Zone issues. Alderman Flynn stated that Tom Jarrett would only concentrate on the CBRA Zone.

Alderman Flynn stated that a commercial group could get sand on the beach much sooner than the Corp's program. The Corp's could save us money if we could piggyback on their contract.

ADJOURNMENT:

Alderman Flynn moved, seconded by Alderman Vecchione to adjourn the meeting. The motion passed unanimously.

Respectfully submitted,


Loraine M. Carbone
Interim Town Manager

**TOWN OF NORTH TOPSAIL BEACH
REGULAR BOARD MEETING MINUTES
FEBRUARY 7, 2002
7:00 P.M.**

PRESENT:

Mayor Marty Bostic, Mayor Pro-tem John Flynn, Aldermen Bill O'Donnell, Laurie Sandberg, Steve Smith and Joe Vecchione, Don Betz, Town Manager, Loraine Carbone, Town Clerk, Bill Fuss, Attorney

QUORUM:

Mayor Bostic called the meeting to order at 7:03 P.M. in the North Topsail Beach meeting room and declared a quorum present.

INVOCATION:

The Invocation was given by Pastor Dwayne Collins of the North Topsail Shores Baptist Church.

APPROVAL OF AGENDA:

Mayor Bostic added the swearing-in of Town Manager Don Betz and Attorney Fuss requested a Closed Session to discuss a personnel issue and litigation. Alderman Sandberg moved, seconded by Alderman Smith approval of the agenda with the appropriate changes. The motion passed unanimously.

SWEARING-IN OF TOWN MANAGER:

Don Betz was sworn in as Town Manager of North Topsail Beach.

RESOLUTION RECOGNIZING LORAIN CARBONE FOR OUTSTANDING SERVICE:

The following Resolution was presented to Loraine Carbone:

**Resolution Recognizing Loraine Carbone for her Outstanding
Service to the Board & Citizens of the Town of North
Topsail Beach as Interim Town Manager**

Whereas, Loraine Carbone joined the Town of North Topsail Beach as Town Clerk on July 8, 1998, and

Whereas, Loraine Carbone was appointed as Interim Town manager by the Board of Alderman on August 15, 2001, and

Whereas, Loraine Carbone carried out the duties of Interim Town Manager with attendance at regular board meetings, special meetings, Mayors' association meetings, joint meetings with other governmental boards as well as handling the day to day operation of the administration, and

Whereas, Loraine Carbone worked diligently with citizens of the town, members of the greater Topsail community, and other local, state, and federal government entities in this capacity, and,

2/7/02

Now therefore be it resolved, that the Mayor and Board of Alderman for the Town of North Topsail Beach express sincere appreciation to Loraine Carbone for her dedication to the citizens, staff, and Town of North Topsail Beach for her performance as Interim Town Manager.

Adopted this 7 day of February, 2002.

Marlow F. Bostic, Jr.
Mayor

John Flynn
Mayor Pro-Tem

Bill O'Donnell
Alderman

Laurie Sandberg
Alderman

Steve Smith
Alderman

Joseph A. Vecchione
Alderman

Christina Watkins
Deputy Town Clerk

Alderman Smith moved, seconded by Alderman Vecchione approval of the Resolution recognizing Loraine Carbone for Outstanding Service to the Board and Citizens of NTB. The motion passed unanimously.

REQUEST TO ADDRESS THE BOARD:

C & M INVESTMENTS:

Mr. Carlton, of C&M Investments, addressed the Board. He said that he and his partner, Mr. Mantooth, consider themselves part of NTB. His company goals are to develop and purchase real estate, both commercial and residential. The RV Park is at 38 sites and the mobile park is at 22. They have also developed Cape Island, which has 91 lots. They are also in the process of developing property in Sneads Ferry. The RV Park was purchased in 1992 and they did a major cleanup and repair program. After operating a couple of years, they were hit with hurricanes. They were faced with over washed property and experienced a financial loss. Mr. Carlton stated that they have always cooperated in putting their property in good order. Building codes requires traps and they have 3 inch main lines servicing the area. The Town requires pea (house) traps be 4 inches. They inherited the property that has been designed and approved by the Town. Mr. Carlton said that they have dug up lines so that the governing bodies would make sure it was safe and sanitary. Mr. Starzynski told them that they did not conform to codes. The RV pulls up to a system. Pea traps are used to prevent gases from coming out of the system. In 92, we didn't know that we had to do this. Several plumbers said that the system had to be lifted out to accommodate the pea trap. It would take a lot of dirt and would cost approximately \$20,000 and they are limited in space. Mr. Carlton stated that the current systems are functioning very well. Plumbers have investigated the situation and claimed it safe and sanitary. If we comply, then we would not be able to meet other codes required of us if we go over the 50% rule.

2/7/02

Mr. Carlton said that they have purchased the property to develop it into a commercial piece, but the hurricanes hurt them. They are in the process of bringing a plan to the Planning Board to convert the property into single family housing. They hope to develop across the street also and they are aware of the need for commercial developments.

Mr. Carlton appealed to the Board to consider allowing them to operate as they have in the past and to look at the bigger picture of the property being used as commercial in the future. He also asked for a grace period until they could achieve what they have tried for the past 3 years and to look to the future.

Alderman Smith asked how long it would take to develop the homes. Mr. Carlton said that Mark Evans is working on that now. Mr. Evans said that they are planning to develop the sound side first with Nantucket style villages. Alderman Flynn asked what the timeframe was. Mr. Evans said they should start by this summer.

Alderman O'Donnell suggested that we put this issue on our agenda soon. Attorney Fuss noted that the Town was formed in 1991, prior to that, the RV Park was under someone else's codes. This issue needs to be reviewed. Attorney Fuss said that he and Mr. Betz would be tasked with the review since there are legal issues to go over. Attorney Fuss felt that he would have the information ready for the March meeting. He suggested that the Board suspend the fines as of today.

Alderman Smith moved, seconded by Alderman Vecchione to waive the \$100.00 per day fine for C&M Investments, starting from January 2, 2002 until it is settled and to task the Town Manager and Attorney to compile all of the information the Board will need by the next Board meeting. The motion passed unanimously.

BEAUTIFICATION COMMITTEE:

Sallie McGuire, Chairman of the Beautification Committee, thanked the Board in making it possible for the Beautification Committee to buy hats. This money will enable the committee to work on the Town's planting needs. The committee will also sell hats during the Spring Fling in Surf City.

EAST COAST CABLEVISION, LLC:

Don Hunt, Attorney for Randy Coley, President of East Coast Cablevision, LLC (hereinafter ECC) addressed the Board. Mr. Hunt noted that ECC provides cable services up the East Coast. ECC has studied the feasibility of providing service to NTB. They would like to compete with Charter. Their partnership must be founded on trust. Mr. Hunt stated that NTB would have to adopt a Cable Franchise Ordinance.

Alderman Flynn asked if they were targeting other areas. Mr. Coley said they are targeting NTB now with a hub site in NTB. They want to give an opportunity of choice. They anticipate going south with the same hub site. Mr. Coley noted that Charter is an

2/7/02

awesome company, but they could compete with them. He would like to see an Ordinance be written so that he could compete and give residents a choice. Government adopted deregulation of cable television. Mr. Coley stated that they provide service nationwide and they are in resort towns.

Mr. Coley said that they would have the same design as Charter, but they could do a better job and offer digital quality. ECC will present a proposal to the Planning Board regarding two pieces of property that they are interested in. The building would be 30x40 ft. with transmit equipment. The wiring would be an underground system 100% and they would employ about six people. ECC has contracts to purchase land, which is close to the south end fire station.

Alderman O'Donnell asked if other NC towns were involved in a franchise with them. Mr. Coley said that they do not have any operations in NC at this time. They are currently in Virginia Beach and Hilton Head, SC. There would be 28 miles of cable lines and 14 miles of trenching on NTB. A trunk line is for high speed service.

Mayor Bostic directed the Town Manager and Attorney to follow through on this issue. Mr. Betz noted that ECC would have to obtain a Conditional Use Permit and would have to expedite this through the Planning Board. We would provide an Ordinance at a public hearing.

OPEN FORUM:

Mr. Cramer welcomed Don Betz as the new Town Manager. He stated that he had presented a letter to the Mayor and Board on behalf of Roger's Bay. They requested to appeal the NFIP ordinance and they have not received any word and asked that this be addressed at our next meeting. Attorney Fuss said that he has talked with their attorney and told him to meet with Mr. Betz. Attorney Fuss also said that the Board adopted an ordinance and Roger's Bay asked for a variance to the NFIP. The Board voted to take no action and that was an official action. Roger's Bay is again asking for a variance. Attorney Fuss said that he will discuss this issue with Mr. Betz and will make a recommendation to the Board.

Scott Grandgeorge noted that he and George Moore have asked for donations for the Rescue Squad during various holiday roadside stops. They receive \$14,000/year from the county to operate the Rescue Squad. They have sold license plates as a fundraiser. They are now selling address signs since it takes time to find addresses on homes. The signs will be mounted on 4x4 posts on mailboxes. This would cut down on response time and will benefit both the fire and police. The program is run nationwide. The Rescue Squad representatives will put the signs up and it will enhance a closer community relationship.

They will also write to the Board of Realtors to participate in publicizing the signs. Property owners could contact members of the Rescue Squad to buy one. Information

2/7/02

will be included in their donation letter. Mayor Bostic suggested that we place information in the Town's newsletter and on our website. The price is \$20.00 for the sign.

Thomas Best showed everyone the new rip current signs. We have 75 to put up at all the crossovers.

Bob Fox, of Roger's Bay, wanted to bring new Board members up to speed on issues that were not taken into consideration when the NFIP ordinance was approved. He requested that the Board grant Roger's Bay a variance or place an addendum into the ordinance that they be exempt from the policy of blocking of trailers and moving them every 180 days.

Dick Farley requested the Board to please delay the voting on the beach study contract. He was uncomfortable with the 3.5 miles that would be renourished since there is nothing in place for the other 7 miles of beach. Mr. Farley felt that the bulk of the money would come from the occupancy tax and most of that would come from areas that won't get any sand. He asked that the Board consider a special tax district like others have done in neighboring communities. Mr. Farley was also concerned that the Town authorized \$20,000 for plants that will be placed on personal property. Attorney Fuss said that public funds could not be used for personal use. Plants are available for all beach front property owners.

Mrs. Bertarelli agreed with Mr. Farley and asked that the north end be included in the study since they are desperate. She stated that they have a natural disaster there and asked that we use the money in a more useful way. Mrs. Bertarelli asked where we stand on the Corps dredging? She said that the attorney was to see if the sand belongs to property owners where the sand is pumped. Attorney Fuss said that once the sand is placed it will belong to whatever person has ownership interest in the location. If the sand is in someone's deed description, it will become part of that realty. Waivers could be executed. Mr. Betz said he would direct this issue to the right person.

Alderman Sandberg noted that she met with the Corps' representatives. They are going to start pumping at Lukarelli's property. If they placed it more north it would move, therefore, they will move south. There would be some advantage to homes west of Lukarelli naturally because of the movement of the tides. The situation has changed drastically last month. Mrs. Bertarelli said that they have gained sand and after one high tide it is gone. Alderman Sandberg stated that the Corps has plans to start next month, but it depends on the contractor and what problems they may encounter. Sue McLaughlin is in contact with the Corps and she will keep everyone informed.

Mr. Betz asked if we would need two separate waivers. Attorney Fuss said yes and he would prepare the forms.

2/7/02

CONSENT AGENDA:

The Consent Agenda consists of:

December 18, 2001 Minutes; January 10, 2002 Minutes; January 22, 2002 Minutes
Appointment of Don Betz to the Joint Land Use Study Technical Advisory Committee
Comp Time Report; Department Head Reports

Alderman Sandberg noted that in the January 22nd minutes she was down as being present and not present. She was present at that meeting.

Alderman Smith moved, seconded by Alderman Vecchione approval of the Consent Agenda. The motion passed unanimously.

NEW BUSINESS:

NC 2002 MATCHING FIRE GRANT:

Thomas Best is requesting that the Town match the NC 2002 Fire Grant. The Town's matching portion would be \$18,697.07. The State would match that for a total of \$37,394.14.

Mr. Betz noted that we have an opportunity to prepare a grant document that has to be filed by March 1st. If approved, it would require a match. Historically, the staff has brought this to the Board and they have not approved it in the past. Mr. Betz recommended that the Board grant permission to file the application. Alderman Vecchione noted that for the last two months he has visited both fire stations and they are in desperate need of turnout gear.

Alderman O'Donnell moved, seconded by Alderman Sandberg to pursue the NC 2002 Matching Fire Grant. The motion passed unanimously.

SUPPORT OF THE MISSILES AND MORE MUSEUM:

Mr. Betz reported that he has received a letter from the Historical Society of Topsail Island asking us to consider placing them in this year's budget. They need financial help for the expansion of the Missiles and More Museum. They did not request a specific dollar amount.

Mr. Betz noted that they are not making a specific request and recommended that we refer it to budget time and we would contact them as to the dollar amount. Mr. Betz did state that when we are in financial straits, we do cut outside agencies. He suggested that the Board could contribute one time, but they could request that we contribute each year. He

2/7/02

said that he does appreciate that they are approaching us now before public hearings on the budget. Mayor Bostic said that last year they approached us after we passed the budget and asked that we please include this request in our budget workshops.

BUDGET AMENDMENT #6:

<u>Account</u>	<u>Name</u>	<u>Budgeted</u>	<u>Increase Decrease</u>	<u>New Budget</u>
10-335-15	Misc. Insurance	\$2,467.00	\$1,941.00	\$4,408.00
10-351-03	Body Armor Reimbursement	\$1,250.00	\$975.00	\$2,225.00
10-355-01	Mechanical Permits	\$3,570.00	\$781.00	\$4,351.00
10-355-02	Electrical Permits	\$6,610.00	\$1,905.00	\$8,515.00
10-355-03	Plumbing Permits	\$3,000.00	\$243.00	\$3,243.00
10-357-03	CAMA Permits	\$2,800.00	\$500.00	\$3,300.00
10-357-08	Zoning Permits	\$1,615.00	\$400.00	\$2,015.00
10-359-01	Refuse Collection Prior Years	\$3,675.00	\$120.00	\$3,795.00
10-383-00	Sale of Fixed Assets	\$5,055.00	\$600.00	\$5,655.00
10-348-05	COPS MORE Grant	<u>\$52,342.00</u>	<u>\$1,200.00</u>	<u>\$53,542.00</u>
		\$82,384.00	\$8,665.00	\$91,049.00

Revenues increased by: \$8,665.00

10-335-15	Refund of Liability Insurance and Vehicle Premium
10-351-03	Reimbursement for Body Armor
10-348-05	Reimbursement from software company for overcharge
	All others revenues higher than anticipated

<u>Account</u>	<u>Name</u>	<u>Budgeted</u>	<u>Increase Decrease</u>	<u>New Budget</u>
10-490-33	Departmental Supplies	\$55.00	\$48.00	\$103.00
10-490-31	Gas, Oil, and Tires	\$445.00	(\$48.00)	\$397.00
10-510-32	Office Supplies	\$1,500.00	\$61.00	\$1,561.00
10-510-36	Uniforms	\$6,000.00	\$137.00	\$6,137.00
10-510-33	Departmental Supplies	\$8,428.00	(\$198.00)	\$8,230.00
10-510-37	Ballistic Vest Replacement	\$750.00	\$1,475.00	\$2,225.00

2/7/02

10-510-56	COPS MORE Grant	\$52,342.00	\$1,200.00	\$53,542.00
10-545-14	Maintenance & Repair- Vehicles	\$2,800.00	\$220.00	\$3,020.00
10-545-16	Maintenance & Repair- Equipment	\$5,000.00	(\$220.00)	\$4,780.00
10-695-93	Beautification Committee	\$2,400.00	\$300.00	\$2,700.00
10-999-01	Contingency	<u>\$78,880.00</u>	<u>\$5,690.00</u>	<u>\$84,570.00</u>
		\$158,600.00	\$8,665.00	\$167,265.00

Expenditures increased by: \$2,975.00

10-510-37	Reimbursement for Ballistic Vest offset by revenue
10-510-56	Reimbursement from software company offset by revenue
10-695-93	Moneys requested by committee for hats
10-999-01	Actual contingency is \$64,727.00 increased due to revenue increases (\$59,037.00 + \$5,690.00 = \$64,727.00)

Total Revenue Increases	<u>\$8,665.00</u>
Total	\$8,665.00

Expenditure increase for each department

Governing Body	\$0.00
Administration	\$0.00
Planning/Zoning	\$0.00
Inspections	\$0.00
Police Department	\$2,675.00
Public Works	\$0.00
Streets	\$0.00
Refuse Collection	\$0.00
Recreation	\$0.00

2/7/02

	Fire Department	\$0.00
	Committees	\$300.00
	Public Facilities	\$0.00
	Beach Renourishment	\$0.00
	Contingency	<u>\$5,690.00</u>
Total		\$8,665.00
		\$8,665.00
		<u>-\$8,665.00</u>
		\$0.00

Mr. Betz stated that this is a monthly amendment document that indicates revenues that came into the town. He noted that the finance officer did an excellent job in explaining the amendment. Mr. Betz said he will discuss the budget amendment process at their retreat and recommended the budget amendment for the Board's consideration. Alderman Smith moved, seconded by Alderman Vecchione approval of Budget Amendment #6. The motion passed unanimously.

SIGNING OF NORTH TOPSAIL BEACH SHORE PROTECTION FEASIBILITY AGREEMENT:

Mr. Betz said that the Town has a \$75,000.00 commitment at this step. The Feasibility Study is a requirement. The document outlines the first steps in the process. Surf City has already signed this document. Alderman Sandberg asked when the next payment was due. Alderman Flynn said that it would be due next year and it will be a long and arduous road to take. \$500,000.00 relates to about 5 years of feasibility analyses along with matching funds. This study takes care of actions on the southern 3.5 miles. We have been speaking for 3 years that we have 3.5 miles on the south and 7 miles in CBRA. We have attempted to take care of this in a step fashion. The analysis is time consuming and expensive. If we pass all hurdles and requirements, it will give us a start to putting sand on the southern part of our beach.

Alderman Flynn stated that the 2/3 of the Island is not considered within the Corps' operation and no one knows how to attack CBRA since funding is not possible. We have retained the services of a coastal engineer who will study CBRA and how best to procure sand. We should have a report within 2 months. Once we have the first portion, a similar analysis will be needed. There is no estimate of the cost of the secondary analysis at this time. It will provide us the same study that the Corps is doing for the 3.5 miles. The State has advised that they will pay 50% of the second analysis, and that is a massive savings for us. It should take 18 months to 2 years for the study. We had several discussions with the Corps regarding their view point that they would do nothing in CBRA, but we now have an agreement with the Corps. They will do an inlet to inlet study of the requirements for beach nourishment. They will take a more comprehensive viewpoint and will take into consideration erosion and provide

2/7/02

some solutions. They will study within the CBRA area, the semi circle areas, which are not in the CBRA zone and will see how sand could be placed there.

Alderman Flynn stated that if we do not proceed now to sign the agreement, we would do a significant disservice to the Town. We have a long journey ahead of us to acquire funds and we will have to look at different tax rates. We now have maps from Onslow County to look at tax districts and we will have public hearings.

Alderman Flynn moved, seconded by Alderman Smith, approval to sign the Beach Shore Protection Feasibility Study with the Department of the Army and Surf City. The motion passed unanimously.

Mayor Bostic noted that special tax districts would be addressed at budget workshops.

RESOLUTION AUTHORIZING TRANSFER OF FUNDS:

Resolution Authorizing the Finance Officer to Deposit \$100,000.00 in a Nine (9) Month Certificate of Deposit at Bank of Wilmington for an annual percentage yield of 3.00%

WHEREAS, the 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 Town of North Topsail Beach currently maintains two depositary First Citizen Bank and the North Carolina Capital Management Trust which currently pays an annual percentage rate of 1.70% and 1.80% respectively; and

WHEREAS, the Bank of Wilmington currently offers a nine (9) month Certificate of Deposit which would yield an annual percentage rate of 3.00%.

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, \$100,000.00 from the North Carolina Capital Management Trust to the Bank of Wilmington to take advantage of this short-term certificate of deposit yielding 3.00%

Adopted this 7th day of February, 2002.

Loraine M. Carbone
Town Clerk

Marlow F. Bostic, Jr.
Mayor

Alderman O'Donnell moved, seconded by Alderman Vecchione approval of the Resolution Authorizing Transfer of Funds. The motion moved unanimously.

2/7/02

MANAGER'S REPORT:

1. A meeting was held on Wednesday, February 6th, with representatives from the local DOT District Office. This was previously arranged by Loraine for Town Officials and staff to meet the new District Engineer who succeeded Donnie Huffman who retired. Robert Vause is the new District Engineer. He and his staff met with Mayor Pro-Tem John Flynn and Alderman Joe Vecchione and our staff. Loraine has a set of minutes from that meeting. We asked for a history of spending by D.O.T. We looked at bike paths and received direction. The Board may wish to designate a member as liaison with staff to develop a committee on transportation issues to meet at least quarterly.
2. I understand that the Board's Retreat is set for Saturday, February 16th from 9 a.m. to 12 noon at Fire Station #1, with Joe McKinney. I would suggest that we all bring a calendar in order to be able to establish tentative meeting dates for things that are discussed so as to deal with possible date conflicts immediately.
3. It has been agreed to form an ONWASA Technical Group to assist the Consultant as well as the Board members in the development of a Transition Plan for putting ONWASA into operation. This technical group will consist of the Town Managers and key individuals with the County and the City of Jacksonville. The first meeting is Tuesday Feb. 12th. There is a public hearing on February 14th. Amendment to provide for an alternate to be appointed. Bylaws have to be changed.
4. In regards to the presentation this evening by East Coast Cablevision, LLC requesting a franchise agreement, it would seem reasonable to prepare a Communications Ordinance for consideration by the board for this and other future interests. The ordinance among other things would provide that the initial franchise agreement would cost \$8000.00 which would help cover the staff, legal, preparation costs and other incidental costs to the Town. With the Board consensus, this ordinance can be prepared, reviewed, possibly in a Special Meeting of the Planning Board, and advertised for a Public Hearing at the next Board meeting of March 7th, 2002.
5. Reminder of FEMA Course Training 2/20---9-4.
6. Reminder Coastal Municipalities Meeting - 2/21---2/22.
7. Reminder that the Mayor's Association monthly meeting is Wednesday, February 27, 2002 at Holly Ridge at 6:00 p.m. at Betty's Smokehouse.
8. Staff has advertised the Park Project for bids to be received on Thursday, February 28, 2002 by 2 p.m.
9. JLUP - meeting today. Developing application process, reviewing project area boundary. Year long process before draft is completed. Mayor Bostic noted that there are several committees involved and opened to the public.

2/7/02

MAYOR'S REPORT:

Mayor Bostic noted that one item discussed at the Mayor's meeting was trying to attract Onslow County delegations and surrounding areas and if other members are willing, would this Board be willing to attend a Mayor's dinner meeting on March 27th.

ALDERMEN'S REPORT:

Alderman Flynn asked the Mayor to suggest that the Town Manager look into the cost of preparing a sign for the front of the driveway that is visible at night for better communication of meetings. He also asked that we should get a standard report for our committees since he has no idea what the Planning Board is doing.

Alderman O'Donnell noted that we've had several businesses make presentations and we should be helpful to them.

Alderman Sandberg said she is going to training for new board members on February 13th and 14th.

Alderman Smith stated that the ONWASA Committee will hold a Public Hearing and meeting next Thursday, February 14th at 6:00 p.m. They will be dealing with the Bylaws and alternates to the committee will be appointed. He welcomed Don Betz.

Alderman Vecchione asked for an updated list of employees. He also said that it was a pleasure working with Mr. Betz.

RECESS:

The meeting recessed at 8:55 p.m.

CLOSED SESSION:

Alderman Vecchione moved, seconded by Alderman Smith to go into Closed Session at 9:05 p.m. to discuss a personnel issue and litigation. The motion passed unanimously.

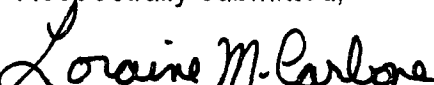
CALL TO ORDER:

Alderman Smith moved, seconded by Alderman Vecchione to go back into regular session at 9:15 p.m. The motion passed unanimously. No action took place.

ADJOURNMENT:

The meeting adjourned at 9:18 p.m.

Respectfully submitted,


Loraine M. Carbone
Town Clerk

**TOWN OF NORTH TOPSAIL BEACH
PUBLIC HEARING AND REGULAR BOARD MEETING
MARCH 7, 2002
7:00 P.M.**

PRESENT:

Mayor Marty Bostic, Mayor Pro-tem John Flynn, Aldermen, Laurie Sandberg, Steve Smith and Joe Vecchione, Don Betz, Town Manager, Loraine Carbone, Town Clerk, Bill Fuss, Attorney

NOT PRESENT:

Alderman Bill O'Donnell

QUORUM:

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

INVOCATION:

Mr. Ed Creech, of the North Topsail Shores Baptist Church, gave the invocation.

PLEDGE OF ALLEGIANCE:

Mayor Pro Tem Flynn led the audience in reciting the Pledge of Allegiance.

PUBLIC HEARING:

An Ordinance Adopting the Community Antenna Television System Regulation to be codified as Chapter 14 of the North Topsail Beach Town Code.

Mr. Randy Coley, of East Coast Cable, stated that he has reviewed the ordinance and other information that was provided to him. Mr. Coley noted that he has a problem with the \$8,000.00 application fee. After researching other agreements, he said that they were unable to determine that there are application fees. The franchisee fees that will be adopted will cover any costs that the Town will have. Mr. Coley understood that we would need to hire outside counsel, however, the franchise fees paid to the Town every month on the entire revenue should cover any costs. He said that they are trying to compete for business. \$8,000.00 would be a burden and it would be placed on the citizens. We want to provide affordable cable television.

Alderman Sandberg asked Mr. Betz if fees were usually assessed. Mr. Betz said that this is new, but if anyone comes in to do a building, there are always fees. The issue of the franchise fee would take up to 2 years to rise to \$8000.00. This is just a cost of doing serious business.

Mr. Coley stated that it does cost to do business, but we are planning on spending half of a million dollars here. We have already done a considerable amount of work. Mr. Coley said that he knows that we have a provider and asked if they had to pay \$8,000.00? He again stated that in one year the \$8,000 will be paid in franchise fees.

3/7/02

Rezoning of Timothy Herring's Tract, Tax Parcel ID 813-4, located on Island Drive, from R-20 to R-10.

Mr. Betz noted that the Planning Board held a Public Hearing on February 7, 2002 on this issue.

Mr. John Parker stated that this project was submitted as a combined rezoning and development application and we are proposing to divide the property. They want to change the zoning from R-20 to R-10. The issue of larger buildings is eliminated by lot size and restrictive covenants. The development will consist of 4 ocean front lots and 6 sound side lots.

One issue was spotty zoning and this area does have R-20. We compared sizes of lots in the area. Easements would be dedicated to the Town and we have identified locations, one towards the ocean and the 2nd one on the sound side. A requirement of the ordinance is the provision of open or recreation space. The Town has allowed developers to install walkways; therefore, the developer prefers to build walkways if that is acceptable to the Town. This is a 10 lot subdivision under R-20 zoning. They would be developing an area that is undeveloped. It would be restricted to no more than a duplex home. There is already one person interested in purchasing one of these lots and building right away.

CITIZEN COMMENTS:

Linda Knowles noted that they moved here in 1985 and they liked that it was zoned R-20. Why would you want to change the zoning of this neighborhood? She was upset that we are not thinking of the people living in this area. It will decrease values of property in the area. It is not ethical for you to consider it.

Sue Tuman asked Mr. Parker that if it is R-20 with a condition, would it change and could the lot sizes change? This is a rezone and what you do is what we get forever.

Mr. Parker noted that this rezoning, the way it is set up, that the development is tied to the rezoning. It is not conditional rezoning. Under conventional zoning, you cannot contract zone. The development is part of the application.

Rodney Knowles stated that you are dividing an existing zone.

Linda Knowles said that she understood that without a deed restriction that the property converts to R-10 with all of its privileges. The next person who buys it, do they have all legal rights of R-10? Attorney Fuss said yes. Mrs. Knowles said we would set a precedent if we did this.

The Public Hearing Closed at 7:40 p.m.

3/7/02

APPROVAL OF AGENDA:

Mr. Betz asked that we add the Resolution Awarding Vehicle Financing for Fiscal Year 02/03 to BB&T under New Business. Mayor Bostic added Mr. Farley under "Request to address the board". Alderman Smith moved, seconded by Alderman Vecchione approval of the agenda with the appropriate changes. The motion passed unanimously.

REQUEST TO ADDRESS THE BOARD:

Mr. Dick Farley thanked the board to enable him to speak. He stated that he has been a member of the Beach Renourishment Committee and is very interested in beach renourishment. He was shocked when on February 20th he received a letter from the Chairman that his services were not needed. Mr. Farley said that he hoped the reason for the letter was not for his opinions. He said that you should be able to voice your concerns. He volunteered to serve on this committee at the request of the Board. The Board authorized me to serve on this committee.

OPEN FORUM:

Sue Tuman felt that Dick Farley was a good member of that committee and said that Independent voices are needed. He had more technical input than she did. The Board should reconsider his appointment.

Linda Knowles said she didn't know why we would remove someone from a committee, he is a citizen. You should only be removed if you have done something wrong or illegal.

Dan Tuman stated that it is not clear why Mr. Farley was removed. Mr. Tuman read on the web page that we are going to postpone publishing the minutes until a month removed pending approval of the minutes. He suggested that for communication purposes, that we don't do that and just amend the minutes if there are any changes.

Mr. Rabinowitz noted that the access at Oyster Lane has been an issue. We would like to see a positive plan by the end of March and implementation by the end of April. In regards to beach nourishment, he applauded the efforts of Alderman Flynn, but we haven't heard anything about protecting the north end. He has lost at least 4 feet of sand last week. What are you going to do to protect the infrastructure? What are the immediate plans on doing a beach nourishment plan?

Mark Davis said we need to do something now to save the homes at the north end.

Suzanne Hess asked if we have written off the north end. She hasn't seen any movement.

3/7/02

Mr. Don Shinskie noted that when you hire someone to work on those accesses to get someone qualified. The workmanship is questionable on some of the crossovers.

Lorraine Rabinowitz said she was disappointed to hear that Dick Farley was taken off the committee. This person is a tremendous asset to NTB. He is vital to NTB. We are supposed to work together as a community. Mr. Farley deserves the right to work in this community.

Luke Farley stated that his father was removed from a citizen committee. Dissenting ideas should be allowed and he should stay on the committee.

Mr. Shinskie said that the 2 accesses that need repair are the only accesses available to everyone.

Dan Tuman said that you want to hear from the public, but we never get a response from the Board. I expect a response.

CONSENT AGENDA:

The Consent Agenda consists of the following:

February 7, 2002 Board Meeting Minutes; Department Head Reports, Comp Time Report; Calendar of Meetings for 2002.

Alderman Sandberg moved, seconded by Alderman Smith approval of the Consent Agenda. The motion passed unanimously.

NEW BUSINESS:

Ordinance adding Chapter 14 to the NTB Town Code:

Mr. Betz noted that in our recent Audit, there was not even \$8000.00 collected in franchise fees. This is a cost to do business and a serious source of revenue to the Town. There is no way that a franchisee could guarantee that we will get \$8000.00. Mr. Betz recommended the fee for the Board's consideration. Mayor Pro Tem Flynn asked for an estimate of what the Town will have expended up until the time this franchisee might be in Town. Mr. Betz said that there are about 50 pages to review and we would need two public hearings. We have to retain the services of Mr. Harris who has expertise in this field. His time, legal costs and incidental costs are estimated to be between \$5,000.00 and \$8,000.00.

Mr. Harris has put out another three pages of questions for the applicant. We have to have this applicant's cooperation as well. Mayor Bostic asked if the renewal of a franchise would take the same amount of labor. Mr. Betz said it could be renewed for another 5 years and you would have to review legislation. There are a number of issues, but it would not cost \$6,000.00 to 8,000.00. We need to look at the community at large, and there are just so many subscribers. There are factors that we cannot control.

3/7/02

Alderman Sandberg asked if our fees would be the same as other towns if they applied in the same manner. Mr. Betz said that these opportunities are being reviewed.

Alderman Smith asked about the property that they want to purchase in the Town for their station. Mr. Betz said that Mr. Coley will have the opportunity to present that in front of the Planning Board on March 14th. They will provide us with more drawings at that time.

Alderman Vecchione said that he has spoken to some people in this business and they highly recommended that we implement a fee.

Alderman Flynn moved, seconded by Alderman Sandberg approval of the Ordinance of the North Topsail Beach Board of Aldermen Adopting the Community Antenna Television System Regulation, to be Codified as Chapter 14 of the North Topsail Beach Town Code. The motion passed unanimously.

AN ORDINANCE OF THE NORTH TOPSAIL BEACH TOWN BOARD OF ALDERMEN ADOPTING THE COMMUNITY ANTENNA TELEVISION SYSTEM REGULATION, TO BE CODIFIED AS CHAPTER 14 OF THE NORTH TOPSAIL BEACH TOWN CODE

WHEREAS, the Town of North Topsail Beach is responsible for the regulation of the operation of Cable Television Services within the corporate limits of the Town of North Topsail Beach, as authorized by federal law; and

WHEREAS, The Town Code as currently enacted fails to consider certain technological and social changes related to cable television services; and

WHEREAS, the North Topsail Beach Town Board has directed that Town staff should develop appropriate code provisions to provide for the fair and equitable provision of cable television services in order to insure the maximum benefit to the public while also protecting the interest of cable television system operators or potential operators; and

WHEREAS, the provisions of the North Topsail Beach Town Code as suggested by Staff and/or directed by the North Topsail Beach Town Board have been incorporated herein.

NOW, THEREFORE BE IT ORDAINED BY THE TOWN BOARD OF ALDERMEN OF THE TOWN OF NORTH TOPSAIL BEACH, THAT THE NORTH TOPSAIL BEACH TOWN CODE BE AMENDED AS FOLLOWS:

Section 1. Established.

The Community Antenna Television System Regulation is hereby adopted. The Town Manager, through appropriate staff, is directed to have the document codified and bound appropriately, and to thereafter have it distributed as required by law and as may, in his opinion, be beneficial and convenient to the Citizens of North Topsail Beach. A copy of the Community Antenna Television System Regulation is attached hereto as Exhibit "A" and incorporated herein by reference as if more fully set forth.

Section 2. General Repealer.

All ordinances or provisions of the North Topsail Beach Town Code of Ordinances which are not in conformance with the provisions of the Amendment occurring herein are repealed as of the effective date of this Ordinance.

3/7/02

Section 3. Amendment to Fee Schedule

The Town of North Topsail Beach Fee Schedule is hereby amended to reflect an Application Fee for individuals applying for an initial Franchise grant of eight thousand, and no/100 (\$8,000.00). Such other fees as are authorized herein shall be determined at the time of any such application.

Section 3. Technical Corrections.

Town Staff are authorized to correct any typographical, cross-reference, numbering, formatting or other errors which may hereafter be discovered and to publish or distribute correction sheets as may be necessary. This section shall not be construed as authorizing Town Staff to make any substantive changes to the provisions of the code without presenting the same to Board for consideration and approval as required by law.

Section 4. Effective date.

This Ordinance shall become effective and the provisions of the Community Antenna Television System Regulation shall be implemented beginning March 7, 2002.

ORDAINED by the Town Board of North Topsail Beach, North Carolina, this the 7th day of March 2002.

THE TOWN OF NORTH TOPSAIL BEACH,
A North Carolina Municipal Corporation

(SEAL)
ATTEST:

By: _____
Marlow F. Bostic, Jr., Mayor

Lorraine M. Carbone, Town Clerk

Ordinance Amending the Zoning Map of the Town of North Topsail Beach dated March 26, 2001 for Onslow County Tax Map #813, Tax Parcel #4 NTB Application 01/02 from R-20 to R-10:

Alderman Flynn would rather have a Planning Board member here at the next meeting to discuss aspects of this request.

Alderman Flynn moved, seconded by Alderman Vecchione to continue the Public Hearing on the re-zoning of Tax Map #813, Tax Parcel #4 from R-20 to R-10 at the next Board meeting (April 4, 2002) and to re-advertise the meeting. The motion passed unanimously.

Proposed Increase in Coastal Federal Flood Insurance Premiums:

Mr. Betz noted that Howard Marlowe prepared a statement for The American Shore & Beach Preservation Association. This has led to a uniform resolution being considered by many coastal communities in response to this proposal.

3/7/02

Alderman Smith moved, seconded by Alderman Sandberg to approve the Resolution Opposing Changes to the National Flood Insurance Program. The motion passed unanimously.

RESOLUTION OPPOSING CHANGES TO THE NATIONAL FLOOD INSURANCE PROGRAM

Whereas, the National Flood Insurance Program is a beneficial and important resource to coastal residents, and

Whereas, President George W. Bush has proposed two significant changes in the National Flood Insurance Program in the Fiscal Year 2003 Budget; and

Whereas, the first change dramatically increases flood insurance premiums for coastal residents by assessing additional fees based on coastal erosion rates, and

Whereas, the second change increases the cost of insurance coverage for certain second and vacation properties, and

Whereas, these changes are unfair to coastal residents, and

Whereas, coastal residents already pay more in flood insurance premiums than they receive in damage payments, and

Whereas, riverine residents receive more in damage payments than is paid in premiums, therefore causing coastal residents to effectively subsidize the program for them, and

Whereas, this unfairly places more of the already disproportionate financial burden of the National Flood Insurance Program on coastal residents, and

Whereas, many second and vacation homes are rented to tourists by the owners, and

Whereas, reinvigorating the tourism industry is vital to the recovery of the national economy, and

Whereas, raising the flood insurance premiums on second and vacation homes will cause owners to raise the rental price commensurately, and

Whereas, this will discourage tourism and cause significant harm to the national economy;

Now, Therefore, Be It Resolved that the Town of North Topsail Beach officially opposes these changes to the National Flood Insurance Program and urges the members of its congressional delegation to oppose these changes, as well; and

Be It Further Resolved that the Town of North Topsail Beach will transmit this resolution to George W. Bush, President of the United States and to its Congressional delegation.

Adopted this ____ day of March, 2002.

Loraine M. Carbone
Town Clerk

Marlow F. Bostic, Jr.
Mayor

Resolution to create a Transportation Issues Committee for North Topsail Beach:

3/7/02

Mr. Betz stated that previously, during an Open Forum on September 6, 2001, a discussion was held concerning the issue of a bike path on New River Inlet Road. Various ideas were discussed and a volunteer committee was formed. On February 6, 2002, a meeting was held with the D.O.T. District Engineer to discuss a bike path and other transportation issues. A discussion was held as to how to approach the D.O.T for funding and the process involved in funding local issues. It was suggested that a committee be appointed by the Board of Aldermen for this purpose. The Town could advertise for interested citizens to apply for appointment. However, there needs to be a commitment from the Board for one of its members to Chair the committee and staff would assist in its development.

The proposed resolution is presented in an effort to address this issue. Staff would recommend its adoption to establish a committee to address both short-term and long-term transportation issues for NTB.

Mr. Betz noted that in the past we had a survey and this would be a good start to review the surveys. He recommended this process to address other concerns. If the Board solicits advertisements to serve on committees, there are no questions as to how the process comes about.

Alderman Smith moved, seconded by Alderman Vecchione to adopt the Resolution to Create a Transportation Issues Committee for the Town of North Topsail Beach and to appoint Alderman Sandberg as Chairperson of this committee. Alderman Sandberg felt that Alderman Vecchione would be better suited to serve on this committee. Alderman Vecchione said that his expertise was in Public Safety. The motion passed unanimously.

**RESOLUTION TO CREATE A TRANSPORTATION ISSUES COMMITTEE FOR THE TOWN OF NORTH
TOPSAIL BEACH**

WHEREAS, on September 6, 2001, as a result of public input, a committee was voluntarily established to address the need for a "Share the Road" bicycle path to include the need for a capital improvement project, and

WHEREAS, the Town of North Topsail Beach has several transportation related issues to plan for, it is necessary to establish a Committee with overall responsibility for identifying transportation needs, establishing priority of the needs, and developing a strategy for funding the needs, and,

WHEREAS, the leadership for this committee should be provided by a member of the Board of Alderman, with the Town Manager's designee, and any citizen volunteers willing to serve, to meet with Department of Transportation representatives and other interested parties to establish a list of transportation improvement objectives for the Town.

NOW THEREFORE BE IT RESOLVED, that the Board of Aldermen for the Town of North Topsail Beach does hereby create a Transportation Issues Committee chaired by Alderman Sandberg, with staff assistance provided by the Town Manager, or his designee, and citizen volunteers with an organizational meeting scheduled for Monday, March 25, 2002 to discuss, research, plan, develop and organize an approach for the Town as it relates to transportation needs.

Adopted this 7th day of March, 2002.

3/7/02

Marlow F. Bostic, Jr.
Mayor

Lorraine M. Carbone
Town Clerk

RECESS:

The meeting recessed at 8:23 p.m.

CALLED INTO SESSION:

The meeting was called back into session at 8:35 p.m.

Resolution Authorizing the Transfer of Funds to Depository Secured by the Full Faith and Credit of the United States Treasury:

Mr. Betz noted that in a letter dated February 21, 2002, he expressed to the Board the staff's concern for a majority of the Town's funds being on deposit with the North Carolina Capital Management Trust which is not a Bank, nor are the funds secured by the U.S. Treasury. In light of the current national security issues and the current economic status, staff would recommend the transfer of these funds to a combination of depositories that are FDIC insured or secured by the full faith and credit of the U.S. Treasury.

A program of investments into Certificates of Deposit with various maturities can be developed for near term, 90 days, 180 days and 365 days to take advantage of increasing rate of returns, but with a greater level of security.

Alderman Sandberg moved, seconded by Alderman Vecchione adoption of the Resolution Authorizing the Finance Officer to Transfer Town Funds to Depository Secured by Full Faith and Credit of the United States Treasury. The motion passed unanimously.

RESOLUTION AUTHORIZING THE FINANCE OFFICER TO TRANSFER TOWN FUNDS TO DEPOSITORY SECURED BY FULL FAITH AND CREDIT OF THE UNITED STATES TREASURY

Whereas, the General Statute 159-24 authorizes each local government to appoint a finance officer; and,

Whereas, the General Statute 159-25 provides for the duties of the finance officer to include 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 General Statute 159-31 provides for the governing board of each local government to designate its official depositories one or more banks, savings and loan associations, or trust companies in this State. The amount of funds on deposit in an official depository shall be secured by deposit insurance, surety bonds, or investment securities of such nature, in a sufficient amount to protect the local government for deposit of funds made in accordance with rules and regulations of the Local Government Commission. When deposits are secured in accordance with this section, no public officer or employee may be held liable for any losses sustained

3/7/02

by a local government; and,

Whereas, the Town of North Topsail Beach currently maintains on deposit with the North Carolina Capital Management Trust, part of Fidelity Distributors Corporation, the majority of its funds, and in recognition of the current economic uncertainty

Now Therefore Be It Resolved the Board of Alderman for the Town of North Topsail Beach directs the Town Manager and the finance officer to transfer the majority of the Town funds to a depository insured by FDIC and, or, secured by the full faith and credit of the United States Treasury. The amount of funds on deposit and the rate of return should be reviewed quarterly by staff with reports to the Board of Aldermen at December 31st and June 30th annually.

Adopted this _____ day of March, 2002

Loraine M. Carbone
Town Clerk

Marlow F. Bostic, Jr.
Mayor

Resolution Authorizing the Town Manager to Seek Penalties & Interest for violation of the Cable Television Franchise Agreement:

Mr. Betz stated that for consideration is a Resolution that authorizes the Town Manager, in cooperation with the Town Attorney, as well as the CEO, Mr. David Harris, of Custom Communications, to seek the penalties provided for in the Franchise Agreement for Cable Television in accordance with the provisions of the Agreement with Charter Communications.

Section 12 of the Agreement provides that the Franchisee shall pay the Town a 5% franchise fee. However, it has recently been revealed that since the inception of the current Franchise Agreement the Franchisee has only paid the Town a quarterly fee of 3%. The difference has recently been paid to the Town in total since the inception of the agreement to the latest reporting period.

However, the Franchise Agreement provides for other remedies for the Town. Mr. David Harris, CEO of Custom Communications, who helped establish the Franchise Agreement, is willing to work with the Town's staff to seek additional monies. The Franchise Agreement provides for this remedy. Mr. Betz recommended that we proceed.

Mayor Pro Tem Flynn moved, seconded by Alderman Smith adoption of the Resolution Authorizing the Town Manager to Seek Penalties & Interest in Violation of Cable Television Franchise Agreement. The motion passed unanimously.

Resolution Authorizing the Town Manager to Seek Penalties & Interest in Violation of Cable Television Franchise Agreement

Whereas, the Town of North Topsail Beach entered into a cable television Franchise Agreement dated November 10, 1998; and

3/7/02

Whereas, section 12, entitled, Franchise Fees (a), provides that the Franchisee shall pay to the Town for use of its streets, public places, and other facilities, an annual franchise fee in the amount of five (5) percent, and is stated as a percentage of the annual Gross Subscriber Revenues received by the Grantee from operations conducted within the Town; and,

Whereas, the Franchisee has failed to pay the full Franchise Fee in accordance with the provisions of the Franchise Agreement in Section 12 (b); and,

Whereas, section 12 (d) states that failure to pay any fees required by this section may result in action by the Board as per Section 13 of the Franchise Agreement. Payment of the delinquent fee or fee plus any interest or penalties may be required by the Board; and

Whereas, section 36, entitled, Remedies, (a) should there be any unresolved issues pertaining to the performance of the Grantee between the Town and the Grantee, the Grantor may recover material and liquidated damages under the provisions of this Franchise Agreement, in which item (5) provides for a \$50.00 per day fee for failure to provide data, documents, records or reports or any other information required by this Franchise Agreement, for each day the violation continues;

Now Therefore Be It Resolved that the Board of Aldermen for the Town of North Topsail Beach authorizes the Town Manager, in cooperation with the Town Attorney, as well as the CEO of Custom Communications, to seek the penalties provided for in the Franchise Agreement for Cable Television in accordance with the provisions of the Agreement.

Adopted this ____ day of March, 2002

Lorraine M. Carbone
Town Clerk

Marlow F. Bostic, Jr.
Mayor

Resolution Rescinding Civil Penalties & Notice of Violations Assessed to C&M Investments, Inc.:

Mr. Betz noted that Mr. Richard Carlton, one of the principals of C&M Investments Inc., appeared before the Board of Aldermen at the regularly scheduled meeting of the Board on February 7, 2002 to explain the goals for C&M Investments and to request relief of the civil penalties assessed against C&M since January 2, 2002. A motion was adopted to waive the civil penalties until the issue is settled and to task the Town Manager and Attorney to compile all the information for the Board.

The Resolution compiles the information for the Board and provides for a reasonable remedy to an on going issue that has been very time consuming for the staff as well as the Board of Aldermen. Staff has worked with the attorney representing C&M Investments and has prepared this Resolution, with concurrence of the Town's Attorney, for your consideration. While it may not be a prefect remedy, it provides for all parties to move forward working together for the future of the Town of North Topsail Beach and the quality of life for its citizens.

Mayor Pro Tem Flynn said that this resolution reflects on the pros and cons of this issue and it reflects on all that we have discussed. Mayor Pro Tem Flynn moved, seconded by Alderman Smith approval of the Resolution Rescinding Civil Penalties &

3/7/02

Notice of Violations Assessed to C&M Investments, Inc. The motion passed unanimously.

RESOLUTION RESCINDING CIVIL PENALTIES & NOTICE OF VIOLATIONS ASSESSED TO C & M INVESTMENTS, INC.

Whereas, the property known as Oceanside RV Park in the Town of North Topsail Beach has been used as a recreational vehicle park since approximately 1975; and ,

Whereas, C & M Investments Inc. is the present owner of record of that property, having acquired it by purchase in 1995. C & M has made significant improvements aesthetic and otherwise to the property after it acquired the property; and

Whereas, C & M has appropriately undertaken timely cleanup action after each of the storm events and Federal declared disaster events which have so adversely affected the Town of North Topsail Beach and its residents over the past several years; and

Whereas, C & M has cooperated with the Town of North Topsail Beach to ensure that its tenants and residents comply with the rules and regulations of the Town; and

Whereas, prior to the incorporation of the Town of North Topsail Beach as a municipal corporation, a previous owner of the property caused to be installed thereon an electrical supply system, a sanitary septic system a water supply system and driveways serving the individual lots thereon; and,

Whereas, the Town of North Topsail Beach was incorporated in 1991 and since its incorporation, enacted various ordinances establishing codes for new construction of electrical, plumbing and other systems; and ,

Whereas, after the 1996 hurricanes, Bertha and Fran, C & M, uncovered its sanitary septic system, flushed it out, due to overflow of sand, and received approval from the Onslow County Health Department, the appropriate permitting agency, to put the system back into operation; and,

Whereas, the only "damage" to C & M's sanitary septic system as a result of the hurricanes and cleanup activity was the breaking of a lid to a septic tank, such breaking of the lid occurred when a truck owned and operated by Onslow County ran over the tank, and the lid was promptly replaced with a sound one; and,

Whereas, the sanitary septic system upon the Oceanside RV Park property has never failed, and to the contrary has functioned without any incident affecting the health, safety and welfare of the tenants and residents of Oceanside RV Park, nor other citizens or residents of the Town of North Topsail Beach; and,

Whereas, the Town Staff of the Town of North Topsail Beach has notified C & M that its system is not in compliance with present codes of the Town and that three improvements must be made to its sanitary septic system to bring it into current code compliance; and,

Whereas, the Town Staff, at the direction of the Board of Aldermen, notified C & M of the Town's levy of a \$100.00 per day civil penalty due to C & M's non-compliance with the existing codes, effective January 2, 2002; and,

Whereas, Mr. Richard Carlton, one of the principles of C & M Investments Inc, appeared before the Board of Aldermen at the February 7th, 2002 meeting of the Board of Aldermen to request relief from two of the three requirements that have been imposed by the Town; and,

Whereas, the nature of his request on behalf of C & M was that the sanitary system as installed has worked for many years, without incident adversely affecting the health, safety or welfare of the tenants and residents of Oceanside RV Park or the other citizens and residents of the Town of North Topsail Beach; and,

3/7/02

Whereas, Mr. Carlton further indicated that C & M had no part whatsoever in the installation of the sanitary septic system in the park, but that it has diligently maintained that and all other systems in the park for the purpose of protecting the health, safety, and welfare of the tenants and residents of the Oceanside RV Park; and,

Whereas, he further demonstrated that two of the modifications described above would be extremely costly, and that one of those two would likely be entirely counterproductive, more likely to cause a problem than to solve one, given the design of the system and the design of most of the recreational vehicles connected to the system, however, C & M intends to voluntarily install the remaining modification to its system, that is the installation of "doughnuts" or cleanout accesses in its sanitary septic system collection lines in a timely manner:

Now Therefore Be It Resolved by the Board of Aldermen of the Town of North Topsail Beach:

That the sanitary septic system located in Oceanside RV Park as described herein, while not in compliance with the letter of existing codes, is working properly and has not failed in any particular manner at any time relevant to this inquiry. That the cost of bringing the system into total compliance with existing codes would be cost prohibitive, especially in light of the fact that the system is functioning properly without report of failure of the system.

That the sanitary septic system in Oceanside RV Park is hereby determined to be "grandfathered" in all respects concerning the size and configuration of the tanks and lines thereon, within the authority of the Board, and specifically, the three inch collection line and the absence of "P" traps in the collection lines. Furthermore, the offer of and by C & M to voluntarily install "doughnuts" (cleanout accesses) in the collection lines of the system is accepted by the Town with the understanding that this will be accomplished in a reasonable period of time. It is further noted that such installation will not in any way affect the "grandfathered" status, as mentioned above.

It is further provided, that the electrical and plumbing systems and driveways in Oceanside RV Park are similarly deemed to be "grandfathered" by the Town, whose authority to do so can not exceed other approving agencies, i.e. State or County.

Be It Further Resolved that the civil penalty previously assessed and abated at the February 7th, 2002 regular meeting of the Board of Aldermen is hereby rescinded.

The Board of Aldermen for the Town of North Topsail Beach recognize that the property mentioned above has a higher and better use and that C & M Investments Inc., has indicated that it does not intend to operate a campground on this property indefinitely and it is in this interest that the Board of Aldermen concur with these stipulations.

Adopted this _____ day of March, 2002

Loraine M. Carbone
Town Clerk

Marlow F. Bostic, Jr.
Mayor

Resolution Designating Fuss & Fairley as Legal Council:

Mr. Betz stated that General Statute 160A-173 provides that the Board shall appoint a city attorney to serve at the pleasure of the Board and to be its legal adviser. The Town's Charter, Section 2-50 provides at the first meeting of the Board after their election and qualification or as soon thereafter as possible, they shall appoint a town attorney and Section 2-51 provides for the duties of the Town Attorney.

In accordance with those provisions a resolution is provided for consideration by the Board. Staff would recommend adoption of the resolution designating the firm of Fuss & Fairley as Legal Counsel for the Town of North Topsail Beach with Mary C. (Kate)

3/7/02

Fairley as the lead attorney for the Town. This is the firm's recommendation as well. The transition would be minimal and the benefit would be significant to the Town.

Attorney Fuss noted that this was discussed and it was his recommendation to have Kate Fairley take over for him.

Alderman Smith moved, seconded by Alderman Vecchione to adopt the Resolution Designating Fuss & Fairley as Legal Counsel for the Town of North Topsail Beach. The motion passed unanimously.

RESOLUTION DESIGNATING FUSS & FAIRLEY AS LEGAL COUNSEL FOR THE TOWN OF NORTH TOPSAIL BEACH

Whereas, the Board of Aldermen for the Town of North Topsail Beach retained William H. Fuss as Town Attorney for the Town of North Topsail Beach on March 5, 1998; and

Whereas, William H. Fuss and Mary C. Fairley, Attorneys and Counselors at Law formed a partnership for the practice of law; and

Whereas, Mary C. (Kate) Fairley is a resident of the Town of North Topsail Beach and maintains an office on Topsail Island; and

Whereas, Mary C. Fairley has municipal law experience having recently served as Town Attorney for a neighboring jurisdiction:

Now therefore be it resolved that the Board of Alderman for the Town of North Topsail Beach designates the law firm of Fuss & Fairley as legal counsel for the Town and specifically designates Mary C. (Kate) Fairley as lead attorney to attend all meetings of the Town Board and handle the legal affairs of the Town.

Adopted this _____ day of March, 2002

Loraine M. Carbone
Town Clerk

Marlow F. Bostic, Jr.
Mayor

Alderman Flynn noted that Attorney Fuss has done an excellent job.

Resolution Agreement of Employment between the Town of North Topsail Beach and Donald H. Betz:

Attorney Fuss stated that the resolution incorporates the employment agreement between the Town and Mr. Betz. Mr. Fuss recommended that the Board adopt this agreement and commended Mr. Betz for his approach as to what is best for the Town. Alderman Flynn moved, seconded by Alderman Vecchione to adopt the Resolution Agreement of Employment between the Town of North Topsail Beach and Donald H. Betz. The motion passed unanimously.

RESOLUTION APPROVING AGREEMENT OF EMPLOYMENT BETWEEN THE TOWN OF NORTH TOPSAIL BEACH AND DONALD H. BETZ

WHEREAS, the Board of Aldermen for the Town of North Topsail Beach on January 5, 2002, interviewed and retained Donald H. Betz for the position of Town Manager for the Town of North Topsail Beach; and,

3/7/02

WHEREAS, the Board of Aldermen on January 10, 2002, directed William H. Fuss, Town Attorney to draft an employment agreement to establish certain conditions of employment between the Town and the Town Manager, Donald H. Betz,

NOW THEREFORE BE IT RESOLVED, by the Board of Aldermen on behalf of the Town of North Topsail Beach, a Municipal corporation of Onslow County, North Carolina acting in its capacity as Employer does approve the agreement of employment for Donald H. Betz, as Town Manager and further authorizes the Mayor and Town Clerk to sign and execute the agreement.

Adopted this 7th day of March, 2002.

Loraine M. Carbone
Town Clerk

Marlow F. Bostic, Jr.
Mayor

Resolution Awarding Vehicle Financing for FY '02-'03 To Branch Banking and Trust Company:

Mr. Betz noted that in the preparation process of the new fiscal year budget, one of the first issues was vehicle replacements. The Fire Department's Tahoe is due for replacement and after much discussion with department heads, it is recommended that the Town secure a 2nd Ford Expedition.

Alderman Vecchione noted that Mr. Betz has received a very low interest rate. Mayor Bostic asked that if this is approved would it be part of the budget. Mr. Betz said yes, and we can invest funds to offset this at to almost zero cost to the Town. Alderman Sandberg felt we should get this while the rate is good. Alderman Smith said that the rate could be better next year and you are making a decision now. Alderman Smith asked if we had to replace all the vehicles and stated that he was not comfortable with this. Mayor Pro Tem Flynn noted that we are faced with wanting to continue with the management of the vehicle assets at the Board level. He felt that is not precisely the Board's responsibility and the determination should be placed with department heads regarding the replacement cycle. The Board can assist in the process. Mayor Pro Tem Flynn felt that the Board should adopt this resolution since we will still need the vehicles.

Alderman Vecchione said that he has spoken with Mr. Betz and Police and Fire vehicles are a must. The rates would benefit the town.

Alderman Smith asked that if BB&T ensures us this amount of money, are we obligated to BB&T and are we buying these vehicles? Mr. Betz noted that he is number conscience. There is a need for public safety vehicles. There is a definite replacement program. This will not cause you to be faced with a tax increase or financial problem. The Town deserves the best public safety vehicles it can afford. Mayor Bostic asked that the Tahoe be limited on its mileage.

3/7/02

Mayor Bostic said if we adopt this then these vehicles would be ordered. Mr. Betz said if you wait to order you may not get your vehicles. Delivery and payment is after July 1st.

Alderman Smith moved, seconded by Alderman Vecchione to adopt the Resolution Awarding Vehicle Financing for FY 02/03 to Branch Banking and Trust Company. The motion passed unanimously.

**Resolution Awarding Vehicle Financing for FY '02-'03
To Branch Banking and Trust Company**

Whereas, the Town of North Topsail Beach ("Town") has previously determined to undertake a project for fiscal year 2002-2003 for the financing of two Ford Crown Victoria's and a Ford Expedition and the Town Manager and Finance Officer have now presented a proposal for the financing of such Project.

Be It Therefore Resolved, as follows:

1. The Town hereby determines to finance the Project through Branch Banking and Trust Company ("BB&T"), in accordance with the proposal dated February 28, 2002. The amount financed shall not exceed \$83,300.00, the annual interest rate (in the absence of default or change in tax status) shall not exceed 3.48%, and the financing term shall not exceed two (2) years from closing.
2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the Town are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution. The Financing Documents shall include a Financing Agreement as BB&T may request.
3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Town Manager and Finance Officer are authorized to approve changes to any Financing Documents previously signed by Town officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.
4. The Town shall not take or omit to take any action, the taking or omission of which, will cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The Town hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265 (b) (3).
5. All prior actions of Town officers in furtherance of the purpose of this resolution is hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Adopted this _____ day of March, 2002

Loraine M. Carbone
Town Clerk

Marlow F. Bostic, Jr.
Mayor

3/7/02

MANAGER'S REPORT:

1. On February 1, 2002 the Town of North Topsail Beach published an Advertisement for Sealed Bids for the Construction of the NTB Park. Bids were received and opened on February 28th, 2002. The Town's consulting engineer on this project, Parker & Associates, filed a Storm water Permit #SW8011219 on December 21, 2001 with the regional office of DENR. On February 21, 2002, the Town received a "Request for Additional Information" regarding some of the design features. Parker & Associates responded with the necessary information in a letter dated February 26th, 2002. However, the Department of Water Quality has 90 days from receipt of a completed application to issue the Permit. Thus, it may be necessary to hold these bids open, anywhere from 30 days to 90 days depending upon the permit process. The Town also needs a CAMA permit which is dependent upon the storm water permit. We are advising all the bidders by letter of this situation. In retrospect it may have been advisable to have waited for the permitting process to be completed prior to advertising for bids; however, the Town is expecting a timely response. At this point in time, I am reluctant to make a recommendation to the Board on awarding a contract to the lowest responsible bidder until the permits are issued. We may have those recommendations for the Board on April 4th.
2. The Town has received a "Draft" of the Planning Assistance Report for the Town of North Topsail Beach, March 2002, as prepared by Tom Jarrett, Coastal Engineering, as per the contract with the Town. The report identifies the shoreline facing the Town, examines the impacts of the New River Inlet, explores possible inlet sand management strategies, and lists various shoreline management opinions that should be developed in greater detail. A plan of study for the further development of the shoreline management alternatives is presented. This is a very valuable tool in assisting the Town to address the issue. Copies are available to each of you and we can make additional copies for others. This is a draft. We will have 2 or 3 extras to sign out. This is your road map of what you will do. This will be presented to the Beach Nourishment Committee.
3. Mayor Pro Tem John Flynn inquired about the possibility of additional/different kind of signage for the Town to provide for public information. Mayor Pro Tem Flynn and staff have held two meetings with a vendor and have requested additional vendor information which we are still waiting to receive. Will continue to advise the Board and possibly have a recommendation next month.
4. With the adoption of the Communication Ordinance, staff will continue to develop a Franchise Agreement with East Coast Cablevision. Mr. David Harris is still conducting his due diligence and awaiting reply from Mr. Coley of additional information that he has requested.
5. The Board of Aldermen may wish to direct staff to review the current Committee Structure and develop resolutions to form and officially appoint committees to be accountable to the Board, to include advertisement for interest and submit a

3/7/02

completed application for appointment. This may help establish a process and accountability.

6. On February 26th, 2002, the Town was visited by Donna M. Moffitt, Director of the Division of Coastal Management for the North Carolina Department of Environment and Natural Resources; she was accompanied by Mr. Robert (Bob) Stroud, Jr., District Manager. They visited the North end and the site of the most recent CAMA violation issues. She was interested in seeing first hand the current issue as well as the resolution of the past issues.
7. The Topsail Island Towns were hosts for the Coastal Municipalities Meeting held in this room Feb. 21-22. We received very favorable comments for the program and we should acknowledge Loraine's efforts in arranging everything!
8. Reminder of Joint Land Use Policy Committee meeting scheduled for March 20th.
9. ONWASA Board of Directors Meeting - March 21st
10. Onslow County Mayor's Meeting - March 27th.

Mr. Betz noted that it certainly has been a full and quick month!

ATTORNEY'S REPORT:

Attorney Fuss thanked the Board. He said that serving as a town attorney doesn't fall under the category of retainage. This is something an attorney should do under an ethical duty. He noted that he was a town attorney in Philadelphia and served on a school district. Attorney Fuss said that it has been a privilege to serve with the Board. You have come a long way since Hurricane Fran. It is important to remember that the citizens are so involved and there is always a give and take between the Board and citizens.

MAYOR'S REPORT:

Mayor Bostic stated that the Coastal Municipalities Meeting will be at Kure Beach next year. We had a forum with Representatives Preston, Warwick and Grady and had good dialogue. They all agreed that state funds are limited. Representatives Preston and Warwick are pro nourishment. Tom Jarrett also gave an excellent presentation.

ALDERMEN'S REPORT:

Alderman Smith asked the Town Manager about the Oyster Lane access and said it should be fixed now. There has been a lot of work put in Beach Renourishment and Alderman Smith gave Alderman Flynn credit to chair this committee. He said that he did not want to hear north and south issues. We have to work together and we are new at this. We have CBRA zones and we will not get federal money. We hired an engineer to look at the north end. Other towns have raised taxes to put sand on the beach. It was brought up at last month's meeting that if we can't get sand on the north end then don't do it anywhere. Alderman Smith felt that Dick Farley does do a good job and he supports him to sit on the Beach Nourishment Committee. Alderman Smith

3/7/02

noted that Mr. Sam McGinn, a former Alderman, was at the meeting tonight and it was good to see him.

Alderman Vecchione also asked Mr. Betz to get the access repaired at Oyster Lane. He thanked everyone for stopping by on Sunday to give him suggestions.

Mayor Pro Tem Flynn said that we have a lot of traffic and there are buildings going up on Highway 210. There are also commercial developments going on 210. We have no legal rights over the bridge since we lost our ETJ rights. He suggested that we write Rep. Preston to introduce a bill in session. We need to comment on what is occurring on the other side of our territory. Mayor Pro Tem Flynn said that the erosion problems at the north end is part of the town's responsibility, however, short term operational problems are not part of beach renourishments' responsibility. He has had conversations with Tom Jarrett and he has put together excellent technical and engineering projections. There is a viewpoint of what can be done at the north end and how we can get sand on beaches in the CBRA zones. One concern is how to integrate two efforts in the Town. Synergy is needed. We have looked at the timing to get the Corps started and we also need to get governmental bodies moving. The Corps is moving on the Feasibility Study. We need to look at the economic value. He would like to see the possibility of a feasibility analyses for the CBRA area conducted by private firms, but it would be costly. The State has said that they will provide us financial support in the CBRA zone. We can use the data that the Corps comes up with and it will save us money on what they have learned. He cannot give dates on when we will have sand. There will be a Beach Nourishment Committee meeting on March 20th at 5:30 p.m.

Mayor Bostic said that we have a Mayor's meeting at the end of April to bring up ETJ.

Alderman Sandberg said that she spoke with Sue McLaughlin regarding dredging. The Corps is supposed to meet with the contractor next week. As far as she knows, they are planning to start from North to South and are hopeful that they can get to us prior to May. We might want to keep that in consideration in repairing beach accesses. Alderman Sandberg encouraged everyone who wants to serve on the Transportation Committee to fill out applications.

Mayor Bostic suggested that we build an earthen type of crossover and he has the dirt if it is needed.

Mr. Betz noted that we are technically equipped and we should continue putting draft minutes on our website. He asked the attorney for guidance. Attorney Fuss said that you are held accountable as to what happens and what you say. You will be called upon to explain your actions. Mayor Pro Tem Flynn suggested that we publish the minutes and state that they are not approved yet.

3/7/02

Mr. Betz questioned Attorney Fuss on the availability of the waivers for the dredging project. He reiterated that the Corps will be meeting with the contractor. He has a set of estimates for the Oyster Lane crossover, with steps that can swing up. The issue is whether or not the steps could go across the sandbags. We need to build them to get people on the beach. Mayor Bostic said that people just want to get to the beach and he was not in favor of putting a hard structure in right now.

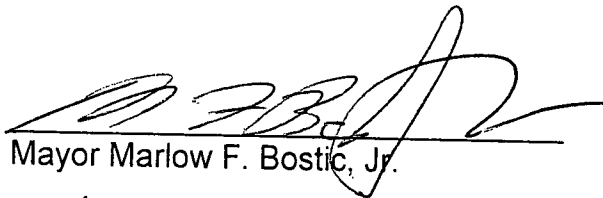
Mr. Betz asked for direction regarding the issue of Mr. Farley's participation in the Beach Nourishment Committee. Alderman Smith felt that he should go back on the committee. Mayor Bostic noted that everyone who serves on a committee is valuable.

Mayor Bostic noted that the Town has hats for sale for \$12.00. The Town's logo is embroidered on the front of the hat. The Rescue Squad has reflective address signs that cost \$20.00.

ADJOURNMENT:

Alderman Smith moved, seconded by Alderman Vecchione to adjourn the meeting at 9:50 p.m. The motion passed unanimously.

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



Mayor Marlow F. Bostic, Jr.

4/4/02

Date Approved

PENDER COUNTY

TOWN OF
NORTH TOPSAIL
BEACH

BOARD OF ALDERMEN

MINUTES

VOLUME: 8

(APRIL 4, 2002 –
APRIL 1, 2004)
(PAGES: 1 – 492)

TOWN OF NORTH TOPSAIL BEACH

BOARD OF ALDERMEN

VOLUME 8

4/4/2002 – 4/1/2004

1

**TOWN OF NORTH TOPSAIL BEACH
PUBLIC HEARING AND REGULAR BOARD MEETING
APRIL 4, 2002
7:00 P.M.**

PRESENT:

Mayor Marty Bostic, Mayor Pro-tem John Flynn, Aldermen Bill O'Donnell, Laurie Sandberg, Steve Smith and Joe Vecchione, Don Betz, Town Manager, Loraine Carbone, Town Clerk, Mary C. Fairley, Attorney

QUORUM:

Mayor Bostic called the Public Hearing to order at 7:10 p.m. in the North Topsail Beach meeting room and declared a quorum present.

INVOCATION:

Mr. Bob Prince, from North Topsail Baptist Shores Church gave the invocation.

PLEDGE OF ALLEGIANCE:

Mayor Pro Tem John Flynn led the group in reciting the Pledge of Allegiance.

APPROVAL OF AGENDA:

Alderman Smith moved, seconded by Alderman Vecchione approval of the Agenda which included the following additions to New Business: A Resolution to the FDNY and NYPD and an update on the Transportation Committee. The motion passed unanimously.

SWEARING IN OF MARY C. FAIRLEY, TOWN ATTORNEY:

Loraine M. Carbone, Town Clerk, swore in Mary C. Fairley as Town Attorney for North Topsail Beach.

PUBLIC HEARING:

Ordinance Amending the Zoning Map for the Town of North Topsail Beach from R-20 to R-10 Tax parcel #4 NTB T. Herring Tract with Conditional Use Permit:

This request for the rezoning of the property was approved by the Planning Board on February 14, 2002 and recommended to the Board of Aldermen. The preliminary and final review of the development will be at a later date.

At the Board of Aldermen regular meeting of March 7, 2002, at the conclusion of the Public Hearing and under New Business, the Board continued the application to the next regular scheduled meeting of the Board, April 4, 2002. The motion included a re-advertisement of the application and continuation of the Public Hearing to provide for continued public input on the Conditional Use application.

2

4/4/02

Mr. Parker, acting on behalf of Mr. Herring, and with the consent of the Planning Board by adding the item to the agenda for March 14, 2002, indicated that he was going to submit a Conditional Use Permit to the Planning & Zoning Administrator on March 19th, 2002, as a result of the concern expressed at the Public Hearing and by members of the Board.

Mr. Parker noted that they resubmitted the application under conditional use which would restrict them to single family and duplexes. Uses in this district are in line with the R-20 zoning district. The intent is to include restrictive covenants and to prohibit multi-dwellings other than duplexes.

Linda Knowles read excerpts from the Institute of Government. Zoning must be in accordance of a comprehensive plan. Conditional zoning is unenforceable and there is a conflict on this. We have ordinances that have conditional use districts. Spot zoning does not benefit everyone. Mrs. Knowles said that in the past, plans were displayed so everyone could see them and they were always posted before a public hearing. The Town has considered enough property for a move back before.

Mrs. Knowles read a letter from Tom & Ann Brown requesting that the Board not support this rezoning.

Rodney Knowles said that once this is passed, if there are not enough presales, conditions go by the wayside. This R-20 property is the last bit of R-20 property that is not in a CBRA zone here. It would be easier for owners to sell property for single homes.

Mr. Bookhardt said he has invested in lots because he didn't want too many people in the area. People come here to visit because there are not many people here. He was against rezoning.

Carol Franzen said that she bought here 10 years ago. She felt strongly that all of us be able to trust a plan that was set forth as set out. She said this rezoning was not in the best interest of everyone.

Judy Perkins has lived here for 19 years and she opposed this zoning.

Fred Handy, of 3674 Island Dr., said that he strongly opposed changing the zoning from R-20 to R-10. He has owned his home for 19 years. We bought here because it is a small community with single family homes.

David DeMoss also opposed the rezoning. He said that this should not have gone past the Planning Board.

4/4/02

Sue Tuman was glad that there were so many citizens here to give input to the Board and she was opposed to the rezoning.

Dick Farley said that he does not live in the area, but he is against it.

Sallie McGuire questioned the porous concrete that was to be used and asked if it was effective. Mayor *Bostic* said that she could speak with the building inspector and he had a sample of porous concrete in his office. *Mrs. McGuire* said that she supported her neighbors and opposed rezoning.

Alderman *Vecchione* moved, seconded by Alderman *Smith* to close the Public Hearing on the above-referenced issue at 7:38 p.m. The motion passed unanimously.

Conditional Use Permit Application (No#02/02) from East Coast CableVision:

Conditional Use Permit Application (02/02) was received from East Coast Cable Vision to construct a cablevision sub-station at 2759 Island Drive (Tax Parcel ID #807-103). The application was advertised for a Public Hearing at the Planning Board meeting of March 14, 2002. The Conditional Use request was for an R-10 District.

At the Public Hearing of the Planning Board, several citizens were present and spoke in opposition to the Conditional Use Permit. Drafts of the Planning Board minutes and letters in opposition were given to the Board for reference. The applicant failed to appear during the Public Hearing period. The applicant was recognized by the Chairman at the end of the meeting, since he arrived late.

However, the Planning Board denied this Conditional Use Application. The Chairman advised the applicant of his option to appeal the decision of the Planning Board to the Board of Alderman. The Applicant stated that he would like to appeal for the record.

The applicant was advised by letter of his right to appeal.

The staff has proceeded to advertise and scheduled this Public Hearing even without receipt of a formal letter from the application appealing the decision of the Planning Board.

Mr. *Betz* said that if the applicant is not present, Staff would recommend not holding the Public Hearing and by motion, continued the item until the next regular scheduled meeting of the Board of Aldermen.

Alderman *Flynn* asked when the 90 days would be up. Mr. *Betz* said from March 14th, which would make it June 14th. Alderman *Flynn* suggested that we defer action on this until we hear if Mr. *Coley* is serious. Alderman *O'Donnell* noted that citizens have come here just for this public hearing and we should listen to them and take action tonight. Mr. *Betz* cautioned that we cannot deny due process. Alderman *Sandberg* stated that it might be a moot point if the applicant does not pursue this.

4/4/02

Attorney Fairley suggested that in the absence of the person who made the application and continuation of a public meeting, that we ensure that everything is properly recorded in accordance with Statutes. In a quasi-judicial hearing, a person has to have the opportunity to present witnesses. It is fine for people to express their opinions, but it is not part of the record if he appeals.

Mrs. Chestnut, who stated that she is 86, has been here for 53 years. When she moved here there was nothing but sky, water and sand. Ocean City Beach was a spot that a black person could own a home. An opportunity was presented to our family that a development could be a one mile area for blacks to own a home. Lots were \$50 and \$100 for a corner lot. Her family put a lot of love and sacrifice to get where they are today. The business area was where the tower was. It should be known that the residential area should remain so. *Mrs. Chestnut* said she would like the Board to know that we cherish our area and we would appreciate it that you would not let a cable television come in.

Mr. Bailey represented the Ocean City Beach Council. He owns the property next to the property that East Coast Cable Vision is looking at. They bought their property in 1971. The fire station is a necessity as is the public works building. He was appalled at the possibility of commercial in that area. A number of people sent him emails and 20 people showed up for the Planning Board. Please vote no for the conditional use since it would devalue our property. There is a safety issue with the 50 ft. tower. *Mr. Bailey* said that the applicant does have due process and we could return. He commended the Planning Board for supporting the residents of Ocean City.

Attorney Swart noted that he was contacted by some of the homeowners in Ocean City. He showed the Board the oldest platted subdivision map. It shows an organized plan of development with some restrictions. This is a planned community. This has been a long standing plan of development that has existed since 1949. The original deed to Wade Chestnut was recorded on November 3, 1949. This deed is clear as to the restriction imposed on these lots. People have a right to rely on restrictions imposed when they buy property. The applicant should have made a clear showing that he was legally, technically and financially qualified. Those materials were not provided to the consultant for the town. The zoning issue is premature. If he doesn't get the franchise, he shouldn't ask for a conditional use permit. The applicant was asked to produce these materials and he has only produced some of them.

Alderman Vecchione moved, seconded by Alderman Smith to close the above-referenced public hearing at 8:15 p.m. The motion passed unanimously.

Alderman Flynn moved, seconded by Alderman Vecchione to continue the public hearing on the conditional use application from East Coast Cable Vision for a sub-station at 2759 Island Drive Tax Parcel #103 until the applicant's appeal is filed or by June 14, 2002. The motion passed unanimously.

4/4/02

Ordinance Amending the Zoning Map for the Town of North Topsail Beach from R-20 to R-15 Tax Parcel 36 with Conditional Use Permit for Planned Residential Development for Bowden Shores:

This request to rezone and for a conditional use permit for the property is submitted by Mr. John Parker for Mr. Richard Barnes. Mr. Parker will present a request for rezoning and a Conditional Use Permit for the Planned Residential Development at this meeting. All adjacent property owners were notified as required. We have not received any questions, comments or concerns on this rezoning or request for a conditional use permit from the adjacent owners or the public. The Planning Board unanimously approved both the Rezoning request and the Conditional Use Permit. In addition, we recommend approval of the development.

This 5.25 acre tract is located across from the old Jenkins Way road. The sound- side will be developed only; the ocean front side of the lot has a 4.5 erosion rate with a 135 foot setback which makes the ocean front unbuildable at this time. The PRD will be named Bowden Shores.

This project has been submitted by Mr. John Parker, of Parker and Associates and is owned by Mr. Richard Barnes, who resides in North Topsail Beach. Mr. Parker will represent Mr. Barnes at the public hearing to present this to the Board and to answer any questions.

Mr. Parker submitted copies of the plan and reviewed the proposal with the Board. They are requesting a conditional use permit for a planned residential development. This was reviewed and recommended for approval by the Planning Board. R-15 is consistent with the adjoining properties. The development itself proposes two residential pods. Each pod will consist of 5 duplex buildings and will be served by a private drive. The buildings will be 2 stories, 1600 square feet and designed for up to 200 mph wind resistance. There will be space for 3 vehicles. Water and sewer will be provided through the County and North Topsail Utility. Fire hydrants will be installed on the right side of the private drives. Public access is not shown on the drawing. We will need to discuss whether the Town would prefer a fee in lieu of recreation or a physical access to the sound side. This is an attractive development, neighborhood pod, with units in two clusters. Mr. Parker asked the Board to favorably approve this request.

Mr. Dick Barnes, of 1061 New River Inlet Rd., thanked the Board for their time. He noted that he has been a permanent resident for 2 1/2 years. He has been working on this project for 1 1/2 years and has worked with the town hall to get here today. He was told that it would be hard to build here and market this property. We have to keep the price of these units down. There are homes going for \$229,000 with no amenities down the road. Bowden Shores will list for \$185,000 to \$187,000. Density is important and the CBRA zone is a negative. Construction costs would be higher,

4/4/02

because they will build beyond the code. The cost of marketing would be greater. We should see substantial increases in tax revenue. Without development you will see tax increases.

Sue Tuman noted that everything else is R-15 and questioned turning only the sound side into R-15. The front property, which is unbuildable, is R-20; will it be buildable after beach nourishment? *Mrs. Tuman* noted that the paper said they would have ocean views and they may not if the oceanfront becomes buildable. This development does not change the character of the neighborhood and she was in favor of it.

Rodney Knowles questioned putting maps up in town hall. *Mr. Betz* said they are available in town hall, but we could place them on the wall.

Alderman Smith moved, seconded by Alderman Vecchione to close the above-referenced public hearing at 8:40 p.m. The motion passed unanimously.

Amendment to Change Town Ordinance Section 7-128 Permitted and Conditional Use in the B-1 Commercial District to provide Campgrounds by Conditional Use Permit Applications:

Mr. Betz stated that on March 14, 2002, he recommended a change in the Town Ordinance Section 7-128; Permitted and Conditional Uses, pages 210-214; Tables of Uses as it pertains to B-1, to the Planning Board. The Planning Board members approved the change to the ordinance unanimously, and recommended approval to the Board of Aldermen.

The recommended amendment would make the B-1 Zoning District compatible with the B-2 Zoning District regarding allowing campgrounds in these districts with a Conditional Use Permit. Currently in the B-1 District campgrounds are a permitted use. In the B-2 District campgrounds are a Conditional Use.

Requiring a Conditional Use Permit continues to allow the use of campgrounds within the B-1 District, but also provides for the public to be notified through the public hearing process of the Planning Board and the Board of Aldermen. It also provides for notification of all adjacent property owners. Without the additional provision of the Conditional Use Permit process, no public hearing is required and no notification to adjacent property owners is required.

Alderman Flynn asked if the thrust of this amendment allows a public hearing requirement and adjacent property owners would have to be notified. *Mr. Betz* said yes, it would inform people in the community.

4/4/02

Alderman Smith asked if this is a general statute. Mr. Betz said that it relates to the zoning ordinance that NTB has adopted. It must have been an oversight that this wasn't done in the past.

Mayor Bostic asked if someone was in the process of designing a campground. Mr. Betz there is no application for one right now. With the adoption of this ordinance, they would have to seek a conditional use application.

Alderman O'Donnell questioned the differences in B1 and B2, and said that the public might want to be notified on other issues. The distinction needs to be more general and we shouldn't look at just campgrounds. Alderman O'Donnell felt that we need to combine B1 and B2.

Mr. Betz said that at board meetings there are a lot of questions related to campgrounds. Alderman Smith asked how this would affect campgrounds. Mr. Betz said it would adhere to just new campgrounds that we notify the public.

Sue Tuman said Mr. Betz was correct in his comments. Campgrounds are a sensitive subject and those in existence are not affected by this. She supported the staff's suggestion.

Mr. Farley said people would want an opportunity to express their opinions if new campgrounds were considered. Linda Knowles agreed.

Alderman Vecchione moved, seconded by Alderman Smith to close the above-referenced public hearing at 8:52 p.m. The motion passed unanimously.

RECESS:

The meeting recessed at 8:52 p.m.

REGULAR MEETING:

The Board Meeting came to order at 9:00 p.m.

REQUEST TO ADDRESS THE BOARD:

Planning Board:

Mr. Milligan, Chairman of the Planning Board, addressed the Board of Aldermen. He noted that the Planning Board met on March 14th. They reviewed the applications for rezoning and conditional use permits for the Herring Tract. The Planning Board approved this request 3 to 2. They also reviewed the Conditional Use 02/02 from East Coast Cablevision. 40 homeowners protested and Mr. Bailey made a detailed presentation. At first the committee made a motion to table this issue and then the motion was defeated. Mr. Coley arrived late.

4/4/02

The Bowden Shores application was reviewed and there were no negative comments.

The amendment to the town ordinance Section 7-128, as it pertains to B1 was approved.

Mr. Milligan noted that in regard to the rezoning of the Herring Tract from R20 to R10, there were no residents in the audience who protested at the Planning board. The developer added a conditional use application which would limit housing to single and duplexes only.

Beautification Committee:

Mrs. McGuire, Chairman of the Beautification Committee, addressed the Board of Aldermen. She thanked committee members who contributed desserts for the firemen and their families. She advised the Board that they are participating at the Spring Fling on April 27th and 28th. They will sell hats, plants and license plates. Mrs. McGuire said that she would like to see more members on the committee.

OPEN FORUM:

No one spoke during the open forum.

CONSENT AGENDA:

The Consent Agenda consisted of the following:

March 7, 2002 Board Meeting Minutes; Department Head Reports, Comp Time Report and Budget Amendment #7.

Alderman Sandberg questioned how many false alarms have been charged. Mayor Bostic said they are on top of that. Alderman Flynn said it depends on how many alarms they have had. Alderman Vecchione said he would be made aware of consistent problems if there were any.

Alderman Vecchione moved, seconded by Alderman Smith approval of the Consent Agenda. The motion passed unanimously.

OLD BUSINESS:

Ordinance Amending the Zoning Map for the Town of North Topsail Beach from R-20 to R-10 Tax parcel #4 NTB T. Herring Tract with Conditional Use Permit:

Mr. Betz read the last paragraph of the proposed ordinance: Now therefore be it resolved, that the Board of Alderman for the Town of North Topsail Beach does hereby (approve/ disapprove) the recommendation of the Planning Board an application for rezoning Tax Parcel #4 from R-20 District to the R-10 District. Mr. Betz noted that if in fact the conditional use does not occur then staff would petition to rezone it back.

4/4/02

Alderman Sandberg moved, seconded by Alderman Vecchione approval of the ordinance amending the zoning map of Tax Parcel #4 from R-20 to R-10. Alderman O'Donnell was concerned that we have not been notifying all adjacent property owners. If people are not notified and 20% reject the rezoning, it requires 3/4 vote (4 to 1) to pass. Alderman O'Donnell respectfully requested that in order to pass that the motion be by a 3/4 vote. This is spot zoning and R-20 is there now. This should not have come in front of the Planning Board and Alderman O'Donnell was disturbed that it was passed. John Parker noted that the notification is within 100 ft. on either side and they were all notified. 20% of notification is required and there were 5 or 6 of those required to be notified.

Alderman Smith said that the people spoke tonight against this rezoning.

Alderman O'Donnell felt that the public was not notified of the procedure to object and in fairness to the citizens; we should require more stringent rules.

Alderman Vecchione took back his second on the motion.

Attorney Fairley said that the Board had the option of withdrawing the second, rephrasing the motion or tabling the motion.

Mayor Bostic solicited a second to the motion. Alderman Flynn did not want to place upon the Board a requirement for stricter approval of a motion and that they should just vote on the motion.

Alderman Sandberg rescinded her motion and requested that the Board table this issue until next month to make sure that all procedures have been done. There was no second to this motion.

Alderman Smith moved, seconded by Alderman O'Donnell to leave the Herring Tract at R-20 single family and disapprove rezoning the property to R-10.

Alderman Sandberg said if there are questions as to neighbors not being advised, then we should advise them and she again recommended that they table this issue.

Mayor Bostic noted that there was a motion on the floor to not allow the rezoning request on the Herring Tract, Tax Parcel #4 from R-20 to R-10. Aldermen Flynn, O'Donnell and Smith approved the motion with Aldermen Sandberg and Vecchione opposing. The motion passed 3 to 2.

Alderman Vecchione noted that for the record, next time we should have all of the information. Mr. Betz said he would look into the notification process as provided for in the zoning ordinance.

4/4/02

Resolution Accepting \$3,416.36 in Interest Payment from Charter Communications:

Mr. Betz reported that at the regular scheduled board meeting of March 7th, 2002, a resolution was adopted authorizing the Town Manager, in cooperation with the Town

Attorney, as well as the CEO of Custom Communications, to seek interest penalty, provided for in the Franchise Agreement for Cable Television in accordance with the provisions of the Agreement.

We have received a total of \$20,916.72 as a result of the difference in the payment of a 3% franchise fee and the contracted figure of 5% from the inception of the contract.

Section 12 (c) of the Agreement allows the Town to re-compute the franchise fees and Section 12 (d) allows the Town to collect a delinquent fee, plus interest. It is Staff's opinion that the delinquent fee is the prime interest rate and 3% interest rates on top of that figure, resulting in a total amount due of \$3,416.36.

In the interest of closure of this issue, it is the Staff's recommendation to accept payment in this amount from the Franchisee since the check has been received.

Alderman Smith moved, seconded by Alderman Vecchione approval of the Resolution Accepting \$3,416.36 in Interest Payment from Charter Communication and appreciation of the Town Manager in finding this error. The motion passed unanimously.

**Resolution Accepting \$3,416.36 in Interest Payment
From Charter Communications**

Whereas, the Town of North Topsail Beach entered into a Cable Television Franchise Agreement (Agreement) on November 10th, 1998 with Falcon Cable Media and said agreement was subsequently transferred to Charter Communications; and

Whereas, said Agreement provides that Charter Communications will pay the Town five percent of gross subscriber revenue, as a Franchise Fee, thirty days after the end of each quarter of the fiscal year; and

Whereas, Charter failed to pay the franchise fees in the proper amount within the proper time period as indicated in said agreement; and

Whereas, the Board of Aldermen for the Town of North Topsail Beach adopted a resolution on March 7, 2002, authorizing the Town Manager, in cooperation with the Town Attorney, as well as the CEO of Custom Communications, to seek the penalties provided for in the Franchise Agreement and;

Now Therefore Be It Resolved that the Board of Aldermen accepts the Staff recommendation of \$3,416.36 in accordance with Section 12 (c) and (d) as a delinquent fee with interest in consideration of settlement of the violation of the Cable Television Franchise Agreement.

Adopted this _____ day of April, 2002

Loraine M. Carbone
Town Clerk

Marlow F. Bostic, Jr.
Mayor

4/4/02

TRANSPORTATION COMMITTEE:

Alderman Sandberg asked what the status was on the applications for the Transportation Committee. She recommended that everyone fill out the same application and asked if we should advertise. Mr. Betz said we could advertise.

NEW BUSINESS:

Conditional Use Permit Application (No#02/02) from East Coast CableVision:

Alderman Flynn moved, seconded by Alderman Vecchione to table this issue until the end of 90 days starting from March 14, 2002 since Mr. Coley was not present. Alderman Flynn asked if there was any way to take a vote on this now. Mr. Betz said Mr. Coley would still have 90 days to appeal. The motion passed unanimously.

Ordinance Amending the Zoning Map for the Town of North Topsail Beach from R-20 to R-15 Tax Parcel 36 with Conditional Use Permit for Planned Residential Development for Bowden Shores:

Mr. Betz said as a condition the applicant has asked for the conditional use permit to be valid for 12 months instead of 6. Alderman O'Donnell suggested that the Board vote on the rezoning and then look at the conditional use.

Alderman Smith moved, seconded by Alderman Flynn approval of the Ordinance Amending the Zoning Map for the Town of North Topsail Beach from R-20 to R-15 Tax Parcel 36. The motion passed unanimously. Alderman O'Donnell said that he was in favor of this development because it nicely falls into the requirements for rezoning.

Alderman Flynn moved, seconded by Alderman Sandberg approval of the Conditional Use Permit for Planned Residential Development for Bowden Shores.

Alderman O'Donnell questioned the 16 foot wide streets and asked if fire trucks could get in there. He noted that the Town streets are required to be 18 feet wide. Mr. Parker said they are private drives and not streets and they are not proposed as streets. Alderman O'Donnell asked if common private drives were allowed. Mr. Parker said that private drives along 1568 are common private drives. They are all 16 feet and they serve 5 to 7 homes. Mr. Betz said that Mr. Best has reviewed the plans, and a fire truck could drive in and back out.

The motion passed unanimously.

Mr. Barnes thanked the board for being fair.

4/4/02

An Ordinance Amending the Zoning Map of the Town North Topsail Beach dated March 26, 2001 for Onslow County Tax Map No 774, Tax Parcel No 36 NTB Application 02/02 from R-20 to R-15 And Conditional Use Permit (02/01)

Whereas, Parker & Associates, Inc, 306 New Bridge Street, Jacksonville, NC, has filed a rezoning application with the Town of North Topsail Beach on behalf of Mr. Richard Barnes, owner of record for Tax Parcel 36; 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 District to the R-15 District; and,

Whereas, the applicant seeks a Conditional Use Permit for a Planned Residential Development as shown in the attached sketch map.

Whereas, the R-15 District provides for dwelling, single-family, duplex townhouses and the R-20 District provides for Dwelling single-family; 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, Section 7-213 of the zoning ordinance provides that Planned Residential Developments are conditional uses in all residential districts except in RA District and are suitable in location and character where the uses and structures proposed are to be planned and developed on a unified basis and,

Whereas, the Board of Alderman, for the Town of North Topsail Beach held a public hearing on Conditional Use Permit application 02/01 and the Rezoning Application 02/02, on April 4, 2002, providing opportunity for the owner's agent to present the application, and the public to comment on the applications; and,

Now therefore be it resolved, that the Board of Alderman for the Town of North Topsail Beach does hereby (approve/disapprove) the recommendation of the Planning Board on application for rezoning Tax Parcel #4 from R-20 District to the R-15 District and (approve/disapprove) the granting of the Conditional Use Permit (02/01) in accordance with the provision of Section 7-127 page 209 of the zoning ordinance.

Adopted this _____ day of April, 2002

Loraine M. Carbone
Town Clerk

Marlow Bostic, Jr
Mayor

Amendment to Change Town Ordinance Section 7-128 Permitted and Conditional Use in the B-1 Commercial District to provide Campgrounds by Conditional Use Permit Applications:

Alderman Sandberg moved, seconded by Alderman Flynn approval of An Ordinance Amending the North Topsail Beach Code Chapter 7 Planning & Zoning Article IV

4/4/02

Zoning Section 7-128 Permitted & Conditional Use In the B-1 Commercial District. Alderman O'Donnell requested that if we pass this that we have the Planning Board collapse these into one category and notify citizens before action was taken since we do not need two business categories. The motion passed 4 to 1 with Alderman O'Donnell opposing due to lack of notification to commercial property owners of the proposed amendment.

An Ordinance Amending the North Topsail Beach Code Chapter 7 Planning & Zoning Article IV Zoning Section 7-128 Permitted & Conditional Use In the B-1 Commercial District

Whereas, Section 7-92 of the zoning 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 the owner(s), or his agent, of the property; and,

Whereas, Section 7-93 provides that every proposed amendment, supplement, change, modification or repeal of this ordinance shall be referred to the Board of Alderman by the Planning Board's recommendation and report. The Board of Alderman shall hold a public hearing; and,

Whereas, the Town Manager for the Town of North Topsail Beach, recommends to the Board of Alderman for its consideration that the Zoning Ordinance Section 7-128, pages 210-214, Table of Uses, that as it pertains to the B-1 District, the campgrounds be permitted by Conditional Use Permit; and,

Whereas, the requirement of a Conditional Use Permit within the B-1 District for campgrounds continues to permit the use of campgrounds within the B-1 district, but also provides for the public to be notified through the public hearing process and provides for notification of all adjacent property owners; and,

Whereas, the Board of Alderman, for the Town of North Topsail Beach having held a Public Hearing on the amendment, after being duly advertised, does hereby (approve/disapprove) the recommended amendment as presented.

Adopted the _____ day of April, 2002

Lorraine M Carbone
Town Clerk

Mr. Marlowe Bostic, Jr
Mayor

Resolution to Award Construction of North Topsail Beach Park:

The Town of North Topsail Beach has embarked upon the development of a recreational park which has received significant funding. The Town received a PARTF Grant in the amount of \$77,000.00, the Town has entered into a contract with the North Carolina Department of Environment and Natural Resources by resolution dated December 6th, 2001, to receive \$65,700.00 in grant funds and the Town has received a donation of \$30,000.00 from DRC, Inc. Construction and Disaster Services to provide for the cash match from CAMA for a total of \$172,700.00.

The budget worksheet for the Fiscal Year 2002-2003 illustrates the above mentioned revenue and illustrates the anticipated expenditures associated with the establishment of the Capital Project. An ordinance establishing the Capital Project will be provided at the May 2nd, 2002, regularly scheduled meeting of the Board of Aldermen.

4/4/02

The Town proceeded to advertise for bids for the construction of a Basketball Court, Volleyball Court, Horseshoe Pit, Tot Lot, Pier and Gazebo, Picnic Shelter, Gravel Parking Lot and Paved Entrance with General Grading and General Plumbing on February 1st, 2002 with bid opening of February 28th, 2002.

At the regularly scheduled meeting of the Board of Aldermen on March 7th, 2002, the Town Manager indicated reluctance on preparing a recommendation for award of contracts based upon the uncertainty of the Stormwater Permit and the major CAMA permit. The Town's consulting engineer, Parker & Associates had prepared the necessary changes requested and submitted them for review. On March 20th, 2002, Mr. Rick Shiver, Supervisor, Water Quality Regional Office, issued Permit No. SW8011219 for the North Topsail Beach Park, Low Density Stormwater Project, Onslow County. On March 21st, 2002, the Division of Coastal Management issued Major Development permit No. 30-02 for the project.

It is now recommended by Staff to proceed with the construction and development of the Park. After careful review and consideration of several bids for all portions of the park, except for the Tot Lot & equipment, it is recommended to award the contract for construction and development of all aspects of the North Topsail Beach Park in accordance with the Guide Specifications and bid documents, except for the Tot Lot, to T & H Construction of North Carolina, Inc. in the amount of \$94,120.00, as the lowest, responsible and qualified bidder.

Alderman Vecchione moved, seconded by Alderman Smith approval of the adoption of the Resolution awarding contract for construction and development of the North Topsail Beach Park in accordance with the Guide Specifications and bid documents to T & H Construction of North Carolina, Inc. in the amount of \$94,120.00. The motion passed unanimously.

Resolution Awarding Contract for the Construction & Development of the North Topsail Beach Park in the amount of \$94,120.00 To T & H Construction of North Carolina, Inc.

Whereas, the Town of North Topsail Beach has embarked upon the development of a recreational park; and,

Whereas, the Town of North Topsail Beach has applied for and received significant grant funding for this park and the Town will establish the park as a Capital Project in the Fiscal Year 2002-2003 Budget; and

Whereas, the Town has engaged the professional services of Parker & Associates to design and provide Guide Specifications for the bidding and construction of the Park and the Town proceeded to advertise for bids February 1st through February 28th, 2002.; and

Whereas, the Town opened bids on February 28th, 2002 for all portions of the project and having received all permits to include the Stormwater Permit #SW8011219 issued March 20th, 2002 and the CAMA permit #30-02 issued March 21st, 2002;

4/4/02

Now Therefore Be It Resolved that the Board of Aldermen, upon recommendation from Staff, award the contract for construction and development of the North Topsail Beach Park in accordance with the Guide Specifications and bid documents to T & H Construction of North Carolina, Inc. in the amount of \$94,120.00 as the lowest, responsible and qualified bidder.

Adopted this _____ day of April, 2002

Loraine M. Carbone
Town Clerk

Marlow F. Bostic, Jr.
Mayor

Resolution to Award Contract for Construction of North Topsail Beach Tot Lot:

The Town of North Topsail Beach has embarked upon the development of a recreational park which has received significant funding. The Town received a PARTF Grant in the amount of \$77,000.00, the Town entered into a contract with the North Carolina Department of Environment and Natural Resources by resolution dated December 6th, 2001 to receive \$65,700.00 in grant funds. The Town has also received a donation of \$30,000.00 from DRC, Inc. Construction and Disaster Services to provide for the cash match from CAMA for a total of \$172,700.00

The attached budget worksheet for the Fiscal Year 2002-2003 illustrates the above mentioned revenue and illustrates the anticipated expenditures associated with the establishment of the Capital Project. An ordinance establishing the Capital Project will be provided at the May 2nd, 2002 regularly scheduled meeting of the Board of Aldermen.

The Town proceeded to advertise for bids for the construction of a Basketball Court, Volleyball Court, Horseshoe Pit, Tot Lot, Pier and Gazebo, Picnic Shelter, Gravel Parking Lot and Paved Entrance with General Grading and General Plumbing on February 1st with bid opening of February 28th, 2002.

At the regularly scheduled meeting of the Board of Aldermen on March 7th, 2002, the Town Manager indicated reluctance on preparing a recommendation for award of contracts based upon the uncertainty of the Stormwater Permit and the major CAMA permit. The Town's consulting engineer, Parker & Associates had prepared the necessary changes requested and submitted them for review. On March 20th, 2002 Mr. Rick Shiver, Supervisor, Water Quality Regional Office, issued Permit No. SW8011219 for the North Topsail Beach Park, Low Density Stormwater Project, Onslow County. On March 21, 2002, the Division of Coastal Management issued Major Development permit No. 30-02 for the project.

Thus, it is now recommended by Staff to proceed with the development of the Park. After careful review and consideration of several bids for the Tot Lot to include all equipment, it is recommended to award the contract to Contract Connection Inc. in the amount of \$31,913.00 as the lowest, responsible and qualified bidder.

Alderman Vecchione moved, seconded by Alderman Smith approval of the adoption of the Resolution awarding a contract for construction of the Tot Lot complete with equipment as

4/4/02

per bid documents to Contract Connection Inc. in the amount of \$31,913.00. The motion passed unanimously.

Alderman Flynn said that we need to look at a park and recreational use and asked if we have a method or assignment to oversee this. Mayor Bostic said that he preferred it to be staff. Alderman Sandberg suggested that we incorporate a Parks and Recreation Committee.

Resolution Awarding Contract for the Construction & Development & Equipping of the Tot Lot in the North Topsail Beach Park to Contract Connection, Inc., in the amount of \$31,913.00

Whereas, the Town of North Topsail Beach has embarked upon the development of a recreational park; and,

Whereas, the Town of North Topsail Beach has applied for and received significant grant funding for this park and the Town will establish the park as a Capital Project in the Fiscal Year 2002-2003 Budget; and

Whereas, the Town has engaged the professional services of Parker & Associates to design and provide Guide Specifications for the bidding and construction of the Park and the Town proceeded to advertise for bids February 1st through February 28th, 2002,; and

Whereas, the Town opened bids on February 28th, 2002 for all portions of the project and having received all permits to include the Stormwater Permit #SW8011219 issued March 20th, 2002 and the CAMA permit #30-02 issued March 21st, 2002;

Now Therefore Be It Resolved that the Board of Aldermen, upon recommendation from Staff, award the contract for construction and development of the North Topsail Beach Park in accordance with the Guide Specifications and bid documents to Contract Connection, Inc. in the amount of \$31,913.00 as the lowest, responsible and qualified bidder.

Adopted this _____ day of April, 2002

Loraine M. Carbone
Town Clerk

Marlow F. Bostic, Jr.
Mayor

Planning Board Vacancies:

The expiration of three terms of office for members of the Planning Board is pending. Advertisement was made to seek application for appointment to the North Topsail Beach Planning Board. Six applications were received. All three current members of the Board are seeking reappointment and there are three new applicants. The expiring terms and members are: Sallie McGuire - April 7th, 2002; Ron Coy - April 7th, 2002; Carol Franzen - May 7th, 2002

New Applicants are: Pat Crist; Jeff Stultz; Paul Dorazio. We received two new applications today.

Mr. Betz suggested that the Board may wish to continue this until the next meeting. Alderman Sandberg asked that everyone fill out the new applications with both sides filled out.

4/4/02

Alderman Vecchione noted that the Planning Board does not have an alternate right now. He said that he was comfortable with the people on the board right now and we should just add an alternate from the new applications we received.

Alderman Sandberg moved, seconded by Alderman Smith to table this issue until new applications are all the same and completed to make it more equitable. The motion passed unanimously.

Resolution to Approve the Application for Highway Safety Project Contract:

This is the third year of involvement with the Governor's Highway Safety Program. We began the three year program in 2000-2001 with funding in the amount of \$35,940.00. This was 75% federal and 25% town cost share. Funding for the second year was in the amount of \$8,990.00 at a 50/50 cost share. Our third year commitment is now 75% town and 25% federal cost share for a total of \$8,946.00. The town is responsible for \$6,846.00. (\$2,100 Federal share; \$6,300 Town share; \$546 Tax)

The grant funds will be used to purchase two in-car video camera systems. This would provide video systems for all patrol vehicles with the exception of the chief's vehicle. The video systems have provided us with the following benefits: reduced court time; reduction in officer complaints; officer safety; increased conviction rate; officer training tools.

Alderman O'Donnell moved, seconded by Alderman Smith approval of the Resolution to Approve the Application for Highway Safety Project Contract. The motion passed unanimously.

RESOLUTION TO APPROVE THE APPLICATION FOR HIGHWAY SAFETY PROJECT CONTRACT

WHEREAS, the North Topsail Beach Police Department herein called the "Applicant" has thoroughly considered the problem addressed in the application entitled Eyewitness 2000-03 and has reviewed the project described in the application; and

WHEREAS, under the terms of Public Law 89-564 as amended, the United States of America has authorized the Department of Transportation, through the North Carolina Governor's Highway Safety Program to make federal contracts to assist local governments in the improvement of highway safety,

NOW THEREFORE BE IT RESOLVED BY THE NORTH TOPSAIL BEACH BOARD OF ALDERMEN IN OPEN MEETING ASSEMBLED IN THE TOWN OF NORTH TOPSAIL BEACH, NORTH CAROLINA. THIS 4th DAY of April, 2002, AS FOLLOWS:

1. That the project referenced above is in the best interest of the Applicant and the general public.
2. That Chief Daniel R. Salese, III be authorized to file, in behalf of the Applicant, an application in the form prescribed by the Governor's Highway Safety Program for federal funding in the amount of \$2,100.00 to be made to the Applicant to assist in defraying the cost of the project described in the contract application.
3. That the Applicant has formally appropriated the cash contribution of \$6,300.00.

4/4/02

4. That the Project Director designated in the application form shall furnish or make arrangement for other appropriate persons to furnish such information, data, documents and reports pertaining to the project, if approved, as may be required by the Governor's Highway Safety Program.
5. That certified copies of this resolution be included as part of the application referenced above.
6. That this resolution shall take effect immediately upon its adoption.

DONE AND ORDERED in open meeting.

By: _____
Marlow F. Bostic, Jr., Mayor

Alderman _____ offered the foregoing resolution and moved its adoption, which was seconded by Alderman _____ and was duly adopted.

Date: _____

SEAL

Attest By: _____
Loraine M. Carbone, Town Clerk

Discussion – 4 Town Fireworks:

Mr. Betz noted that a letter was sent from Mayor Guy, Surf City, regarding a reallocation of the annual funding for the Four Town Fireworks previously held at the Town of Holly Ridge on the 4th of July.

On April 18th this item will probably be discussed at the 4-Town meeting to be held at Topsail Beach, Town Manager Don Betz will be unable to attend due to the FEMA training class at Mt. Weather.

It would be beneficial for the Board to reach a consensus prior to that meeting regarding funding the Surf City July 3rd event or the 4-Town July 4th, event or both. The Town of Holly Ridge has requested to be advised if North Topsail Beach will be contributing \$1,666.67 as the Town's share of a 3-Town event.

Mayor Guy is requesting that the Town provide a contribution to the Surf City fireworks display of July 3rd as well.

Mayor Bostic asked if we do not donate to Holly Ridge would Topsail Beach drop out. Mr. Betz did not know at this time. Alderman O'Donnell asked if we do not fund, could they apply under the occupancy tax. Mayor Bostic noted that it has not been adopted yet.

Alderman Flynn said it was premature to say another town would be precluded. That item is in discussion between now and June. He did not favor making a donation when it would appear that it is a valid utilization of that type of tourist fund. Mayor Bostic suggested that they ask for money from the County. Mr. Betz said this will probably be discussed at the Four Town Meeting.

4/4/02

Mr. Betz asked for agenda items for the Four Town Meeting. Alderman Sandberg suggested discussion of the coalition that came out of the coastal municipalities meeting. Aldermen O'Donnell and Vecchione would not be able to attend this meeting.

Alderman Flynn felt that the Town needs to reaffirm to the County regarding receiving money from the occupancy tax. If we rely on grants or awards it would be difficult. Mayor Bostic instructed the Town Manager to write a letter detailing those aspects and the importance of commitment from the County.

Alderman Smith said that when the state legislators met with us they said if we needed help to receive a percentage of the occupancy tax they would help.

Discussion of Amendments to the Adopted Land Use Plan for the Town of North Topsail Beach:

Recommended amendments to the Land Use Plan were made by the Chairman and Planning Board members. During their review process, the Planning Board invited Mr. James Rosich, District Planner with the Division of Coastal Management to explain the process of making amendments and to discuss the amendments that they decided needed changing.

The two recommended amendments are in Section IV, North Topsail Beach Policy Statements:

Section IV-6 (c): Any lot or parcel created after certification of the 1991 CAMA Land Use Plan shall provide for a "move-back" of any 6 proposed structures. This "move-back" line shall be established only for the purpose of accommodating a possible relocation of a structure.

The Planning Board recommends that this section be deleted entirely from the Land Use Plan. Justification: Due to the severe erosion from the numerous hurricanes, most lots are just meeting the CAMA, zoning and D.O.T. setback requirements.

Section IV-7: Estuarine Waters and Estuarine Shorelines (2) "A vegetated 40' buffer is maintained wherein removal of any vegetation 3" or greater in diameter at the base is prohibited, unless such provision prohibits a permitted use. Removal of such vegetation shall be minimized.

The Planning Board recommends that this section should be amended to coincide with 15A NCAC 7H. 209. The amended statement would read, "A naturally vegetated 30' estuarine shoreline buffer shall be established in accordance with the standards set forth in 15A NCAC 7H.209.

The recommended amendments have been forwarded to the Division of Coastal Management for their advice and comment. They have advised that they see no problem with these amendments to the Land Use Plan.

4/4/02

Alderman Smith didn't agree with the move back. He noted that in 1993, a storm hit us and many homes got moved back and they are still there today. There is no benefit to do away with that. Mayor Bostic said that the issue is lots that don't conform; it doesn't mean you couldn't move your house back.

Alderman Flynn suggested going ahead and having a detailed review of amendments and having a public hearing to provide information.

RESOLUTION HONORING THE MEN AND WOMEN OF THE FDNY AND NYPD:

The following Resolution was given to the FDNY at the cook-out at Paliotti's earlier in the evening.

RESOLUTION HONORING THE MEN AND WOMEN OF THE FDNY AND NYPD

WHEREAS, on September 11, 2001, all Americans were invaded when America was attacked by terrorists;

WHEREAS, the men and women of the Fire Department of New York City and the New York City Police Department went above and beyond their duty as public servants;

WHEREAS, the Town of North Topsail Beach expresses their appreciation for such dedicated and brave individuals who gave 100% to locate their fallen comrades after the debacle of September 11th;

WHEREAS, we are also thankful of the many citizens who gave up their condo units in order for the families to enjoy a week of rest and relaxation and also to all of the volunteers and businesses who donated their time or goods to enable this time to be memorable for all;

WHEREAS, the citizens, officials and staff of the Town of North Topsail Beach opens their hearts and arms to the families of the FDNY and NYPD;

NOW, THEREFORE, BE IT RESOLVED that the Town of North Topsail Beach is honored to be part of the celebration week honoring the FDNY and NYPD and welcomes all of the families to visit Topsail Island in the future.

Adopted this 4th day of April, 2002.

Loraine M. Carbone
Town Clerk

Marlow F. Bostic, Jr.
Mayor

Alderman Vecchione moved, seconded by Alderman Smith to approve the Resolution Honoring the Men and Women of FDNY and NYPD. The motion passed unanimously.

MANAGER'S REPORT:

1. At the two retreat sessions with the Board on Feb. 16th and 23rd, we discussed a Budget work session for April 10th at 7 pm. Mayor Bostic has a conflict with the Policy Committee for the Joint Land Use Study meeting which is to interview 3 consultants for the land use study contract. The following week is

4/4/02

the Onslow County FEMA training trip to Mt. Weather, Va. The Board needs to find a date agreeable to all. We will proceed to post and advertise it upon selection of the date and time. Mayor Bostic said not to change the meeting on his account. The special meeting/Budget Workshop was set for April 10, 2002 at 6:00 p.m.

2. In regards to the current fiscal budget, even with the Governor freezing distribution of certain state revenue to the Towns, Cities, and Counties, we are at 92% of budgeted revenues and at 64% of budgeted expenditures.
3. One issue that affects future Cable Franchise Fees is a ruling published March 15th, 2002 "that revenue from cable modem service would not be included in the calculation of gross revenues from which the franchise fee ceiling (5%) is determined". The FCC intends for its decision to apply nationally. While this isn't yet a significant share of Charter's revenue, it is however the one of the fastest growing segments of the business. We will challenge this.
4. On March 21st, 2002, I wrote to Mr. Daniel Small, U.S. Army Corps of Engineers, Wilmington District, requesting information concerning the contracted dredging schedule especially as it pertains to the New River Inlet. I received a conference call from him and the Public Information Officer that they would provide that information in a formal release notice to us shortly. Alderman Sandberg was concerned since citizens have called the Corps for information and we have not received any information. Mr. Betz recommended that the Mayor write letters to support the dredging.
5. On Wednesday March 27th, at the Onslow County Mayor's Association, the County Manager distributed the "Onslow County Occupancy Tax Options". He explained that of the options, #3, seemed to be the preferred option for the Board of Commissioners to consider. This option includes: increase the percentage of room occupancy tax for capital reserve contribution (which is not specifically included in the "use of Taxes collected" provision of the statute) and provides for the implementation of a "Tourism Grant Reserves" which apparently is a designated Fund to apply for use of the funds, which any local government (Onslow County only?) or non-profit entity would be eligible to apply for. Example being the Town of Holly Ridge applying for room occupancy tax monies for 4th of July Fireworks or the annual Holly Festival, neither of which the County has recently funded. While Beach Renourishment is not specifically included in the "use of Taxes collected" it is generally accepted as a Travel and Tourism development issue. It is these Onslow County Room Occupancy Taxes that the Town of North Topsail Beach needs as a dedicated revenue source to renourish the Beach, especially in the COBRA zones, if not across the board. Each member of the Board of Aldermen must advocate the Town's need to the County to designate, as they have with the Military Museum and the Civic Center, a share of the County's Occupancy revenue for beach renourishment. These funds, with the Town's 3% occupancy revenue and the 5 cents of the property tax revenues will produce a significant payment for debt service for the Capital cost of Beach

4/4/02

Renourishment. Each of you should advocate how desperately we need these funds.

6. With the Board's award of the two construction contracts for the Town Park, staff will provide a "notice to proceed" to the Contractor and develop a date for an official "ground-breaking" event with the State, County, Local and contributing benefactors and advise the board.
7. This Park presents an opportunity for the Board of Aldermen to consider creating a "**Park & Recreation Committee**" not only as an oversight function for the park, but also future scheduling for the Park and other activities in the Town. If agreeable, Staff will prepare a resolution to that affect. We have application forms available for all of the Town's committees. We are still reviewing the formation of a couple of committees to make a recommendation to the Board at the May 2nd meeting.
8. The Town is in receipt of \$75,000.00 from the State of North Carolina as its portion of the non-federal funding of the North Topsail Beach Shore Protection Feasibility Study. These funds will be forwarded to the U.S. Army Corps of Engineers.
9. The Town has received notice from the East Carolina Council that a vacancy on the General Membership Board still exists for the Town for an elected official. If the Mayor wishes to appoint someone, staff will assist in providing the necessary meeting schedules and other information. Alderman Sandberg volunteered to serve on this committee. Alderman Smith moved, seconded by Alderman O'Donnell appointment of Alderman Laurie Sandberg to the General Membership Board of the East Carolina Council. The motion passed unanimously.
10. On Monday, March 25th, with the consent of CAMA and the availability of a new sand profile of the north end, public works was able to push a substantial amount of sand to create a new dune line in front of the homes located at the extreme north end.
11. We should form a possible erosion control plan since this is a separate issue from Beach nourishment.
12. We should also consider a Technical Review Committee. Final specs and plans could come through this committee. Most jurisdictions have a TRC. Mayor Bostic said we are delegating and something has to rest on our shoulders. Alderman Sandberg suggested that those who applied for the Planning Board could have the expertise for that committee. Alderman Flynn noted that anything we could do to help the Board would be beneficial and another set of eyes would be valuable. Mayor Bostic said that we have staff to check it out. Mr. Betz said that, overall, there is little technical expertise. We could find technical people in our community.
13. At previous meetings there have been comments directed at Oceanside Building and Repairs. Mr. Betz noted that they were pulled off the job of

4/4/02

repairing a crosswalk by our staff when things got tough out there. The job was not completed and not characteristic of their work.

14. We will need a count for Town Hall day in Raleigh on June 11th. Dinner is planned at 6:00 p.m. at pro-rated costs. You will need to advise me by April 15th if you plan to attend. Alderman Sandberg and Smith said they would attend. Mayor Bostic said it was beneficial allying with the Onslow delegation.

Alderman Flynn said that the County came out last week with an initial estimate of their budget capability. They might cut 1 cent from the County taxes. Alderman Flynn said he would be pleased if the Town's budget would not look at an increase and match the decrease the County is citing. Mr. Betz said he would make every effort with that in mind.

Mr. Betz noted that we have problems in town hall. Under the building, erosion is terrible because of a severe draining issue. We need professional help. The air conditioner will have to be replaced since the old one was designed for residential use. We cannot ignore the dune maintenance issues; this will be addressed in the budget.

Alderman Smith asked if Oyster Lane was repaired. Mr. Betz said it was repaired/opened.

ATTORNEY'S REPORT:

Mayor Bostic welcomed Attorney Fairley. Attorney Fairley noted that one issue that was addressed needs to be carried forward and that is issues of rezoning and conditional uses. We need to send letters to those mostly affected to meet with the intent of law. It would be an excellent idea to develop a letter on the proper procedure of those who have objections. Attorney Fairley said that she could develop this letter. If any members of the board have any legal questions that are specific to what is coming before you, please let Mr. Betz know or send me emails that you would like me to answer for you. Attorney Fairley noted that she did not have an ordinance book yet, and she would appreciate the Board's patience. My approach has been not to read everything, but to target issues. She hopes to be articulate in the future.

MAYOR'S REPORT:

No report

ALDERMEN'S REPORT:

Alderman Sandberg was concerned of our need to develop a long range plan for our Town and suggested giving that assignment to the Planning Board. Development and growth would be affected. We also need to take erosion into consideration and rezoning issues.

4/4/02

Alderman O'Donnell noted that we had a tax increase in our valuation, yet we kept the tax the same as last year. Since we collected more last year than expected, we need to reduce the tax rate. There is still a problem with signage on the road to advertise meetings.

Alderman Flynn said that he attended the Corps' first progress review meeting today and he will attend on a monthly basis. It is too early to tell how things are going. In regard to Tom Jarrett's report, he has sent a copy to the Division of Water Resources requesting them to conduct a feasibility study and for financial support from the state. The analysis would cost \$300,000.

ADJOURNMENT:

Alderman Smith moved, seconded by Alderman Vecchione to adjourn the meeting at 11:00 p.m. The motion passed unanimously.

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



Mayor Marlow F. Bostic, Jr.

5-2-02
Date Approved

**Budget Amendment #7
Revenues**

<u>Account Name</u>	<u>Budgeted</u>	<u>Increase Decrease</u>	<u>Amended Budget</u>
10-328-00 Cable Franchise	\$12,600.00	\$16,825.00	\$29,425.00
10-348-04 CAMA Park Grant	\$87,000.00	(\$21,300.00)	\$65,700.00
10-399-00 Appropriated Fund Balance	<u>\$0.00</u>	<u>\$84,000.00</u>	<u>\$84,000.00</u>
	\$99,600.00	\$79,525.00	\$179,125.00

Revenues increased by: \$79,525.00

10-328-00 increased due to back payment of Franchise fees
 10-348-00 Reduced because \$21,300.00 of the grant are in kind services
 10-399-00 Increased to cover the Town's share of the Feasibility Study \$74,000
 and to cover Tom Jarret Contract \$10,000

Expenditures

<u>Account Name</u>	<u>Budgeted</u>	<u>Increase Decrease</u>	<u>Amended Budget</u>
10-720-74 Beach Renourish-County	\$0.00	\$84,000.00	\$84,000.00
10-620-44 CAMA Park Grant	\$87,000.00	(\$21,300.00)	\$65,700.00
10-500-76 Note Payable-BB&T	\$130,583.00	(\$5,850.00)	\$124,733.00
10-999-01 Contingency	<u>\$84,570.00</u>	<u>\$22,675.00</u>	<u>\$107,245.00</u>
	\$302,153.00	\$79,525.00	\$381,678.00

Expenditures increased by: \$79,525.00

10-720-74 Increased to Cover Town's portion of Feasibility Study \$74,000
 and to cover Tom Jarret Contract \$10,000
 10-620-44 Reduced because \$21,300.00 of the grant are in kind services
 10-500-76 Reduced to the actual payoff of the building
 10-999-01 Actual contingency is \$99,982.00 increased due to revenue increases
 (\$64,727.00 + \$22,675 = \$87,402.00)

Total Revenue Increases	<u>\$79,525.00</u>
Total	\$79,525.00

Expenditure increase for each department

Recreation	(21,300.00)
Public Facilities	(5,850.00)
Beach Renourishment	84,000.00
Contingency	<u>22,675.00</u>
Total	79,525.00

**TOWN OF NORTH TOPSAIL BEACH
BUDGET WORKSHOP
APRIL 10, 2002
6:00 P.M.**

PRESENT:

Mayor Marty Bostic, Mayor Pro-tem John Flynn, Aldermen Bill O'Donnell, Laurie Sandberg, Steve Smith and Joe Vecchione, Don Betz, Town Manager, Loraine Carbone, Town Clerk, Lydia King, Finance Officer, Danny Salese, Police Chief, Thomas Best, Fire Marshall, John Starzynski, Building Inspector, Sue McLaughlin, CAMA/Zoning Officer

QUORUM:

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

Mayor Bostic added the Resolution to Award Annual Auditor's Contract. Mr. Betz noted that we have budgeted \$9,000 in the auditor's line item. Last year we paid over \$10,000.00, but Mr. Betz re-negotiated to \$6,500.00 with the firm of Thompson, Price, Scott, Adams & Co., P.A.

Mayor Bostic said that this was a cost saving to the town. Alderman Flynn moved, seconded by Alderman O'Donnell approval of the Resolution to Award Annual Auditor's Contract. The motion passed unanimously.

BUDGET WORKSHOP:

Mr. Betz stated that the recommended budget starts with the property taxes. We have a difference in the tax value associated with unbuildable lots. Our appraised value is slightly down.

Alderman O'Donnell said we had an increase in valuation after the budget was passed last year. This is a 20% increase in property tax. Mr. Betz said if you compare back further, the 20% was to bring it back in line. Alderman O'Donnell reiterated that we paid a 25% increase. The citizens never paid taxes on re-evaluation. We are looking at a 20% increase if this budget passes. Mr. Betz said that was your action last fiscal year. Alderman O'Donnell said that the 25% was imposed on us by the County. In order to make the rate the same, we need a tax rate of .36. We didn't experience a reduction.

Alderman Sandberg said that we were valued less and it was a one time deal. Mayor Bostic said that the citizens at the town level never realized the 20% reduction. We looked at what it took for revenues. They granted a 20% across the board reduction. That reduction was harmful to our budget, so we increased. We had additional revenue come in. Mr. Betz stated that it was a level that never existed. Alderman O'Donnell said that the County changed our tax bill at the end of the year. We could have passed a budget at a reduction of .36. Mr. Betz said that re-evaluation is a

4/10/02

massive change. You have to go back to 1992 since it is an 8 year evaluation. He would have to see those numbers on a graph.

Alderman O'Donnell said that if the rate had been reduced by 20%, it would have been equal. Mr. Betz said you are advocating that you would want the tax rate to be revenue neutral to offset re-evaluation.

Mr. Betz noted that the Beach Renourishment line has been moved. The Inventory tax reimbursement is on hold.

In regard to the Cable franchise, we haven't met \$10,000 in the past so he didn't project it to be higher. Alderman O'Donnell felt that number was conservative since the franchise fee is now corrected to 5% instead of 3%.

We should earn \$21,000.00 in interest on investments, but this depends on the market. We should have some surplus vehicles. If donations come in, they will be allocated. The State is holding \$48,106 at this time. Alderman Sandberg asked about the projected revenues, are they not in question? Mr. Betz said that the Governor is trying to force legislation to make cuts. The Powell Bill was dropped \$1,000.00 because adjustments were affected by Census numbers. We don't get anything for private drives. The economy is still soft and this is economy driven. State sales taxes are also down. The Local Option Sales tax is pool money that Onslow County and the City of Jacksonville created to disburse to the other towns.

Mayor Bostic questioned the disbursement of funds based on population. Alderman Flynn said that Jacksonville's contributions were going to continue no matter what method of distribution was picked. We don't know how that will affect us at this point.

Mr. Betz said we will have a meeting here Friday, April 12th with the other town managers regarding the distribution of these funds. We need to proceed and not be hindered by other agencies.

The NCLM Grant was increased to \$1,000.00.

Alderman Sandberg said that the COPS More grant for officers would be important for long range planning. Alderman Vecchione asked what the guarantee was on our part. Chief Salese said three years and the Town has to keep it going. You could replace veteran officers. We have looked at another position for investigations. If you divide overtime, we don't have personnel for vacations. Alderman Sandberg asked that we please look at grants for the future.

Alderman Flynn said that we should try to develop estimates as to what the town would look like in 2006. Alderman Sandberg said that it would be good to document

4/10/02

now to see how things increase. Chief Salese said that they look at figures to see how we could sustain positions. The park will help us in the future for grant funds.

Mr. Betz noted that in regard to the Powell Bill, estimates for 2002/2003 will be down 1% this year. As provided by the League reports, plus overall economy factors.

Mr. Betz said that Mosquito Control is unreliable, thus not budgeting any revenue this year. In the past, we have received equipment instead of cash. Officer fees and violations are down.

Chief Salese said they plan on buying four Body Armors. The cost is \$750 and we get \$250 from the state. Last year we didn't get all of the money we were supposed to get.

Alderman Flynn noted that we have taken a conservative viewpoint of revenue.

Mayor Bostic was concerned with the \$1,000 for fire violations and thought it was a high estimate. Alderman Vecchione said that we don't know right now what will happen. We haven't tested this out yet. Mayor Bostic preferred \$500.00. Alderman Smith also thought it was high. This will be reviewed again at the next workshop.

Inspections:

Building, mechanical, electrical and plumbing permits are based on estimation of permitting, and is also economy driven. Mr. Betz said that it was a serious mistake to over-project. Mr. Starzynski said that 1000 permits were given out over 3 years. We have averaged 325 per budget year. \$750.00 is the average cost of permits for single family houses. The market trend is showing construction will go up.

Alderman O'Donnell thought that the figures were too conservative and felt that the best estimates are what happened the previous year. Alderman Sandberg said that we need to look at how much land is available. Alderman Flynn felt that we have had so many ups and downs since 1995. The interest rate will be going up. He would certainly not go along with any increase for next year since there may be a recession this year. Mr. Starzynski said that we have averaged about 30 new houses per year.

Mr. Betz noted that people are not rushing into town because of the problems at the north end and we need to be careful. If there are any changes, he will need a consensus. Alderman Sandberg stated that if we inflate figures and if we don't make it, she didn't want to reduce the tax rate one penny this year as recommended and then make an increase in the future.

Mr. Betz said it was his decision to be conservative since it is not a guaranteed revenue. Mr. Betz recommended to the Board that they be conservative on the revenues.

4/10/02

Mayor Bostic was in favor of keeping the building permits as is. Alderman O'Donnell again stated that it was too conservative.

Mr. Betz noted that CAMA has lowered slightly. Alderman Flynn asked if we look at 30 homes per year, do we see a correlation of CAMA permit fees going up. Mrs. McLaughlin said yes. We did 49 permits last year and we are now at 26. Alderman O'Donnell noted that we will collect \$4,500 this year and we have budgeted \$3200. Mr. Betz said if you budget on last year you are budgeting without consideration of the recession and state of the economy. Alderman O'Donnell stated that we have a contingency fund and if you continue this way, taxes will increase. Mr. Betz said that this recommended budget proposes a tax decrease.

Zoning permits have been budgeted at half of last year. Mr. Betz questioned zoning permits to add a deck. Mrs. McLaughlin said that it is in our ordinance. Mr. Starzynski said that every time a deck is built you have a setback. Mrs. McLaughlin also noted that you could encroach on someone's property line. Mr. Starzynski said that every building permit has to have a zoning permit and a review of a survey of the property.

Mrs. King said that the Sales Tax Refund is based on how much money we spend. It's what we get back from the state. That is money that we pay in.

In regard to the gasoline tax refund, we are close to \$5000 so we budgeted \$6000.

This concludes the review of the projected revenues.

RECESS:

The meeting recessed at 7:33 p.m.

SESSION:

The meeting came back into session at 7:40 p.m.

Governing Body:

Mayor Bostic questioned a fee for the Joint Land Use Study. Mr. Betz said the study would go forward whether or not there was municipal money.

Storm Damage: This line item should have been cleared.

Donations: The Historical Society was looking for funds. This is a combination of \$500.00 for the Historical Society and \$1000.00 for the Greater Topsail Chamber of Commerce.

Department Budgets:

Administrative: Alderman Sandberg questioned the phone and postage amounts. Mrs. King said that we use the state system and the rates are lower minute per minute. Alderman Sandberg asked if the cell phones include roaming. Mrs. King said that it

4/10/02

depends on usage. Mrs. King noted that the \$27,500.00 includes all phones, computer lines, and EMS lines, pagers, cell phones, house lines and bulk mailing, i.e. Newsletters.

Alderman O'Donnell questioned salary merit increases. Mr. Betz said that employees could get up to 5%. Alderman O'Donnell asked what percent of salary was used in terms of cost. Mr. Betz noted that labor is your biggest expense. Alderman O'Donnell questioned the cost of Life Insurance. Mrs. King said it was \$2300/year for 23 employees. Mr. Betz stated that you put a 5% merit raise in the budget, but not everyone would get 5%. Alderman O'Donnell questioned if it was better to figure on history since some deserve 5% and some don't. You should build into the budget an average. Mr. Betz said that is a valid point. Alderman Sandberg felt that we should keep the 5% merit raise. Alderman O'Donnell said that we are taxing people based on paying everyone 5%. Alderman Flynn asked what the average was for the past couple of years. Mr. Betz would have to produce a comparison, but historically it has been 5%. He will have a report for the Board on May 2nd. Mr. Betz felt that other factors influence raises if there is a vacancy, since a new person would not get 5%.

Planning & Zoning:

Alderman Flynn questioned the high amount for vehicle maintenance. (\$850.00) Mr. Betz said that we could reduce that figure since we just put tires on, which was included in this budget, but just became necessary to do last week. The consensus was to reduce it to \$500.00.

Inspections:

Alderman Flynn questioned the new line item "Outreach". Mr. Betz said that this is a new initiative. Mr. Starzynski noted that he would be attending a seminar with Jacksonville. We are trying to bring in people to our area to teach new codes to contractors. We could hold seminars here in town hall. Alderman Flynn felt that there was no value to the citizens, just to builders. The contractor should be paying, not us. Mr. Starzynski said that it does benefit citizens to have contractors up to code. Alderman Sandberg questioned if Surf City and Topsail Beach could join us and divide the cost three ways. She could bring this up at the Four Town Meeting. Alderman Flynn said that it looks like we are force feeding contractors with data. Alderman O'Donnell felt it should be self-supported by contractors. Mr. Starzynski said there are limited resources for contractors. Alderman Flynn suggested a lesser amount of money to test run a class. The consensus was to budget \$300.00.

Training: The consensus was to reduce training from \$1,500 to \$750.00.

Supplies: Mr. Starzynski said he could eliminate Standard Amusement Device Code book. Alderman Flynn suggested searching on the internet for information since we can't afford all the books. \$1500 was reduced to \$650.00

4/10/02

Alderman O'Donnell noted that dues and subscriptions were up and he questioned the Flood Plain Manager fees. Mr. Starzynski noted that was required. Alderman O'Donnell felt that it was over-training for him. \$300 was reduced to \$225.00.

Alderman Sandberg asked that the \$50 in Miscellaneous be taken out.

Police Department:

Alderman O'Donnell questioned professional services. Chief Sales said that it was for physicals, shots, rape kits, etc.

Alderman O'Donnell questioned the increase in part time salaries. Chief Salese said that he raised salaries by \$1.00 because of the hours and time we are getting from them. Alderman O'Donnell felt it was an 11% increase. Chief Salese said he also increased their hours.

Alderman O'Donnell said there was an increase in salaries. Mr. Betz said they put \$10,000 in for over time. Alderman O'Donnell questioned increasing part time salaries and also giving overtime. Chief Salese said that he doesn't know when they will use it. He has to take into consideration court subpoenas, hearings and training. Holidays are also included. They should get paid for 12 hours instead of 8 hours for a holiday. It is necessary to budget overtime monies to be compliant with labor laws if overtime occurs.

Alderman Flynn questioned training. Chief Salese said he added ammunition in that line. Uniforms and vests were taken out of the budget last year. We put it in this year. Alderman Flynn suggested trying an accrual plan system.

Dues and Subscriptions: It was suggested to redefine these in other line items, to identify fee charges for computers in patrol cars and other required fees.

RECESS:

The meeting recessed at 8:52 p.m.

SESSION:

The meeting was called back into session at 9:00 p.m.

Public Works:

Mayor Bostic questioned Maintenance and repair of vehicles. Mr. Best noted that they would have to replace parts on the 5 ton.

Alderman O'Donnell questioned why miscellaneous was increased to \$500.00 and asked that it be put back to \$100.00. The consensus of the Board was to budget only \$100.00.

4/10/02

Alderman Smith questioned capital outlay and asked what we bought this year. Mrs. King said the white Ford truck was purchased. Mayor Bostic was concerned that it shows up twice and it is confusing. Alderman Flynn said we could revisit this at the next meeting and see what the requirements are as it is more of an accounting mechanism than a dollar issue.

Fire Department:

Mr. Best said that insurance will go up if we don't get more active volunteers. Just three volunteers answered the last call. Mr. Best is suggesting that we implement a "Paid Per Call" program. If we get activated, the volunteer has to show up at the call and will be paid \$8.00 for the first hour. If we run over the hour, the 2nd hour becomes \$6/hr. thereafter. This does not include EMS calls. Alderman O'Donnell felt that we should base their pay on what they actually work. Mr. Best said that the incentive is the first hour. If we are inspected now, our ISO rating will go up because we do not have manpower. Fire regulations insist that you go to any call and consider it a fire call.

Alderman O'Donnell said that we don't have structure fires that equipment has to be on the road. Alderman Vecchione said that when a call comes in they do not know what they are up against. Alderman Sandberg said we should do it. Mr. Best noted that other towns are doing this. Mr. Betz suggested basing it on 20 people instead of 25. Alderman Flynn said to initiate the program as a test and to write out protocols. He will support this, but then it will become a test case to see how it will work. Alderman Flynn did not want to wait until July if this is mandated for safety. He suggested finding the money and do it. Alderman O'Donnell felt that we should review the regulations to see if this is clearly in writing that we have to do this.

The consensus was to allocate \$4,000 for 2 months and to do a Budget Amendment. Alderman Sandberg questioned maintenance repair. Mr. Best said that they have to anticipate repairs every day since sand ends up in their vehicles.

Alderman O'Donnell said that dues and subscriptions went up. The State roster fees went up to \$10.00 from \$5.00. New software is \$400.00.

Public Buildings:

Mr. Betz said we will need routine maintenance. We also need to address the air conditioning system in Town Hall. The air conditioning for upstairs is not running and it is designed for residential. It's an engineering design problem. There is also an erosion problem under the building. A recommendation will be developed to include funding in this budget to address this issue and may be divided over two fiscal budgets.

Mayor Bostic asked if \$19,000.00 is the maximum it would cost to repair the air conditioner. Mr. Betz said that this is a rough preliminary proposal, \$15,000.00 to \$19,000.00.

4/10/02

Dunes: Maintenance and repair: Mr. Betz said we would continue to do fencing, planting and pushing.

Alderman Smith questioned the contingency of \$10,000 and felt it was not enough money. Undesignated fund balance is cash on hand, an emergency fund. There is \$900,000 in the unappropriated fund balance. Alderman Smith suggested putting \$30,000 in the dune account and put another \$10,000 in contingency. Alderman Sandberg agreed with Alderman Smith. Alderman Flynn said if we have a contingency and if we have a hurricane, the contingency is meaningless. He would rather the \$40,000 stay as is so we can plan to do what we need regarding dune maintenance during the year.

Mayor Bostic questioned the use of privilege licenses for campsites and asked if we could charge for campsites individually. Mr. Betz will research this issue.

Refuse Collection:

Mr. Betz noted that staff recommendation is to discontinue sanitation service to the campgrounds. The contract with Waste Industries established a service count. Within the count are campgrounds as well as condos. Campgrounds are commercial properties, not residential. All units are serviced by dumpsters. There is a split between residential and condos and campgrounds. Waste Industries gets credit and citizens are subsidizing the camp grounds. If we drop camp sites, Waste Industries' revenue drops. Originally, the cost for collection for single homes was \$6.50 per unit per month. Multifamily units were added with dumpsters. Waste Industries absorbs the tipping fees, but the Town pays on singles.

One issue is that the Town collects, in the case of Roger's Bay Campgrounds, only \$130.00 in revenue through the tax billing process of \$65.00 per parcel and yet the cost of service is over \$24,000.00. We cannot continue with this arrangement. That is the first issue.

The second issue is developing a more equitable method of charging for refuse collection service. The unimproved lots should be charged approximately \$30.00/per parcel per year to cover Town-wide expenses and the "improved" lots that receive a higher level of service should be charged approximately \$75.00/per parcel per year to cover that level of service, as well as provide revenue for County tipping fees and County collection fees.

Alderman O'Donnell felt that we shouldn't make money on this. Mr. Betz noted that our Audit shows we are losing money. We are also picking up items we shouldn't, i.e. rentals, people moving. Mayor Bostic said that we have been doing this for a long time. Alderman O'Donnell said we need to keep this revenue neutral and not make money on it. Mr. Betz asked if the Board wanted to go forward on dropping the camp

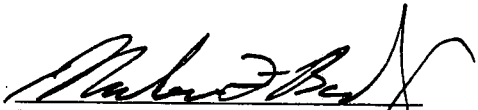
4/10/02

grounds commercial properties on our contract. The consensus was yes. Alderman Flynn said we need to look at the legalities. Alderman O'Donnell suggested that we offer them what it costs us. They may choose not to do it. Mayor Bostic noted that we are bound to put a cart at each of the sites. Mr. Betz will look into this further.

ADJOURNMENT:

Alderman Smith moved, seconded by Alderman Vecchione to adjourn the meeting at 10:07 p.m.

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



Mayor Marlow F. Bostic, Jr

5-2-02
Date Approved

**TOWN OF NORTH TOPSAIL BEACH
REGULAR BOARD MEETING
MAY 2, 2002
7:00 P.M.**

PRESENT:

Mayor Marty Bostic, Mayor Pro-tem John Flynn, Aldermen Bill O'Donnell, Laurie Sandberg, Steve Smith and Joe Vecchione, Don Betz, Town Manager, Loraine Carbone, Town Clerk, Mary C. Fairley, Town Attorney

QUORUM:

Mayor Bostic called the meeting to order at 7:04 p.m. in the North Topsail Beach meeting room and declared a quorum present.

INVOCATION:

Mr. Grady Gambill from the North Topsail Shores Baptist Church gave the Invocation.

PLEDGE OF ALLEGIANCE:

Mayor Pro Tem John Flynn led the group in reciting the Pledge of Allegiance.

APPROVAL OF AGENDA:

Additions to the Agenda: Resolution Authorizing HVAC Retrofit for NTB Town Hall to Right Angle Engineering, P.C. in the Amount of \$4,200.00; Resolution Indemnifying and Holding Harmless Owner of Land Wherein Town Maintains a Dune Crossover; Resolution Requesting that Municipal Revenue Sources be Made Secure. Resolution in Support of D.O.T. to secure funds. Additional application to Planning Board. Delete Budget Amendment #8.

Alderman Sandberg moved, seconded by Alderman Vecchione approval of the agenda as presented. The motion passed 4 to 1 with Alderman Smith voting nay.

REQUEST TO ADDRESS THE BOARD:

Jim Milligan, Planning Board Chairman, stated that the committee met April 11, 2002 and reviewed the final plat presented by John Parker on Bowden Shores. They answered all of our questions on public use of easements. Mr. Barnes assured members that the accesses would remain public. The final plat was approved unanimously. Mr. Milligan noted that they now have a map on the cork board that will be kept updated for the public to view.

OPEN FORUM:

Gene Falco, of 1973 New River Inlet Road, said he is concerned about erosion, but wanted to remind us that it is in God's hand to control the shoreline. God will take away or build up the sand. He said that this is a sign that perhaps we are doing something wrong.

Chris Holman, of 208 Port Drive, said he has lived here since 1991. He noted that we will be asking for taxpayer dollars to repair the beaches. His concern is the present

5/2/02

tax situation with Mayor Bostic. He stated that it doesn't benefit the Town to ask for tax money and the mayor has an issue.

Sam McGinn noted that he has lived here for 36 years. He was on the Board with Mayor Bostic in the early 90's. They had erosion problems before and Marty worked to fix it at his expense. He helped a lot of people. He's working on his troubles. Give him a chance.

CONSENT AGENDA:

The Consent Agenda consists of the following:

April 4, 2002 Regular Board Meeting Minutes; April 10, 2002 Budget Workshop Minutes; Department Head Reports; Comp Time Report.

Alderman Sandberg noted that the April 4 minutes should state that the Public Hearing was held at the Planning Board meeting in February. In the April 10th minutes, change \$1500 and \$1900 to \$15,000 and 19,000.

Mayor Pro Tem Flynn moved, seconded by Alderman Vecchione approval of the Consent Agenda as presented and corrected. The motion passed unanimously.

OLD BUSINESS:

REVIEW OF FINAL PLAT AND SITE DEVELOPMENT PLAN FOR THE PLANNED RESIDENTIAL DEVELOPMENT OF BOWDEN SHORES:

The Planning Board approved the Final Plat and the Site Development Plan on April 11, 2002, for Bowden Shores.

Mr. John Parker will present the Final Plat and the final Site Development Plan for Bowden Shores.

Review of the sketch plan shows the following:

1. State Streets: This development will be serviced by two private drives which enter onto Highway 1568 and will be constructed by developer. The owner has decided that the drives will be named Bowden Drive and Dick Barnes Drive.
2. Water and Sewer: The water and sewer will be individual taps with easements for each property owner; the easements are noted on the site development plan.
3. Open Space: Open space has been designated at this time; this is shown on the site development plan.
4. Access: A 10' Public Access is shown on the site development plan.

5/2/02

5. Flood Insurance: These lots will not be eligible for federal flood insurance as they are in the CBRA area.
6. CAMA: At the current time Mr. Barnes will apply for a Minor CAMA Permit to develop this property (this is within CAMA rules). Jim Gregson, with the Division of Coastal Management, has recommended that the site development plan be sent to Land Quality for review. This review may decide that a Major CAMA permit may be required for this development.
7. Fire Hydrants: Two fire hydrants are shown on the site development plan as per the Fire Marshal request.

Mr. Parker noted that this is the next stage of the review of the plan. The only difference is that the plan is enhanced to show additional information. Fire hydrants are reflected as well as water and sewer and easements. Local measures are required when construction takes place. Once the final plat is submitted, it would go on record in the Deed's Office. Mr. Parker stated that they discussed the use of the walkway to the sound in meeting the open space criteria. The Planning Board accepted the proposal that the walkway would become a public walkway. The easement for that area would be recorded on the final plat. It cannot become a private easement and this would be covered in the homeowner's association. They would be responsible for maintenance.

Mayor Pro Tem Flynn asked if there were general restrictions. He noted that under driveways and parking, there is an annotation on the edge of the map that the lot should be paved either asphalt or concrete. Mr. Parker said that the applicant mistakenly included that. We know the town does not allow paving of driveways. Mr. Barnes said that this has not been finalized and the attorney continues to work on the plan.

Alderman Sandberg noted that part of the covenants was missing. Mr. Parker said they would provide them with the final when it is recorded.

Alderman Vecchione asked if they were using Jenkins Way for an access. Mr. Parker said yes. Alderman Vecchione was concerned with the maintenance of litter and debris. Mr. Parker said the area would be maintained.

Alderman O'Donnell moved, seconded by Alderman Sandberg approval of the Final Plat Review and Site Development Plan for Bowden Shores. The motion passed unanimously.

**FINAL PLAT REVIEW AND SITE DEVELOPMENT PLAN
FOR BOWDEN SHORES
A PLANNED RESIDENTIAL DEVELOPMENT**

Whereas, Parker & Associates, Inc, 306 New Bridge Street, Jacksonville, NC, has filed a Site Development Plan and Final Plat with the Town of North Topsail Beach on behalf of Mr. Richard Barnes, owner of record for Tax Parcel 36; and

5/2/02

Whereas, the Planning Board, for the Town of North Topsail Beach approved the Final Plat and the Site Development Plan for the Planned Residential Development of Bowden Shores on April 11, 2002; and

Whereas, Section 7-219.1 provides that the site development plan, together with guarantee of improvements and accompanied material, shall be reviewed by the North Topsail Beach Board of Aldermen within forty-five days after first consideration by the Planning Board; and

Whereas, if the plan is approved, approval shall be noted on at least three copies of the plan. One copy shall be transmitted to the town clerk, who shall retain it for public examination, one copy shall be returned to the sub divider and one shall be retained by the planning board.

Now therefore be it resolved that the Board of Aldermen for the Town of North Topsail Beach does hereby approve the Site Development Plan and Final Plat for the Planned Residential Development for Bowden Shores.

Adopted this 2nd day of May, 2002

Appointment to Planning Board:

This item was presented to the Board last month, but not all of the applications were the same. The expiration of three terms of office for members of the Planning Board is pending. All three current members of the Board are seeking reappointment and there are three new applicants. Please find attached copies of all applications for appointment.

Also, the Board should consider an alternate to the Planning Board.

The existing terms and members are:

- Sallie McGuire April 7, 2002
- Ron Coy April 7, 2002
- Carol Franzen May 7, 2002

New Applicants are: Paul Dorazio; Gunnar Matthews; Harold Hunt; R. Jeff Stultz

Alderman Sandberg noted that the issue of appointing an alternate is before us and recommend that we do not give an alternate arbitrary voting rights. They could attend meetings, but not vote if someone is absent. Alderman O'Donnell felt that would defeat the purpose of an alternate. Mayor Bostic said we should vote on the planning board members first.

Mayor Bostic asked for nominations for the Planning Board. Alderman Sandberg nominated Paul Dorazio, Harold Hunt and Ronald Coy. Alderman O'Donnell added Sallie McGuire. Alderman Vecchione noted that the Chairman of the Planning Board, Mr. Milligan, is satisfied with who is on the board now. He suggested that we appoint the same members and go with an alternate at this time.

Mayor Pro Tem Flynn supported the re-nomination of McGuire, Coy and Franzen and suggested that we view the use of 2 alternates as opposed to one.

5/2/02

Mayor Bostic asked for 3 choices from the Board. By paper ballot, the 3 existing members have been reappointed.

The alternates are Paul Dorazio and Harold Hunt. Mayor Pro Tem Flynn moved, seconded by Alderman Sandberg the selection of Paul Dorazio and Harold Hunt as alternates to the Planning Board. Alderman O'Donnell moved, seconded by Alderman Sandberg to appoint Paul Dorazio as the senior alternate so that he steps in if someone doesn't show up. The motion passed unanimously.

Mr. Betz questioned if this was for a 3 year term and Alderman Vecchione confirmed that it was.

NEW BUSINESS:

Resolution Requesting the Mayor to Consider Appropriate Action:

The staff has prepared the enclosed resolution at the request of some members of the Board of Aldermen in response to telephone calls, e-mails, personal visits and comments that they have received regarding the charges brought against the Mayor, as an individual, and not as a member of the Board of Aldermen for the Town, but that reflect negatively on the Town and the Board.

Rather than the Board individually make comments concerning this issue, a resolution was prepared for the Board to consider as one.

**Resolution Requesting the Mayor for the Town of North Topsail Beach
To consider the appropriate action regarding his continued service
To the Citizens of the Town of North Topsail Beach**

Whereas, the General Statutes for the State of North Carolina hereinafter provides in GS.160A-66 that each city shall be governed by a mayor, who shall be elected from the city at large for a term of two years; and

Whereas, GS. 160A-101, section (8) (a), the mayor shall be elected by all the qualified voters of the city for a term of not less than two years, nor more than four years; and

Whereas, GS. 160A-67 states that the powers and duties of the mayor shall be such as are conferred upon him by law, together with such other powers and duties as may be conferred upon him by the council pursuant to law. The **mayor** shall be recognized as the official head of the city for the purpose of service of civil process and for all ceremonial purposes; and

Whereas, GS. 160A-69 states that the **mayor** shall preside at all council meetings; and further that these statutes are consistent with the Charter for the Town of North Topsail Beach in that Chapter III, Governing Body, Section 3-4 states that the qualified voters of the entire town elect the **mayor**, and shall serve a two year term; and

Whereas, the Mayor for the Town of North Topsail Beach has recently been charged and has acknowledged the failure to pay state income taxes for a number of years to the State of North Carolina; and

Now therefore be it resolved that the Board of Aldermen for the Town of North Topsail Beach deplore these charges and request that the Mayor consider what appropriate personal action he should take in light of the charges filed against him by the State of North Carolina. Said charges provide a significant distraction to (the Mayor and) the Board of Aldermen in carrying out the responsibilities of their (respective) offices. The Board of Aldermen respectfully requests the Mayor act in the best interests of the Town and advise its citizens of his intent to continue service as Mayor.

5/2/02

At this time, Mayor Bostic excused himself from consideration of this item and yielded the chair to Mayor Pro Tem Flynn.

Mayor Pro Tem Flynn noted that the resolution reflects comments from citizens concerning what disposition the mayor will make of the charges made against him. Most comments have to do with what will happen and what action will the mayor take. Actions of this magnitude can diminish the Mayor's effectiveness. A request has been made that the mayor considers what his appropriate personal action is. This Resolution is not intended to be legally influential. There is a court hearing in the future. At the present time, the Board is asking the mayor to provide us with what appropriate personal action he should take. Mayor Pro Tem Flynn called upon any member of the board to make comments regarding this Resolution.

Alderman Smith said that the mayor's situation has not affected his responsibility to the Town at all. He stated that he hasn't had any phone calls about the mayor. It is personal situation. Alderman Smith noted that he has owed taxes before and paid them back monthly. We are a group and we can't satisfy everyone. We don't make everyone happy and we are doing the best we can. Mayor Bostic has lived in this town and he would do anything for you. We have a limited budget as to what we can do at the north end. We've jumped too quickly with this Resolution and the mayor is innocent until proven guilty and it is his private business. We have all had personal problems. Alderman Smith felt that the news media should publish what the mayor does good. The Town doesn't need bad publicity. I don't know what good this resolution would do. Anyone is welcomed to run against him at the next election.

Alderman Vecchione said in light of the situation, he has received a number of phone calls and emails. He said that he takes issues into consideration when citizens call. Alderman Vecchione moved on the citizens behalf to accept this Resolution.

Mayor Pro Tem Flynn asked if there was a second to the motion.

Alderman O'Donnell said that he was sorry that we were spending time discussing this issue when houses are falling into the ocean. This is a personal issue between the mayor and the State of North Carolina. He said that this has not been a distraction for him.

Mayor Pro Tem Flynn asked Mayor Bostic if he wanted to provide comment at this time.

Mayor Bostic acknowledged the situation and said that he hasn't dodged it. He noted that he has served on several Boards since the Town was incorporated in 1990. In July of 91, Mayor Bostic said that Sam McGinn was on his way to Jacksonville to file for alderman and asked him to go with him for an alderman seat. Mayor Bostic said he declined. Later that fall, the citizens came to him and he ran for Mayor as a write-in

5/2/02

candidate and he won. He said if you list everyone who has been elected and who are current residents and those who moved, 80% elected are no longer residents. I'm here to stay. I do not plan to resign, but I may step aside. I love this Town and I love this Island. I don't try intentionally to be in the paper. I try to have a positive attitude with the town. I plan to straighten out my problems and put it behind me pretty soon. Life goes on, but I'll be here. We need to solve the other problems in town.

Mayor Pro Tem Flynn stated that the motion to support the Resolution failed to receive a second. He then turned the proceedings over to Mayor Bostic.

Resolution to Create an Erosion Control Planning Committee for the Town of North Topsail Beach:

In response to concerns expressed by the Mayor, Aldermen, and residents of the Town of North Topsail Beach as well as by consultants and outside agencies, the attached resolution is presented to formulate an Erosion Control Plan to address immediate erosion situations and to plan for the future.

The Board of Alderman has been proactive in addressing the issue of Beach Renourishment with the committee's activities, various presentations, securing funding from Onslow County, signing the Feasibility study with the Corps of Engineers transferring \$74,000.00 to it, retaining Tom Jarrett of Coastal Engineering for a study of shoreline management alternatives and review of the CORBA issues for \$10,000.00, but individuals are still concerned, confused and frustrated by a lack of an erosion control plan or response.

The establishment and focus of this committee would assist the Board in addressing this issue in a pragmatic method.

**Resolution to Create an Erosion Control Planning Committee
For the Town of North Topsail Beach**

Whereas, property owners within the corporate limits of the Town of North Topsail Beach have, especially at the north end of New River Inlet Road, (State Road 1568), experienced significant ocean front property erosion; and

Whereas, the Town of North Topsail Beach facilitated a panel discussion at Town Hall on May 1, 2001, at 6 p.m. for property owners. The panel included representatives from the Army Corps of Engineers, Division of Coastal Management and NC Sea Grant, who presented comments concerning inlet dredging, sandbagging, and a long-term beach renourishment; and

Whereas, the Town of North Topsail Beach established a Beach Nourishment Committee to examine and facilitate the development of the feasibility of a Shoreline Protection project for the Town of North Topsail Beach; and

Whereas, such a process is a long-range methodology to address the six to eight year project management plan for implementation from the feasibility phase through the completion of construction of such a project; and

5/2/02

Whereas, the establishment of an Erosion Control Planning Committee would be directed to review the Planning Assistance Report for Shoreline Management Alternatives as submitted by Tom Jarrett, Coastal Engineering, and to make recommendations to the Board of Aldermen ; and

Whereas, the committee could hold public hearings to gather information and to discuss the development of new sand management strategies as well as the use of hard structures, including groins. The committee should develop a strategy for an Erosion Control Plan for presentation to the Board of Aldermen; and

Whereas, the leadership for this committee should be provided by a member of the Board of Aldermen due to the seriousness of the issue and the possible funding requirements that may emerge as part of the recommendations for the Board; and

Now Therefore Be It resolved that the Board of Aldermen for the Town of North Topsail Beach does hereby create an Erosion Control Planning Committee to make recommendations to the Board concerning an erosion control plan. The committee shall be chaired by Alderman Steve Smith, with staff assistance provided by the Town Manager, or his designee, and application by citizen volunteers through advertisement to serve.

Adopted this 2nd day of May, 2002.

Loraine M. Carbone
Town Clerk

Marlow F. Bostic, Jr.
Mayor

Alderman Sandberg said forming this committee was a good idea. Mayor Pro Tem Flynn noted that he had recommended an erosion committee before. This is a valuable committee to have, but there will be a significant amount of dedicated work ahead. This is not a simple task to take on. Alderman Sandberg moved, seconded by Mayor Pro Tem Flynn to adopt the Resolution to Create an Erosion Control Planning Committee for the Town of North Topsail Beach and nominated Alderman Smith to chair the Committee. The motion passed unanimously.

Mayor Bostic said that he personally wanted a citizen in charge of this. We have to form an organized group. We have looked at long term shoreline protection, but we have to look at it for the short term.

Soundra Bertarelli noted that she lives in a home that is in imminent danger. She said she has days before her home will be uninhabitable. She is trying to save her home. She received a letter saying her sea wall has to come down. Mrs. Bertarelli asked what is this committee going to do and how fast will they do it. She noted that when she takes her wall down her house will be destroyed. Mrs. Bertarelli said it was nice to form committees, but we need to come up with strategies to help us now. She lives there full time and has no other options. How fast can this committee work?

Mayor Bostic asked Alderman Smith when he could have a meeting. Mrs. Bertarelli said that she needed physical help now. Alderman Smith asked Mrs. Bertarelli to serve on the committee. Mrs. Bertarelli said no since no one is helping her. She will be forced to go to Hong Kong and she won't be here. Stephen Taylor said he would be happy to meet with Alderman Smith. Alderman Smith asked Dick Farley to co-chair

5/2/02

the committee. Mr. Farley said I don't think so, I don't like the way the committee is set up. At a recent meeting that I served on, people had to abstain from voting because they were aldermen. The purpose of a committee is to bring suggestions; aldermen cause a conflict of interest.

Mayor Bostic asked for a citizen committee. James McGuirt nominated Mike Rabinowitz to be on the committee. Mayor Bostic said that we need an aggressive and small committee. Mr. Gene Falco said he could steer things in a Godly direction. He said that this is an emergency situation and we need to keep the focus that the fear of God is a key element. Mayor Bostic noted that we will address erosion in the town and hopefully the immediate problems there, but that Mr. Falco was invited to be on the committee.

Mr. Knowles stated that the next four days will be crucial and asked if tomorrow was feasible to have a meeting. Alderman Smith suggested 9:00 a.m. on Friday. That time was not convenient for everyone.

The Erosion Committee meeting was set for Saturday, May 4th at 9:00 a.m.

Mayor Bostic noted that there are some things in the works that should be positive and we should know more tomorrow.

Resolution Park & Recreation Committee:

One of the items in the Manager's report for the Board meeting of April 4th, 2002, was item 7, that suggested that the Board consider forming a Park & Recreation Committee not only as an oversight aspect for the construction of the new park, but also scheduling activities, operational hours, rules and regulations or guidelines for the Board to consider as recreational activities develop, i.e. family picnics, etc.

The Town has a well established Beautification and Appearance Committee that has set a good example for citizen participation.

Staff would recommend the establishment of a Park & Recreation Committee by the Board.

**Resolution to Create a Park & Recreation Committee
For the Town of North Topsail Beach**

Whereas, the Town of North Topsail Beach has embarked upon the development of a recreational park which has received significant funding; and

Whereas, the State of North Carolina has issued a long-term lease of property, previously leased to Onslow County for use as recreational activities to the Town of North Topsail Beach; and

Whereas, the Town has received a Stormwater Permit from the Division of Water Quality and a major CAMA permit enabling the Town to award the construction contracts as of April 4th, 2002 to the lowest, responsible and qualified bidders; and

5/2/02

Whereas, the development of this new town park will create an awareness for recreational activities for residents and visitors alike justifying the need to establish a Committee with overall responsibility for identifying activities as planned within the new park as well as the Town, hours of operation, rules for use, signage, and related issues for park or recreational use; and

Whereas, the leadership for this committee should be provided by a member of the Board of Aldermen, or a leader of the community, with the balance of the committee being citizen volunteers willing to serve and supported by recreational resource people and Town staff; and

Now Therefore Be It resolved that the Board of Aldermen for the Town of North Topsail Beach does hereby create a **Park & Recreation Committee** to be chaired by a member of the Board, or leader of the community, with staff assistance provided by the Town Manager, or his designee, and application by citizen volunteers through advertisement to serve.

Adopted this 2nd day of May, 2002.

Loraine M. Carbone
Town Clerk

Marlow F. Bostic, Jr.
Mayor

Alderman Sandberg suggested that Sallie McGuire chair this committee and have the Beautification Committee oversee it. Mayor Pro Tem Flynn said that there could be sub-committees under an umbrella of recreation.

It was suggested to change the name of the committee to "Recreation and Appearance Committee" with subcommittees under that.

Alderman Sandberg suggested trying to get Mr. Stoltz and Pat Crist to serve since they had applied to the Planning Board. Alderman O'Donnell agreed with Aldermen Sandberg and Mayor Pro Tem Flynn that we collapse the committees in one main committee. We need to be careful in creating numerous committees. Alderman Sandberg noted that the Beautification Committee has a lot of members and they could be divided into sub-committees.

Alderman Vecchione moved, seconded by Mayor Pro Tem Flynn to adopt the Resolution to create a Recreation and Appearance Committee for the Town of North Topsail Beach. Alderman O'Donnell suggested we use Beautification instead of Appearance. Mayor Bostic asked for a consensus. The consensus was to use "Appearance". The motion passed unanimously.

Sallie McGuire will be asked to head this committee. Loraine Carbone thanked Sallie McGuire and her committee for participating in Spring Fling.

Mr. Betz noted that "Save the Turtle" License Plate Applications were available on the back table.

RECESS:

The meeting recessed at 8:27 p.m.

5/2/02

SESSION:

The meeting was called to session at 8:45 p.m.

Ordinance Establishing a Capital Project for New Town Park for Fiscal Year 2002-2003:

Please find enclosed an Ordinance document establishing a Capital Project for the New Town Park. The local government budget and fiscal control action requires the Town to adopt an ordinance for a capital project involving the construction of a capital asset, such as the park.

The Town has taken several steps in securing the funding for the park and the Board has awarded contracts for constructing the park, which will be underway in May. A budget sheet is included to illustrate the revenues and expenditures for the project.

With the various revenues sources involved and the requirements of the contract with the NC Department of Environment and Natural Resources this ordinance is necessary to provide the financial control for the project.

**Ordinance Establishing a Capital Project for New Town Park
For Fiscal Year 2002-2003**

Whereas, the General Statutes for the State of North Carolina, 159-13.2 defines "capital project" as a project financed in whole or in part by the proceeds of bonds, or notes, or debt instruments or a project involving the construction or acquisition of a capital asset; and

Whereas, a local government may authorize and budget for a capital project in a project ordinance which authorizes all appropriations necessary for the completion of the project. This ordinance does not need to be readopted in any subsequent fiscal year, but the local government body shall not begin the project until it has adopted a balanced project ordinance for the life of the project. A project ordinance is balanced when revenues estimated to be available for the project equal appropriations for the project; and

Whereas, the Board of Aldermen for the Town of North Topsail Beach adopted a Resolution and Contract Agreement for a Public Beach and Coastal Waterfront Access Program for the Town with the North Carolina Department of Environment and Natural Resources in the amount of \$65,700.00 on December 6th, 2001 as part of the funding needed for a new park; and

Whereas, the Town has received a PARTF grant in the amount of \$77,000.00 and a grant from DRC, Inc. in the amount of \$30,000.00 for total revenues of \$172,700.00; and

Whereas, the Town has awarded construction contracts totaling \$126,033.00 and has incurred engineering design service charges of \$13,351.00 to date for a total of \$139,384.00. The other appropriations for expenditures associated with the project are illustrated on the attached budget document; and

Now Therefore Be It Resolved, that the Board of Aldermen for the Town of North Topsail Beach authorizes the ordinance establishing a Capital Project for a new Town Park for Fiscal Year 2002-2003 in the amount of \$172,700.00 as provided for in the budget document.

Adopted this 2nd day of May, 2002

5/2/02

Alderman Smith moved, seconded by Alderman Vecchione adoption of the Ordinance Establishing a Capital Project for the New Town Park for Fiscal Year 2002-2003. The motion passed unanimously.

New River Inlet Update:

Mayor Pro Tem Flynn stated that he attended the CRC meetings on April 24th and 25th in Morehead City. Rules on Inlet relocation were given by Doug Huggett, NC Division of Coastal Management. He discussed three types of inlet projects. He also presented CRC rules and CAMA general use standards. Mr. Huggett gave suggestions that would strengthen the CRC review process and authority. His presentation of suggestions was intended to make it more difficult for major permits to proceed forward and gain approval. The environmental viewpoint of any modification to the coast when looked at by the CRC and CAMA rules are very difficult to move forward. We will be looking at a major permit to do something at the New River Inlet in the near future and he thought it would be an extraordinarily difficult chore to move forward with the permitting process.

There was a presentation by Dr. Pete Peterson, UNC on the biological impacts of beach nourishment at Bogue Banks. He felt that nourished beaches are not as biologically rich as untouched beaches. Sample sand content on the beach decreased from 100% to 90% when they did the beach nourishment. The increase in sand weight made it difficult for animals to burrow. He also felt that shorebirds and prey fish are negatively affected. He suggested that mitigation clauses should be required in Bogue Banks areas and that a long term study was required. He essentially was negative on what was apparently a very short and not a broad ranging study. His conclusion was that beach nourishment had a significantly negative impact.

Dr. Martin Posey of UNCW spoke on the biological impacts of beach nourishment at Kure Beach. He gave the results of a five year study of the borrow area. He said that bottom feeding critters had returned to pre-mining levels in 9 months and he saw little or no long-term impact in the area. He cited the need for pre-project and long-term monitoring to provide an assurance of safety.

Mayor Pro Tem Flynn attended the U.S. Army Corps of Engineers Project Review meeting today in Wilmington. A presentation was made by Dr. Chris Dumas, UNCW, concerning economic analysis requirements within beach nourishment modes and relationships of recreation desires at renourished beaches. He spoke of beach accesses and parking data that are required. The Corps will provide Mayor Pro Tem Flynn with background data regarding the groin data permitting information on Topsail Beach.

The CBRA LO6 GIS has not been re-worked in about nine years. A representative from Fish & Wildlife from Raleigh said that the LO6 GIS map has been re-worked and we should have it by July 1st. This should show the new CBRA lines. The new CBRA

5/2/02

contact in D.C. is Paul Souza. Dr. Cleary will perform the initial borrow site search for the Corps for our particular borrow site investigation for NTB. He will do the entire trace off the coast of NTB.

Mayor Bostic asked Mayor Pro Tem Flynn if he has seen the cost figure on the annual dredging in the river. Mayor Pro Tem Flynn said he has seen the appropriation figure on that, but it varies. The last one was about \$154,000.00 for the New River Inlet dredging. That data would be available from the dredging people at the Corps.

Resolution Authorizing HVAC Retrofit:

The attached resolution was intended to be in the Agenda package as it was prepared previously, but was misplaced in the process of preparing the agenda.

The resolution is a result of a mechanical engineer conducting an extensive visual inspection of the entire system, reviewing existing data and observing the operation of the system.

It is recommended that the Board approve the resolution proceeding to direct an engineer to provide the design work for a contractor to follow in solving the problem. The overall recommendation is to design a retro-fit variable air volume system, zoned to meet the designated occupancy of the building. The engineer will also seek formal bids for the construction work and installation of the equipment.

Mr. Betz noted that if you have been upstairs you know it is hot. Alderman O'Donnell asked if they could also do the work. Mr. Betz said no, a contractor would have to be hired. Many contractors have tried to repair the present system and could not. Alderman Smith questioned the price just for the design work. He noted that the system is not designed for this structure.

Alderman Sandberg asked if we could use any equipment we have or do we have to start from scratch. Mr. Betz said that he doesn't know at this time. A lot of work needs to be done upstairs.

Mayor Bostic noted that during construction of the building, two things were changed without board approval. We need to also address the unit in the meeting room since there are times that we cannot hear because of the noise. Mr. Betz said that we could look at that.

Mayor Pro Tem Flynn stated that the system is not workable and the heat is unbearable. Mayor Pro Tem Flynn moved, seconded by Alderman Smith to adopt the Resolution Authorizing HVAC Retrofit for North Topsail Beach Town Hall to Right Angle Engineering, P.C. in the amount of \$4200.00. The motion passed unanimously.

5/2/02

**Resolution Authorizing HVAC Retrofit for North Topsail Beach
Town Hall to Right Angle Engineering, P.C. in the amount of \$4200.00**

Whereas, the construction of the Town Hall building in Fiscal 96-97 appears to have involved an insufficient air conditioning system which recommended the desire to eliminate outside air from the mechanical systems; and

Whereas, a number of compressors have been installed and replaced over a relatively short period of time by various contractors in an effort to provide air conditioning to the second floor; and

Whereas, a mechanical engineer conducted an extensive visual inspection of the system, existing data search and observed that the building appears to be in a negative air pressure condition, probably due to the lack of fresh air intake and the buildings exhaust air demand of 1,050 cfm. The total building occupancy at 109 people (including the meeting room) requires a total of 1,635 cfm of fresh air intake. In meeting the air balance, the air systems would effectively perform at a positive pressurization of 585 cfm to allow for air exfiltration in lieu of air infiltration to the building. The overall recommendation is to design a retro-fit variable air volume system zoned to meet the designated occupancy, usage and high heat gain load to space areas; and

Now therefore be it resolved that the Board of Aldermen for the Town of North Topsail Beach hereby authorizes the Town Manager to engage the engineering and design services of Right Angle Engineering, PC to provide the design specifications for solving the HVAC problems in Town Hall in the amount of \$4,200.00 and to make recommendations and cost estimates for providing the necessary equipment and construction activities to complete the project.

Adopted the 2nd day of May, 2002

Loraine M. Carbone
Town Clerk

Marlow F. Bostic, Jr.
Mayor

Resolution Indemnifying and Holding Harmless Owner of Land Wherein Town Maintains a Dune Crossover:

Mr. Betz said that this item has been brought to his attention by our attorney. In the past, this issue came before Mr. Fuss and Mr. Hammond. It was agreed upon that the Town would cooperate with Ocean City Ventures, LLC as they made repairs to the Ocean City Fishing Pier. They are asking that they not be responsible for a Town crossover that is on their property during the 2002 tourist season. We can move the crossover at a later date.

**RESOLUTION INDEMNIFYING AND HOLDING HARMLESS
OWNER OF LAND WHEREIN TOWN MAINTAINS A DUNE CROSSOVER**

WHEREAS, by deed dated October 23, 2001, and recorded in the Onslow County Office of the Register Deeds in Book 1768 at Page 64 on October 29, 2001, Ocean City Fishing Pier, Inc. conveyed certain real property to Ocean City Ventures, LLC. A survey prepared on behalf of Ocean City Ventures, LLC by Charles F. Riggs & Associates, RLS, is recorded in the Onslow County Office of the Register Deeds in Map Book 42 at Page 13, a copy of a portion of said survey is attached as Exhibit "A" and incorporated by reference.

WHEREAS, a dune crossover built and maintained by the Town of North Topsail Beach is located within the boundaries of the property purchased by Ocean City Ventures, LLC;

5/2/02

WHEREAS, the Town of North Topsail Beach has no easement, no deeded access or other form of interest in the property in, around or on the site where the crossover is located;

WHEREAS, Ocean City Ventures, LLC had fence erected along its property lines, but as a courtesy to the Town of North Topsail Beach, did not fence, or in any way obstruct, the dune crossover;

WHEREAS, in consideration for Ocean City Ventures, LLC allowing the crossover to be used during the 2002 tourist season, or until the crossover can be relocated, whichever event occurs first, Ocean City Ventures, LLC has requested the Town of North Topsail Beach to indemnify and hold harmless Ocean City Ventures, LLC, its principals, agents and successors from any injury to person or property occurring within the boundaries of its property, including but not limited to the present dune crossover, and any approach to said crossover.

NOW THEREFORE, BE IT RESOLVED, that the Town of North Topsail Beach, in consideration for continued use of the dune crossover by the public for the 2002 tourist season, or until the Town of North Topsail Beach relocates the crossover, whichever event occurs first, agrees to indemnify and hold harmless Ocean City Ventures, LLC, its principals, agents and successors from any injury to person or property within the boundaries of the property belonging to Ocean City Ventures, LLC by any person(s) approaching or using the crossover.

Adopted this 2nd day of May, 2002.

Lorraine M. Carbone
Town Clerk

Marlow F. Bostic, Jr.
Mayor

Attorney Fairley noted that the Town tax maps shows where the actual crossover is owned by the Town. When the Town initiated building a cross walk, a house owner adjacent to that area objected. The Town moved it to property owned by Ocean City Pier. Now it is privately owned and they are making this request.

Alderman O'Donnell was concerned with the number of hazards and the responsibilities we would have. Attorney Fairley stated that when the crossover is moved they will fence in the area. Alderman O'Donnell felt that the wording was too broad. Attorney Fairley said that once it is fenced in it would only be used for entering the crossover. Alderman O'Donnell noted that someone could go over. Attorney Fairley said that the fence only extends to the crossover. Alderman O'Donnell was concerned that we could be liable for any injury on that property. Attorney Fairley noted that it is only the area where you are approaching the crossover. There is a sign there that tells you when you are on private property.

Alderman Sandberg asked if we could add in "exclusively", for exclusive use of using the crossover.

Mayor Bostic said that the only recourse to us is that they send us a letter to get their crossover off their land. He noted that he didn't remember this coming up before the board. We have two choices, either give them the crossover or we pass this resolution so that the public can use it this year and we remove it by next year.

Mayor Pro Tem Flynn moved, seconded by Alderman Sandberg the adoption of the Resolution Indemnifying and Holding Harmless Owner of Land Wherein Town Maintains a Dune Crossover and directing the Town Manager to look at that access

5/2/02

with view of relocation within a short period of time. Alderman O'Donnell noted that nothing states that the indemnification expires. Mayor Pro Tem Flynn said we are voting on the motion. Attorney Fairley noted that we are asking for that in the resolution. Mayor Bostic said to go ahead with the motion.

The motion passed 4 to 1 with Alderman O'Donnell voting nay.

Mayor Bostic directed Mr. Betz to look into this issue.

Resolution Requesting That Municipal Revenue Sources Be Made Secure:

We received today a request from the North Carolina League of Municipalities to adopt the attached resolution and to forward it to members of our legislative delegation. When the 2002 session convenes officially on May 28th, the League's top priority will be to protect our local revenue sources, including the reimbursements for repealed local taxes and our state local revenues.

The League will seek the introduction and passage of legislation that will restrict the authority of a governor to withhold local revenues that the General Assembly has provided to units of local government by statute or annual appropriation acts. They will also seek a constitutional amendment to accomplish the same goal.

A RESOLUTION REQUESTING THAT MUNICIPAL REVENUE SOURCES BE MADE SECURE

WHEREAS, the Town of North Topsail Beach is required by North Carolina law to operate and maintain a balanced budget and comply with the provisions of the Local Government Budget and Fiscal Control Act; and

WHEREAS, the Town of North Topsail Beach is required to maintain a sufficient fund balance to operate in a fiscally sound manner and to have adequate reserves in case of emergencies; and

WHEREAS, the municipal officials of the Town of North Topsail Beach have a responsibility to provide for the health, safety and well being of the citizens of this community by providing necessary services; and

WHEREAS, the ability of municipal governments to borrow for capital infrastructure needs is dependent on reliable revenue sources for repayment; and

WHEREAS, adequate municipal revenue sources are required to carry out the above-mentioned responsibilities;

NOW, THEREFORE, BE IT RESOLVED, THAT the Town of North Topsail Beach respectfully requests that the General Assembly enact legislation that will secure the municipal revenue sources and ensure that these revenues are distributed to local governments on a timely basis as set forth by the state's General Statutes.

Adopted this 2nd day of May 2002.

Loraine M. Carbone
Town Clerk

Marlow F. Bostic, Jr.
Mayor

5/2/02

Alderman Sandberg moved, seconded by Alderman O'Donnell adoption of the Resolution Requesting that Municipal Revenue Sources be Made Secure. The motion passed unanimously.

Resolution to Support of Department of Transportation Small Urban Funding Request in the amount of \$46,000:

The Chairman of the Transportation Committee, Alderman Laurie Sandberg met with the D.O.T. District Engineer Robert A. Vause to discuss the status of the Small Urban project that would address the ponding of storm waters on HYW 210 which were previously brought to the attention of the district office.

Mr. Vause reported that he has prepared a request for Small Urban funds in the amount of \$46,000.00 that he is recommending to the D.O.T. board member for this Division, Mr. Louis Sewell, who in turn will place his recommendation to the staff and full board of transportation members.

Resolution in Support of Department of Transportation Small Urban Funding Request for the Town of North Topsail Beach In the amount of \$46,000.00

Whereas, the Board of Aldermen for the Town of North Topsail Beach created a Transportation Issues Committee on March 7th, 2002 to meet with Department of Transportation representatives to establish, develop and advocate transportation issues for the town; and

Whereas, the Town of North Topsail Beach has not been in receipt of any Small Urban Funds during the incorporated history of the Town: and

Whereas, it has previously been determined that standing water or ponding has been a problem on HWY 210 and the Division Engineer for the Division has prepared a design and funding request in the amount of \$46,000.00 to address this particular issue ; and

Now Therefore Be It Resolved, that the Board of Aldermen for the Town of North Topsail Beach supports the request to Mr. Louis Sewell, Board Member, for the Department of Transportation for Small Urban Funds in the amount of \$46,000.00 for use within the corporate limits of the Town of North Topsail Beach to help alleviate ponding on Highway 210.

Adopted this 2nd day of May, 2002.

Lorraine M. Carbone
Town Clerk

Marlow F. Bostic, Jr.
Mayor

Mayor Pro Tem Flynn moved, seconded by Alderman Vecchione adoption of the Resolution in Support of Department of Transportation Small Urban Funding Request for the Town of North Topsail Beach in the amount of \$46,000.00. The motion passed unanimously.

5/2/02

MANAGER'S REPORT:

Mr. Betz stated that he has been consumed with a number of issues. He read a public service announcement regarding our State of Emergency. Following is the Proclamation that was signed on May 1, 2002.

Mayor's Proclamation of a State of Emergency for an Imminent Natural Disaster Occurring at the Northern End of the Town of North Topsail Beach

Whereas, it has been determined that a state of emergency as defined in General Statute 166A, exists in a section of the Town of North Topsail Beach, North Carolina due to shoreline erosion as a result of natural conditions of full moons, high tides, and prevailing winds; and

Whereas, GS 166A-2 grants the authority and responsibility to local government for the prevention of, preparation for, response to and recovery from natural or man-made disasters, specifically to reduce vulnerability of people and property of this State to damage, injury, and loss of life and property; prepare for prompt and efficient rescue, and treatment of threatened or affected persons; provide for the rapid and orderly rehabilitation of persons, restoration of property and provide for cooperation and coordination of activities relating to disaster mitigation with other agencies and officials of local, state and federal governments; and

Whereas, Section 166A-4 defines "emergency management" as those measures taken by the local government agency to minimize the adverse effect of any type disaster, which includes the never-ending preparedness cycle of prevention, mitigation, warning, movement, shelter, emergency assistance and recovery. Furthermore, "disaster" is defined as an occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made cause; and

Whereas, significant shoreline erosion has occurred for several months threatening the imminent collapse of residential housing and causing the severance of public and private utilities endangering thousand of dollars of private property;

Whereas, recent conditions continuing along the Town of North Topsail Beach's shoreline is threatening a multi-family residential complex valued in excess of \$10,700,000.00 and posing a possible threat to life, severance of public and private utilities, and property damage; and

Whereas, GS 166A-7 provides that each governing body of each county is responsible for emergency management, as defined above, within the geographical limits of such county and all emergency management efforts within the county will be coordinated by the county, including activities of the municipalities within the county. Each county and incorporated municipality in this State is authorized to make appropriations for the purposes of this Article and to fund them by levy of property taxes, thus each is authorized to appropriate and expend funds, make contracts, obtain and distribute equipment, materials, and supplies for emergency management purposes and to provide for the health and safety of persons and property. Each unit is directed to coordinate the development of emergency management plans and programs in accordance with the policies and standards set by the State, as well as, to delegate powers in a local state of emergency to an appropriate official; and

Whereas, all the provisions of GS 166A-14 regarding immunity and exemption relating to emergency management functions, rights of emergency management workers, and license to practice shall apply to this proclamation along with the definition of the term of emergency management worker; and

Whereas, all the provisions of GS 166A-15 regarding no private liability shall apply to this proclamation; and

5/2/02

Whereas, all provisions of GS 166A-15.1 which provides in a disaster, as defined above, a person who willfully ignores a warning regarding personal safety issued by a federal, state, or local enforcement agency, emergency management agency, or other governmental agency responsible for emergency management under this Article is civilly liable for the cost of a rescue effort to any governmental agency or nonprofit agency cooperating with a governmental agency conducting a rescue on the endangered person's behalf, if the person ignores the warning and engages in an activity or course of action that a reasonable person would not pursue, or fails to take a course of action that a reasonable person would pursue, thus as a result of ignoring the warning the person places himself or herself or another in danger and a governmental rescue effort is undertaken on the endangered person's behalf; and

Whereas, that Don Betz, the Town Manager, or his designee, is granted the authority within the North Topsail Beach Emergency Operations Plan for the purpose of implementing the said Emergency Operations Plan, and for taking such further action as may be necessary to promote and secure the safety and protection of the populace within the designated area of the Town, and that, furthermore, Don Betz is designated as Chief Coordinating Officer for North Topsail Beach for the duration of this Proclamation; and

Whereas, I hereby direct all North Topsail Beach officials and agencies to cooperate in the implementation of the provision of this Proclamation and the provisions of the Onslow County Emergency Operations Plan and the North Topsail Beach Emergency Operations Plan: and

Whereas, I further direct that Onslow County officials, and officials associated with emergency management for the State of North Carolina, and FEMA officials, and all other agencies and organizations that can provide damage assessment, assistance with rehabilitation, restoration of property and disaster mitigation be notified of this disaster condition; and

Furthermore, I direct that this proclamation be distributed to the news media and other organizations calculated to bring its contents to the attention of the general public, to be filed with the Town Clerk and posted in the Town Hall. This proclamation shall become effective immediately and shall continue until it is rescinded in writing.

In Witness Whereof, I have set my hand and signed this proclamation on this first day of May, 2002

Marlow F. Bostic, Jr.
Mayor, Town of North Topsail Beach

Loraine M. Carbone
Town Clerk

Mr. Betz acknowledged his appreciation to Doug Bass, Onslow County Emergency Management, for coming out Tuesday morning. Mr. Bass concurred that an imminent hazard area exists. Mr. Betz noted that Loraine Carbone had monitored a number of activities for many months and to date we have had no assistance. This Proclamation activates another chain of events and brings in the Emergency Management officials at the County level who has resources for assessment, but also the network to the state. Mr. Bass said members of the state emergency management agency will be here Monday. They will be identified as an emergency assistance task force to do fact finding to evaluate and make assessment and discuss public assistance. They will report back to the governor on the status of this situation. In the meantime we continue to rally support. The media has been active here. It is important for us as a team to organize and find an approach to bring relief and assistance to bring sand on the beach.

5/2/02

Mr. Betz noted that staff prepares resolutions for action at the request of individual board members. We are here to assist you. We don't advocate them. We assume the Board is in dialogue with each other. We are here to respond and help as much as we can. Mayor Bostic noted that in the 8th whereas in the Proclamation it states, "no private liability shall apply". Does that protect private property owners? According to GS 166A-15 – Any person, firm or corporation owning or controlling real or personal property who, voluntarily or involuntarily, knowingly or unknowingly, with or without compensation, grants a license or privilege or otherwise permits or allows the designation or use of the whole or any part or parts of such real or personal property for the purpose of sheltering, protecting, safeguarding or aiding in any way persons shall, together with his successors in interest, if any, not be civilly liable for the death of or injury to any person or the loss of or damage to the property of any persons where such death, injury, loss or damage resulted from, through or because of the use of the said real or personal property for any of the above purposes.

Mr. Betz noted that there are maps upstairs in the EOC room. He said that there are great levels of concern as migration continues and as it impacts the infrastructure.

ATTORNEY'S REPORT:

Attorney Fairley noted that she has been working closely with Mr. Betz. She has been researching some properties tendered as donations to the town. When she has all of the searches done, she will be able to tell the Board what is being offered.

MAYOR'S REPORT:

Mayor Bostic went to fundraising for Rep. Warwick on Sunday. He met many people in Clinton. He noted that beach nourishment is not a hot topic there, but they all agree we need help. Mayor Bostic said that we need to keep in touch with our legislators.

ALDERMEN'S REPORT:

Alderman Smith thanked everyone for their sympathies for the death of his brother, Jerry Smith. Mayor Bostic noted that Jerry was a character and he loved the beach.

Alderman Vecchione said that he has spoken with Mr. Betz and the attorney regarding the fence ordinance that needs to be looked at again, namely, the barbed wire situation at the St. Regis.

Mayor Pro Tem Flynn suggested that prior to or no later than the next mayor's meeting, that we speak with Mayor Jones on the value of a combined analyses of the dredging problems of New River. Mayor Bostic noted that the fishermen in Sneads Ferry are also working on that and citizens from NTB could join their efforts. It could get sand on our beach quicker.

Alderman O'Donnell questioned the seminar on building codes that Mr. Starzynski attended and asked if it was a good use of his time. Mr. Betz said that he was on his

5/2/02

own time. In regard to the Fire Dept. Report, he would like to see more information on what type of fires they are. He also questioned the comp time hours going up. Mr. Betz noted that all of the staff were at the budget workshop that lasted more than four hours.

Alderman Sandberg was concerned on the decision that came out on redistricting. She said that we need to talk with Rep. Grady on Town Hall Day. Our focus had been on Rep. Preston. Alderman Sandberg would like for the Town to plan an annual festival. We are the only community that does not have one. This task could come before the new committee.

Mr. Betz said that there was a conflict on the May 16th budget workshop since there is an ONWASA meeting on that night also. The consensus was to leave it on May 16th at 6:00 p.m.

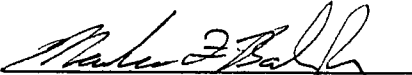
Mayor Pro Tem Flynn noted that we have to change our July 4th regular board meeting and suggested July 11th. The consensus was to change the meeting to July 11, 2002 at 7:00 p.m.

Alderman Smith asked if we would have appointments with Representatives on Town Hall Day. Mayor Bostic said that he preferred that we set our appointments. Mayor Pro Tem Flynn suggested setting a different day to meet with the Representatives.

ADJOURNMENT:

Alderman Vecchione moved, seconded by Alderman Sandberg to adjourn the meeting at 9:45 p.m.

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



 Mayor Marlow F. Bostic, Jr.
 June 6, 2002

 Date Approved

TOWN OF NORTH TOPSAIL BEACH
BUDGET WORKSHOP
MAY 16, 2002
6:00 P.M.

PRESENT:

Mayor Marty Bostic, Mayor Pro-tem John Flynn, Aldermen Steve Smith, Laurie Sandberg, Joseph Vecchione, Bill O'Donnell, Don Betz, Town Manager, Christina Watkins, Deputy Town Clerk, Lydia King, Finance Officer, Danny Salese, Police Chief and Thomas Best, Fire Chief

QUORUM:

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

APPROVAL OF AGENDA:

Alderman O'Donnell asked to have the July Board Meeting rescheduled due to a conflict with his schedule. Discussion took place regarding a new date. The Board decided to move the July Board meeting to July 9, 2002. By consensus of the Board, approval of Agenda passed unanimously.

PRESENTATION OF REVISED 2002/2003 BUDGET:

Mr. Betz stated the Fire Grant the Town had anticipated to receive has been denied. Therefore, approximately \$18,000 has been taken away from the Revenue total within the expenditures. The \$18,000 of the \$36,000 matching grant was moved to the contingency fund. Alderman Sandberg asked if there are any other grants that we can apply for. Mr. Best stated that we are still waiting on the Federal Grant. Alderman Sandberg asked if the Federal Grant has been included in the budget. Mr. Best stated it is included in the budget. Alderman Vecchione asked if we have had any trouble in the past qualifying for the Federal Grant. Mr. Best stated this grant is new and was just initiated last year. Mr. Betz stated all the changes from the April 10th budget workshop have been made. He asked if there were any other concerns the Board had.

Mayor Pro-tem Flynn had questions concerning the realignment of charges for solid waste service. Mayor Pro-tem Flynn asked if this was revenue neutral. Mr. Betz explained the first part of this change is to drop service to the commercially zoned properties, such as the campgrounds, which will lower revenues and lower expenditures. The second part of this would have the developed lots pay \$75.00, instead of the current \$65.00, and have the undeveloped lots pay \$25.00. Mr. Betz noted, after these changes were in place, it would be revenue neutral. Alderman O'Donnell asked if we were making money off the solid waste fee. Mr. Betz said no. Mayor Pro-tem Flynn expressed concerns with the changes. He stated these are major changes and he does not understand what the change at the campgrounds will affect financially. Mr. Betz explained to the Board that by removing the commercially zoned properties, it stops the red ink. Mr. Betz stated in the previous agreement the

campground is provided with a very high level of service with dumpsters. The contractor is allowed by contract a residential container dollar figure. With the new pick-up agreement, the numbers of pick-ups are clearly identified with single and multi family dwellings. He stated this could not have been done with the previous agreement because there was a mixture of credits and debits. Consequently we were absorbing that. Mayor Pro-tem Flynn was concerned we would enter into this new agreement with the idea of recouping our losses. Mr. Betz stated that is not the case, a loss is a loss. Mr. Betz stated the danger in the new agreement is if the county adjusted the tipping fee at the landfill. Mayor Pro-tem Flynn stated at the present time we do not pay a tipping fee for condominiums. He asked if that will remain the same with the new agreement. Mr. Betz stated yes, that will remain constant. Alderman O'Donnell asked if the campgrounds were in agreement with dropping them from this service. Mr. Betz said we have not met with any owners, but we will notify them in writing if this change is passed. Alderman O'Donnell asked if there was a way we could still service the campgrounds that would keep us revenue neutral. Mr. Betz said it would be impossible to do because in the case of Rogers Bay, there are about 400 owners. Mayor Pro-tem Flynn said this is basically reverting back to how it was in 1997. Mr. Betz said because of an oversight in the recommended budget April 10, 2002, the 1 cent decrease in taxes has been put back to the original .45 cents. Mr. Betz further explained with the discussion of a special tax district on the North End, it would be inconsistent to propose a 1 cent property tax decrease.

Alderman O'Donnell had concerns about the way the merit raises were calculated. He stated that the merit raises are equivalent to a 10% raise, because of the way they are staggered throughout the year. Alderman O'Donnell said, for example, if we are going to give an average of 3% across the board, the amount that should be budgeted would be 1 1/2 %, because the raises don't all take place on July 1. Police Chief, Danny Salese, stated there are some people in his department who are not eligible for their merit raise until June, in those cases he would only figure in the raise for that one month, instead of the whole year. Chief Salese explained that the budget is not built in 5% all the way around. Alderman O'Donnell said he just wants to make sure the merit raises are budgeted on a staggered system. Mrs. King, the Finance Officer, will put together some figures and have them ready to review. They will revisit the issue at the end of the meeting.

Mayor Pro-tem Flynn questioned why the projected revenue for permits increased significantly from the last budget presented. Mr. Betz said at the last meeting, Alderman O'Donnell asked for a print out of activity. He stated we have adjusted the figures accordingly, based upon the trend we are now experiencing. Mayor Pro-tem Flynn said these figures are just not as conservative as they were on the first draft. Mr. Betz said this is true. Alderman Flynn questioned why the projected revenues for zoning decreased from the last draft. He asked if an increase in permits would automatically increase revenues for the zoning department. Mr. Betz said that would not necessarily be the case. He explained the building permit fees are based on square footage, but the zoning permits are a flat fee. Mayor Pro-tem Flynn would like someone to take a closer look at the projected revenue for the zoning permits. He

feels it may be over conservative. Mr. Betz did point out that there were several rezoning applications that came in to cause a bump in zoning fees. Alderman O'Donnell disagreed with having to obtain a zoning permit when applying for a building permit. Mayor Pro-tem Flynn asked what the zoning department does for the \$25 zoning permit fee. Mr. Betz stated it covers the time it takes for the zoning department to review the plans to make sure they are in accordance with the ordinance. Mayor Pro-tem Flynn said he feels there needs to be a time set aside to discuss the permitting process and permit fees. Mr. Betz noted there will be an adjustment to reflect a \$1000 increase in the zoning permit fees, as a result of this discussion by consensus.

Alderman O'Donnell had concerns regarding the Fire Departments' incentive program. He stated basically we had a 9 cent increase in taxes last year, and he feels we should hold off on this program for now. He said he likes the idea but, at this time we need to put our money where we need it most, for example the North End. Alderman Vecchione stated if the Fire Department does not have this program in place, it will put the Fire Department in a bind. Alderman Smith said he agrees with the incentive program, but where are we going to get the money from. He stated members from the Erosion Control Committee want to move the Inlet and get more sand placed on the beach. Alderman Smith stated this will all take money and someone has to give and it may be public safety. Alderman Sandberg felt that we must have people on the Fire Department. She stated we must stay prepared in case something major was to happen. Alderman Vecchione agreed that the Fire Department needs people, especially with the tourist season coming up. Alderman Vecchione said we are only talking about an estimated \$100 a month. If only 4-5 people meet the criteria, that's only about \$400-\$500 a month. Alderman Vecchione felt that's a small price to pay to save someone's life. Mayor Pro-tem Flynn supported the incentive program. He stated each year Mr. Best has had problems getting volunteers for the Fire Department. Mayor Pro-tem Flynn also stated that this program could get more volunteers, but we don't know for sure. He suggested the Town initiate this program for a 6 month trial basis, and then review it. If at that time we can show results and benefits that its working we can move forward. Mayor Pro-tem Flynn then stated at the end of the 6 months, if it is working, we could find a mechanism by a budget amendment to continue the program. The consensus of the Board was to cut the amount budgeted in half (\$11,000).

Mayor Pro-tem Flynn said he has changed expenditures for Beach Nourishment. He said the job that was given to the Beach Nourishment Committee was to put sand along the entire beachfront of North Topsail Beach. He noted that is now being done in a two prong effort. Mayor Pro-tem Flynn stated one prong is with the Corp of Engineers at the south 3½ miles, the other would be to follow the recommendation made by Tom Jarrett to compile the requirements for a feasibility analysis for the remainder of the Town. He stated there may be a third project. Mayor Pro-tem Flynn said the third project is what the Erosion Control Committee is doing, chaired by Alderman Smith. Mayor Pro-tem Flynn stated he does not have a very good handle on what their plan is. He said, according to the Resolution the Board passed, that

committee was to develop a plan. Once they complete a plan, that committee will disband. Mayor Pro-tem Flynn said if this is the case, it is up in the air as to what the long term associated cost functions will be with everything we are trying to do in the Town. He stated this is where the confusion comes in trying to predict a budget. Mayor Pro-tem Flynn says we need to state what the specific duties of the committees are. Mayor Pro-tem Flynn said he believes the Mayor and perhaps the Board should step in and state what the requirements of these committees are and what the demarcation between them in the aspect of responsibility. He said it is very difficult to try and do something and find out someone has already made that phone call a day ahead of me, or two separate committee members calling the same person with contradicting statements. Mayor Pro-tem Flynn said he does not feel that there needs to be a significant amount of money set aside in a line item to put sand on the North End of the beach. He said he has been working on the Beach Nourishment Committee for a while and he knows things don't happen quickly. He does not feel that the Beach Erosion Committee will spend much money this fiscal year to put sand on the North End. Discussion took place about what steps need to be taken to fix the erosion problems at the North End. Mayor Bostic said we need to keep the Beach Nourishment project and the Erosion at the North End two separate issues. The consensus of the Board is to go with the figures presented by Mayor Pro-tem Flynn. A revised Capital Project Budget sheet will be prepared in accordance with these figures.

The Finance Officer had the figures for the Board to review regarding the merit raises. Mrs. King presented the Board with figures based on a 5%, 3.5%, and a 3% merit raise. Mr. Betz asked the Board which figures they would like to implement. The consensus of the Board is 3% merit increase and 2% COLA.

Mr. Betz stated we budgeted \$1250 for fireworks. Originally, Surf City proposed its support for the 4-Town fireworks, but has now rescinded that decision. Mr. Betz asked if there were any objections to leaving the money in the budget to participate with the 4-Town fireworks display in Holly Ridge, as in previous years. The Board had no objections. The consensus of the Board was to leave the budget for the fireworks as is.

Consideration of Establishing a Special Tax District

Mayor Bostic stated he did not feel the Board had enough information to proceed with the Special Tax District. Mayor Pro-tem Flynn moved, seconded by Alderman Vecchione that this item be dropped from the agenda. The motion passed unanimously.

Resolution to Award Contract for Town Hall Air Conditioning

**Resolution Awarding Contract for Town Hall Air-Conditioning
Retrofit for 2nd Floor to Right Angle Engineering, P.C. for
A Cost not to exceed \$23,000.00**

Whereas, the Board of Aldermen adopted a Resolution authorizing the Town Manager to engage the engineering and design services of Right Angle Engineering, P.C. to provide the design specifications for solving the air conditioning problems in the Town Hall and to make recommendations with cost estimates for providing the necessary equipment and construction activities to complete the project; and

Whereas, the mechanical engineer evaluated the building on his visit Thursday, May 9th, and the engineer is developing those designs and specifications associated with that analysis; and

Whereas, the recommended proposal is to remove the existing 7 ½ ton split system heat pump, install a new 10-ton packaged heat pump, reconnect to the existing supply and return air ductwork in the attic space, provide (9) zone air valve dampers and 1 by-pass damper with electronic controls, phenolic coating on AHU-3 housing with casings, coil, and fans; and

Whereas, the engineer will proceed to solicit as least three bids for the construction and installation, in accordance with the design specifications, and provide oversight for the project for an engineer's estimate to exceed \$23,000.00; and

Now therefore be it resolved that the Board of Aldermen for the Town of North Topsail Beach hereby authorizes the Town Manager to contract with Right Angle Engineering, P.C. to provide for the recommendations in the proposal noted above for an amount not to exceed \$23,000.00.

Adopted this _____ day of May, 2002

Lorraine M. Carbone
Town Clerk

Marlow F. Bostic, Jr.
Mayor

Alderman Sandberg moved, seconded by Alderman Smith to accept the Resolution. The motion passed unanimously.

Budget Amendment #8

Alderman O'Donnell moved, seconded by Alderman Smith to approve Budget Amendment #8. The motion passed unanimously.

Presentation to Onslow County May 20, 2002

Mr. Betz said on May 20, 2002, the Onslow County Board of Commissioners will hold a Public Hearing for budget items. Mr. Betz stated he feels this is an opportunity for members of the Board to make an appeal. Mayor Pro-tem Flynn said he will try to put a pitch together by Monday, asking them for \$101,000 of the money that the County receives from the 3% accommodations tax from this beach town. He stated we need it to move forward. Alderman Smith said he will accompany Mayor Pro-tem Flynn to the Public Hearing.

ADJOURNMENT:

The meeting adjourned at 8:08 p.m. Motion made by Alderman O'Donnell, seconded by Alderman Vecchione. The motion passed unanimously.

Budget Workshop minutes prepared and submitted by Christina Watkins, Deputy Town Clerk of North Topsail Beach.



Mayor Marlow Bostid Jr.

June 6, 2002
Date

**TOWN OF NORTH TOPSAIL BEACH
PUBLIC HEARING AND REGULAR BOARD MEETING
JUNE 6, 2002
7:00 P.M.**

PRESENT:

Mayor Marty Bostic, Mayor Pro-tem John Flynn, Aldermen Bill O'Donnell, Laurie Sandberg, Steve Smith and Joe Vecchione, Don Betz, Town Manager, Loraine Carbone, Town Clerk, Mary C. Fairley, Attorney

QUORUM:

Mayor Bostic called the meeting to order at 7:01 p.m. in the North Topsail Beach meeting room and declared a quorum present.

INVOCATION:

Mr. Ed Creech of the North Topsail Shores Baptist Church gave the Invocation.

PLEDGE OF ALLEGIANCE:

Mayor Pro Tem John Flynn led the group in reciting the Pledge of Allegiance.

**AWARDS GIVEN TO DIXON ELEMENTARY STUDENTS FOR ART WORK
PROMOTING BOATING SAFETY:**

Tom Dooley, with the Rescue Squadron, addressed the Board. Students were asked to make a poster of what they learned from a boat safety video, "Adventures in Boating". 1st prize will receive a \$50 savings bond. Other participants will receive certificates from Dairy Queen. Mr. Dooley expressed their thanks to the judges, Dale Harper and Aldermen Flynn and Vecchione. Mayor Bostic gave out NTB Town pins to the two winners who were present.

PUBLIC HEARING:**A. Proposed Budget Town of North Topsail Beach Fiscal Year 2002-2003:**

Mayor Bostic opened the Public Hearing on the Budget.

Mr. Betz read the following letter to the Board:

In accordance with the General Statutes for the State of North Carolina and Local Government Budget and Fiscal Control Act, GS 159-11, entitled Preparation and submission of budget and budget message, the annual budget shall be submitted to the governing board not later than June 1. Thus, in my role as Budget Officer, I submit to the Board of Aldermen for the Town of North Topsail Beach the enclosed Proposed Budget.

The recommended budget was presented to you on April 10th, 2002, and a revised budget was presented on May 16th, 2002 for further review by the Board. The Proposed Budget reflects the changes from both work sessions reached by consensus.

6/6/02

The General Fund consists of \$1,937,519.00 in revenues and expenditures and is balanced with **no** increase in property taxes and **no** use of the undesignated fund balance.

Governor Mike Easley has withheld local revenue during this fiscal year and is proposing retaining the annual reimbursement from taxes repealed in earlier years permanently, but he would do this responsibility by giving the counties the authority to increase the sales tax by one-half cent, which in the case of Onslow County, this would provide revenue in **excess** of the annual frozen reimbursements, all to be effective in the new fiscal year. A Public Hearing is required to be held by the County Commissioners and Onslow County held the required Public Hearing May 20th, 2002.

The Proposed Budget provides for a tax levy of \$1,253,726.00 based upon the Town's total appraised value as of December 31, 2001, with a property tax rate of **45** cents per \$100.00 valuation and a collection rate of 97%. It is recommended to dedicate **5** cents of this amount to the Capital Project-Beach Nourishment in the amount of \$139,300.00

The Proposed Budget consists of two Capital Projects. The Capital Project-Park is under construction with a budget of \$172,700.00 provided totally by grant funds. The Capital Project-Beach Nourishment is established at \$376,000.00. The revenues are to be provided by: the fore mentioned 5 cent property tax (\$139,300.00); the North Topsail Beach Accommodations Tax-1st year (\$135,600.00) and the Onslow County Accommodations Tax-Current Year or Reserve Funds (\$101,100.00). The expenditures are budgeted for the Corps of Engineers Feasibility Study Contract (\$270,000.00); the proposed Professional Services contract for the CBRA Feasibility Study and Administrative costs (\$6,000.00)

The three budgets together total \$2,486,219.00 and provide for the mission of the Town of North Topsail Beach.

I would like to acknowledge the role contributed by the Board of Aldermen in the preparation of the Proposed Budget. The funds, that resulted from revisions, at the May 16th, 2002 budget work session have been placed in the Dune Maintenance & Repair line item (10-720-15) bringing its total to \$55,134.00.

It is anticipated that as a result of the Erosion Control Planning Committee or the Sub-Committee meetings that a recommended plan of action for addressing the continuing erosion at the North End of the Town will be presented to the Board of Aldermen for consideration. The Plan will need to be funded from a number of sources. The Staff is prepared to continue working with the Board of Aldermen in its efforts to address this issue.

I would like to take this opportunity to thank the Board of Aldermen for their individual participation in the Budget process, the Finance Officer, and the Department Heads for all working together to finalize the budget documents and set the work plan for the next fiscal year.

Evelyn Bradshaw addressed the Board. Ms. Bradshaw thanked the board for their gift to the missile museum. She said that the museum is an all volunteer operation, and there are many members from North Topsail Beach. Sue Newsome appreciated the opportunity to speak. She said that they are excited on the expansion of the museum. The museum is here to preserve, promote and document the history of this island. They are embarking on an ambitious expansion program with fundraising efforts. This Saturday is the home and garden tour.

Sam McGinn, of 349 Topsail Road said that he was happy to hear that we are keeping the tax rate to .45. He noted that in 1960 taxes were \$68.00 and they are about \$1900 now. Town employees can't afford to live here and pay the taxes on

6/6/02

their salary. Mr. McGinn thanked everyone for the job they are doing, especially the Town Manager.

Jeanette Masters, Executive Director from the Topsail Chamber of Commerce and Tourism said that she was impressed of what she has seen here. Your budget is impressive with no increase in taxes. You have not touched the general fund. You have a commitment to quality of life and we applaud your efforts. She also congratulated the Town on Onslow County's decision to put us in their budget. We welcome further opportunity to work with you.

Mike Montinaro felt that we could cut the budget more and put it towards the beach renourishment project.

Mayor Pro Tem Flynn moved, seconded by Alderman Vecchione to close the Public Hearing on the Budget at 7:25 p.m. The motion passed unanimously.

B. Amendments to Land Use Plan:

This Public Hearing item will address Amendments to change the Town's Land Use Plan Sections IV-6c concerning a move-back line for ocean front properties and Section IV-7 concerning the 40 foot buffer. We would keep requirements the same as CAMA.

The Town's Land Use Plan was adopted by the Board on March 13, 1999 and certified by the Coastal Resources Commission on March 26, 1999. The renewal of the plan before the CRC will be in 2005. The Town is able to make amendments to the plan during this time period.

Section: IV-6(c) – Which states “any lot or parcel created after certification of the 1991 CAMA Land Use Plan shall provide for a “move-back” of any proposed structure. This “move-back” line shall be established only for the purpose of accommodating a possible relocation of a structure.

The Planning Board recommends that this section be deleted entirely from the plan. Justification: Due to the severe erosion from the numerous hurricanes, most lots are just meeting the CAMA, zoning and D.O.T. setback requirements.

Section: IV-7 – Estuarine Waters and Estuarine Shorelines

(2) which states “A vegetated 40’ buffer is maintained wherein removal of any vegetation 3” or greater in diameter at the base is prohibited, unless such provision prohibits a permitted use. Removal of such vegetation shall be minimized.

The Planning Board recommends that this section should be amended to coincide with 15A NCAC 7H.209. The amended statement would read “A naturally vegetated 30’

6/6/02

estuarine shoreline buffer shall be established in accordance with the standards set forth in 15A NCAC 7H.209.

The recommended amendments have been forwarded to the Division of Coastal Management for their advice and comments. They have advised that they see no problem with these amendments to the Land Use Plan.

Mayor Bostic asked if anyone wanted to address this Public Hearing.

Being no further discussion, Alderman Smith moved, seconded by Alderman O'Donnell to close the Public Hearing on the Amendments to the Land Use Plan at 7:30 p.m. The motion passed unanimously.

APPROVAL OF AGENDA:

Mr. Betz added, under new business, awarding the contract for the air conditioning repairs and appointments to the beach nourishment committee. Alderman O'Donnell requested, that under old business, we add the issue of the crossover on the Ocean City property. Also, under new business, add the issue of replacing the Assistant Fire Marshal. Mr. Betz said that could be added under the Budget. Alderman O'Donnell questioned the mowing agreement and asked if it covered all costs. Mr. Betz said that it did.

Alderman Sandberg moved, seconded by Alderman O'Donnell approval of the agenda as presented. The motion passed unanimously.

REQUEST TO ADDRESS THE BOARD:

Planning Board Report: Jim Milligan expressed his appreciation for the re-appointment of members to the Planning Board and selecting two alternates. The Committee has completed the revision of the Bylaws. The Planning Committee also reviewed the Land Use Plan. They had a workshop on the rules and regulations on campgrounds. As a result, they have a better understanding of the limits. There will be consideration of two new developments and information will be posted, along with plans on the board. The public will have two weeks to examine the plans.

Beautification Committee: Sue Tuman noted that the Beautification Committee selected Mr. and Mrs. Milligan's house for "Yard of the Month".

OPEN FORUM:

Soundra Bertarelli, of 2292 New River Inlet Road, commented that after listening to how wonderful the town is, she wanted to know what she was missing. She said she was consumed with what was going on in the north end. She lost 30 feet in the last week and a half. It is important that people understand that we have a big problem. We are appreciative of sand we are getting from the dredging, but that is just a band

6/6/02

aid. There are 17 homes that are in a disaster state. We should consider an erosion plan. We need to look at the state for a buyout program.

Mark Davis, 2306 New River Inlet Road, noted that he has done a lot of work on his property too. He said he received a letter from the Building Inspector requesting an engineer's study. He asked if the law considering an engineer was a state law. He asked, if we do what is done to come to code why, do we need an engineer.

Alderman Smith asked if he needed more than 72 hours. Mr. Davis said he thinks he could do the repairs in that time.

Dan Tuman of River Road said he has participated in the erosion committees and he didn't think the committee was working. He asked that the Board pay attention as to why there are no minutes. He questioned where the committee was going and what happened to the sub-committee chairman?

Jerry Price of 3312 Island Drive said that this is a good town, but we don't have an ordinance on topless bathing suits or thongs. Police responded to his calls and he is appreciative of the way they handled it. He noted that we are a family oriented beach.

CONSENT AGENDA:

The Consent Agenda consists of the following:

Approval of Minutes of May 2, 2002 Regular Board Meeting; approval of minutes of May 16, 2002 Budget Workshop; Department Head Reports; Comp Time Report; D.O.T. Mowing Agreement.

Alderman O'Donnell moved, seconded by Alderman Sandberg approval of the consent agenda. The motion passed unanimously.

OLD BUSINESS:

a. Update on Erosion Control Committee:

Alderman Smith said that he was still in the process of getting applications for the committee. They are also in the process of getting documentation. We've looked at the 100,000 cubic yards of sand that the Corps is dredging right now and we realize it is a patch. We are looking at another sand source. We have to look at how we will pay for it. A long range plan is to move the inlet. Tom Jarrett met with us and told us that it would take a couple of years to do this. It would cost \$550,000 to \$750,000 to do a study. Alderman Smith agreed that not a lot has happened. He said he could schedule another meeting tonight. He doesn't have an answer, but he knows folks are spending money trying to save their homes. Alderman Smith said he has been busy the past couple of weeks.

6/6/02

Mayor Pro Tem Flynn noted that \$270,000 is for the continuance of the Corps Analyses. \$106,000 is basically for professional support services to provide a feasibility study for the CBRA zones. Services are not on board yet, but they will start July 1st. A basic scope of work was written up for similar analyses. The study is a requirement to move forward with any major project for shore protection. There will also be permitting and economic analyses. We will have to look at borrowed sites, types of sand and the cost to transport sand. There will be an environmental impact of what is done. Directions will be given to contractors to bid to determine the best methodology of dynamics of the New River Inlet. Tom Jarrett cited two solutions; widening and deepening the Inlet or putting up a groin. Money in the budget is to start the analyses. He has been advised by tech personnel that it would take 2 years vs. the Corps taking 4+ years. Mayor Pro Tem Flynn said that most of you are aware that the Inlet problem is one of a recurring nature that may move away from us. We have a patch job being done now. Citizens have suggested more money be put aside for the erosion problems now. At this time, nothing is known for the short term solution aspects.

We have gone to DENR for funding, but legislators have concerns with the N.C. budget lines. We could do faster planning if we get that funding. The short term issues of erosion are under Alderman Smith and his committee.

Alderman Sandberg recommended that notices of meetings be posted on the door. It was noted that they have been and they are on the internet.

Soundra Bertarelli asked why we needed another Erosion Committee since Mayor Pro Tem Flynn is so knowledgeable and he gets things done. She said that she has been to the erosion committees and they are not organized. Mrs. Bertarelli also said that Mayor Pro Tem Flynn is organized and we need direction. Mayor Bostic said that the new committee started up because one issue is long term and one is short term. Mayor Pro Tem Flynn is concentrating on long term. Mrs. Bertarelli noted that we have no clout on the short term committee.

Alderman Smith asked who wanted an erosion committee initiated. Alderman Sandberg said the citizens.

Dan Tuman said there were some recommendations of the Erosion Committee. We invited Mr. Jarrett to a meeting and discussed the root cause of the problem at the north end. Property, security and safety are at stake. Mr. Smith was going to contact Frank Rush at Emerald Isle to see what their program was. He was also going to contact the Town Manager to call Tom Jarrett for a proposal. We need to try to correct the problem at New River Inlet. Mr. Tuman felt that this was not an established committee.

b. Adoption of Amendments to Land Use Plan:

6/6/02

Hearing no further discussion on this issue, Alderman O'Donnell moved, seconded by Alderman Sandberg adoption of the Amendments to the Land Use Plan (Section: IV-6(c) and Section: IV-7. The motion passed unanimously.

c. Resolution to Establish Public Hearing for Amendment to the Zoning Ordinance Chapter 7, Section 132 (f):

This is a Resolution to establish a Public Hearing on an Amendment to the Planning and Zoning Ordinance Chapter 7 Section E entitled *Fences and Walls*.

This issue has been discussed previously by the Planning Board and the Town Attorney was directed to prepare an amendment addressing the issue of barbed wire.

In order for the Board of Aldermen to adopt this amendment a Public Hearing needs to be scheduled. It is recommended that the Public Hearing be scheduled for the regular meeting August 1st, 2002.

**Resolution to Establish Public Hearing for an Amendment to the
Planning & Zoning Ordinance Chapter 7 Section 132 E
Fences and Walls for August 1st, 2002**

Whereas, Section 7-92 of the Zoning 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 the owner(s), or his agent, of the property; and

Whereas, the Town Attorney was directed to prepare an amendment to the Planning & Zoning Ordinance, Chapter 7 Section 132 E entitled Fences and Walls to add a new paragraph addressing barbed wire fencing; and

Whereas, the amendment reads: In no event shall any fence be erected that is made of barbed wire. Barbed wire fences pose a hazard to persons and animals, and inhibit clear access to property in the event of fire or other disaster or casualty. Any such fence now in existence shall be removed within thirty (30) days of the adoption of this Ordinance Amendment. Failure to comply within the time period stated will result in a fine not to exceed Five Hundred (\$500.00) for the first thirty (30) days following the date for removal as required by this Ordinance. For each day thereafter, the fine shall be increased at the rate of ten (\$10.00) per day until the condition is remedied. Any person constructing a barbed wire fence after the date of adoption shall be required to remove it immediately; and

Whereas, in accordance with Section 7-91, entitled changes and amendments, in no case shall final action by the Board of Aldermen be taken on amending, changing, supplementing, modifying or repealing the regulations or district boundaries hereby established until a public hearing has been held by the Board of Aldermen, at which parties in interest and citizens shall have an opportunity to be heard

Now Therefore Be It Resolved that the Board of Aldermen will hold a Public Hearing on Thursday August 1st at 7:00 p.m., or as soon as thereafter, to hear comments on the proposed amendment to Chapter 7 Section 132-E Fences and Walls.

Adopted this 6th day of June, 2002

6/6/02

Alderman Sandberg moved, seconded by Alderman O'Donnell approval to set a Public Hearing for an Amendment to the Planning & Zoning Ordinance Chapter 7 Section 132 E Fences and Walls for August 1st, 2002. The motion passed unanimously.

d. OCEAN CITY CROSSOVER:

Alderman O'Donnell had concerns over the Town's liability of the crossover at Ocean City Pier. He asked if it had been removed. Mr. Betz said it was scheduled to be removed. Mr. Betz said there was a dune crossover nearby and it is an Onslow County crossover. We may want to consider giving our crossover to the owner, since moving it would not be feasible. Mr. Betz has asked Ms. Fairley if the owner would want the crossover. Alderman O'Donnell asked why we would give it away. Mr. Betz said it would take a lot of man hours and equipment to move it.

Alderman Smith questioned why the crossover was allowed. Ms. Fairley noted that the Town allowed it to be built in that location. The owner on one side objected and the Town moved it up a couple of blocks, and the property was owned by Ocean City Fishing Pier. Mayor Bostic said it did not come before the Board. Mayor Pro Tem Flynn thanked Alderman O'Donnell for bringing this back up, but requested that the issue be moved to the next board meeting and that the pros and cons be listed. Alderman Sandberg felt that it was in our best interest to remove the crossover and not worry about it. Mr. Betz said the intent would be to move it, but we can't move it to a county location. We are still looking at this issue. Alderman Vecchione also suggested that we look at this in July.

NEW BUSINESS:

a. Ordinance to adopt Fiscal Year 2002-2003 Budget:

Alderman O'Donnell questioned filling the Assistant Fire Marshal position. He suggested putting it to part time or eliminating it all together. His opinion was that the money could be better spent in other ways, such as beach nourishment. Alderman O'Donnell said that we have had no structure fires this year yet and we have had significant erosion problems.

Alderman Sandberg said we have such a problem getting volunteer fire fighters and noted that this program is important. If we eliminate the position we would be in trouble with our ISO rating. We also have a lot of water rescues. This is not a good time to eliminate this position.

Alderman Vecchione noted that he served on the Volunteer Fire Department for more than 8 years. It is essential to have an assistant and a chief. Our chief is also head of public works. A situation could happen on the north end of the Island. The Assistant Fire Marshal is also an EMT. We couldn't coordinate both ends of the Town. 6/6/02

6/6/02

Volunteers do not have the knowledge and training. It would be foolish to eliminate this position.

Mayor Pro Tem Flynn said we agreed to put in a program for volunteers and to offer a stipend to be better trained for 6 months. He did not see a correlation between that and the Assistant Fire Marshal. We have two fire stations and many tourists over the summer. If the program brings in well qualified people, then next year we can re-look at the position. At the present time I would not support losing this position.

Alderman Smith said we need to re-look at the budget. We are not putting enough money in our beach nourishment fund. After our budget was approved last year we received money and that is gone. We need to look at departments that are allocated more money. We need money for beach nourishment. We have to build the account now. We have EMS in the Town now at the south end fire station. We need to look at the position of the Fire Chief and the Public Work's position.

Alderman Sandberg said this is not something we can discuss now. We need to discuss it at a fall retreat and look hard at these departments. We need to come up with money, but we need to spend time looking at this issue. We need an all day retreat in the fall and the winter to determine how we should spend money.

Mayor Pro Tem Flynn moved, seconded by Alderman Sandberg to adopt the Fiscal 2002/2003 Budget.

Alderman O'Donnell said that this budget doesn't contain a tax increase, but we have had a 25% increase over the past year. Because of the property evaluation, this budget is an increase of 40% to 50%. It is foolish for you to think that this is not an increase in taxes. Alderman O'Donnell also noted that last year we received additional funds. He felt that this money should have been returned to the citizens. This money did not go to beach nourishment.

The motion passed three to two with Aldermen Smith and O'Donnell opposing.

Mr. Betz noted that it is often difficult for elected officials to choose funding certain budgets i.e. public safety and/or other prevailing issues, like beach nourishment. You adopted a budget last year which was only \$41,000.00 less than this budget, just adopted. Please keep in mind that this budget contains a \$125,000 Federal Fire Grant proposal that may not be approved, which would lead to amending and lowering the adopted budget. Even though additional revenue and expenditures were added to the previous budget as noted in the discussion, the Town has not received all the revenue that was adopted in that budget. As of this date, the Town is short \$200,017.00 that was anticipated to be received in this fiscal year. Revenues have been withheld by the Governor, interest revenue was half of the anticipated amount due to the recession and \$84,000.00 in fund balance appropriation was not transferred in. Thus, revenue is

6/6/02

down almost 10%, but in looking at the expenditure side, the cost of operating the Town as of this date is \$568,000.00 less than what was anticipated or over 22% less.

There are still expenses to be paid prior to the end of the fiscal year. Yet, the Town will roll over into the undesignated fund balance approximately \$200,000.00. That should increase the undesignated fund balance from \$900,000.00 to \$1,100,000.00, which is certainly one of the largest fund balances that the Town has enjoyed. But that is prudent for a Coastal Community which has experienced six hurricanes in recent years. This does, however, position the Town to fund a portion of a plan to address erosion. I want to continue to work with all of you to help identify a plan as to what we will do and how to do it financially. We need to compliment this recovery effort being done by the Corps. The Town has resources available to it in this budget and we may have avenues to ask for additional resources. We have reserve funds which can be committed to a Capital Project for Erosion. We just need to have the time, patience and cooperation to be able to do so. Small steps are in place to get to that point.

Mr. Betz noted that Alderman Smith and his Erosion Committee has met three Saturdays in a row and you are generating energy and support within the community for beach nourishment.

The financial state of the Town is excellent and you should not have to choose between public safety and funding erosion control. We can do all of that by working together. This Town, financially, is very healthy.

**Ordinance Making Appropriations for the Fiscal Year
Beginning July 1, 2002**

Be It Ordained:

Section I: 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:

Capital Project North Topsail Beach Park

Appropriations

Engineering-Design Services	\$ 18,000.00
Advertising	\$ 1,800.00
Administrative	\$ 980.00
Construction	\$135,000.00
Construction Inspection	\$ 10,220.00
Contingency	<u>\$ 6,700.00</u>
Total Appropriations	\$172,700.00

Revenues

6/6/02

PARTF Grant	\$ 77,000.00
CAMA Park Grant	\$ 65,700.00
DRC Inc. Grant	<u>\$ 30,000.00</u>

Total Revenues	\$172,700.00
-----------------------	---------------------

**Capital Project
Beach Nourishment**

Appropriations

Professional Services	\$100,000.00
Administrative	\$ 6,000.00
Contracted Services	<u>\$270,000.00</u>

Total Appropriations	\$376,000.00
-----------------------------	---------------------

Revenues

Accommodations Tax-Local	\$135,600.00
Onslow County-Tourism	
Accommodations Tax	\$101,100.00
Beach Nourishment/Property Tax Revenue (5 cent tax)	<u>\$139,300.00</u>

Total Revenues	\$376,000.00
-----------------------	---------------------

Section II: That appropriations herein authorized shall have the amount of outstanding purchase orders as of June 30, 2002 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 6th day of June, 2002

**Ordinance Making Appropriations for the Fiscal Year
Beginning July 1, 2002**

Be It Ordained:

Section I: 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	\$ 56,410.00
Administration	\$301,950.00
Planning/Zoning	\$ 42,025.00
Inspections	\$ 70,873.00
Police Department	\$605,260.00

6/6/02

Public Works	\$139,378.00
Fire Department	\$336,461.00
Public Facilities	\$ 64,100.00
Recreation	\$ 5,000.00
Committees	\$ 1,000.00
Streets	\$ 53,000.00
Refuse	\$188,230.00
Dune Maintenance	\$ 55,134.00
Contingency	<u>\$ 18,698.00</u>
Total Appropriations	\$1,937,519.00

Revenues

State	\$ 260,635.00
County	\$ 55,000.00
Town	\$ 70,350.00
Outside Sources	\$ 87,950.00
Property Tax	\$1,134,426.00
Refuse	\$ 191,058.00
Interest	\$ 21,000.00
Grants	<u>\$ 117,100.00</u>
Total Revenues	\$1,937,519.00

Section II: That there is hereby levied a tax rate of .45 per \$100.00 valuation of taxable property as listed for taxes as of January 1, 2002, for the purpose of raising revenue from current property tax as set forth in the foregoing estimate of revenues.

Section III: That appropriations herein authorized shall have the amount of outstanding purchase orders as of June 30, 2002, 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 6th day of June, 2002

b. Waste Industries Contract Amendment for Solid Waste for July 1, 2002:

Mr. Betz addressed the annual amendment to the Solid Waste Contract established October 1st, 1995 between the Town of North Topsail Beach and Waste Industries.

The primary changes include a one year extension of the agreement to September 30, 2005 and the reduction in dollar volume and cost by excluding the commercial zoned properties.

The Contractor has provided a continuous and professional level of service as well as a positive management style in its relationship with the Town.

6/6/02

Alderman O'Donnell questioned why we are adding another year to the contract. Mr. Betz said we have no reason not to. If we decide to change direction, then the contractor will need sufficient notice. Alderman O'Donnell stated that this issue was addressed at recent Four Town meetings and asked if the contracts expire the same year for all towns.

Keith Stroud, of Waste Industries said that Topsail Beach just awarded one for 3 years and Holly Ridge's contract is up in 2005.

Alderman Vecchione moved, seconded by Alderman Sandberg to approve the Waste Industries Contract Amendment for Solid Waste for July 1, 2002. The motion passed unanimously.

c. Resolution to Accept Donation of Unbuildable Property:

Mr. Betz stated that Mr. & Mrs. Bentley Burnham indicated that they wish to relinquish ownership of tax parcel 779C 33 in Ocean Bay Village as their condominium was destroyed by hurricanes and thus they would like to donate the property to the Town of North Topsail Beach.

They indicated that there are no liens on the property and they have paid taxes and the solid waste fee in the past.

Staff recommends adoption of the resolution for the donation as the Town has accepted other unbuildable properties in Ocean Bay Village.

**Resolution Accepting Donation of Tax Parcel 779C 33 in
Ocean Bay Village from Mr. & Mrs. Bentley Burnham**

Whereas, a request has been received from Mr. & Mrs. Bentley Burnham for the Town of North Topsail Beach to accept the donation of their property, tax parcel 779C 33 in Ocean Bay Village, as their condominium was destroyed by hurricanes; and

Whereas, there is no active Homeowner's Association and the owners have continued to pay property taxes and solid waste fees on the property which is valued at \$80.00; and

Now Therefore Be It Resolved that the Board of Aldermen for the Town of North Topsail Beach does hereby accept as a donation tax parcel 779C 33 in Ocean Bay Village, in the Town of North Topsail Beach, from Mr. & Mrs. Bentley Burnham.

Adopted this 6th day of June, 2002

Alderman Vecchione moved, seconded by Alderman Smith to accept tax parcel 779C 33 in Ocean Bay Village as long as there are no homeowner's association dues owed in the present or in the future. The motion passed unanimously.

d. Resolution Authorizing additional payment to U.S. Army Corps of Engineers in the amount of \$28,000.00

6/6/02

Mr. Betz stated that Mr. Glenn McIntosh, Project Manager, indicated that the Corps has transferred \$56,000.00 into the Shore Protection Feasibility Study from the Reconnaissance Report.

However, as with the rest of the funds in the Study, matching funds is required in order to utilize these funds in the Study. The Corps is requesting both the Town of Surf City and the Town of North Topsail Beach to provide \$28,000.00 each to complete the non-federal funding formula.

We have made a request to the Division of Water Resources for a 50% match from the State, however, it is anticipated that this request will not be met. Surf City has recently provided \$28,000.00 to the Corps.

As the Feasibility Study remains a high priority for the Town, the resolution is recommended for the Board's approval. Funds are available in the Beach Renourishment/Dune Stabilization Fund for transfer to the Corps Study.

Resolution Authorizing Additional Payment to U.S. Army Corps of Engineers for the North Topsail Beach Shore Protection Feasibility Study

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 Board of Aldermen subsequently authorized on April 4th, 2002 Budget Amendment #7 transferring \$74,000.00 Onslow County Accommodations Tax Revenues to the Corps of Engineers as a portion of the non-federal funding formula: and

Whereas, the Board of Aldermen approved Budget Amendment #8 on May 16th, 2002 transferring \$75,000.00 in State Revenue to the Corps of Engineers as the balance of the non-federal funding formula; and

Whereas, the Corps of Engineers has identified \$56,000.00 in federal funds leftover from the \$100,000.00 allocated to the Reconnaissance Report that preceded the Feasibility Study. While these funds are available, they can not be utilized for the Feasibility Study unless matched by non-federal funds. The Corps of Engineers is requesting that the Towns of Surf City and North Topsail Beach provide \$28,000.00 each in the current fiscal year to enable the Corps to utilize these funds. Furthermore, it is recommended to seek 50 percent of each town's required contribution from State Funds through the NC Department of Environment and Natural Resources; and

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 to utilize \$56,000.00 in available federal funds for Shore Protection Feasibility Study in the amount not to exceed \$28,000.00 from 10-720-73 Beach Renourishment/Dune Stabilization Fund for transfer to the Corps of Engineers and to seek additional State Funding.

Adopted this 6th day of June, 2002

6/6/02

Alderman O'Donnell moved, seconded by Alderman Vecchione approval of the adoption of a Resolution Authorizing Additional Payment to the U.S. Army Corps of Engineers for the North Topsail Beach Shore Protection Feasibility Study not to exceed \$28,000.00. The motion passed unanimously.

e. Resolution Awarding Contract to Norris Construction Co., Inc. for Street Paving:

This is a Resolution to Award a paving contract to Norris Construction Co., Inc. in the amount of \$22,690.00 for continued paving of unpaved streets in the Town.

The Public Works Department has maintained a list of streets to pave as funds become available. This contract includes, Third Avenue, Fourth Avenue-Sound Side, Fourth Avenue-Ocean Side and Bay Court.

Earlier in the fiscal year another series of streets were paved. However, the Town currently has a balance from a prior year and a balance from this fiscal year to utilize totaling \$23,944.00. Two bid proposals are included in the agenda package with Norris Construction Co., Inc., being the lowest, responsible bidder in the amount of \$22,690.00.

As we prepare the Powell Bill Fund report for the next fiscal year, it is best not to have a significant balance of funds on hand in this particular budget year.

Staff recommends awarding paving contract to Norris Construction Co., Inc.

Resolution to Award Contract to Norris Construction Co., Inc., in the Amount of \$22,690.00 for Street Paving for Fiscal Year 2001-02

Whereas, the Town of North Topsail Beach maintains a list of unpaved streets for annual consideration of improvement from funds provided to the Town referred to as Powell Bill Funds; and

Whereas, the Town has available \$23,944.00 in prior year and current year Powell Bill Funds to award a small contract for the paving of Third Avenue, Fourth Avenue-Sound Side, Fourth Avenue-Ocean Side and Bay Court.; and

Whereas, the Town received two bids, with Norris Construction Co., Inc., being the lowest, responsible bidder in the amount of \$22,690.00 which includes the application of Primatol in needed areas; and

Now Therefore Be It Resolved that the Board of Aldermen for the Town of North Topsail Beach awards a contract for paving the above referenced streets to Norris Construction Co., Inc., in the amount of \$22,690.00 from Powell Bill Funds on hand for Fiscal Year 2001-02.

Adopted this 6th day of June, 2002

Alderman Vecchione moved, seconded by Alderman O'Donnell approval to award the contact to Norris Construction Co., Inc., in the amount of \$22,690.00 for street paving for Fiscal Year 2001-02. The motion passed unanimously.

6/6/02

Mayor Bostic said we don't allow homeowners to pave and at the same time we pave. We need to look at that.

f. AIRCONDITIONING CONTRACT:

**Resolution Awarding Construction and Installation for Town Hall
Air-Conditioning Retrofit for 2nd Floor to Southeastern
Heating and Air Conditioning in the amount of \$25,000.00**

Whereas, the Board of Aldermen adopted a Resolution authorizing the Town Manager to engage the engineering and design services of Right Angle Engineering P.C. to provide the design specifications for solving the air conditioning problems in the Town Hall and to make recommendations with cost estimates for providing the necessary equipment and construction activities to complete the project; and

Whereas, the mechanical engineer evaluated the building on his site visit and developed designs and specifications associated with his analysis for bid by prospective contractors; and

Whereas, the recommended proposal is to remove the existing 7 ½ ton split system heat pump, install a new 10-ton packaged heat pump, reconnect to the existing supply and return air ductwork in the attic space, provide (9) zone air valve dampers and 1 by-pass damper with electronic controls, phenolic coating on AHU-3 housing with casings, coil, and fans; and

Whereas, on May 27th, prospective bidders were notified to submit a bid to the engineers on or before 4:00 p.m. on June 4th, 2002. At the bid deadline only **one** bid was received: in the amount of \$29,460.00; and

Whereas, the Board of Aldermen previously adopted a resolution that the contract cost not exceed \$23,000.00, based upon preliminary estimates; and

Whereas, the Town Manager directed the engineer to negotiate with the low bidder and has authorized the deletion of "catwalks" and approved the substitution of a manufactured brand name of **Bryant**, rather than the specified brand name of **Trane**, to provide for a bid price of \$25,000.00; and

Now therefore be it resolved that the Board of Aldermen, for the Town of North Topsail Beach hereby awards the Air-Conditioning Retrofit Contract for the 2nd Floor to Southeastern Heating & Air Conditioning, the lowest and responsible bidder in the amount not to exceed \$25,000.00.

Adopted this 6th day of June, 2002

Alderman O'Donnell questioned why we haven't received more bids. Mr. Betz said that companies are very busy this time of year.

Alderman Sandberg moved, seconded by Alderman Smith approval of a Resolution Awarding Construction and Installation for Town Hall Air-Conditioning Retrofit for 2nd Floor to Southeastern Heating and Air Conditioning in the amount of \$25,000.00. The motion passed unanimously.

g. APPOINTMENT TO BEACH NOURISHMENT COMMITTEE:

6/6/02

Mayor Pro Tem Flynn stated that we have applications from Harold Hunt and Sue Lambert to the Beach Nourishment Committee and recommended that we approve both applications.

Alderman O'Donnell moved, seconded by Alderman Sandberg approval of Harold Hunt and Sue Lambert to the Beach Nourishment Committee. The motion passed unanimously.

MANAGER'S REPORT:

1. The Onslow County Manager has recommended within the General Fund - Tourism Account (10-4925) that \$100,000.00 be budgeted for Beach Renourishment in the Fiscal 2002-03 Budget. The Onslow County Board of Commissioners will hold a Public Hearing on the Recommended Budget on June 17th, 2002. It would be appropriate for a member of the Board of Aldermen to speak at the Public Hearing to encourage the inclusion of these funds in the Adopted Onslow County Budget.
2. Significant progress is being made on the Town Park and an official opening of the Park will be planned for Monday July 1st, 2002 at 10 a.m. The ground breaking ceremony went very well and the attendance by members of the Board was very much appreciated.
3. Town Hall day in Raleigh is June 11th, and Mayor Bostic, Aldermen Sandberg and Smith and I are registered to attend. We should depart from Town Hall at 7 a.m. We have an appointment schedule with other elected and appointed officials from Onslow County and a lunch meeting with several legislators together in Room 425 in the Legislative Office Building at 12:00 noon.
4. The Town of North Topsail Beach is the host for the next 4-Town meeting scheduled for Thursday June 20th, 2002. Please advise Staff of any items that the Board would like included on the Agenda. The Executive Director of the Greater Topsail Chamber of Commerce has been invited to be the Guest Speaker, Jeanette Masters.
5. During the next month, Staff will be meeting with qualified individuals to discuss the preparation of a "Scope of Work". This would be a document requesting proposals for professional services associated with the preparation of a Feasibility Analysis Report for the CBRA areas of the Town. Staff will discuss the selection of this individual or firm with the Beach Preservation Committee with a recommendation to the Board of Aldermen on August 1, 2002. Thus, the first step is to retain professional services to prepare the Scope of Work to solicit the services of a firm to conduct the Feasibility Study. The next step

6/6/02

would be to interview and retain a firm to perform the study. This process will be funded from the Capital Project - Beach Nourishment.

6. The Dredging project is in full swing with sand being pumped onto the beach at the north end and developing a "new profile" on the beach. The project is now in front of the condemned structures. (These being properties deemed unsafe and unfit for human habitation) We had 11 as of this morning, but have approved unit 2320-1 at noon today for utilities services and it is now occupied again. The project itself is progressing well now after getting started right at the last full moon and aggressive tidal waves. It is anticipated that another two weeks of work is still to be done. The Town Manager and other staff individuals are on site at least once a day, sometimes twice to review the situation.
7. Questions occasionally arise concerning the Town's request for an Engineer's sign off on condemned structures that the "pile tie depth" has been restored through inspection and evaluation to insure that the structure, after repair, is currently safe for human habitation. The basis for this request, part of which goes to basic liability for the Town, is that the North Carolina Administration and Enforcement Code (Chapter 4) allows the local official (building inspector) to request test or analysis whenever the written code does not fully cover a particular type or method of construction, as in the case of 1 and 2 family dwellings located within the Ocean Hazard Area. Furthermore, in Chapter 41 of the North Carolina Building Codes, it describes the minimum required depth of piles; however, the same code does not provide details on wave impact. Thus, the required test, analysis, and calculations from a professional engineer, who has been certified by the state to perform calculations on impact loads, etc, can best ascertain the safety of the structure. The Town is even more accountable in a declared emergency to satisfy itself that safety concerns have been alleviated. It is not a state law or town requirement, but it is in our best interest that the buildings are safe for public use. We cannot waive public safety. Mr. Betz read from the letter that was sent out to citizens. If in the future, and if FEMA asks us what we have done with the condemned units we have answers.

Mayor Pro Tem Flynn was not comfortable, talking about safety on one hand and inhabitants concerns on the other. He also stated that as opposed to engineer certification, the town received legal statements that held the town blameless. Have we done the same in the event there is an injury? Attorney Fairley noted that the town has certain obligations and cannot sign off on it. Towns are not permitted by law to indemnify themselves. You have to look at requirements of what an inspector is. You also have to ascertain safety vs. non-safety. If the inspector has questions if a residence is safe for a person, and has questions about a particular area, i.e. pilings, you would have to read those statutes in tandem.

6/6/02

Mayor Bostic said our inspector has knowledge to do preliminary testing. Attorney Fairley said you have to balance it. We have to look at past 6 years of property damage. If we lean towards ensuring safety rather than sparing the pocketbook, you have to make a decision as to what is most appropriate. We are weighing on the side of caution.

Mr. Betz noted that we have waived all fees. Alderman O'Donnell said we are being overly cautious in this area. We have a highly qualified building inspector who gets paid a high salary. It makes common sense to wait for the beach to be renourished. Alderman O'Donnell did not think that Mr. Davis should have been forced to spend this money. You should have given him 2 weeks. Alderman Sandberg said we know the situation changes day to day. I do not want to be in a position where I have said not to enforce it and someone gets hurt. I am more concerned about your safety. Town staff is out there daily.

Mayor Pro Tem Flynn noted that Mr. Betz stated that the 72 hours could be viewed as an indication and not a requirement. Mr. Betz said that we encourage people to monitor the situation. Mayor Pro Tem Flynn said that the 72 hours should be viewed as 2 weeks. Mr. Betz said he concurs.

Alderman Smith said it is up to the Building Inspector's discretion for engineering certificates. If people have an opportunity to sue, they will. Those houses are probably more structurally sound than any other houses. You will lose utilities first before you lose pilings. Mayor Bostic felt that the Building Inspector should do preliminary inspections first. Then, based on his inspection and it is unsafe, then he should get an engineer to counter his decision. Alderman Vecchione agreed that the Building Inspector could do the testing himself.

Attorney Fairley noted that being sued is not the same as having liability. Liability is a different issue. This board will make decisions as to how the inspector does his work. The issue of when a hazard exists and the town knows the hazard exists and the town doesn't take the steps necessary that the hazard is controlled, that is when a liability will be present. If the 72 hours will be waived, I would suggest you have a form that someone can sign for an extension. Mayor Bostic suggested that the extension be included with the notice. Mayor Bostic said it is a problem when a homeowner has hired an engineer and they have to come back to recheck the pilings. Attorney Fairley said if there is no further damage, then you can give the inspector authorization to proceed in a manner that is prudent.

Alderman O'Donnell said it is o.k. if the inspector determines that the pilings are unsafe and then says fix them and get an engineer. It's another thing for him to walk on the property and the sewer lines are out and he says that they have to get their pilings checked without a test saying they are unsafe.

6/6/02

If the level of recovery continues, the State of Emergency should be lifted by July 1st, 2002.

ATTORNEY'S REPORT:

Attorney Fairley said that a member of the citizenry asked for financial assistance from the town. She noted that Town monies cannot be used for private residences. Attorney Fairley is continuing title searches on some parcels.

MAYOR'S REPORT:

Mayor Bostic said in the area north of Topsail Reef, we need to look at establishing earthen crossovers and putting up sand fence. We need to protect the sandbags. He was not in favor of building hardened structures at this time. Mayor Bostic said he was looking forward to the park being opened.

ALDERMEN'S REPORT:

Alderman Sandberg noted that when we went through the hurricanes earlier we didn't do things well. We might try to re-evaluate the procedures. Alderman Sandberg said that Mr. Betz' contract states that a review will be done in 6 months. She asked that a closed session take place at next month's meeting. The consensus was that the review could take place at the August 1st meeting.

Alderman O'Donnell said that we still don't have a sign on the highway to note meetings. Mr. Betz said we have looked at signs and they are very expensive. It is not a high priority at this time. Chief Salese said we need approval from the owner of this property. It was noted that we have authorization. Mayor Bostic suggested asking a community college to make a sign.

Mayor Pro Tem Flynn has requested assistance from the Department of Interior concerning erosion and the problems we have. Fish and Wildlife quote requirements of FEMA. There has to be an emergency situation before any action will be taken. He suggested that we write FEMA and enclose letters and the Emergency Proclamation. We have to see how we can get recognition for concerns we have in the CBRA zones. There is a meeting scheduled for July 2nd at 10:00 a.m. at Town Hall with Washington representatives, Fish and Wildlife, DENR and the Corps to discuss CBRA.

Mayor Bostic invited anyone to read the Onslow County Budget that is available at Town Hall.

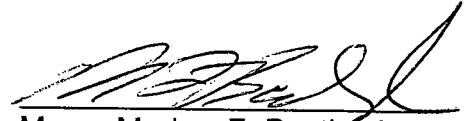
Mayor Pro Tem Flynn requested that anyone who has a relationship with Onslow County, that we should tell them how pleased we are of their support of \$100,000.00 requested for beach nourishment.

6/6/02

ADJOURNMENT:

Alderman Vecchione moved, seconded by Alderman Sandberg to adjourn the meeting at 9:35 p.m. The motion passed unanimously.

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



Mayor Marlow F. Bostic, Jr.

7-9-02
Date Approved

**TOWN OF NORTH TOPSAIL BEACH
REGULAR BOARD MEETING
JULY 9, 2002
7:00 P.M.**

PRESENT:

Mayor Marty Bostic, Mayor Pro-tem John Flynn, Aldermen Bill O'Donnell, Laurie Sandberg, Steve Smith and Joe Vecchione, Don Betz, Town Manager, Loraine Carbone, Town Clerk, Mary C. Fairley, Attorney

QUORUM:

Mayor Bostic called the meeting to order at 7:00 P.M. in the North Topsail Beach meeting room and declared a quorum present.

INVOCATION:

Bob Prince, of the North Topsail Shores Baptist Church gave the invocation.

PLEDGE OF ALLEGIANCE:

Mayor Pro Tem John Flynn led the group in reciting the Pledge of Allegiance.

RECOGNITION OF 10 YEARS OF SERVICE FOR POLICE CHIEF DANIEL SALESE:

Mayor Bostic noted that we have a special occasion. The Mayor commended Police Chief Daniel Salese for a job well done in the 10 years that he has worked for North Topsail Beach. Chief Salese was presented with a certificate and a 10 year pin and the Mayor said that this was just a small token of appreciation of what he has done for the Town.

APPROVAL OF AGENDA:

Alderman Sandberg added the Pledge of Allegiance issue under New Business. Alderman Smith moved, seconded by Alderman Vecchione approval of the agenda as presented. The motion passed unanimously.

COMMITTEE REPORTS:

Beach Nourishment:

Mayor Pro Tem Flynn noted that most of the information he was presenting tonight would be on the town's website next week. The Army Corps of Engineers joint program is under way and on schedule. The Initial phase will be completed in a few months. They moved into the Feasibility Analyses phase as of March. An evaluation of reasonable solutions will be assessed. New GIS photo maps and data will be produced by the end of this month with CBRA zones included.

Presently the Corps of Engineer's efforts are engaged in surveys, data searches, beach analysis, erosion rate analysis, initial cost benefit structure development, and environmental resource inventories.

84

7/9/02

The Feasibility Study, when completed, will put us in a position to go out for bids. This will take 3 to 4 years to complete. There is a draft on our agenda tonight on a feasibility study for the CBRA zones. We will go out to vendors to provide us with a cost.

There was concern with the Washington Corps officials at Wilmington 10 days ago. Senate Bill S1987 would change the way the cost-sharing ratios are computed, boosting the local share of construction from 35% to 65%. It is possible that many towns would be unable to continue with beach nourishment activities. Additionally, the bill would raise the cost-benefit ratio a project must meet for Federal approval to 1:1.5. The current ratio is 1:1. Citizens will be requested to write their Congressmen.

On July 2nd, a CBRA meeting was held at Town Hall. This meeting was chaired by the Army Corps of Engineers and the featured speaker was CBRA coordinator Paul Souza from U.S. Fish & Wildlife. Various representatives were present from the Corps and USFWS. They defined CBRA and the activities affected and exempted within its boundaries. Discussion took place on boundaries and how they could be modified. There will be more involvement in the next 6 to 9 months. A documentation package will provide us with USFWS information, i.e., maps, and original comments made when CBRA was first initiated.

The next Beach Nourishment Meeting is scheduled for July 17th at 6:00 p.m.

Beautification Committee:

Sallie McGuire noted that her committee will not meet until September. Mrs. McGuire was concerned about the pilings from the old pier at Roger's Bay since people have been injured. We need to get another sign out there. In regard to the beach area, we need more signs for "Keep off the Dunes" and more receptacles for trash. Loraine Carbone, Town Clerk, noted that the Beautification Committee has received a check in the amount of \$145.00 to buy a "Snowflake" decoration for the Town. Donations are needed to buy more snowflakes!

Erosion Control:

Alderman Smith's committee met on July 2nd and they reviewed 3 proposals that Emerald Isle used for the Bogue Inlet relocation. The committee also discussed sand fencing and beach grass. They suggested looking at vacant lots that the Town has and plant sea oats that could be harvested. They will invite Mr. Gibson, the engineer used on relocating the Mason Inlet to their next meeting. Mr. Wayne Batten, Pender County Ext. Service, has sea oats available. You can contact him at 910-258-1235. The next Erosion Control Meeting is scheduled for July 30th at 6:00 p.m.

Planning Board:

Jim Milligan reported that the Planning Board met on June 13th and they met the alternate members. Mr. Dorazio and Mr. Hunt will be valuable members to this

7/9/02

committee. Two weeks ago Mrs. McLaughlin put up information on the board which covers the request of rezoning the Scotch Bonnet area. This request will result in 9 lots on the ocean. The developers are requesting that this area be rezoned from MHP to R15. There is no sewage there so each lot will have its own septic system. They will be single family homes. The Public Hearing on this rezoning will be held this Thursday. Alderman O'Donnell questioned if property owners across the street were notified. Mr. Milligan said yes.

Transportation Committee:

Alderman Sandberg noted that this new committee will meet July 16th at 6:30 p.m. for an organizational meeting.

OPEN FORUM:

James Bowden, contractor for Bowden Shores said that he had concerns that the town would not have an inspector when they needed one. "With all of the construction going on now, we need a full time inspector. Bowden Shores has set aside \$85,000 to \$100,000 to get permits. We will need someone right away because we will lose money."

Curtis Fields, with a concrete firm in Raleigh, said that he is building 3 concrete homes. In the last week they paid \$853.00 plus travel time for inspections. "Our work is more strenuous since it is a perishable product. We can't wait for concrete. We have 5 to 23 inspections on a daily basis. With the volume of work in place now, it would be a mistake to try to rely upon outside sources. There is a due process when you get ready to engage in construction. There are a total of 40 different inspections. If I have to go through time to seek an engineer and pay him to come down here, I've already expended money. If you delay me tomorrow, and wait until next week, I have 12 to 14 guys not working." Mr. Fields asked that the Board to consider strongly the need for someone who will respond to the community.

Cameron Smith had questions regarding pervious concrete. He noted that he is building on an area that is over 4 acres. There would be less than 6% of porous material because of the lot size. He said he was requesting a variance since porous concrete would cost them more money. The house will be built on Ash Island.

Hiram Williams, with Action Construction, pled with the Board to consider keeping a local building inspector employed by the Town. It is not feasible to use Onslow County. His opinion was that the housing industry is the largest income producer in NTB and it also aids the tourism industry. He felt the Board should have a positive influence on new dwellings. "You would be remiss in your position if you did not keep this position in NTB. Your tax base is based on construction and land. If you don't have a viable building industry you will not survive. If we have to wait for an inspector to come, it will cost your taxpayers and you money."

7/9/02

Jeff Holland, said that he is a property owner and represented Maebilt Construction. "We need an inspector. Our permit fees are one of the highest in the state. There is no reason not to maintain a full time inspector with coastal and CAMA experience. In regard to pervious concrete, NTB is the most stringent of any other town. Rain stays until it decides to go away." 30% is 30%. Mr. Holland said that the Board should remove the concrete rule since there is no basis for it. D.O.T. needs to put in more french drains. In regard to the Flood Damage Ordinance, 2 feet of free board costs contractors a lot of time and trouble. Saving 5% on insurance isn't worth it. Mr. Holland also had some concerns with the building codes.

Hillary Zang also had concerns with the concrete issue. She agreed that the restriction of concrete driveways should be removed. She said she lives in a very dangerous area to pull out of the driveway. Since it is very steep out of her driveway, gravel doesn't work.

CONSENT AGENDA:

The Consent Agenda consists of the following:

- Minutes of June 6, 2002
- Department Reports
- Benefit Accrual Reports

Alderman O'Donnell moved, seconded by Mayor Pro Tem Flynn to approve the Consent Agenda. The motion passed unanimously

OLD BUSINESS:

a. Staff Recommendation on Ocean City Crosswalk:

Town Staff have reviewed and discussed several different options concerning the issue of the crosswalk that was previously constructed under authorization by Town Management and discovered to be on private property. This crosswalk could be removed by our people.

Mayor Pro Tem Flynn stated that the original concern was that the Town erected a crosswalk on private property. He suggested that it was appropriate to go back to the original question. The Town did erect the crosswalk on private property.

Mayor Pro Tem Flynn moved, seconded by Alderman Sandberg to adopt a Motion to remove the Crosswalk on property owned by Ocean City Ventures, LLC, as indicated on Map Book 42 page 13, as recorded in the Onslow County Office of the Register of Deeds.

Alderman Smith said that he sees a lot of cars at this walk way. He questioned if the Town has property to place the crosswalk on.

7/9/02

Alderman O'Donnell questioned if the cost would be more to remove it. Mr. Betz said that he and Mr. Best concurred that we could do the work with our staff.

The motion passed unanimously. (Crosswalk and CAMA sign removed July 10, 2002).

Mayor Pro Tem Flynn noted that there a lot of areas at the south end where there are town easements. The aspect of closing off an area and barricading it is frivolous and he was not in favor of doing that. We have taken care of the issue of liability. We need to investigate deeds, maps and surveys to locate easements. It is difficult to discuss placement of a crosswalk without this information. Mayor Bostic suggested a vicinity map that shows what is available.

b. Amend Resolution Indemnifying & Hold Harmless Owner Regarding Ocean City Crosswalk:

Alderman O'Donnell moved, seconded by Alderman Smith to rescind the resolution that was adopted on May 2, 2002 because it is flawed and puts us at jeopardy. The motion passed unanimously.

c. Restore Crosswalks/Public Access at North End:

After the Mayor rescinded the State of Emergency, Mr. Betz directed staff to review the public access ways in order to reopen them for the 4th of July weekend.

As the Board can see from the photo enclosed, some work was necessary to restore the crosswalk at or about Coastal Drive at Topsail Reef. Mr. Betz authorized the contractor to repair and extend the crosswalk and it was opened on Tuesday July 2nd. The crosswalk at Oyster Lane was previously converted to an earthen entrance and seems to be a working access.

Knowing that the Board members would be contacted concerning these accesses we proceeded to get them reopened for public use.

Mr. Betz said that he believed the Topsail Reef complex is also reconstructing accesses for building one and two.

Alderman Vecchione noted that he walked the beach at the north end on the 4th of July and they did an excellent job on the crosswalks. It also eased problems with trespassing.

NEW BUSINESS:

a. Request for Variance of Concrete Driveway:

7/9/02

Enclosed is a variance request for a concrete drive from Ms. Dana Temprano. The concrete drive is already in place at 6803 12th Avenue. In accordance with our Flood Damage Prevention Ordinance any variance request will come before the Board of Aldermen.

The Board of Adjustment was not in place at the time of adoption of the Ordinance. The Board of Aldermen may refer this item to the Board of Adjustment.

As Ms. Temprano states in her letter she was not aware that concrete drives were not allowed in North Topsail Beach. In reviewing the plat plans on her house for CAMA and zoning, the drive was shown on the plans, but did not indicate that it would be concrete. The accompanying property survey of the preliminary plot fails to identify the driveway as concrete.

Alderman Sandberg questioned if we refer this to the Board of Adjustment, would it come back to the Board? Mr. Betz said an appeal would be to Superior Court.

Mayor Pro Tem Flynn said that it would be difficult for the Board to make a decision and he would prefer it go to the Board of Adjustment.

Alderman Vecchione also agreed and said that is why we have a Board of Adjustment.

Mayor Pro Tem Flynn stated that if the question of concrete is going to face the Board as we have heard from citizen's input tonight, we may want to look at public hearings on that particular problem and move forward. Mayor Bostic said he would prefer a public hearing at the next monthly board meeting.

Attorney Fairley said that there was a correct way to go about asking for a variance. If the Board of Adjustment doesn't agree, then it is appealed to Superior Court. That acts as an appeal.

Mayor Bostic suggested referring this to the Board of Adjustment.

Alderman O'Donnell said that he was inclined, if this lot already has 30%, then they have to do something about it. He had concerns going to the Board of Adjustment. These are not people who attend town meetings, and there would be no opportunity to appeal to the Board of Aldermen. He would hate for a homeowner to go to Superior Court.

Mayor Bostic noted that the right way is to send it to the Board of Adjustments, but at the same time, schedule a Public Hearing. Alderman O'Donnell felt that we should not get locked in a Board of Adjustment decision before a Public Hearing and felt that we should resolve the issue ourselves.

Attorney Fairley said that we are not required by ordinance to have a Board of Adjustment since this is a small Town. That is a Board that could be abolished and then the issue

7/9/02

would come first to the Board of Aldermen. When it is presented to the Planning Board, if they deny the variance, then the appeal is to the Board of Aldermen.

Alderman Sandberg thought that they were not prepared tonight to discuss changing an ordinance and having a public hearing. We need to consider this request for a variance.

Alderman Sandberg moved, seconded by Alderman Vecchione to refer the variance of a concrete driveway at 6803 12th Avenue to the Board of Adjustments.

Alderman Smith said he looked at the driveway and felt that the town made a mistake since the driveway has been there. He asked that we pull the minutes when this ordinance was approved. NFIP was going to decrease our insurance, but it doesn't seem to be a factor at this point.

Alderman O'Donnell said that this issue should be tabled for further discussion on concrete.

The motion passed three to two with Alderman Smith and O'Donnell opposing.

Mayor Pro Tem Flynn reiterated that the request before us is on a variance. We will look at concrete driveways at the Public Hearing and we stated that it should go before the Board of Adjustments. It is more appropriate to hold this issue and forward it to the Public Hearing where this board may respond to a motion.

Mayor Bostic moved, seconded by Alderman Smith to hold a Public Hearing on this issue at the August 1, 2002 Board Meeting.

Mayor Pro Tem Flynn questioned if we were just picking on concrete driveways. Mayor Bostic said that it would be the whole porous issue. Mayor Pro Tem Flynn said that we now have storm water requirements placed on us by the State which should impact us by 2007. This came about because of casual storm water runoff. You need qualified people to lead the discussion. Mayor Bostic asked the Town Manager to get data.

The motion passed 4 to 1 with Alderman Sandberg opposing.

Mayor Bostic noted that we have used ABC rock on our park and also paved a little section there. We also expanded our own parking lot at Town Hall. It is time to look at this issue again.

Mr. Betz said that we will respond to Mrs. Temprano by letter advising her of the Public Hearing.

b. Resolution to Encourage Town Use of Local Businesses:

Mr. Betz noted that Alderman Sandberg asked that we draft this resolution. Mayor Pro Tem Flynn said it doesn't look good to me. "An aspect of our viewpoint of market

7/9/02

capitalization is that people compete. This Board should not make recommendations for special events. The Town Manger has been instructed in the past that he will make accommodations at a cost that is most economically feasible to the Town. I am not in favor of this resolution."

Alderman Sandberg said that we are aware of how our revenue is acquired and it is by our property owners and our businesses. We have such limited commercial entities. They don't have opportunities to compete and they are not asked to compete. We have to support our town.

Alderman Vecchione noted that being a business owner, he gets a lot of business from people from other towns. They patronize other towns also. He agreed that we can get blindsided when we don't use a particular business. We can't forget about our neighbors. The Town manager does look around for the best price.

Alderman O'Donnell felt that if the price was not equal and it is cheaper to go to another place, then go to it.

Alderman Sandberg moved, seconded by Alderman O'Donnell to approve the Resolution that supports local businesses.

RESOLUTION SUPPORTING NORTH TOPSAIL BEACH BUSINESSES

WHEREAS, the Town of North Topsail Beach holds meetings in their Town Hall and schedules annual Christmas parties and;

WHEREAS, in the past, meetings have been catered by out of town vendors and Christmas parties held outside of North Topsail Beach and;

WHEREAS, local businesses should be used in lieu of doing business with out of town proprietorships when cost and availability are compatible;

THEREFORE, it is recommended by the Board of Aldermen that future Town meetings and events be catered or held at local North Topsail Beach facilities when feasible.

Adopted this day of July 2002.

Loraine M. Carbone, CMC
Town Clerk

Marlow F. Bostic, Jr.
Mayor

The motion failed with Aldermen Smith and Vecchione and Mayor Pro Tem Flynn opposing.

c. Motion to Adopt Military Civilian Task Force (MCTFER) Charter for Emergency Response in Onslow County:

In April, 2002, during the FEMA exercise at Mt. Weather, the Management Group agreed to use the MCTFER, the Military Civilian Task Force Charter of Emergency

7/9/02

Response as a working tool since most of the agencies in Onslow County were represented at the training. This worked very well during the 2 days of actual exercise operations.

It was agreed that after the training exercise Onslow Emergency Management would prepare an amended Charter document for adoption by all shareholders in the County. It is recommended that the Board of Aldermen for the Town of North Topsail Beach adopt this charter and designate the Mayor to represent the Town at the signing ceremony that will be scheduled in August for all shareholders to participate.

Alderman Vecchione moved, seconded by Alderman Smith to adopt the Military Civilian Task Force (MCTFER) Charter for Emergency Response to Onslow County. The motion passed unanimously.

d. Presentation of "Draft" document for "Scope of Work" to Seek Request of Proposals for CBRA Feasibility Study:

Please find attached a "Draft" of what is referred to as a "Scope-of-work" to seek proposals by firms interested in providing and performing the services referred to in the Scope of Work.

Mayor Pro-Tem John Flynn and the Town Manager have met with individuals interested in this work and they have recommended that this scope of work, which parallels a similar scope of work requested by the Town of Emerald Isle, be provided to the engineering community to find a firm to prepare the necessary Feasibility Study for the CBRA area during the time frame that the U.S. Army Corps of Engineers is conducting the Feasibility Study in the non-CBRA areas of the Town.

If the Board of Aldermen concurs with this draft document, then a formal document, as amended, will be prepared and distributed. Funding for these services are to be provided for in the Capital Project-Beach Nourishment and will be expended over at least two fiscal budget years. Financial assistance has been requested from the State of North Carolina as well.

An Evaluation Committee will be established to review the proposals which are to be delivered by September 6th, 2002. The Committee will consist of at least one Alderman, the Chairman of the Planning Committee, a County elected or appointed representative, the Town Manager, and citizen volunteers. The Committee will provide a recommendation to the Board of Aldermen with the intention of meeting the schedule for November 7th, 2002, in order for the chosen firm to begin work by January 1, 2003.

The concept of a "Scope-of-Work" was discussed during the recent Beach Nourishment Committee meeting of June 25th, 2002 and is another step in the long process necessary to provide for "sand on the beach!"

7/9/02

Mayor Pro Tem Flynn moved, seconded by Alderman O'Donnell approval of the "Scope-of-Work" and authorized the Town Manager to proceed with requesting proposals for a Feasibility Study in the CBRA areas.

The motion passed unanimously.

e. Resolution Authorizing Erosion Control Construction Measures for Town Hall Building:

Please find enclosed a resolution authorizing the construction of drainage improvements to the Town Hall property to control the stormwater runoff from draining under the building and eroding the "fill" from the building.

During a walk around the property in early April, Mr. Betz discovered a "canyon" developing under the building from stormwater runoff passing beneath the building and taking the fill material, originally placed under the building during construction, away from the area it was placed in. Unabated, this would cause severe problems for the foundation.

Mr. Betz contacted an engineering firm and after a couple of site visits, he asked the firm to provide a recommendation to correct the erosion.

A number of other issues commanded my attention over the next couple of months as the Board can appreciate. However, a design recommendation has been completed and a cost estimate prepared to take corrective action.

Alderman O'Donnell questioned if this precludes going out for bids. Mr. Betz said it was not necessary and Norris Construction just did our streets and staff is very impressed with them. Alderman Sandberg asked if this was included in our budget. Mr. Betz said yes. Mayor Bostic questioned the amount of fill under the building. Mr. Betz said it would be 50 cubic yards.

Alderman O'Donnell moved, seconded by Alderman Sandberg to adopt the resolution authorizing the Erosion Control Construction Measures for the Town Hall Building to Right Angle Engineering, P.C., and Norris Construction Co., Inc for a total cost not to exceed \$7,500.00.

The motion passed unanimously.

Resolution Authorizing Erosion Control Construction Measures for Town Hall Building to Right Angle Engineering, P.C. and Norris Construction Co., Inc. for total cost not to exceed \$7,500.00

Whereas, in April, 2002, town management became aware of an erosion problem beneath the Town Hall building and contacted an engineering firm to recommend corrective action; and

7/9/02

Whereas, Right Angle Engineering, P.C. conducted a site visit on April 17th, 2002 to review first hand the drainage and erosion conditions under the building and to design a method to redirect stormwater runoff from going under the building; and

Whereas, Right Angle Engineering has provided the attached diagram to illustrate the drainage and erosion repairs and has secured costs from Norris Construction Co., Inc to perform the construction of the recommendations,

Now, therefore be it resolved that the Board of Aldermen for the Town of North Topsail Beach hereby authorizes the Town Manager to contract with Right Angle Engineering and Norris Construction Co., Inc. to construct the recommendations, provided for by the design and engineering diagrams, for a cost not to exceed \$7,500.00.

Adopted this 9th day of July, 2002.

Loraine M. Carbone, CMC
Town Clerk

Marlow F. Bostic, Jr.
Mayor

f. Discussion of Vacant Position-Inspections Department:

At the request of a member of the Board, the vacant position of building inspector, within the Inspections Department, which is part of the organization chart and the adopted fiscal budget, has been placed on the agenda for discussion by the Board of Aldermen.

As the Board is aware, the Town Manager terminated the employment of the building inspector on Thursday, June 20th, 2002. The Town has received inspection services during the period since by Steve Padgett, building inspector for the Town of Surf City. A request has been made to Onslow County Manager Ron Lewis for assistance as well, in the days ahead.

Other members of the Town Staff are handling the necessary paperwork, phone calls, filing, scheduling and other details to support Steve. He is conducting the physical inspections.

Out of respect for the Board of Aldermen, this would be the appropriate opportunity for the Board to provide input and direction to the manager by Board consensus concerning this position. While a job description and advertisement is being prepared, official action has not been taken to fill this position as of this date. A significant amount of inquiry has been received concerning this position and I would respectfully request concurrence by the Board at this meeting to proceed to provide, by one of the methods provided for in the General Statutes, inspections services by the Town of North Topsail Beach.

I have included in the agenda package copies of the General Statutes Law concerning GS 160A-411 Building Inspection for reference. I would recommend that the Town not give the Commissioner of Insurance the opportunity to arrange for inspection services, as provided by the statute, as this may not be in the best interests of the Town.

7/9/02

Alderman Sandberg said we should advertise and fill this position. We might want to consider putting someone in as a consultant on a temporary basis to satisfy requirements that contractors need. One day a week is not enough to have someone help us.

Alderman Vecchione said it is a service that we provide and we need to put someone in this slot and advertise ASAP. It is important for our contractors and citizens not to have delays. Alderman Vecchione was not comfortable with the salary we paid our last inspector. The County is shorthanded and overwhelmed and we cannot depend on Surf City helping us in a long term situation.

Mayor Pro Tem Flynn noted that he doesn't construct buildings, but he understands that it is the only basic engine we have that makes us grow. He has not spoken to anyone who does not want to have the position filled. Mayor Pro Tem Flynn said that he fully supports asking the Town Manager to fill this position and there is merit of an interim person.

Alderman Smith said that we should look for coastal experience and hire an interim inspector.

Alderman O'Donnell said he was struck by the person paying the Town \$85,000 in fees. Mayor Bostic noted that this was for a whole project. Alderman O'Donnell said that his objection originally to supplying an inspector was that it cost us \$75,000 in pay and benefits. If we make money, then I'm fine with the position, as long as the position is revenue neutral for the Town. The personality of the person hired is extremely important. Preferably it should be someone who lives in the area and who is qualified, but not over qualified. We should not provide excessive training.

Mayor Bostic said that he supported the Town Manager in filling the position with someone who has coastal experience.

g. Discussion of Pledge of Allegiance:

Alderman Sandberg requested that a Resolution be prepared for the next meeting to keep the language the same in the Pledge of Allegiance. Alderman O'Donnell felt that this was premature to discuss this issue at this point. Other Board members were in consensus with Alderman O'Donnell.

MANAGER'S REPORT:

1. As the Board of Aldermen is aware, the Mayor rescinded the State of Emergency as of June 27th, 2002. The U.S. Army Corps of Engineer's contractor completed the dredging project and sand placement on the North End of the Town. The sand placement extended to Building #2 of the Topsail Reef Complex. The contractor was relocated to New Hanover County over the July 4th holiday period. Most of the threatened structures have been returned to

7/9/02

use. We have inquired as to the value of the sand placement from the Corps but have not received it yet. Approximately 180,000 cubic yards of sand was placed on the beach.

2. The Erosion Committee will meet on July 30th to discuss the formulation of a process to address the next step in maintaining the north end and discuss a "scope of work" to be developed by a professional consultant/engineer.
3. Mr. David R. Guthrie, Jr. was hired by the Town as Assistant Fire Marshal/Fire Chief. He was recently associated with the Town of Atlantic Beach Fire Department. His first day of work was July 8th, 2002. He is also an emergency medical technician-intermediate.
4. The Town Park project has had some setbacks, as mentioned at the recent Four-Town meeting thus; the anticipated completion date is now July 30th. As we get closer to that date we will keep the Board advised as to an "official" opening day ceremony event.
5. The Air Conditioning Contractor is about half way complete with the installation of the new system for the 2nd floor. The Bryant 10 ton unit is expected to arrive late this week. The system should be operational about July 26th, none too soon. As a result, the Administrative hours have been adjusted to 7 a.m. to 4 p.m. until the system is working.
6. Staff has distributed a *draft* revised Storm Preparedness Plan to each of the Board members. Staff's recent review has generated a few modifications to this draft and we welcome any suggestions from the board prior to providing a 2002-2003 final copy.

ATTORNEY'S REPORT:

Attorney Fairley noted that she was working on a condemnation issue. She is also continuing to investigate the subdivision off of Myrtle Drive. She is reviewing the lease from DENR for the park and will talk with Sue McLaughlin and Don Betz about that. If you prefer reports in writing let me know.

MAYOR'S REPORT:

On July 17th there will be a meeting concerning the study area of the buffer zone for Camp Lejeune which is about a mile around the camp. A consultant is handling this meeting. This issue affects us in a small amount, but it affects our surrounding communities. The meeting is at 6:30 p.m. on College Street in Jacksonville.

ALDERMEN'S REPORT:

Alderman Smith asked if the park could have restroom facilities and asked the Town Manager to come back with a cost. Mr. Betz noted that facilities are available across the street at the County access and that is why we didn't originally plan on having restrooms at the park.

96

7/9/02

ADJOURNMENT:

Alderman Vecchione moved, seconded by Alderman Smith to adjourn the meeting at 8:45 p.m.

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



Mayor Marlow F. Bostic, Jr.

August 1, 2002
Date Approved

**TOWN OF NORTH TOPSAIL BEACH
PUBLIC HEARING AND REGULAR BOARD MEETING
AUGUST 1, 2002
7:00 P.M.**

PRESENT:

Mayor Marty Bostic, Mayor Pro-tem John Flynn, Aldermen Bill O'Donnell, Laurie Sandberg, Steve Smith and Joe Vecchione, Don Betz, Town Manager, Loraine Carbone, Town Clerk, Mary C. Fairley, Attorney

QUORUM:

Mayor Bostic called the meeting to order at 7:03 p.m. in the North Topsail Beach meeting room and declared a quorum present.

INVOCATION:

Grady Gambill, Jr., of the North Topsail Shores Baptist Chapel, gave the Invocation.

PLEDGE OF ALLEGIANCE:

Mayor Pro Tem John Flynn led the group in reciting the Pledge of Allegiance.

OPEN PUBLIC HEARING:

Rezoning of Scotch Bonnet Enterprises from MHP, B-1, B-2 Marina to R-15.

Alderman Smith moved, seconded by Alderman O'Donnell to open the Public Hearing. The motion passed unanimously.

This Public Hearing will address the Rezoning of Scotch Bonnet Enterprises property located on Island Drive from MHP, B-1 and B-2 Marina to R-15.

This request was approved by the Planning Board at their July 11th meeting.

Scotch Bonnet Enterprises has requested that the 6.331 acre tract be rezoned. Currently, the lots surrounding the tract are zoned B-1 Business. The proposed 9 lots would exceed the minimum requirement (15,000 square feet) for the rezoning of R-15.

This property is located along Highway 210, between the Surf City town line and Surf City Campground area. The lots will have a private easement of 30' to enter the lots. The water will be individual taps, and the developer is proposing septic tank systems. The ocean front lots are subject to a 60 foot CAMA setback from the first line of vegetation. A layout of the sketch map is on the board for your reference.

Mr. Gilbert, a stockholder in Scotch Bonnet Enterprises and manager of operations of the company holdings which consist solely of the property in this hearing and an additional parcel on the sound side, which is not in this petition, addressed the Board.

(Please note -attached to the end of the minutes will be a copy of his remarks.)

8/1/02

Alderman O'Donnell asked why he couldn't use the sewer system. Mr. Gilbert said sewer is not available there and we are not allowed to enter into Surf City's sewer system

Pat Moylan, owner of Margarita's, was totally against the development since the new homeowners will complain about the traffic and noise. It is commercial, and it should be kept commercial. Septic tanks will be a problem.

Charles Riggs passed out additional prints to the Board and went over a few details. Scotch Bonnet is actually 53 acres. The petition addresses Highway 210 to the ocean. The property is presently zoned MPH. This area was created prior to the creation of North Topsail Beach. It complimented the existing pier that was there and recreational vehicles were located there. The zone across the street is MPH and zones adjacent and along Surf City is commercial and residential.

The application shows 9 lots with 2 - 10 ft. beach accesses and a 30 ft. right of way would provide access to all 9 lots. Our intention is to dedicate a street to the town and it would become part of the Powell Bill funds. We made every effort to get sewer. The only way to get sewer with Surf City is to be annexed. North Topsail Utilities are not expanding their services, therefore, the only alternative are septic tanks and the County Health Department has given us approval. There will be restricted covenants on the placement of homes on this property. There is a \$5,000 recreation fee to the Town in lieu of recreational space. Taxes are approximately \$4,000 based on tax receipts. Houses and lots will be at least \$6 million, which would result in \$16,000 tax receipts for NTB. That would cover services that the town provides.

Our opinion is that residential is the best use of this property. MHP is considered residential now. We could put mobile homes in that area. The CAMA setback is 60 feet. Commercial is doubled to 120 feet, which reduces the buildable space and there would be increased stormwater requirements.

The only buildings that surround this are outside of the town and in Surf City. They are existing businesses that have sewer. The conclusion for the best use of this property is R15, and it will increase the tax base.

Mayor Bostic questioned the beach access. Mr. Riggs said the Town could use it. Mayor Bostic questioned the parking. Mr. Riggs said that parking was not allowed on public streets. The right of way is 30 feet. Mayor Bostic noted that there were a lot of areas that you could park.

Alderman O'Donnell questioned why the driveways abutted Highway 210. Mr. Riggs said that D.O.T. prefers one street adjacent to properties. Alderman O'Donnell asked what the value of a 1/2 acre of land in this area would be. Mr. Riggs noted that a

8/1/02

recreational fee of \$10,000 for an acre or 1/2 of that for half acre, therefore, \$5,000 is suitable for this site. The lots will sell for approximately \$200,000. Alderman O'Donnell asked that Mr. Riggs re-look at the figures.

CLOSE PUBLIC HEARING:

Alderman O'Donnell moved, seconded by Alderman Vecchione to close the Public hearing on the Rezoning of the Scotch Bonnet Enterprises. The motion passed unanimously.

OPEN PUBLIC HEARING:

Alderman Smith moved, seconded by Alderman O'Donnell to open the Public Hearing on the NTB Flood Damage Prevention Ordinance. The motion passed unanimously.

North Topsail Beach Flood Damage Prevention Ordinance Article 5, Section B (9), Porous Driveway Regulations adopted 9/7/00.

Mr. Betz noted that this Hearing is on the NTB Flood Damage Prevention Ordinance Article 5, Section B (9). "Driveways connecting to a public or private street shall be constructed of porous materials (such as gravel or open paving brick or other porous material) as approved by the town's building inspector. No non-porous (such as concrete, ABC stone, crush and run) material may be used in the construction of such driveways. The provisions of this ordinance shall apply to the replacement of any driveway existing at the time this ordinance is adopted.

Jeff Holland addressed the Board and his statement will be attached to these minutes.

Dick Farley stated that he lives at the north end and they get quite a bit of water there. He likes the idea of cement driveways, but he was concerned about the run off. He would like to explore the idea of french drains in a lot of places in our Town. There are certain developments where water comes streaming out of parking lots.

CLOSE PUBLIC HEARING:

Alderman O'Donnell moved, seconded by Alderman Sandberg to close the Public Hearing on the NTB Flood Damage Prevention Ordinance Article 5, Section B (9) Porous Driveway Regulations adopted 9/7/00. The motion passed unanimously.

OPEN REGULAR MEETING

APPROVAL OF AGENDA:

Alderman Smith moved, seconded by Alderman Vecchione approval of the agenda including the addition under New Business regarding the donation of property on River Drive. The motion passed unanimously.

8/1/02

Recognition of New Employees:

Mr. Betz introduced David Guthrie, new Assistant Fire Marshal and Police Officer Zenon Santos.

COMMITTEE REPORTS:

Beach Nourishment – Mayor Pro Tem John Flynn:

The Water Resource Development Act for 2002 is stalled in Congress. The House has submitted a version to the Senate, but the Senate apparently has no plans to consider the House version. No Joint committee meeting has been established; there will not be any action taken until September. The WRDA sets the budget for many, if not all, water resource projects including all beach restoration efforts.

The Senate WRDA Bill presently includes many US Army of Corps of Engineers reform provisions. The sponsors of the bill have remained adamant concerning the requirement for the Corps' reform. Some of these measures are:

- Changing the cost-share ratio for beach Renourishment projects at 35% Federal and 65% non-Federal after January 2004. Current law reverses that ratio.
- All projects that exceed a total cost of \$40 million would be required to undergo an independent review.
- Non-Federal sponsors would be required to pay 100% of their cost share before the Government would pay more than 50% of its share.
- The economic cost-benefit ratio needed to authorize projects would increase to 1.5 vs. the present 1.1

The Federal funding for next years Corps of Engineers Beach Nourishment project for NTB and Surf City will be less than we had anticipated. However, discussions with the Wilmington Corps' project management indicate that the lessened funding will not impact the coming years work schedule. The Corps will internally arrange its funding to continue with the project master schedule.

During the past month, the Corps continued its tasks as follows:

- Orthographic maps have been completed and will be ready for distribution no later than August 15th.
- Flyovers were performed during the 4th of July weekend to assist in determining NTB visitor population; results due next month.
- Funding concerns have been noted and assurances provided that the Corps' effort will continue in accordance with the project schedule through FY 2003.

Beach Erosion – Alderman Steve Smith:

Alderman Smith's committee met last Tuesday night and Mr. Batten spoke on beach grass. The Committee was told that In October you could harvest seeds from Sea

8/1/02

Oats. They are going to look at ways that we could grow our own Sea Oats and this could save the town money. The cost is \$50 for 100 plants or a flat for \$60 to \$70.00. Mr. Gibson, the project engineer for moving Mason's Inlet, also spoke to the committee. We are looking at a sand source for the north end. We appreciate what the north end has received so far from the dredging.

The next Beach Erosion meeting will take place on August 27th. Meetings will be held on the 4th Tuesday of each month at 6:00 pm. Mayor Bostic noted that if planting of Sea Oats is done in October you need to check on crows since they will eat them.

Mr. Betz said that Mr. Gibson will provide a proposal for services to do some borings on the Spoil Island to see if it is compatible. Information will be brought to the Board.

Planning Board – Jim Milligan, Chairman:

Mr. Milligan noted that at the June 11th meeting, two members were absent and the alternates sat on the Board. A Public Hearing was held for Scotch Bonnet and Mr. Riggs made a detailed presentation. Nine lots will be hooked up to County water and septic systems will be put in. At the Planning Board Meeting, questions were asked regarding the septic systems, and property values. Alderman Sandberg spoke against the proposal because of the loss of commercial property. Businesses adjacent to this property were also against it. Mr. Gilbert has tried to sell this property as commercial, but has failed to do so. On Thursday, August 8th, the preliminary plat will be reviewed.

Transportation Committee – Alderman Laurie Sandberg:

Alderman Sandberg noted that only Mr. Dail attended their last meeting. They have rescheduled the meeting to Tuesday, August 6th at 6:30p.m.

OPEN FORUM:

Mr. Sam McGinn stated that there is a lot of talent on the Board. Our valuable assets are the Town employees. It is a sad state of affairs that they have been hot all summer. He felt that the air conditioner could have been fixed in 16 hours. You authorized an engineer to redesign the system in the summer time, which is outrageous. Someone made a mistake. I value highly the town employees. Be good to your employees.

Jeff Holland said he had other issues regarding the flood prevention issue and would like another public hearing. He suggested for beach nourishment, that the Corps use a side shoot dredge. Mayor Bostic stated that we have had the Corps here.

Dick Farley asked if all beach accesses have signs as to where they are located. He doesn't have any near him and people don't know where to go. He felt that the accesses should be identified better for our visitors. We don't have enough commercial property. We should think carefully before rezoning.

8/1/02

Mr. Betz noted that Mr. Parker is representing Ocean Sound Village, and this issue was added under new business. Mr. Betz asked the Board if they wanted to address this issue now or wait. The consensus of the Board was to wait until New Business.

CONSENT AGENDA:

The Consent Agenda consists of the following: July 9, 2002 Board Minutes; Department Head Reports; Comp Time Report; Surplus of 1996 Jeep Cherokee Alderman O'Donnell had concerns regarding the surplus of the Jeep Cherokee. He felt that since the vehicle only had 55,000 miles on it, that the damage was only due to corrosion. He also felt that when this vehicle was driven, it wasn't washed. Make sure that doesn't happen again.

Alderman Vecchione moved, seconded by Alderman Smith to adopt the Consent Agenda as presented. The motion passed unanimously.

OLD BUSINESS:

a. Porous driveway - Flood Damage Prevention Ordinance

Alderman O'Donnell said we do have a regulation that regulates nonporous, but if a person wants to build a small house and then a concrete driveway, then that should be okay. If they choose to build a large house, then they have exceeded the nonporous stipulations. Within that parameter, a person can decide on how they reach this limit. He felt that a 30% limit was not going to cause significant water run off. Problems occur when the water table rises to the surface. Alderman O'Donnell said that he was in favor of strictly enforcing the 30% rule, but leaving it to the homeowner's discretion of nonporous material.

Mayor Pro Tem Flynn noted that those of us who live here are aware we are in a sensitive environmental area. We are responsible in protecting our town. This responsibility includes a great deal more than lots, we are also talking about inlet and dunes, and the outstanding resource waters we have. There are public trust areas also. There is a great amount of marsh land for which we have responsibility. Storm water runoff is not of significant concern at this time, but we need to ensure that we maintain an area and our concern for those areas. We have a Land Use Plan that is a structure by which the Town operates. It does not permit concrete because of the impact. The existing regulations support minimizing environmental damage. We have a Board of Adjustments that make decisions, they are binding and final. It is appropriate that they go before this board for relief. Mayor Pro Tem Flynn did not favor changing the existing ordinance.

Alderman O'Donnell moved, seconded by Alderman Smith to change the existing ordinance to allow concrete as long as they fall within the 30% requirement. Mayor

8/1/02

Pro Tem Flynn and Aldermen Sandberg and Vecchione voted nay. The motion did not pass.

b. Restroom facility at Park – Estimated at \$60,000

At the Board of Aldermen Meeting held in July, there were concerns regarding the lack of restroom facilities at our new Park. Originally, there were no plans to construct one since there is a public facility right across the street at the County access. Staff has received a quote to construct a building that is approximately 15'x30' with a deck area of approximately 8' in width at the entry points. Parker & Associates has suggested that the Town budget \$60,000.00 for this facility. We could apply for a PARTF Grant next year, but they would only cover half of the cost.

Staff has also received a quote from Down East Port-O-John for the rental of two (handicap) units. One unit will cost \$160.00 for 28 days (\$2,920.00/year – approximately \$4,000.00/year for two units. Aesthetics and vandalism could be concerns.

We have received the lease on the property and we have the adjacent property that would give us ample space to construct additional buildings.

Mayor Pro Flynn felt that we need something at the Park; we should use Port-O-Johns now and look into grants for next year.

Alderman Vecchione said that when applying for grants next year, we should see if we can get water fountains out there since we only have one.

Alderman O'Donnell was concerned with spending \$60,000 when we have County restrooms across the street. We should approach D.O.T. for a crosswalk there. Children should be with their parents. We also could lower speed limits. Who would maintain the restrooms? We need to curtail spending. We have priorities with beach nourishment at this time. We should look at the restroom issue 3 or 4 years from now to see the needs. Alderman O'Donnell preferred to use the County access, contact D.O.T. for a crosswalk and lower the speed limit.

Alderman Sandberg noted that \$60,000 was a lot cheaper than a lawsuit. She agreed to use Port-O-John's for the rest of this year and look at grants next year.

Mayor Bostic noted that we still need to address the signage issue regarding a pedestrian crossing.

Alderman Smith said a Port-O-John temporarily is okay. He felt in the future that we have to be careful when planning and designing since restrooms were not put in originally.

8/1/02

Alderman Vecchione said that a Port-O-John was okay for now. That area has a lot of pedestrian volume. There is a need for public safety. Signage is important. He agreed with Alderman Smith that this issue should have been looked at earlier.

Mayor Pro Tem Flynn agreed to use Port-O-John's now and look at grants for next year. He agreed with Alderman O'Donnell that we need to do planning now to determine how it will be maintained. Mayor Pro Tem Flynn asked how long it would take to erect this building. Mr. Parker said the cost is high, but stainless steel is the only way to go. This facility has to be elevated and have a handicap access. The structure adds a lot to the cost. We normally spend \$50,000 on a plain concrete slab. The elevation increases the price. It should take approximately 60 days to build. Mayor Bostic noted that at County Beach Access #1, there is a handicapped unisex restroom on the bottom level. We have fewer parking spaces at this facility and we won't have as many people there.

Mr. Betz said that we have more space to enlarge the park. Mr. Parker noted that we were not padding the number at \$60,000.00. We did not think it was a high number, rather it is conservative.

Mayor Pro Tem Flynn moved, seconded by Alderman Sandberg that we adopt option 2 (contract with Down East Port-O-John), but look at option 1 (grants), whereas the Town Manager will apply for any grants that we can use for a restroom facility.

Alderman O'Donnell didn't want the Board to assume that because we have restrooms, that won't stop children from playing in the street.

The motion passed 4 to 1 with Alderman O'Donnell opposing.

Mr. Betz noted that staff met with D.O.T. and reviewed the design of the park and they do not do any crosswalks or signs for that. We will revisit this issue with an official letter to them. Staff was concerned with the safety issue. Alderman Sandberg asked if we had to have D.O.T. approve a sign. Mr. Betz said yes.

NEW BUSINESS:

a. Rezoning of Scotch Bonnet Enterprises Property to R-15:

An Ordinance Amending the Zoning Map for the Town of North Topsail Beach dated March 26, 2001 for Onslow County Tax Map No 804, Tax Parcel No 44.1 NTB Application 03/02 from MHP; B-1; B-2 to R-15

Whereas, Charles Riggs and Associates, 202 Warlick Street, Jacksonville, NC, has filed a rezoning application with the Town of North Topsail Beach on behalf of Scotch Bonnet Enterprises, Inc, owner of record for Tax Parcel 804-44.1; and,

8/1/02

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 MHP;B-1;B-2 Districts to the R-15 District; and,

Whereas, the R-15 District provides for dwelling, single-family, duplex townhouses and the MHP; B-1; B-2 District provides for Dwelling manufactured homes and commercial business; 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; the Planning Board held the required public hearing on July 11, 2002 and recommended approval.

Whereas, the Board of Aldermen, for the Town of North Topsail Beach held a public hearing on application 03/02, on August 1, 2002, providing opportunity for the owner's agent to present the application, and the public to comment on the application for the rezoning; and,

Now therefore be it resolved, that the Board of Aldermen for the Town of North Topsail Beach does hereby (approve/disapprove) the application for rezoning Tax Parcel 804-44.1 from MHP; B-1; B-2 District to the R-15.District.

Adopted this 1 day of August, 2002

Loraine M. Carbone, CMC
Town Clerk

Marlowe F. Bostic, Jr.
Mayor

Mayor Bostic noted that in Sue McLaughlin's letter to the Board, on page two, #4., it states "two 5 ft. easements and it should be "two 10 ft. easements. Mr. Betz said that this will come before the Planning Board next Thursday.

Alderman Smith moved, seconded by Mayor Pro Tem Flynn that we accept the Planning Board's decision to amend the Zoning Map for the Town of North Topsail Beach dated March 26, 2001 for Onslow County Tax Map No 804, Tax Parcel No 44.1 NTB Application 03/02 from MHP; B-1; B-2 to R-15.

Alderman O'Donnell said that he was concerned about the loss of business property, but he was impressed by the efforts of the owners in trying to locate businesses. As the plat is laid out, he was not in favor of the Town accepting the road, unless there is going to be parking on both sides. This road should remain private and Alderman O'Donnell said that he was a strong advocate of property owner rights. Alderman O'Donnell supported the rezoning.

Alderman Sandberg was concerned with the lack of sewer. This will be a major problem that will limit our town's development. Alderman Sandberg said that she was opposed to this project, but we have an opportunity to look at the issue of sewers.

8/1/02

The motion passed 4 to 1 with Alderman Sandberg opposing.

b. Resolution in Support of U.S. House Resolution 5137 Introduced by Congressman Walter B. Jones for Shoreline Protection and Restoration:

It has been brought to the attention of the Town that Congressman Walter B. Jones has introduced HR 5137, for himself and Congressman Mike McIntyre; this is a bill to facilitate the placement of dredged sand from ports and navigation projects onto beaches. With sand in short supply in many parts of the Nation, current Federal policies dictate that much of the dredged sand is disposed offshore rather than placed on beaches. The bill establishes a "Continuing Authorities Program" that enables local communities to seek the placement of sand on beaches at a nominal cost.

It is perceived that the HR 5137 could be used to develop an ongoing regional sediment management plan, coupling regular channel navigation with sand placement on the beaches. Local interests would pay only 35% above the current least-cost disposal alternative, rather than the current 100% required by law.

Representative Jones said in introducing the bill that "in my home State of North Carolina, our beaches are economic engines, providing thousands of jobs and millions of dollars in revenues. However, beach erosion threatens the existence of these economic engines and frankly the federal regulatory and statutory regimes do not move quickly enough to replace this local infrastructure. Therefore, I have introduced legislation today making it easier to place sand dredged from authorized navigation projects onto beaches in order to provide shore protection for years to come. My legislation would amend the least cost disposal method to allow municipalities to take these dredged spoils and place them on nearby beaches while adhering to the current 65/35 cost-share ratio."

Staff recommends adoption of the enclosed resolution in support of Congressman Jones' initiative.

Mayor Pro Tem Flynn moved, seconded by Alderman Smith to adopt the Resolution in support of U.S. House of Representative #5137 Introduced by Congressman Walter B. Jones for beneficial use of Dredged Material for Shoreline Protection and Restoration.

Alderman O'Donnell suggested adding an appreciation to Mike McIntyre in the last sentence.

The motion passed unanimously.

**Resolution in support of U.S. House of Representatives
#5137 Introduced by Congressman Walter B. Jones
for beneficial use of Dredged Material for
Shoreline Protection & Restoration**

8/1/02

Whereas, Congressman Walter B. Jones, for himself and for Congressman Mike McIntyre has introduced Bill #5137 for purposes of shoreline protection and restoration which provides that the Secretary of the Army may dispose of dredged material from the construction, operation, or maintenance of an authorized navigation project using a disposal method other than the least-cost disposal option if the Secretary determines that the additional cost of using the disposal method is justified by the benefits, including storm damage reduction, environmental, recreation benefits; and

Whereas, a disposal of dredged material undertaken pursuant to this bill shall be initiated only upon the request of non-Federal interests and only after the non-Federal interests have entered into a cooperative agreement in which the non-Federal interests agree to provide 35 percent of the costs associated with the disposal; and

Whereas, costs associated with a disposal of dredged material undertaken pursuant to this bill shall be limited to costs associated with the disposal that are in excess of the least-cost disposal option that is consistent with economic, engineering, and environmental criteria; and

Whereas, the Secretary, to the greatest extent practicable, shall ensure that scheduled operations and maintenance of Federal navigation projects will not be delayed due to alternative disposal options authorized by this bill. That appropriation of \$75,000,000.00 be authorized by this bill per fiscal year. Such sums shall remain available until expended; and

Now therefore be it resolved that the Board of Aldermen for the Town of North Topsail Beach does hereby support adoption of H.R. 5137, as introduced by Congressman Walter B. Jones, for the beneficial use of dredged material for Shoreline Protection and Restoration. The Board wishes to express appreciation to Congressman Walter Jones and also to Representative Mike McIntyre for their initiative regarding this issue.

Adopted this 1 day of August, 2002

Loraine M. Carbone, CMC
Town Clerk

Marlow F. Bostic, Jr.
Mayor

**c. Resolution Authorizing preparation of Agreement to Transfer
Infrastructure to Ocean Sound Village:**

Mr. Betz noted that before the Board was a Resolution authorizing the Town Manager, in consultation with the Town Attorney, to prepare an agreement with the President of the Ocean Sound Village Owner's Association for the transfer of Public Infrastructure to the Association.

At issue is the fact that the subdivision streets, Sound View Lane and Ocean View Lane were dedicated to the Town of North Topsail Beach in July 1995, along with a Beach Access Crossover, by the developer, which is of itself has been a standard situation in the Town.

The preliminary plat and final plat were approved by the Board of Aldermen in separate meetings in '94. Both streets are a 50 ft. right of way. In April of 1995, the Ocean Sound Village Owners' Associated recorded a document entitled Declaration of Covenants, Conditions, and Restrictions. The President of the Association indicates that the developer dedicated the Streets and Crossover to the Town on the basis that

8/1/02

the Town would enforce "No Parking" signs as referred to in the Covenants. There is no evidence of any prevailing authority by ordinance or resolution that supports that opinion.

The signage was not restrictive to certain times of days or days of the week, but totally no parking anywhere within the Subdivision at any time.

However, in the interest of mitigating this issue and minimizing any legal ramifications, it is recommended that the issue be documented with Board approval. Thus, the enclosed Resolution would allow for the preparation of such a document to be presented at the next Board meeting transferring the Public Infrastructure to the private association.

I've been advised that the board has met and has agreed to the option. Mr. Parker is present here to answer any questions. Mayor Bostic said his concern was if they want us to give it back to them. Property has been sold there, banks were involved, and as town streets, this change could affect values. Lending institutions should be made aware. Mr. Betz said that the attorney would review the documents and help coordinate that aspect. There is a problem with parking in that area. The town code has a parking ordinance which this is not part of. This has been a gentlemen's agreement.

Mayor Pro Tem Flynn stated that this community wants to get the streets back and they will indemnify the town in perpetuity and will be responsible for any damage to those streets. Attorney Fairley noted that the Town retains rights as to emergency vehicles using the streets. As to lenders, the association has the right to amend, and it is appropriate to let entities know that the streets have been rededicated to the Town. Organizations can amend their declarations at any time. Any right of ways would continue to be vested in the Town.

Mayor Pro Tem Flynn questioned when this area was originally developed, was a beach access provided to the Town as part of a remuneration approach to the town. If they take the access back, will the Town lose out? Attorney Fairley said that there is a conflict between common laws. In accepting the dedication after the covenants were filed, the Town accepted the terms thereof. In restrictive covenants, access is referred as public access, for the benefit of all owners and their guests. If the public has no place to park, it is not safe. There is conflicting information. Mayor Bostic asked that once it becomes town property, is it part of the covenants. Attorney Fairley said that it doesn't refer to that, reference is made in letters only. It shows on plats that the streets are going to be dedicated to the Town and public. The Association will have to have new maps recorded.

8/1/02

Alderman Smith said that he was not comfortable with taking action tonight. Mayor Pro Tem Flynn noted that this Resolution was just to agree that an agreement will be prepared for our review and he concurred with that. Attorney Fairley stated that the same rules would apply to a rededication as to closing a street, a notice would be posted for 4 weeks and a public hearing held.

Mr. John Parker said that Mr. Gerkins asked him to attend this meeting. The issue is the public parking along the street. The property owners believe it to be their property. People are walking across private properties and going to the beach. They are prohibited from parking in the street themselves in front of their own properties. Mr. Parker said he could park on a Town street anywhere you allow me to. That is a concern since they can't park in the street and others can. Several years ago parking was a large concern to this Town. The Town contacted a number of property owners and requested permission to go on private property. The Police Department was instructed to enforce the rules. The parking signs disappeared during the storms. There was a time that the Town wanted to prohibit parking from these areas. Those public accesses were not intended for me to park near the access and go to the beach. It was intended for people in the general neighborhood to use. They were never intended for people to park there. The developer clearly did not intend for people to park in the streets.

Mayor Bostic said that in reference to the letters, the property owners wanted some of the land there. Agents for the property owners allowed the P.D. to write tickets. There were no public beach accesses there. Mr. Parker said it was to keep damage off of the dunes.

Mr. Betz said that the use of "public" is a very broad term. These are public streets and a public beach access. You can't say it is the intent of a public street or public access to be used exclusively by a neighborhood. It is available to the Public-At-Large. In the July 9, 1995 minutes, it stated the "public allowed to use access". It is bad public policy to accept an infrastructure and not allow the public to use it.

Mayor Pro Tem Flynn moved, seconded by Alderman Smith that we proceed with looking at the agreement and adopt the Resolution Authorizing the Town Manager and Town Attorney in cooperation with the President of the Ocean Sound Village Owners' Association to prepare Agreement for transfer of Infrastructure. The motion passed unanimously.

**Resolution Authorizing the Town Manager and Town Attorney
In cooperation with the President of the Ocean Sound Village
Owners' Association to prepare Agreement
for transfer of Infrastructure**

Whereas, the developer for Ocean Sound Village dedicated Sound View Lane and Ocean View Lane as well as a Beach access crossover to the Town of North Topsail Beach as public property and for maintenance; and

8/1/02

Whereas, the Ocean Sound Village Owners' Association provided funds for No Parking signs to read "No Parking Between Signs", which in essence disallowed public parking on a public street and reasonable public access to the Beach crossover, but was consistent with the Declaration of Covenants, Conditions, and Restrictions executed April 20th, 1995 and recorded in the office of the Register of Deeds of Onslow County in Book 1235 at Page 605;

Whereas, as a result of citizens complaints, the Town Manager removed the No Parking signs, absence any prevailing authority by the Town Board allowing such signs through any ordinance or resolution, thus causing significant concern from the Owners' Association; and

Whereas, in the interest of providing mitigation to this issue, as well as minimizing legal ramifications, the Town Manager requests authorization to prepare an agreement, in consultation with the Town Attorney and in cooperation with the President of the Ocean Sound Village Owners' Association to transfer said infrastructure to the Owners' Association; and

Now therefore be it resolved that the Board of Aldermen for the Town of North Topsail Beach, authorizes the Town Manager and the Town Attorney in cooperation with the President of Ocean Sound Village Owner's Association to prepare an agreement for consideration by the Board of Aldermen at the September 5th, 2002 meeting to transfer Sound View Lane, Ocean View Lane and the Beach access to the Owners' Association.

Adopted this 1 day of August, 2002

Loraine M. Carbone, CMC
Town Clerk

Marlow F. Bostic, Jr.
Mayor

d. **Resolution Accepting the Donation of Property Located on River Drive.**

RESOLUTION ACCEPTING THE DONATION OF PROPERTY LOCATED ON RIVER DRIVE

WHEREAS, the property owned by Gorden and Patricia Phau, located on River Drive, Parcel 778C 149 and 778C 150 has been deemed unbuildable; and

WHEREAS, the property owners have had these two lots surveyed and an engineer verified that they were unbuildable; and

WHEREAS, the property owners requested on June 18, 2002 that the County take back said property; and

WHEREAS, an affidavit has been signed on July 16, 2002 by Gorden Pfau requesting that the Town of North Topsail Beach accept his donation of said property; and

WHEREAS, Parcel 778C 149 and 778C 150 could be used for public parking for a beach access on the left hand side of River Drive.

NOW, THEREFORE, BE IT RESOLVED, that the Town of North Topsail Beach accept the donation of Parcel 778C 149 and 778C 150 from Gorden and Patricia Phau contingent on a Title Search by the Town's Attorney and that said property be used for public parking as soon as practicable.

Adopted this 1 day of August 2002.

Loraine M. Carbone, CMC
Town Clerk

Marlow F. Bostic, Jr.
Mayor

8/1/02

Alderman Sandberg moved, seconded by Alderman Smith approval of the Resolution Accepting the Donation of Property Located on River Drive (778C 149 and 778C 150). The motion passed unanimously.

MANAGER'S REPORT:

1. Purchase order #003525 has been issued to remove existing trim around all windows, install new window wrap with fiber cement board around all windows and add vinyl flashing and paint. Purchase order #003524 has been issued to repair walkway along the River Road right of way. Both of these items had been previously directed by the Board. Informal bids were taken and the work is almost complete.
2. However, the 10 ton Bryant Air Conditioning Unit for the upstairs offices has not shipped yet. All of the installation work, duct work, wiring, etc, has been completed. The unit has been delayed due to the manufacturing process associated with the special coating for coastal exposure and it is now expected to ship August 7th. It may be the 15th or 16th before the system is operational. The administrative office hours are continuing on the 7:00 a.m. to 4:00 p.m. until the system is operational.
3. The Town Park was completed by the contractor on Tuesday, July 30th; however, a gate entrance is being added tomorrow, August 2nd. A location sign is being secured for the site and a sign for "Open 8 a.m. to 10 p.m." is being prepared. An official "opening ceremony" is being coordinated for Friday, August 9th at 9:30 a.m.
4. On Tuesday, July 30, 2002, the Town Manager received a response from the Department of Transportation Division 3 Transportation Technician regarding the Town's request of May 21st, 2002 for reduction of the 55 MPH speed limit on Highway 210 (Island Drive). Once again the DOT "indicates that the 55-mph speed limit is appropriate for this section" of the highway. If the Board wishes, a letter can be sent to the Secretary of Transportation appealing this determination. Mayor Pro Tem Flynn said that this was intolerable and requested that the Town Manager send another letter citing the safety issue.
5. The Planning Administrator advises that it is necessary to re-conduct the public hearing on the "Land Use Plan Amendments" that was held on June 6th, as the public notice did not contain all the required information and the District Planner for the Division of Coastal Management in Wilmington was unaware that he is required to attend the Public Hearing. Apparently this misunderstanding occurred because of adhering to the new rules verses the old rules. The necessary 30 day notice will be provided this week and the Public Hearing will be scheduled for the next regular meeting of the Board on September 5th, 2002.
6. A notice will also be published for a Public Hearing for "Amendment to the Planning and Zoning Ordinance to amend Chapter 7 Section 132 (E) entitled Fences and Walls" for September 5th, 2002.
7. Erickson Consulting Engineers, Inc. of Gainesville, Florida has requested to meet with Staff on Tuesday August 6th to discuss the Scope of Work that the firm received regarding the Feasibility Study for the CBRA zones.
8. Town Staff has requested to meet with representatives of Onslow County Emergency Services to discuss a future "rotating" schedule for EMS 7 from the South End Fire Station to the North End Fire Station during high occupancy weeks. A meeting has been scheduled for Wednesday, August 7th.
9. The two new 2003 Police vehicles have arrived and are in the process of being painted, striped, and electronic equipment installed. All of the striping and wiring is done by the Police Chief. This work also includes painting and striping the Ford Explorer for use on the beach. It is anticipated that all the vehicles will be on the road before the end of the month.
10. Onslow County Emergency Services, in cooperation with Camp Lejeune Installation Security & Safety, will conduct a capability assessment exercise on Friday, September 6th, 2002. The exercise will be conducted at the USO, 9 Tallman Street, in Jacksonville from 8:30 a.m. until 4:30 p.m. The exercise will focus on newly enhanced agency capabilities and lessons learned during the past 12 months resulting from the terrorism attack on America. As part of the event, local municipalities, and military installations will renew their commitment to a successful working relationship by signing an expanded MCTFER Charter agreement as approved by the Board of Aldermen on July 9th, 2002.

112
8/1/02

11. New "Danger No Swimming" signs have been purchased and installed, as discussed at the last Board meeting. In reference to the Dune Signs, we feel we have enough out there. We do not want to create a prison atmosphere. Mayor Pro Tem Flynn requested the number of signs we do have.
12. McKim & Creed has recently delivered maps illustrating Beach Accesses for Board and Staff to review as a starting point in reference to the Mayor Pro-Tem's suggestion to start a process to investigate deeds, maps, and surveys to locate beach accesses and easements.
13. Letters, resumes, and applications have been and are being received for the vacant building inspections position. The Selection Committee, comprised of Alderman Joe Vecchione, Fire Chief Thomas Best, Police Chief Daniel Salese and the Town Manager are interviewing the most qualified applicants. Inspection services are being provided by Onslow County Code

Mayor Bostic stated that we need to contact Annette Hargett, at the Eastern Governor's office regarding the speed limit issue. In regard to the rotating schedule of EMS 7 to the north end, Mayor Bostic said that there is a need for emergency services for north end. The Assistant Fire Marshall is dedicated to the north end and he should continue living at the north end. Mr. Betz said that he is working on finding appropriate living quarters. Mayor Bostic said that is the reason why we have the best equipment. Mr. Betz said that sometimes there is more than one call at a time. If we rotated EMS 7 from the south to the north, it would give us an edge during summer periods of high occupancy on the northern beaches.

ATTORNEY'S REPORT:

Attorney Fairley said that in regard to two properties accepted by the Town, we need to file them with the Recorder of Deeds. An Order should be signed by the Mayor to transfer property to the Town. She is recommending that the owner that is attaching conditions of planting or berming on her property, that if she refuses, if it is necessary for protection of the beach, a condemnation will be done. A letter will be written to her.

Following are items that Attorney Fairley has been working on:

1. Filed a lien against a property owner who ignored letters for work that had to be done on their property.
2. We need to look at a proposed policy for emails. Employers are dealing with rights of email. An employee has no right to expectation of privacy.
3. A package was delivered from Ron Coy, Consultant to the ONWASA Authority and he has suggested that various town attorneys be involved in the rate setting. That is not an appropriate way to go. We do not have the expertise in that area. There is a potential for conflict of interest. They should hire independent counsel who deals with those issues. Attorney Fairley will write a letter to Mr. Coy expressing her view point.

MAYOR'S REPORT:

Mayor Bostic noted that on the 19th of July, the JLUS Committee met. He was disappointed in the attendance. Another meeting is schedule for August 21st. The issue of a buffer was discussed. The military has justified it, but they have no authority

SCOTCH BONNET ENTERPRISES

Mr. Gilbert
113

Ladies and Gentlemen of the board, my name is R. W. Gilbert. I am a stockholder in Scotch Bonnet Enterprises, and manager of operations of the company holdings which consist solely of the property in this hearing and an additional parcel on the soundside, which is not in this petition.

My purpose here is to acquaint you with who we are and some of the reasoning that went into our decision to abandon the idea that someone would come along with pockets deep enough to develop the property commercially.

Scotch Bonnet Enterprises consists of nineteen stockholders. Eight have property, or summer homes in North Topsail Beach, one has property in Surf City, six have residences in Onslow, or Pender county. and four reside in other parts of North Carolina. Five of these stockholders have held stock in the Scotch Bonnet since 1968 when Lewis Williamson formed the original company. The rest of us came on board in 1993 when the property came out of foreclosure and the present management team was put in place.

We spent the next six months renovating and rebuilding to code. Adding handicap access ramps, rebuilding the pier, removing abandoned trailers, bringing the sewer systems into compliance and complying with any suggestions from the NTB administration. We spent a year finding the right management team to operate the facility. We spent the next six months dealing with the devastation of hurricanes Fran and Bertha which effectively wiped out the income producing assets of the corporation.

In the fall of 1996, we commissioned a study to determine the best way to go with the property. With results of that study, which were inconclusive, and the advice of all the local realtors, we decided to look for a commercial developer. We arranged our finances to allow a five year search and still meet our annual obligations. We have come to the end of that period. The property has been listed continuously for the entire period. We are told the main drawbacks are lack of sewage facilities, the problems with placing a commercial enterprise near the oceanfront (meeting the CAMA requirements), and that financing for a commercial property on the beach does not exist.

We are now embarked, after more research and advice, on the plan that is before you. Sewage facilities are still a dream, but the health department has given its blessing on septic tank systems for this subdivision. As you know, the soil is pure sand, percolation is not a problem. The size of homes here is controlled by the septic system permitting process. In other words, as some have suggested, home sizes cannot be excessively large, because building permits are issued based on the limitations set forth in the septic systems permit.

The project we are proposing is an upscale home subdivision that will enhance the tax base of the town and provide an attractive southern gateway to NTB. I submit that this is better than wall to wall mobile homes which is now permitted on most of the property under the existing zoning. Since this project became public knowledge, the buying interest has far exceeded the most optimistic projections.

Charles Riggs, the subdivision designer, will give you the details of the petition.

I will try to answer any other questions you may have.

Thank you

Allow me to apologize for not having these proposals to you sooner. I had plan to finish them on Monday and make copies and have them delivered to you on Tuesday. Unfortunately I had a death in my family and had to go to Bristol TN to bury my younger brother yesterday evening. If you have any questions, concerns, or opinions please call me at home this weekend @ 327-2197.

First I must apologize to the Mayor and the Board for not being more active in the town meetings. Mayor Bostic and Otis Sizemore have told me on more than one occasion that if I do not come to the meetings and voice my opinions then I really do not have any room to talk. They are right and I admit it. All of us here tonight want to see a brighter future for the Town of NTB.

When I speak of (I or me), I am referring to myself and my 20 years of experience in the state of NC as a builder or an inspector.

When I speak of (we), I am representing at least my employer and number of builders and realtors whom share similar opinions of building and marketing difficulty in the town of NTB.

We are a young town still learning from experience. One thing I have learned is that minimal coastal building codes and the NFIP worked and they worked great. We saw it during Bertha and Fran. When the storms came on shore breakaway walls broke and water flowed through with no substantial damage to the structures, just like it was designed to. The NFIP rules in this area were put into effect in July 1987. The North Carolina's Coastal Codes and NFIP sort of merged in 1989. Of all the homes and mobile homes we lost during the hurricanes, we lost none that I know of that were built after 1989. All the minimal codes and elevation standards worked. All the benefits we're supposed to reap from setting higher standards just are not there. All we seem to get for it is an

A-T-A-Boy and somebody from Raleigh or D.C. gets a feather in their hat, pats themselves on the back and we walks up three steps into their homes. These same government agencies that keep denying us aid in COBRA Zones and beach nourishment are the same ones that clean up and pay for floods, wild fires, earthquakes, mudslides and whatever disaster strikes other parts of our country. Places like TX, West Virginia, Kentucky, Georgia, California, and along the Mississippi, flood at an average of 5 to 10 years cycles.

We have a couple of hurricanes in 45 years and we get treated like we don't belong here.

We hope that by going back closer to minimum requirements our homeowners will gain the maximum use of their property and the town will benefit from a growing tax base.

Proposed Amendment to the Town of North Topsail Beach
Flood Damage Prevention Ordinance

Subject #1 Article 5, Section B 9, Page 22, Driveways

This article states that no non-porous material such as concrete, ABC stone, or crush and run may be used in the construction of a driveway. This we were told was to help control storm water run off. The Town of NTB zoning ordinance restricts the amount of impervious coverage to 30% of the lot size town wide. In areas adjacent to ORW's (Outstanding Resource Waters) as defined by CAMA regulates the amount of impervious coverage is restricted to 25 %. The Town of NTB is on an island with no creeks, rivers, or streams to maintain to control storm water run off. The water table depth in some areas is as little as 12 and 18 inches deep and as much as 5 to 10 feet in other areas. During times when we have rain for extended periods the water table begins to fill and standing water begins to pool especially in low laying areas. The rain and the standing water does not know the difference between 30% of a building foot print or 30% of concrete or so called nonporous gravel. There is nothing in the article to prevent a homeowner from pouring a concrete patio in around and under decks, so long as it does not exceed 25% or 30% of impervious coverage. The article also states driveways shall be constructed of porous material as approved by the towns building inspector. The decision to determine what materials are approved should be made by someone from CAMA or NFIP definitions. If the town ordinance is going to restrict any type of material it should be asphalt or any other petroleum base product that adversely effects the marshes and the sound. There does not appear any major storm water problem in the town of NTB except in four locations Know to me. 1.) Intersection of Island Drive at Wicker Avenue. 2.) Island Drive between Green Street and NTB Fire station. 3.) Island Drive at 17th-18th - Phil Harris Lane. 4.) Island Drive and 2nd, 3rd, and Ave. Drainage in these areas could be improved with proper placed French Drains longer, wider, deeper, and on both sides of the road. This is often a logistical nightmare trying to convince DOT to use an alternant method so we will probably have to live with it as is. The Town of NTB should also practice what it preaches. We recently paved a large number of the Avenues with asphalt right to the marshes edge. Most of these avenues are very short with little traffic and could have been maintained with gravel. Nonporous of course. The new park on 1568 was recently covered with ABC stone, crush and run, or similar material stone. Some lots in the Town of NTB can not be accessed without some kind of compacted material. Therefore I respectfully ask the board to delete this article from the Flood Damage Prevention Ordinance.

In reference to the variance requested by the homeowner of 12th Ave. to keep their concrete driveway.

I have personally presided over a number of variance requests and see no way the variance could be granted without setting a precedence. There are four or five findings of fact that must occur to grant a variance. Without going in details of a Board of Variance Rules and Laws, one thing that cannot happen is setting a precedence. If the variance were granted, any homeowner wishing to have a concrete driveway should be able to do so.

8/1/02

outside of the Base. It has support from Congress. Public comments are needed. County Commissioners will have to make decisions. It affects our neighbors.

Mayor Bostic complimented Connie Pletl, from the Topsail Voice, for staying for the whole meeting.

Mayor Bostic said he was looking forward to playing at the park.

ALDERMEN'S REPORT:

Alderman Smith said he liked the new mile marker signs.

Alderman Sandberg asked that all meetings be posted on the board and website.

Alderman O'Donnell said that we need to look at the Board of Adjustment's membership. There are people not familiar with what goes on with the Town. He suggested eliminating the Board of Adjustment and let the Planning Board make decisions with an appeal to the Board of Aldermen. Alderman O'Donnell said he was cautious in hiring a building inspector, and was concerned that the fees collected were not correct. We need to stay revenue neutral.

Mayor Pro Tem Flynn noted that this summer is the worse in regard to the stench from the sewer station on the high rise bridge. He directed the Town Manager to see why the smell is more powerful this summer.

CLOSED SESSION:

Alderman Smith moved, seconded by Alderman O'Donnell to go into a closed session at 9:37 p.m. for an Executive Session to discuss the 6 month evaluation for the Town Manager. The motion passed unanimously.

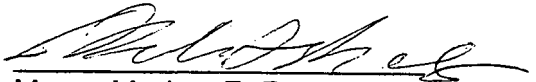
REGULAR MEETING:

Alderman Smith moved, seconded by Alderman Vecchione to go back into the Regular Meeting. The motion passed unanimously.

ADJOURNMENT:

Being no further business, Alderman O'Donnell moved, seconded by Mayor Pro Tem Flynn 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 Marlow F. Bostic, Jr.

9-5-02
 Date Approved

**TOWN OF NORTH TOPSAIL BEACH
PUBLIC HEARING AND REGULAR BOARD MEETING
SEPTEMBER 5, 2002
7:00 P.M.**

PRESENT:

Mayor Marty Bostic, Mayor Pro-tem John Flynn, Aldermen Bill O'Donnell, Laurie Sandberg, Steve Smith, Don Betz, Town Manager, Loraine Carbone, Town Clerk, Mary C. Fairley, Attorney

NOT PRESENT:

Alderman Joe Vecchione

QUORUM:

Mayor Bostic called the meeting to order at 7:02 p.m. in the North Topsail Beach meeting room and declared a quorum present.

INVOCATION:

Ed Creech of the North Topsail Shores Baptist Chapel, gave the invocation.

PLEDGE OF ALLEGIANCE:

Mayor Pro Tem John Flynn led the group in reciting the Pledge of Allegiance.

PUBLIC HEARING:

Alderman O'Donnell moved, seconded by Mayor Pro Tem Flynn to enter into the Public Hearing. The motion passed unanimously.

In April, 2002, the Planning Board recommended a change in the Town Ordinance Section 7-132 E; Fences and Walls, page 217 (attached). The Planning Board members approved the change to the ordinance unanimously, and recommended approval to the Board of Alderman.

The following paragraph is in the Town Ordinance:

Fences and Walls: Ornamental fences and wall not over four (4) feet high may project into or may enclose any front or side yard, and fences or walls enclosing rear yards may be six (6) feet high. An open fence or wall through which clear vision is possible from one side to the other on a horizontal plane, and such openings occupy fifty (50) percent or more of the area of the fence or wall may be erected in the rear yard to a maximum height of ten (10) feet in nonresidential districts.

**An Ordinance Amending
Planning & Zoning Chapter 7 Section 132 E
Fences and Walls**

Whereas, the Town Attorney has prepared an amendment to the Planning & Zoning Ordinance, Chapter 7 Section 132 E entitled Fences and Walls to add a new paragraph addressing barbed wire fencing; and

9/5/02

Whereas, the amendment reads: In no event shall any fence be erected that is made of barbed wire. Barbed wire fences pose a hazard to persons and animals, and inhibit clear access to property in the event of fire or other disaster or casualty. Any such fence now in existence shall be removed within thirty (30) days of the adoption of this Ordinance Amendment. Failure to comply within the time period stated will result in a fine not to exceed Five Hundred (\$500.00) for the first thirty (30) days following the date for removal as required by this Ordinance. For each day thereafter, the fine shall be increased at the rate of ten (\$10.00) per day until the condition is remedied. Any person constructing a barbed wire fence after the date of adoption shall be required to remove it immediately; and

Now Therefore Be It Resolved that the Board of Aldermen adopt the proposed amendment to Chapter 7 Section 132-E Fences and Walls.

There was no comment from the public on this issue.

CLOSE OF PUBLIC HEARING:

Alderman Smith moved, seconded by Alderman O'Donnell to close the Public Hearing at 7:08 p.m. The motion passed unanimously.

REGULAR MEETING:

APPROVAL OF AGENDA:

Mayor Pro Tem Flynn recommended that the Board delete under new business 12 (i) since that issue is already being taken care of by the contract with North Topsail Beach and the U.S. Army Corps of Engineers and the exact work will be done with no requirements to add additional funding. Aldermen Sandberg and Smith did not want to drop this issue. Mayor Pro Tem Flynn moved to designate 12 (i) for discussion and possible action, since this does not require a motion when the item surfaces.

Alderman Smith recommended that the Board add under new business, a discussion regarding sand fence and vegetation with a 50/50 proposal. Alderman O'Donnell recommended that the Board discuss the Planning Board Bylaws under the consent agenda. Mr. Betz recommended adding under old business 11 (a), a resolution to hold a public hearing on October 3rd for the rededication of streets in Ocean Sound Village.

Alderman O'Donnell moved, seconded by Mayor Pro Tem Flynn approval of the agenda with the appropriate additions and deletions. The motion passed unanimously.

COMMITTEE REPORTS:

Beach Nourishment – Mayor Pro Tem John Flynn:

Mayor Pro Tem Flynn stated that there are two items concerning Beach Nourishment. The first is the continuing movement of the Corps' effort. The southern 3.5 miles are on schedule. The aspect of Geo Tech activities is an item they will discuss at their next meeting. The Corps is scheduled to start spring of next year. There was no Corps meeting today in Wilmington.

9/5/02

The second item is the feasibility analyses request for proposals. Those proposals are due tomorrow. We will look at the study plan and put it together so that the second phase could determine what could be used from the Corps. The Corps will make a significant effort. We could take that data and turn it over to the winning bidder for the CBRA area. They will look at the spoil islands, as well as look at the delta, which holds a great deal of useable sand. We could award the contract as early as January. We sent RFP's to seven firms and we are looking forward to the selection.

Beach Erosion – Alderman Steve Smith:

Alderman Smith noted that his committee met last week. They had two proposals for the boring of sand on the spoil island. He said he was asked to bring it to the Board for discussion. The second thing we are looking at is sand fence which should be placed at a 45 degree angle. We are looking at a 50/50 share. We are also looking at a proposal for sea oats. If we are going to look at dune vegetation we need to look at it now. Last year we received plants too late. Alderman Sandberg noted that they are also looking at harvesting sea oats.

Planning Board – Jim Milligan, Chairman:

Mr. Milligan noted that the Planning Board met on August 8th. Mr. Milligan said he would appreciate the Board appointing Mr. Dorazio as a full member and Mr. Hunt as an alternate to the Planning Board. He would also be grateful if we could provide the committee with a new second alternate. A public meeting was held at which time Mr. Riggs represented Scotch Bonnet's proposal for 9 ocean front lots. All lots will install approved septic systems. The committee discussed trade-offs for recreational space. The Committee approved the plat unanimously. If the Board wants the Planning Board to follow up on re-examining trade-offs, we could do that as Alderman O'Donnell has requested.

Mayor Pro Tem Flynn noted that they have discussed the value of this committee providing the number of lots that the board was looking at. It would help in knowing the magnitude of development. Mr. Milligan said there is a lot of building that we don't have anything to do with, such as individual homes that are properly zoned.

Transportation Committee – Alderman Laurie Sandberg:

Alderman Sandberg noted that her committee met on August 6th. Future meetings will be held the 3rd Tuesday of the month. The committee has some great ideas and everyone wants to participate. They have Invited Robert Vause to speak with us at our next meeting. They will be looking at bike path and speed limit issues. Their priority is fundraising since they will have to match funds to get grants. Our next meeting is September 17th. Mr. Betz noted that Mr. Vause is the District Engineer with the Department of Transportation.

9/5/02

OPEN FORUM:

No comment

CONSENT AGENDA:

The consent agenda consisted of the Board Meeting minutes of August 1, 2002, Department Head Reports, Comp Time Report, Budget Amendment #1, and Planning Board appointments.

Alderman Sandberg moved, seconded by Alderman O'Donnell approval of the consent agenda. The motion passed unanimously.

PLANNING BOARD BYLAWS:

Alderman O'Donnell requested some changes to the Planning Board Bylaws.

Alderman O'Donnell moved, seconded by Alderman Smith approval of the Planning Board Bylaws with appropriate changes. The motion passed unanimously.

Mayor Bostic cautioned the Board, that when Board members attend planning board meetings, himself included, that we have to be careful of how we speak, since we could influence some decisions.

Mr. Betz noted that in a special use hearing, if there is a board member attending, they should just be observing and not be a participant.

Alderman Sandberg said that when a Board member speaks they should not be stated as an Alderman. Mayor Pro Tem Flynn noted that the Institute of Government states that the law does not intend the individual citizen to not have the opportunity to speak on an issue affecting them, but they do not have the authority to go before a board.

Alderman O'Donnell stated that there was an incident where he was opposed to rezoning and he acted as a citizen since the property was across from him. He felt that he shouldn't have to recuse himself from voting. Alderman Sandberg said that she shouldn't lose her right of freedom of speech. Attorney Fairley noted that in the interpretation, you may participate, but you may not participate in voting. She said that she would check on updates on this issue.

OLD BUSINESS:

- a. Rededication of Streets Between Ocean Sound Village Homeowners Association and the Town of NTB:

Attorney Fairley said that pursuant to the resolution that was passed at the last meeting, Mr. Betz and she talked about exploring an agreement with the property owners regarding the rededication of the streets. Enforcement of parking would be enforced by property owners rather than by the Town. A broader spectrum is

9/5/02

State Powell Bill funds that are available to repair streets. We need to look at the benefits; the public-at-large wouldn't receive any benefits.

Attorney Fairley said that she put together an agreement and sent it to the President of the Homeowners' Association. We made a few modifications.

Mayor Bostic questioned if the Town would retain the beach access. Attorney Fairley said yes. Mayor Pro Tem Flynn noted that the walkway is within the right of way; therefore if the streets are maintained by the village, then they would also have the requirement to maintain by mowing grass and cleaning out the entry area to that public access. Mayor Pro Tem Flynn questioned if that is stated in this language. Attorney Fairley noted that they talked about that today. Mr. Gerkins said that the private property owners on either side own up to the center of where that starts. They will make sure that area is maintained. We are taking over the walkway and that area of the walkway that is public access. Mr. Betz said that we agreed that entrance needs to be improved. We need to dress that up and put additional decking. This gives us the authority to better maintain that walkway. Mayor Pro Tem Flynn asked whose responsibility will it be a year from now? Mr. Betz said it would be us.

Alderman O'Donnell said that he was in favor of the agreement in general, but he was opposed to the Town maintaining a private walkway. This agreement would be a better document if the walkway went back to the citizens of the private roads. No other citizens would be using a private walkway and their tax dollars shouldn't go for that. We are agreeing that this is the resolution that should be presented to the public and he did not agree with that. Alderman O'Donnell felt that the walkway should be private and maintained by private owners.

Alderman Sandberg questioned if there were similar situations to this. Mr. Betz said that in new subdivisions, the ordinance requires that walkways are dedicated and the Town is responsible for public accesses. Mayor Pro Tem Flynn noted that citizens would have to park on State Highway 1568 and walk to the access. Mayor Pro Tem Flynn asked the attorney if the question came up that the village maintain the walkway. Attorney Fairley said no and Mr. Betz had indicated to her that we should try to keep it as a public access. If we have inadequate accesses, and at a future time we have a requirement of so many miles apart to place an access, then it would require condemnation of a property. If we maintain an access, we would keep it in good repair, but it doesn't preclude anybody who is within walking distance from entering into that subdivision and using that crosswalk. There is no perfect way of doing this, but the more we privatize access to the beach, we are privatizing the Town.

Mayor Bostic stated that we could address these issues at the public hearing. Alderman Sandberg thought that requirements for beach nourishment were for

9/5/02

accesses to be so many feet apart. Mayor Pro Tem Flynn said that there is no requirement that there be public beach access each 1/2 mile within a CBRA zone. This subdivision is in a CBRA zone. That is a federal requirement and the CAMA Officer is checking on this.

Alderman O'Donnell noted that the only people who would use this walkway would be the property owners of this area. The general public will not use it.

Alderman O'Donnell moved that we revise this resolution and the attorney could make the appropriate changes, and that the village will retain the walkway and maintain it and it will be a private access.

Mayor Pro Tem Flynn said that we need to go forward with this language at a public hearing and let the public hear what we have to say about this and our viewpoint that the village should have that obligation and let them make their commentary at that time.

Mayor Bostic said that the Motion died for lack of a second. Alderman O'Donnell felt that the public would not know that we are questioning this issue. They will not know that the Town will spend money on a walkway they will not use. Alderman Sandberg asked if we could have an either/or, since we don't have an opportunity during the public hearing to make comments. Alderman Smith said that there are a lot of communities where we maintain the crossways and there are no parking facilities for the public. Alderman O'Donnell noted that when there are public streets, then there is parking and that is the distinction. Alderman Sandberg said that she wanted to hear from the people on it, and that we keep the option open for private or public.

Attorney Fairley said that she could write this document, in the alternative that one or the other would be selected.

Alderman O'Donnell moved, seconded by Mayor Pro Tem Flynn to establish a Public Hearing on October 3, 2002 to address the Rededication of Streets Agreement with Ocean Sound Village Homeowners Association and the Town of North Topsail Beach and that Attorney Fairley make the appropriate changes to address the walkway. The motion passed unanimously.

b. Preliminary Plot Preview for Scotch Bonnet:

Charles Riggs noted that this is a 6.3 acre tract on Island Drive which consists of 9 ocean lots. There are two 10 foot public beach accesses. There is Onslow County water and private septic tanks. The developers will be paying a \$5,000 recreational fee in lieu of open space. Lot sizes are greater than 27,000 sq. ft.

9/5/02

per lot. Mayor Pro Tem Flynn questioned an access just at the northern end. Mr. Riggs noted that they have dedicated a 10 foot public beach access and they felt it would benefit the Town to have an access on the western side. We felt it wouldn't be necessary to put an access on the Surf City side because Surf City has an access adjacent to this. Mayor Pro Tem Flynn noted that their access is a significant access, but why would you not put a 20 foot easement on the east side with a beach access which might give opportunity for off street parking as opposed to having an easement on the south end, which basically goes nowhere. Mr. Riggs noted that it was their opinion that a 10 foot on both sides would be more compatible with the neighborhood. It would provide citizens with access to NC State Highway 210 without having to walk down the right of way. It was never written that it would provide parking, but provide access to the ocean. We are satisfying our obligation of the subdivision ordinance. We are not required to provide the 10 foot access on the west side. Mayor Pro Tem Flynn noted that he was defining criteria for people across from NC State Highway 210 to gain access to the beach. There will be no access to the beach except through the Surf City access. This refutes the basic criteria. Mr. Riggs said that they could remove the 10 foot access and not have one at all. We felt it was a benefit to the Town to have it on that side and to have an access. Mr. Riggs said he felt that they were being generous to provide accesses on both sides. The more accesses you have the better you look with beach nourishment.

Mayor Bostic said that a 10 foot provides ample access, but at some time we will need parking. Mr. Riggs said we are not trying to circumvent any rules. Do we want 2 separate beach accesses side by side in 2 towns?

Alderman O'Donnell said that there is some advantage to an access at the south end. He agreed that there shouldn't be two accesses side by side. Mayor Pro Tem Flynn asked if a 10 foot southern easement would provide access to the handicap. Mr. Riggs said that our 10 foot would not. We don't plan to improve the 10 foot in any manner. From Shore Drive you could walk over.

Alderman Sandberg asked Mr. Betz that if Mr. Riggs is proposing \$5,000 for recreational use, would those funds go to a green space fund. Mr. Betz said that is the intent of the ordinance. Mayor Bostic said we would have to set up a special fund. Mr. Betz said the Board could do a budget amendment to put funds in and draw funds from it.

Mayor Pro Tem Flynn noted that this discussion points to an "open space" analyses that the Planning Board chairman has agreed to take on tonight. The ordinances can be modified.

9/5/02

Alderman O'Donnell said that this is a big private driveway abutting NC 210. It seems that we are giving with one hand and taking with another if we allow another asphalt driveway. If we are going to be consistent with what we tell homeowners, this should be porous concrete or stone. Mayor Bostic said this would come under a private subdivision road. Mayor Pro Tem Flynn noted that this type of road was excluded. Alderman O'Donnell still felt that there were inconsistencies. Mayor Bostic said they are grandfathered in with current rules and regulations. Alderman Sandberg said that this issue could be discussed at the fall retreat.

Alderman Smith moved, seconded by Alderman Sandberg approval of the preliminary plot preview for Scotch Bonnet. The motion passed 3 to 2 with Mayor Pro Tem Flynn and Alderman O'Donnell voting nay and Mayor Bostic breaking the tie with a yea.

NEW BUSINESS:

a. **Proclamation Remembering September 11, 2001:**

PROCLAMATION REMEMBERING SEPTEMBER 11, 2001

WHEREAS, in an unprovoked and senseless act of terrorism, four commercial aircraft were hijacked on September 11, 2001, and crashed in New York City, Pennsylvania and the Pentagon; and

WHEREAS, innocent U.S. citizens of all heritages as well as visiting citizens of foreign nations were killed and injured as a result of these horrific acts; and

WHEREAS, while we as a Union still continue to recover from the unspeakable loss of so many innocent lives, the indomitable spirit of the United States has been revitalized and given way to numerous expressions of heroism and patriotism; and

WHEREAS, the threat of terrorism, destruction and senseless violence must be banished for any free society to exist; and

WHEREAS, the Town of North Topsail Beach shares in the grief and will commemorate the one-year anniversary of the September 11th tragedies;

NOW, THEREFORE, BE IT RESOLVED, by the Town of North Topsail Beach, that we extend our deepest condolences to the innocent victims of these unprovoked actions by terrorists, as well as to their families and their friends; and be it further

RESOLVED, that we salute the heroism of public safety and rescue workers, volunteers, local officials, and those who responded to these tragic events with courage, selfless compassion, determination, and skill; and be it further

RESOLVED, that we dedicate September 11, 2002, **ALWAYS REMEMBER 9-11 DAY**, a day to mourn, reflect and rededicate ourselves to ending terrorism in commemoration of the anniversary of the terrorist attacks; and be it further

9/5/02

RESOLVED, that we encourage all our citizens to honor the victims of September 11th by reaffirming their commitment to sustaining our newfound patriotism through volunteerism, community involvement, and service; and be it further

RESOLVED, that we as citizens dedicate our time, talents and energy to lift one another up and foster a new level of understanding and awareness. Let us honor the memory of all those who died by being of service to one another and by building the "stronger, more perfect union" our founding fathers called for.

Adopted this 5th day of September 2002.

Loraine M. Carbone, CMC
Town Clerk

Marlow F. Bostic, Jr.
Mayor

Alderman Sandberg moved, seconded by Alderman Smith approval of the Proclamation Remembering September 11, 2001. The motion passed unanimously.

b. Resolution in Appreciation of Sue McLaughlin's Work on the Town Park

RESOLUTION IN APPRECIATION OF SUE MCLAUGHLIN'S WORK ON THE TOWN PARK

WHEREAS, Sue McLaughlin (hereinafter Sue) has gone above and beyond in helping to create a recreational facility for the Town of North Topsail Beach; and

WHEREAS, Sue was instrumental in the Town receiving grants from the Division of Coastal Management and North Carolina Parks & Recreation Trust Fund; and

WHEREAS, Sue has followed through the construction of the park, starting with the contracting bids and ending with the final inspections; and

WHEREAS, Sue was instrumental in picking out the Tot Lot equipment that is now enjoyed by all of the children in the area.

NOW, THEREFORE, BE IT RESOLVED that the Board of Aldermen, staff and citizens of North Topsail Beach wish to express there sincere appreciation for the dedication and hard work that Sue McLaughlin displayed in making the Town Park a reality for everyone to enjoy for years to come.

Adopted this 5th day of September 2002

Alderman Flynn moved, seconded by Alderman O'Donnell adoption of the Resolution in Appreciation of Sue McLaughlin's Work on the Town Park. The motion passed unanimously.

c. Amendment to Planning & Zoning Ordinance, Chapter 7, Section E:

Mr. Betz noted that this has been a personal effort on behalf of Alderman Vecchione to remove any barbed wire in the Town because of the safety issue. *Alderman Sandberg moved, seconded by Alderman Smith approval of the Ordinance Amending Chapter 7 Section 132 E; Fences and Walls. Alderman O'Donnell questioned the removal of the existing fence within 30 days. People will not know*

9/5/02

they have to do this. The fine should start when they receive the notice. Alderman Sandberg said she could take the notice to the St. Regis. Mayor Bostic said that a town employee will have to do that. Mayor Pro Tem Flynn suggested changing 30

days to 90 days. *Alderman Sandberg amended her motion to change 30 days to 90 days. Alderman Smith made a second. The motion passed unanimously.*

**An Ordinance Amending
Planning & Zoning Chapter 7 Section 132 E
Fences and Walls**

Whereas, the Town Attorney has prepared an amendment to the Planning & Zoning Ordinance, Chapter 7 Section 132 E entitled Fences and Walls to add a new paragraph addressing barbed wire fencing; and

Whereas, the amendment reads: In no event shall any fence be erected that is made of barbed wire. Barbed wire fences pose a hazard to persons and animals, and inhibit clear access to property in the event of fire or other disaster or casualty. Any such fence now in existence shall be removed within ninety (90) days of the adoption of this Ordinance Amendment. Failure to comply within the time period stated will result in a fine not to exceed Five Hundred (\$500.00) for the first ninety (90) days following the date for removal as required by this Ordinance. For each day thereafter, the fine shall be increased at the rate of ten (\$10.00) per day until the condition is remedied. Any person constructing a barbed wire fence after the date of adoption shall be required to remove it immediately; and

Now Therefore Be It Resolved that the Board of Aldermen adopt the proposed amendment to Chapter 7 Section 132-E Fences and Walls.

Adopted this 5th day of September, 2002

Loraine M. Carbone, CMC
Town Clerk

Marlow F. Bostic, Jr.
Mayor

d. Ordinance Amending Zoning Map from MHP District to Manufacture Housing Residential:

Our current zoning map shows a *Mobile Home Park District*. Our zoning ordinance does not list this type of district. Therefore, a *Manufactured Housing Residential District* should be noted on zoning maps.

Onslow County will reproduce the new zoning maps.

Alderman O'Donnell noted that in the past there was a distinction between mobile homes and manufactured (not mobile) homes. He was concerned and said that something needs to be changed. He suggested that we refer this issue to the Planning Board. He questioned needing another district or do we want them to exist in the same zoning area. They are two distinct entities.

Alderman O'Donnell moved, seconded by Alderman Sandberg to forward this issue to the Planning Board who would then make recommendations to the Board of Aldermen.

9/5/02

John Parker noted that he discovered that we had mobile home listings on the map and there was a conflict. You have a zoning district that is mislabeled on the map. Mobile home parks were a permitted use. Manufactured home parks are permitted use. You need to clean up your zoning map. Mayor Pro Tem Flynn asked if this was definitional only. Mr. Parker said yes, it is strictly a correction to the map. MHP district does not exist. It was a carry over from the county. Mayor Pro Tem Flynn stated that the Planning Board would have to review this issue. *The Motion passed unanimously.*

e. Transportation Committee – Officially Appoint Members to Committee:

A Transportation Committee has been formed, but the members have not been officially appointed by the Board of Aldermen.

Following are the members of the Transportation Committee:

Laurie Sandberg, Chairman; Christianne Shinskie, Secretary; Pat Crist; Thomas Dale; Debbie Shinskie; Pat Thomson

Alderman Smith moved, seconded by Alderman O'Donnell to approve the slate of committee members. The motion passed unanimously.

f. Picnic Shelter and Gazebo Regulations, Reservation Agreement and Draft Ordinance:

Mr. Betz said that the agreements were informational only at this time. We will get input from the Recreational Committee. Alderman Sandberg felt that the documents were very thorough in addressing the issues. She recommended that if we establish a "green fund", we should take the proceeds from rentals and put it in that fund. Mayor Pro Tem Flynn questioned if we needed to have a public hearing. Mr. Betz said it would first go in front of the Recreation Committee and then it would go to the Board. Mayor Pro Tem Flynn commented that our new park is magnificent. He said that Sue McLaughlin had an enormous role to play in this.

g. Fall Retreat Date:

It is time to set a date for our Fall Retreat. The Board should consider the following:

- Where they would like to hold the Retreat
- Date and time convenient for everyone
- Issues that you would like to address
- Facilitator

Mayor Pro Tem Flynn suggested not doing it right now and that the Board look at the last two weeks of January. Alderman Sandberg said she would like a goal of

9/5/02

having a retreat twice a year. The Mayor requested that the Town Manager look at a location.

h. Discussion of Sewer Availability for Town:

Mayor Bostic has requested that we look into sewer availability for our Town. In areas where there are no sewer hook-ups, it is difficult for new developments to proceed since North Topsail Utilities has not permitted new sewer lines to be established. Does the Board wish to investigate the reasons behind the moratorium on new sewer lines?

Mayor Bostic noted that comments and concerns have been made in regard to sewer service. NTB is serviced by North Topsail Utilities. All of NTB is in a franchise area and they are to provide sewer to the area. The Town should receive a copy of the franchise. It is their responsibility to provide sewer to NTB. We have plats that have been approved and they may have a problem getting sewer. Mayor Bostic was concerned that they couldn't tell us anything. We have to look at the growth patterns of NTB. We need to find out where they are at in expanding the plant.

Mayor Pro Tem Flynn asked if Alderman Smith had information on the utilities since he serves on the ONWASA Board. Alderman Smith said he will ask for that information. Mayor Pro Tem Flynn suggested that Alderman Smith do that and the Town Manager and Attorney also can look at this issue. Mayor Bostic said we should request a full copy of the franchise. Our recourse is very limited, but money was there for expansion. Mayor Bostic directed the Town Manager to seek additional information.

i. Resolution Authorizing Town Manager to Engage Professional Services Agreement:

Alderman Smith noted that the Erosion Control Committee wanted to look at ways to have sand available if erosion continues on the north end. We knew this task had to be performed. Mayor Bostic stated that Mayor Pro Tem Flynn said that the Corps is doing the same work that the Committee wants to do.

Mayor Pro Tem Flynn said that the Beach Nourishment Committee doesn't control the sand on the beach. The Corps has done precedent work on available sand in the New River Inlet. They also have a significant number of core samples. The Corps is set up to do this work next spring. Mayor Pro Tem Flynn suggested that any firm that would want to do this job, to start out and go to the Corps so as not to duplicate. The Corps has assured him that the tasking will be followed and they will see what sand is up there. He didn't know how much sand was there or the compatibility. The Corps sets the standards. He believes that the Corps' project will do as good a job and do it more completely. They will be able to do it as early as anyone else could and it would be a waste of money to get a third project going with two projects existing. Mayor Pro Tem Flynn

9/5/02

suggested that we utilize the Corps' project. When these reports are completed they will be turned over to a firm to do the northern end analyses. The Corps will hand over their analyses. If any Board member wants to take a look at other ways to do it they could, but not now, since we have already contracted with the Corps.

Alderman Sandberg questioned what the two projects were. Mayor Pro Tem Flynn said the CBRA and non-CBRA projects. The anticipated date of the report is next summer. Alderman Sandberg asked if we contracted with one of these firms, what date would we receive their report. Mr. Betz said by November 15th.

Mayor Pro Tem Flynn stated that the Corps said that their first shot is test boring. He is not against another job, but we don't need to be caught up with timing. Nothing will happen until the permitting is complete. Alderman Sandberg asked if the Corps would accept the results if we did move forward with one of these firms. Mayor Pro Tem Flynn said he didn't know, but if they give results on one dredged island compared to 11 miles of coring that will be done, I don't think it would make much of a difference.

Alderman Sandberg said that her concern were the north end problems. If we have the same erosion rate, we will have to do something by next spring. If the Corps begins next spring, it will be too late. Mayor Pro Tem Flynn said that the bids will come in tomorrow to conduct the feasibility analyses. That states what we want done, including the north end. We have done these things.

Mayor Bostic noted that the Erosion Control Committee was looking at it as a quicker way to help stabilize the north end. There has never been mention in this budget for any such project. Even if we went ahead and did this project, we may be paying more money to do something quick.

Mayor Pro Tem Flynn said that the money is incidental. If you started this project tomorrow and had hard data concerning availability of sand by the first of January you would then have to have sand certified approved for use and meet the standards set by the state and federal government. We are still not talking about an environmental assessment. Mayor Pro Tem Flynn said he was going by what he has been told and what he has heard. An approval for an environmental assessment takes 14 months. The Corps has some of this knowledge. Mayor Bostic said he supports a quicker project with conditions. He met with Chris Gibson, of Gahagan & Bryant Associates, Inc. and there may be some exemptions and it may not be as entailed. The environmental impact has been established by the Corps. Mayor Bostic would rather find out what would be the quickest timeframe, but he was not in favor long-term in spending that money.

9/5/02

Alderman Smith said that there is a six month difference in the time frame. Mayor Pro Tem Flynn said he hasn't asked the Corps if they could expedite their work. The Corps normally has an existing permission to do coring and sampling on its own by notifying given authorities. Alderman Sandberg asked when do we make a decision as to the priority of beach nourishment and what part of the beach comes first. Mayor Pro Tem Flynn said you use technical data to look at the project. It would appear to be more appropriate to start at the north end and move down the island. We know that the Corps moves slower in some instances. Alderman Sandberg questioned the anticipated date of when documents would be completed and when we put sand on the beach. Mayor Pro Tem Flynn stated that the people who have bid on the project would determine that and work up an analyses. We don't have a timeline for the north end.

Alderman O'Donnell said we should not be looking at spending money right now since there are too many unanswered questions. We are looking at spending money that we are already spending with the Corps. Alderman O'Donnell could not see why we are looking at a third project. A hurricane can wipe out the spoil island. It is too premature to be looking at this. He was opposed to spending this money when the Corps is already doing this.

Alderman Sandberg said that if we have an Erosion Control Committee, what are our options to control erosion. We have to have some solution. Alderman O'Donnell said the options are sand fence and vegetation. Alderman Sandberg said that is a band-aid. Mayor Pro Tem Flynn noted that the rest of the Board cannot come up with a plan. Everyone wants to solve this problem quickly and it is not going to happen that way.

Mayor Bostic noted the reason this came about was to speed the placement of sand at the north end. Alderman O'Donnell questioned if there is compatible sand on the spoil island, how soon could it get to the beach and if there is sand, how much would we need. Mayor Bostic said they would be reluctant to tell you exactly.

Alderman Sandberg noted that Chris Gibson of Gahagan & Bryant Associates, Inc. and Jim Vithalani of Right Angle Engineering, P.C. were here to answer any questions.

Alderman O'Donnell asked if you were to find useable sand on the spoil island, how much would it cost to get it to the beach and what is the timeframe. Mr. Gibson said the earliest would be at next winter's dredging season. You cannot get through the permitting process, since 14 months is the average time for permitting. The price will vary depending on how far you are pumping down the beach and the method of transport. Alderman Sandberg asked when will you determine that, after the bore samples? Mr. Vithalani noted that once you

9/5/02

complete the data and recommendations, you can provide a time table. Some borings have been done in the past by the Corps. Mr. Vithalani has talked with Tom Jarrett and he will work with him. Some dredged material is marsh and not useable.

Mr. Gibson said the Corps could do it in the spring, and it wouldn't necessarily be a 6 month delay, but a 12 month delay. Permitting would kick you to November 15, 2004. Mr. Vithalani said you have to think of this as an emergency measure, keep a small dredge standing by, but don't spend money yet.

Mayor Pro Tem Flynn suggested using sand in the delta if you are looking for an emergency stockpile. Mayor Bostic said that an environmental impact study is tremendous in the delta.

Mayor Bostic noted that the projects are contingent on a lot of things. If we wait for the Corps to finish in the spring, is there no way we can do anything until the next dredge season? Mr. Gibson noted that the Holden Beach project started in May, following being permitted in February. It went smooth and was a 10 month process. Here you are looking at 2004 before you start construction.

Mayor Pro Tem Flynn asked Mr. Gibson if he had ever participated in a project in a CBRA area. Mr. Gibson said no. Mr. O'Donnell noted that we are looking at 8 to 10 million dollars and there is no way the Town can afford to do this in a small section at the north end. It is ludicrous when we already have a project in the works.

Alderman Sandberg said that her calculations were different. We are not talking about 1.8 million yards. If we go to 100,000 yards, the cost would be \$800,000.

Alderman Sandberg said that this is one step towards a long-term solution. It was a logical step since we were considering sand on the spoil island anyway. If we can get answers 6 months sooner it would be good. There are other ways to fund this. We could team up with the county and the Marine Corps in a larger dredging project. We need to take this issue and discuss it at a lengthy session.

Mayor Bostic noted that the sand is eroding again at the north end. These are good proposals. Next spring we can be in the same trouble we were this spring. Alderman Sandberg suggested a special meeting to discuss this issue. Mayor Pro Tem Flynn felt that we should wait until the plan and analyses are done. There are people you can talk with and publications to look for different approaches. There are things that the Corps can offer and you have to start off with a declaration of intent and a plan.

9/5/02

Mayor Bostic stated that we have to address the north end issue. We don't have 24 months to get into a second dredging season. Mayor Pro Tem Flynn said that you have to have a statement of requirements and how you intend to go about it and what you want to have happen. Alderman Sandberg requested that the Board plan a time to address the problem. Mayor Pro Tem Flynn said you could start by writing a statement of requirements. He said he couldn't answer all of the questions. You need something to work from. Alderman Sandberg again requested a special meeting to make a plan. Mayor Bostic said if we are looking at putting sand at the north end, the quickest sand source is the spoil island.

Alderman Sandberg said that they could assign information to each member of the Board. Alderman O'Donnell said you need a scope, look at where the money is coming from, how to get funds and how much is redundant. Mayor Bostic suggested tabling this issue as to a resolution and further discuss it at the next meeting.

Alderman Sandberg moved, seconded by Alderman Smith to hold a special meeting on Monday, September 23rd at 6:30 p.m. The motion passed unanimously.

Alderman Sandberg moved, seconded by Alderman Smith to continue the Resolution Authorizing Town Manager to Engage Professional Services Agreement for a Preliminary Assessment of the U.S. Army Corps of Engineers Dredged Material Placement Site to October 3, 2002. The motion passed unanimously.

j. Sand Fence and Vegetation

Alderman Smith noted that there are examples on the beach that those who run sand fence perpendicular, collect more sand. We should propose on our web page if citizens are interested in doing a 50/50 share. We need to encourage citizens to take responsibility. We could display a section of sand fence to show how it is done. Alderman Smith said that Sue McLaughlin has recommended that the sand fence be placed at a 45 degree angle. You need a permit if you run it differently. Mayor Pro Tem Flynn noted that the St. Moritz did it for the length of their dune line a year ago. We have double fencing and double planting, but he didn't know who would pay half of the cost in other areas. Alderman Smith noted that his committee proposed using the volunteer fire department to put up the fence and we could request a donation. Mayor Bostic said that you cannot commit the fire department since they are shorthanded.

Mayor Bostic said in the past, citizens brought receipts from Guy C. Lee and then they could be reimbursed. Alderman Sandberg noted that the Erosion Control committee is looking at spacing and cost. Mayor Pro Tem Flynn asked who would collect the money and coordinate the selling of the plants and fence.

9/5/02

Alderman Smith said that staff did it in the past. Alderman Sandberg said that the committee is also looking at harvesting sea oats. Mayor Pro Tem Flynn said that they have looked at harvesting before. We only had about five harvest crops in the Town. Someone tried to harvest them in the north end and tried to grow them over the winter time. Because of the high salt content and winds, 90% were sterile and it failed.

Mayor Bostic said that seeds were harvested on Topsail Island before. Alderman Sandberg said that they did harvest over the winter and the plants did well. We are looking at using our sea oats that are native to North Topsail Beach. Alderman Sandberg proposed that we could spend a lower amount to have tobacco farmers grow our sea oats. Alderman Smith mentioned that some sea oats came from Florida. Mayor Pro Tem Flynn stated that we have tried this before and it didn't work out.

Alderman Sandberg moved, seconded by Alderman Smith to utilize \$5,000 of the Beach Renourishment/Dune Stabilization Fund to purchase \$2,500 worth of sand fence and \$2,500 for vegetation to be used as a 50/50 cost share to be made available to citizens. The motion passed unanimously.

MANAGER'S REPORT:

1. The 2nd floor air conditioning was operational shortly after the last board meeting. It took a couple of days for some minor adjustments, but it is functioning very well. It should give us years of service.
2. During the last four weeks the interior of the building has been painted both upstairs and downstairs. The walls had endured lots of marks during the last five years and with the windows opened recently, it was time for a face lift.
3. As previously noted by letter to the Board, the Building Inspector's position has been filled. Mr. Ron Ward has accepted the position. His first day of work was Tuesday, September 3rd. He has been employed in the construction industry for over thirty years. He is a veteran, having served in the US Air Force, and has an Associate Degree in Mechanical Design. He has very good communication skills and a very strong work ethic.
4. As you can observe from tonight's meeting, we have modified the meeting room table to facilitate better communication between members. It is suggested that we further improve the table by raising it about 4 inches for visibility. We would appreciate your suggestions and comments.
5. The previously identified "Map Room" has been converted to "Mayor and Board" for your use. All mail and board material will be placed in the newly identified shelves with your names on. A bulletin board will be maintained for general information for all Board members.
6. I have recently met with Mr. Barry Taylor to discuss a proposal for a sign for the Town Hall that will replace the "Police Department" sign, yet be about the same size, with a single line for electronic messages.

Tomorrow, September 6th, is the due date for submissions in response to our Request for Proposals regarding the Scope of Work associated with the Feasibility Study for the Coastal Barrier Resource Act areas within the Town's shoreline. An Evaluation Committee has been assembled to review the proposals and provide a recommendation to the Board of Aldermen.

9/5/02

Members of the Committee are: Mr. Ron Coy, Mr. James Milligan, Mrs. Sue Tuman, Mr. Buddy Godwin, Mr. Bill Price (Onslow County designee) and the Town Manager.

7. The Greater Topsail Area Chamber of Commerce and Tourism has established Friday, September 13th, 2002, as a Board of Director's retreat to establish the direction of the Chamber. The retreat is to be held at the Assembly Building in the Town of Topsail Beach from 9 a.m. to 4 p.m. Each of the four town managers has been invited to participate as they will be ex-official members of the Board in the new year. Elected officials from each of the Towns are invited to join in the retreat as well.
8. During the course of the last several weeks, Staff has continued to attend meetings of the Onslow County Joint Land Use, Onslow Water and Sewer Authority, Onslow County Storm Water Committee, Mayor's Association, North Topsail Beach Erosion Committee, Beach Nourishment and Planning Board.
9. Just a brief reminder that at 11:30 a.m. tomorrow the local municipalities, military installations and Onslow County will renew their commitment to a successful working relationship by signing an expanded MCTFER Charter agreement at the USO in Jacksonville.
10. The next Four Town meeting is scheduled for Thursday, September 19th, 2002 in the Town of Holly Ridge.

ATTORNEY'S REPORT:

Attorney Kate Fairley stated that she was in the process of writing a summary of issues that she has been researching. She will provide copies in the Board's mailboxes at Town Hall. She is also working on Email issues, government records, liability issues and handicap access to beaches. Attorney Fairley is also reviewing a document retention policy. We can identify different time periods for different documents to be destroyed.

MAYOR'S REPORT:

Mayor Bostic was concerned with the attendance at the Joint Land Use Study Public Hearing last week. He said that what the Board of Commissioners do does affect us at NTB. Next week is the September 11th remembrance and the 10th is the primary election.

ALDERMEN'S REPORT:

Alderman O'Donnell noted that the Town Manager was checking on two issues for him. Trash was not picked up in his area this week and he has had a hard time getting in touch with Charter Communications. (Post Script) Waste Industries responded to Mr. Betz and reported that their driver did not recall any problems with serving this area. They said that once they are notified of a complaint by the Town, they return to the area to provide the proper service to those who may have been missed. Waste Industries encourages all residents to contact Town Hall if they are missed and to leave the missed garbage at the curb. They will send another truck to that address to pick it up and provide them the proper weekly collection. In regard to Charter Communications, they were aware that they had problems with their lines and they have rectified the situation.

Alderman Sandberg said that she would like the Board to show their appreciation to Town staff who put up with no air conditioning for so long this summer and suggested a pizza party.

**General Fund
Amended Budget
Fiscal Year 2002-2003**

Amendment #1

Town did not Receive the Federal Fire Grant

Revenues

<u>Account</u>	<u>Name</u>	<u>Budgeted</u>	<u>Increase Decrease</u>	<u>Amended Budget</u>
10-352-03	Federal Fire Grant	\$114,000.00	(\$114,000.00)	\$0.00
		\$114,000.00	(\$114,000.00)	\$0.00

Revenues decreased by: (\$114,000.00)

Expenditures

<u>Account</u>	<u>Name</u>	<u>Budgeted</u>	<u>Increase Decrease</u>	<u>Amended Budget</u>
10-500-15	Maintenance & repair Buildings	\$23,000.00	\$11,400.00	\$34,400.00
10-690-56	Federal Fire Grant	\$125,400.00	(\$125,400.00)	\$0.00
		\$148,400.00	(\$114,000.00)	\$34,400.00

Expenditures decreased by: (\$114,000.00)

Total Amended Budget	Revenues	Expenditures
	\$1,823,519.00	\$1,823,519.00

9/5/02

ADJOURNMENT:

Alderman O'Donnell moved, seconded by Alderman Smith to adjourn the meeting at 10:35 p.m. The motion passed unanimously.

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



Mayor Marlow F. Bostic, Jr.

10-3-02
Date Approved

**TOWN OF NORTH TOPSAIL BEACH
SPECIAL BOARD MEETING
SEPTEMBER 23, 2002
6:30 P.M.**

PRESENT:

Mayor Marty Bostic, Mayor Pro -Tem John Flynn, Aldermen Bill O'Donnell, Laurie Sandberg, Steve Smith and Joe Vecchione, Don Betz, Town Manager, Loraine Carbone, Town Clerk

QUORUM:

Mayor Bostic called the meeting to order at 6:31 p.m. in the North Topsail Beach meeting room and declared a quorum present.

PLEDGE OF ALLEGIANCE:

Mayor Pro Tem John Flynn led the group in reciting the Pledge of Allegiance.

APPROVAL OF AGENDA:

Alderman Smith moved, seconded by Alderman O'Donnell approval of the agenda as presented. The motion passed unanimously.

BUSINESS:

Discussion on Contracts to Assess the Spoils Island as a Sand Source for the north end of North Topsail Beach and Resolution Authorizing Town Manager to Engage Professional Services Agreement for a Preliminary Assessment of the US Army Corps of Engineers Dredged Material Placement Site:

Mr. Betz noted that this was a continuation of the September 5, 2002 Board of Aldermen meeting.

Alderman Smith noted that this proposal came about from the Erosion Control Committee discussions. The Spoil Island could be an available sand source. A core sample has to be taken to see what is compatible for the beach. This would be just one step in the process of getting sand. We won't know where we will need sand, but this will make us better prepared. We hope the sand is compatible on the Spoil Island. We could find out within a few months as to what is available. Alderman Smith did not think the Town would be charged twice by the Corps to test the Spoil Island.

Alderman Sandberg noted that the Erosion Control Committee was given the responsibility of short and long term solutions. This was prompted by the erosion at the north end, but it is not limited to the north end. It could happen anywhere. Alderman Sandberg said that she has been on the Board since December 2001 and has experienced frustration. We have done a lot of work and looked for support. We did not get a solution until we declared a State of Emergency and the Corps came in to dredge. Putting sand on the beach helps the north end. We are looking for a short term solution. We are also working on a long term solution. The short term is to put sand on the beach and to look at the Spoil Island. We need to move forward and we do not see it as a duplication of efforts.

9/23/02

We are asking to move forward to have a plan. It will take 12 to 14 months to get permits, but we want to be ready to go.

Alderman O'Donnell said that he was struck by the apparent lack of interest by people we are trying to help. He said that he went up to the north end and was shocked by the fact that there is no sand fence in front of any houses or beach grass. 1.2 million dollars has been spent to help them out and they need to help themselves. We are not close to the point of moving sand. If the sand is good we cannot afford to move it and the cost will double our tax rate. We should focus on a long term project of nourishing our town. There is no interest by those at the north end. Alderman Flynn has given a good synopsis and this proposal should be withdrawn and we should go ahead with the Corps project. Alderman O'Donnell felt that this proposal was a waste of taxpayer's money.

Mayor Pro Tem Flynn said he wouldn't repeat what he wrote. (Information paper will be attached to hard copy of minutes) It states the factual data. Mayor Pro Tem Flynn said that as he was listening to the comments in favor of this approach, he was struck by the lack of a plan to do this. This is just something to do so we can say we did something. At the last board meeting, the word "band aid" was used. We have no idea if we will need sand in an emergency. The perfect band aid solution was to truck in sand. You don't have environmental or permitting concerns. There is sand available within miles of this town and it could be trucked in, but I am not saying that is the way to go. Mayor Pro Tem Flynn said that he hasn't seen an analyzed plan to this problem. You have to look at the costs, timeframe and value, but nothing has been done. The resolution says lets jump in and test the Spoil Island when exact testing will be done by the Corps in the first quarter of 2003. This short term proposal will not benefit all of our citizens. We have an ongoing plan and a new firm that is charged to come up with a plan. Mayor Pro Tem Flynn repeated his objection to this resolution and recommended that it be withdrawn.

Alderman Vecchione said that there is no telling that the Corps would not do more dredging. When the Corps dredged this year, fishermen's livelihoods were being threatened at the time. 1.2 million dollars was spent at no expense to the town. We will pay more money to do something quick. The Corps will do a core sample. Do we have something in writing that the Corps will reimburse us? There are a lot of questions with no answers. Alderman Vecchione was not comfortable spending taxpayer's money with no guarantees. He said that he also goes to the north end frequently and there is no sand fence or beach grass. Some residents have moved out. Alderman Vecchione felt that spending this money now is not an adequate solution.

Alderman Smith said he would not support trucking sand from anywhere through an environmental area. Mayor Pro Tem Flynn explained that it would be coming from the mainland and not the Spoil Island. Alderman Smith asked if we do wait for the Corps' sample, and if we have an emergency situation, could we get sand if we need it? Mayor Pro Tem Flynn said that he couldn't answer that. You need a permit to get any sand. If it is permitted and found suitable, it could be moved.

Alderman Smith said if we are looking at 12 months to be permitted, and we wait another 6 months, then we hope we don't have to use the sand, except for

9/23/02

renourishment. Who will pay for it when the Corps does it? Will they contract one of our contractors? Alderman Smith said that in the event of saving time he called the question.

Alderman Sandberg commented on the lack of interest and attendance. Citizens felt that they brought these issues up before and no plan was made or alternatives provided. In regard to sand fence and beach grass, we are in the process of doing that. We made a plan to co-share the cost. Doesn't the north end come under the whole town? The north end is where we have the problem and that is our priority. There won't be a north end to renourish if we wait. Alderman Sandberg also questioned the comment about wasting taxpayer's money. She has discussed with someone from the County, that the check has not been written yet and if we don't come to the Board with a plan, we jeopardize future funds from the County and State. If we expect dollars from other sources we have to also fund these projects. In regarding the lack of a plan, Alderman Sandberg noted that she is not an engineer. She doesn't know the solution, but we have to do something. This problem has been here for a long time. It's our responsibility. Funds have been designated. We asked the County for funds. She may not have a plan, but she did not want to work against anyone. Alderman Sandberg said that she has talked with Mr. Gibson of Gahagan & Bryant Associates, Inc. and Mr. Vithalani of Right Angle Engineering, P.C. She trusts them. They are not saying it is not a good idea. One or two owners have moved at the north end, but we have new owners there.

Mayor Pro Tem Flynn said for the record, no one on this Board has said anything about excluding the north end. The County Commissioners did not cite helping the north end as the only way they would fund us.

Alderman Vecchione said for the record, when he said a house was sold; it probably would not have been sold if dredging had not been done. He said he wouldn't turn his back on a resident who bought property on the north end. The dredging did benefit them.

Mayor Bostic noted we have short and long term problems. The north end produces the majority of the accommodations taxes that we will use for nourishment. In regard to the quotes that came in to do the study, he had problems with both of them. In being prepared, we need to find out if that is a viable sand source. He was not prepared to push it that far to spend that amount of money. There should be cheaper means to find out if the Spoil Island is a good source of sand. He has spoken with homeowners at the north end and advised them of this meeting tonight and he was disappointed that they didn't show up. On a short term scale, we need to find out if it is a viable sand source. The Corps will not be able to provide us this information quickly. The only sand pit he knows of is Riverside Sand and they just closed because they are out of sand.

Mayor Pro Tem Flynn said that if the Board agrees, he would ask the Corps' Project Engineer when they could plug the Spoil Island. He did not know what value it would provide in December as opposed to February, but he would ask them. He could find out the earliest date they could do it.

9/23/02

Alderman Sandberg moved that Mayor Pro Tem Flynn pursue asking if the U.S. Army Corps of Engineers could test the Spoil Island sooner and continue this resolution to our next meeting.

Alderman O'Donnell moved, seconded by Alderman Vecchione that the Board withdraw the proposal of a Resolution Authorizing Town Manager to Engage Professional Services Agreement. The motion passed 3 to 2 with Alderman Sandberg and Smith opposing.

Alderman Smith said he will still work on issues to help the north end.

Mayor Pro Tem Flynn urged all Board members to read what Dare County was doing to fund nourishment of their beaches. We will find ourselves next year in the same predicament regarding funding. When the State budget is signed, the monies that we had requested from water resources are still in the budget and still at the level we requested.

Alderman Smith noted that the town will be receiving 30 trays of sea oats this Friday and 20 trays on October 4th. The sea oats will cost \$25/tray and there are 150 plants in each tray. There is also sand fence available to purchase through the Town. All interested parties should call Christina Watkins at the Town Hall.

ADJOURNMENT:

Alderman Smith moved, seconded by Mayor Pro Tem Smith to adjourn the meeting at 7:10 p.m. The motion passed unanimously.

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


Mayor Marlow F. Bostic, Jr.

10-3-02
Date Approved

**TOWN OF NORTH TOPSAIL BEACH
PUBLIC HEARING AND REGULAR BOARD MEETING
OCTOBER 3, 2002
7:00 P.M.**

PRESENT:

Mayor Pro-tem John Flynn, Aldermen Laurie Sandberg and Steve Smith, Don Betz, Town Manager, Loraine Carbone, Town Clerk, Mary C. Fairley, Attorney

NOT PRESENT:

Mayor Marty Bostic, Aldermen Bill O'Donnell and Joe Vecchione

QUORUM:

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

At this time Mayor Pro Tem Flynn explained to the public that Mayor Bostic was not in attendance since his mother had passed away on October 2nd. Alderman Joe Vecchione had surgery and was hospitalized and Alderman O'Donnell was out of town.

INVOCATION:

Dwayne Collins of the North Topsail Shores Baptist Chapel gave the invocation.

PLEDGE OF ALLEGIANCE:

Alderman Steve Smith led the group in reciting the Pledge of Allegiance.

PUBLIC HEARING – AMENDMENTS TO LAND USE PLAN – MOVE-BACK LINE AND 40 FOOT BUFFER:

The Public Hearing will address Amendments to change the Town's Land Use Plan Sections IV-6(c) concerning a move-back line for ocean front properties and Section IV-7 concerning the 40 foot buffer area in estuarine waters. The move-back line will be deleted entirely. The past six hurricanes have caused extensive erosion to the dunes and ocean front property. Currently, most property owners are just able to meet the CAMA setback, zoning restrictions and setback requirements from the streets.

The Town's current 40-foot buffer requirement would be changed to the same standards as the Division of Coastal Management; a 30 foot buffer requirement.

PUBLIC HEARING – OCEAN SOUND VILLAGE – REDEDICATION OF STREETS AND WALKWAY:

A Public Hearing has been set to address an Agreement between Ocean Sound Village and the Town of North Topsail Beach to rededicate the streets and walkway to Ocean Sound Village.

REDEDICATION OF STREETS AND WALKWAY

This Rededication of Streets and Walkway (hereinafter "Agreement") is made this _____ day of _____, 2002, by and between Ocean-Sound Village Homeowners Association and the Town of North Topsail Beach:

WHEREAS, Ocean-Sound Village (hereinafter referred to as "the Village") is a subdivision situated in the Town of North Topsail Beach, Onslow County, North Carolina (hereinafter referred to as "the Town"), and recorded in the Office of the Register of Deeds of Onslow County, North Carolina in Map Book 32 at Page 47, Slide 1-35;

WHEREAS, the Village is serviced by two (2) streets, identified as Ocean View Lane and Sound View Lane (hereinafter referred to as "the Streets"), which are shown on the above referenced map;

WHEREAS, the Village has constructed a crossover for beach access (hereinafter referred to as "the Walkway"), which is also shown on the above referenced map;

WHEREAS, in May of 1995, the Developer and Declarant, Ocean-Sound Village Corp., offered to dedicate the Streets and Walkway to the Town for "maintenance;"

WHEREAS, on or about July 6, 1995, as recorded in Minute Book 5, the Town accepted the dedication of Streets and Walkway;

WHEREAS, the Article VIII, Section 4 of the Declaration of Covenants, Conditions and Restrictions (hereinafter "the Declarations"), as prepared by Developer and recorded in the Office of the Register of Deeds of Onslow County in Book 1235 at Page 605, precluded parking on the Streets, the swale area or lots owned by others which includes the approach and access to Walkway;

WHEREAS, between acceptance of the dedication until July of 2002 when the "No Parking" signs were removed by the Town, the Towns' Police Department enforced the restriction against parking on the Streets, swale area and on lots owned by others;

WHEREAS, a dispute has arisen between the Village and the Town regarding the obligation of The Town to enforce no parking on Streets when the funds for maintenance are derived in part from Powell Bill Funds collected by the State of North Carolina;

WHEREAS, for Walkway access to be beneficial to the public, safe and convenient parking would have to be available;

WHEREAS, the Village and the Town wish to resolve the dispute for the mutual benefit of both parties.

NOW THEREFORE, in consideration of mutual covenants and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. The Town will rededicate the Streets and the Walkway to the Village, and the Village will accept the Streets and Walkway for all purposes as private property, and will indemnify and hold harmless the Town from any and all claims for construction, inspection and/or repair of the Streets and the Walkway from the date of recording the rededication forward;
2. The Village will assume responsibility for all maintenance to the Streets and the Walkway, and will keep said streets and walkway in good and serviceable condition for use of Owners and all persons having appropriate authorization to use said Streets and Walkway;

3. The Village will assume any and all obligations associated with enforcing the prohibition against public parking on the Streets, the swale area, on the lots owned by others, or anywhere within the subdivision where parking is disallowed by the Declarations heretofore referenced.
4. The Walkway will cease to be available for use as public access to the beach, and in no event is the Village obligated to allow parking on the Streets, or in any area contiguous to the Walkway;
5. At all times, the Village will allow ingress, egress and regress to the Town or to the appropriate electric, gas, cable, telephone, police, fire, ambulance, mail delivery, including overnight delivery, or other company having bona fide business within the subdivision, in accordance with easements of records and/or Declarations, for the purpose of inspection, construction, reconstruction and/or repair on any and all utilities.
6. The Town shall prepare all documents necessary to effectuate said rededication, which, upon the duly notarized signature of the appropriate representative of the Town and of Ocean-Sound Homeowner's Association, will be recorded in the Office of the Register of Deeds of Onslow County, North Carolina, said rededication to be concluded in each particular within thirty (30) days of the date of this document.
7. Nothing in this Agreement shall be construed to abrogate the rights of the Village Owners' and guests to access to local law enforcement.

The Parties further state that they have carefully read the foregoing Agreement and know the contents thereof, and sign the same as their free and voluntary act.

Witness my hand this _____ day of _____, 2002

For the Town of North Topsail Beach:

 Loraine M. Carbone
 Town Clerk

 Marlow F. Bostic, Jr.
 Mayor

For Ocean-Sound Village Homeowner's Association:

By:

 Robert F. Gerkens, President

CLOSE OF PUBLIC HEARING:

Hearing no public comment, Alderman Smith moved, seconded by Alderman Sandberg to close the public hearing. The motion passed unanimously.

APPROVAL OF AGENDA:

Mayor Pro Tem Flynn stated that it was appropriate to delete under New Business, items b, c and d and table them until November 7th when the full Board should be in attendance.

Alderman Sandberg moved, seconded by Alderman Smith to table items b, c, and d under New Business until the November 7, 2002 meeting. The motion passed unanimously.

Town Manager Don Betz introduced Ron Ward, the new Building Inspector and noted that the Inspection Department is operating in a professional manner.

REQUEST TO ADDRESS THE BOARD:

James A. (Jim) Daughtry, Transportation Planner with the Eastern Carolina Council gave a presentation on the Down East Rural Planning Organization (RPO). Michelle Bunce, Onslow County Planner was also in attendance.

(Attached to the minutes is the Power Point Presentation that was made.)

Sue Tuman questioned rail transportation in this area. Mr. Daughtry noted that they are looking at Wilmington and other areas. Mr. Betz asked where their funding level came from. Mr. Daughtry said that it comes from the State and flows into the Eastern Carolina Council.

COMMITTEE REPORTS:

Beach Nourishment – Mayor Pro Tem John Flynn:

Mayor Pro Tem Flynn said that he met with the U.S. Army Corps of Engineers today. They are working on beach placement and planning. They have a better handle on where things are going and presentation will be easier in the future. Mayor Pro Tem Flynn noted that next month he should have more information. The second part of the overall program is to get beach nourishment. The selection committee for the CBRA Zone competition is ongoing. Interviews have been held and the selection will be made by the November 7th meeting. The objective is to get sand on our beaches.

Mayor Pro Tem Flynn noted that he has not been a part of the selection committee. By December, he would like the contract to be awarded. At the last Special Meeting, it was requested that he speak with the Corps to see how we could move faster with the spoil island testing. They have agreed to drill for sample cores for sand availability by December 15, 2002. Lab testing will take place and results will be provided to the project team and to us. We could then provide this information to the commercial firm. Because of the complexities of the overall program, this will probably not save us time in the long run. He has suggested to the Corps that we have a coring schedule for the southern 2/3 of town and another schedule for the CBRA Zone. He sees them as complementary approaches.

Beach nourishment depends solely on availability of sand at a cost to the Town. Test results will enable us to make better decisions earlier and focus on a single process as opposed to looking at two. Our single directive has been to put sand on the beach. Mayor Pro Tem Flynn welcomed everyone to attend the Beach Nourishment meetings the third Wednesday of each month at 6:00 p.m.

Beach Erosion – Alderman Steve Smith:

Alderman Smith noted that beach grass and sand fence have been sold. We have sold all of the plants, but we could still order sand fence.

Planning Board – Jim Milligan, Chairman:

Mr. Milligan noted that at last month's Board meeting, their committee was asked to report on the number of lots being developed and to review the ordinance on Mobile Home Parks. There are 73 lots. In regard to the MHP ordinance, the Planning Board approved amending the planning maps.

Conditional use permits were approved. The consideration of the final plat of Scotch Bonnet was withdrawn since there were no septic system permits at this time. Once they are available, they will come back. The committee looked at two new developments. One is a rezoning from R20 to R10, the Norman Landing Tract on New Inlet Road. There are 18 lots on the sound side and 3 lots on the ocean side. A conditional use permit for single family and duplex homes were approved. No one spoke in opposition. Whitfield Shores will consist of 46 lots. Homeowners in the area were against duplexes. The developer would agree to single family only. The Committee tabled this issue.

The Town is beginning to see an increase in building. The main detriment is the lack of sewer taps. Mr. Betz has discussed this issue with North Topsail Utilities and the Planning Board will follow-up.

Beautification Committee – Sallie McGuire, Chairman:

Sallie McGuire was pleased to announce that we have enough money to purchase 10 snowflakes. More donations would be welcomed to purchase more. The Beautification Committee was asked to monitor the park and they have formed subcommittees. They will monitor the park once a month now and more often in the summer. The landscaping for the park is pending. Their Committee is selling the Dining and Value Guide. The cost is \$25.00 for the book and \$10.00 goes to the committee. Mayor Pro Tem Flynn questioned if money for snowflakes could be collected up to November 1st for this year's display. Mrs. McGuire said yes.

Transportation Committee – Alderman Laurie Sandberg:

Alderman Laurie Sandberg reported that Robert Vause, of the Department of Transportation, attended their last meeting. We could not put up a light at the bridge, but they did talk about signage and relining the road. Mr. Vause said he would look into putting signs up near the park to help awareness of pedestrian crossing. They also discussed a bike path and "Share the Road" would cost less. They would need to get easements from homeowners. The Transportation Committee will discuss what Mr. Daughtry presented this evening at their next meeting. Mayor Pro Tem Flynn questioned reducing speed limits on Highway 210. Alderman Sandberg said that D.O.T. still will not change it. D.O.T. bases changing the speed limit on the number of accidents. There are not many homes

in the area between the St. Moritz and the High Rise Bridge; therefore the limit will remain at 55 mph at this time.

OPEN FORUM:

Dick Farley of 2300 New River Inlet Road, was concerned with comments made at the September 23rd Special Meeting. He said that a lot of people were offended by comments that were printed in the paper. It was said that board members were upset by the lack of attendance at the Special Meeting. At most meetings, they do attend and speak strongly and it is unfair to imply that we do not care. Mr. Farley noted that he is a member of the Beach Nourishment Committee and they do not get attendance at their meetings, but that doesn't stop them from working. Many folks have done a lot for themselves and have spent a lot of money. Comments were made that no one has put up sand fence and plants, but we have no dunes at the north end to place them.

Dan Tuman, of 3944 River Road, said that he is a member of the Beach Erosion Committee. He stated that the comments made by Alderman O'Donnell on beach grass and sand fence not up at the north end were ridiculous. He suggested that the Town should push dunes at that end of town and put up and fence and plants. Mr. Tuman cautioned the Board on making comments that are not helpful since they discourage people and it has a very negative effect on the community.

D. Mule Skinner, of 207 Oyster Lane noted that he helped plant grass, but there were no instructions on how to plant it. He said that people at the north end have fought hard to keep their homes and we should give them a chance to recoup.

Connie Pletl, of 200 Oyster Lane, said that it was brought to her attention that a mess has been left on the gazebo stemming from fishing and crabbing. She asked the Board to not penalize all the fishermen who crab and think of alternatives such as trash receptacles and a tasteful sign letting them know to pick up their mess.

Sue Tuman, of 3944 River Road, suggested putting a small table on the gazebo to cut bait.

CONSENT AGENDA:

The consent agenda consisted of the September 5, 2002 Board Meeting minutes, the September 23, 2002 Special Board Meeting, Department Head Reports and Benefits Accrual Report.

Alderman Sandberg moved, seconded by Alderman Smith, approval of the Consent Agenda. The motion passed unanimously.

NEW BUSINESS:

a. Land Use Amendments as Presented:

Previously in June the Board held a Public Hearing on the recommended Land Use Amendments and proceeded to approve those amendments. Due to the fact that there was an error in the advertisement for the Public Hearing, these amendments were re-advertised to repeat the Public Hearing. The recommended amendments have been approved by the Chairman and Planning Board members.

Alderman Smith moved, seconded by Alderman Sandberg approval of the Amendments to change the Town's Land Use Plan Sections IV-6(c) concerning deleting the move-back line for ocean front properties and Section IV-7 concerning the 40 foot buffer area in estuarine waters to be changed to a 30 foot buffer requirement. The motion passed unanimously.

MANAGER'S REPORT:

1. Since the last meeting, we have had installed an "emergency call box" on the right hand side of the front windows, on the front porch, main entrance to the building with instructions to use in contacting police and fire emergency services. (Many people stop by the building after hours and on weekends looking for assistance and they assume since a police vehicle may be parked off to the side that someone is in the building) (During peak population periods this may help save a life one day). We will make reference to this in the next newsletter. As well as the one in the Park.
2. In addition to the painting, we had the entire carpet area of the building cleaned. The contractor completed the erosion control measures under the building and with the replacement of the rotten windows; the building is finally back to first class status. We are still setting up a new bulletin board area in the center window for notices instead of the main door windows.
3. Staff will be reviewing a "preliminary" drawing of the expansion of the park property for preparation of a grant funding request. Staff attended a workshop at UNCW on 10/2/02 to secure the latest information on changes in the application process. The Phase II of the Capital Project, which will be presented to the Planning Board and the Board of Aldermen, will include bathroom facilities, additional parking, tennis courts and a nature trail.
4. The Town received three submissions in response to our Request for Proposals/Qualifications regarding the Scope of Work associated with the Feasibility Study for the Coastal Barrier Resource Act areas within the Town's shoreline, approximately 7 miles. The Evaluation Committee met to review those proposals and invited all three firms to present their proposals to the Committee on Wednesday October 3rd. The Committee is expected to prepare a recommendation to the Board of Aldermen at the next regularly scheduled meeting.
5. The Town has received a request from Onslow County Planning and Development Department for a representative from the Town to be a member of a County Committee to work on developing the text and zoning issues for the development of County wide zoning to be implemented in phases. This committee will meet on Tuesday evenings once or twice a month. The request is for the Board of Aldermen to appoint someone to represent the Town, either a Staff member or a citizen. Staff will submit this request to the Planning Board for a recommendation to the Board of Aldermen for the November 7th, 2002 meeting.

6. The Inspections Department, CAMA, Planning/Zoning, and Inspections Clerk/Deputy Town Clerk have all been working together to network each other with the "Black Bear" inspections software. The result is a highly organized process for permits, schedules and revenue associated with these activities. In the brief time that Ron Ward has been with the Town, he has reviewed and redesigned some of the forms that the Town has been using with Christina's assistance and valuable input from Sue. Thus, the three of them are communicating fully, rather than the independent process that existed before. This allows all of them to provide better service and coordinated information to the public.
7. The annual Audit for Fiscal Year 2001-2002 is complete and the Town should receive copies next week.
8. The Greater Topsail Area Chamber of Commerce and Tourism is presenting a Business Expo Saturday October 5th from 10 to 4 at Dixon High School. The annual membership meeting is scheduled for Saturday November 9th at the Assembly Building in the Town of Topsail Beach.
9. During the past month the Staff has continued to attend meetings of the Onslow Water and Sewer Authority, Onslow County Storm Water Committee, Onslow County Mayor's Association meeting, North Topsail Beach Nourishment Committee meeting, Planning Board meeting and the workshop on State Funding for Parks. The Police Department held a Governor's Highway Safety Checkpoint on September 27th.
10. The League of Municipalities Annual Conference is scheduled for October 20th and 21st at the Durham Civic Center, in Durham.

ATTORNEY'S REPORT:

Attorney Fairley noted that she gave a report to the Board this week and will continue to prioritize issues of business of the Town.


ALDERMEN'S REPORT:

Mayor Pro Tem Flynn noted that over past meetings, there has been more commentary of various issues affecting the Town in a general sense. Trying to figure out where we are going is difficult. We are fortunate that we have the arm of the Town Board in our Planning Board Committee. Their charge is for long term planning. By next month's meeting, we will present an information paper to the Board discussing the need for a longer planning cycle. We have not had that time approach since the early 90's.

The Land Use Plan which was approved by the State needs to be updated by 2004. We have many plans that were written for the Town 12 years ago. We need to look at transportation, sewer and an overall view of utility support to this Town and how it will be provided. We also need to look at environmental living. We will consider these issues in an overall reasoned approach, from committee to public hearing to adoption. Mayor Pro Tem Flynn requested input on points worthy of consideration to give to the Planning Board Committee. This will be a demanding and time consuming project. A rather small group of people wrote the rules under which we operate today and a small, dedicated group put together our Land Use Plan.

Alderman Smith thanked Mr. Daughtry for his presentation on Transportation.

Alderman Sandberg also thanked Mr. Daughtry and Michelle Bunce.



Eastern Carolina Council
Down East RPO
 Rural Transportation Planning Organization
 Craven, Carteret, Jones, Onslow & Pamlico Counties
 Jim Daughtry, Transportation Planner

Jump to first page.

Rural Transportation Planning Organizations

New Organizations
 What are they and
 How Many in NC?

Jump to first page.

How many are there?

- By the end of 2001, NC had 6 RPO's.
 - ◆ Mid Carolina RPO (Fayetteville area)
 - ◆ Unifour RPO (Hickory area)
 - ◆ Cape Fear RPO (Wilmington area)
 - ◆ Kerr-Tar RPO (North of Raleigh)
 - ◆ Albemarle RPO (Outer Banks area)
 - ◆ Southwestern RPO (South - Western part of state)

Jump to first page.

How many are there?

- 10 More New RPOs formed in 2002:
 - ◆ Isothermal RPO
 - ◆ High Country RPO
 - ◆ Lake Norman RPO
 - ◆ Northwest Piedmont RPO
 - ◆ Lumber River RPO
 - ◆ Mid-East RPO
 - ◆ Piedmont Triad RPO
 - ◆ Eastern Carolina RPO ***
 - ◆ Peanut Belt RPO
 - ◆ Down East RPO ***

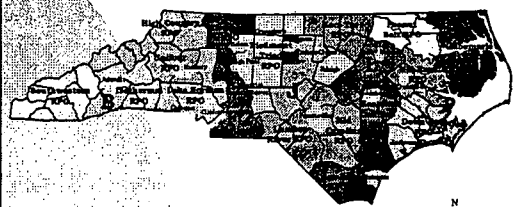
Jump to first page.

How many are there?

- 4 More RPOs in the next few months:
 - ◆ L (Upper Coastal Plain RPO) - September 25
 - ◆ F2 (Centralina RPO) - September - October?
 - ◆ J (The Triangle RPO) - September - October?
 - ◆ B (The Asheville Area RPO) - September - October?
- ◆ By 9 / 25 There will be 17, Later 20 RPOs

Jump to first page.

NORTH CAROLINA RURAL PLANNING AREA BOUNDARIES



* Named Areas signifies Chartered Rural Planning Organizations.

July 23, 2002

Jump to first page.

Rural Technical Coordinating Committee

- Make-up of the Committee - Down East RPO
 - ◆ Local Staff
 - Managers, Planners, Transportation Committee Members, Others.
 - ◆ Airport Representatives
 - ◆ Military Base Representatives
 - ◆ Ports Authority Representative
 - ◆ DOT Staff
 - Division Engineer, Public Transit, Statewide Planning Branch
 - ◆ Rural Planning Organization Staff
 - Transportation Planner - staff

Jump to first page. ◊◊

Rural Technical Coordinating Committee

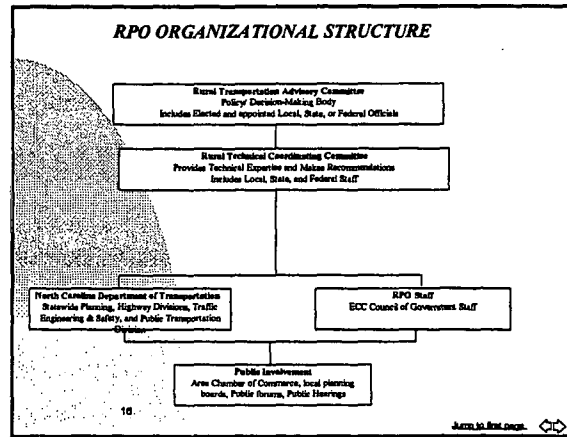
- Responsibilities
 - ◆ Development, review, and recommendation for approval of the following: Prospectus for Transportation Planning, Transportation Planning Work Program (PWP) Transportation Improvement Program (TIP)
 - ◆ General review, guidance, and coordination of the transportation planning process
 - ◆ Making recommendations as necessary in the planning process

Jump to first page. ◊◊

Lead Planning Agency Eastern Carolina Council *ecc*

- Responsibilities
 - ◆ Serve as administrative entity
 - ◆ Receive funds on behalf of the RPO
 - ◆ Coordinate transportation and land use plan and policies
 - ◆ Serve as liaison between the Department of Transportation and the RPO

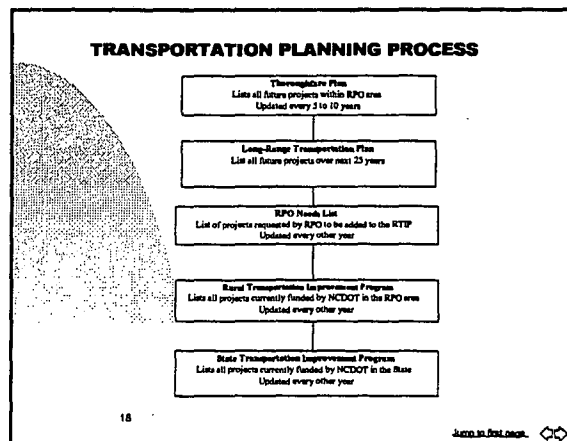
Jump to first page. ◊◊



Four Core Duties

- Developing long range local and regional transportation plans.
- Providing a forum for public participation in the transportation planning process.
- Developing and prioritizing projects the organization believes should be included in the TIP.
- Providing transportation related information to local governments.
 - ◆ These are the core duties that must be provided but the organization is not limited to only these and can provide other duties listed in the RPO study - which can be found at: <http://www.dot.state.nc.us/planning/rpo/default.html>.

Jump to first page. ◊◊



Mr. Betz recognized and thanked the evaluation committee that reviewed the proposals and interviewed the firms who provided the Scope of Work for the Coastal Barrier Resource Act areas within the Town's shoreline. The committee consisted of Sue Tuman, Ron Coy, Buddy Goodwin, Jim Milligan and Bill Price.

ADJOURNMENT:

Alderman Smith moved, seconded by Alderman Sandberg to adjourn the meeting at 8:22 p.m. The motion passed unanimously.

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



Mayor Marlow F. Bostic, Jr.

11-7-02
Date Approved

**TOWN OF NORTH TOPSAIL BEACH
PUBLIC HEARING AND REGULAR BOARD MEETING
NOVEMBER 7, 2002
7:00 P.M.**

PRESENT:

Mayor Marty Bostic, Mayor Pro-Tem John Flynn, Aldermen Bill O'Donnell, Laurie Sandberg, Steve Smith and Joe Vecchione, Don Betz, Town Manager, Loraine Carbone, Town Clerk

EXCUSED:

Mary C. Fairley, Attorney

QUORUM:

Mayor Bostic called the meeting to order at 7:05 p.m. in the North Topsail Beach meeting room and declared a quorum present.

INVOCATION:

Mr. Creech of the North Topsail Shores Baptist Chapel, gave the invocation.

PLEDGE OF ALLEGIANCE:

Mayor Pro Tem Flynn led the group in reciting the Pledge of Allegiance.

PUBLIC HEARINGS:

Alderman Smith moved, seconded by Alderman O'Donnell to open the Public Hearings. The motion passed unanimously.

1. Rezoning and Development Application 04/02 – Otha Herring and Others (Island Drive – Hwy. 210 – across from Summertyme Subdivision) from un-zoned to Conditional Use R-10:

This request for the rezoning and development of the property was received on August 30, 2002 for review by the Planning Board. This is the preliminary request for the rezoning and development of the property. All adjacent property owners were notified as required. I have received questions on this rezoning from the adjacent owners and have instructed them on the time and date of the public hearing. This request meets all the requirements of North Topsail Beach's ordinance.

The Planning Board held a public hearing on September 12, 2002 and voted to deny this request.

Currently the zoning maps show this area as not zoned, after reviewing old zoning maps this area was zoned by Onslow County as commercial B-3 and Conservation D. The commercial zoning was on road side (Hwy 210) and the Conservation D was in the back of this property.

11/07/02

The property is located on Island Drive (Highway 210) and across from Summertyme Subdivision. All proposed lots are located on the sound side of Island Drive.

Mr. Herring has requested that the 33.88 acre tract be rezoned from "not zoned" to R-10. Currently the property to the north of this tract is not zoned, the property to the south is zoned B-2 Commercial. Summertyme Subdivision (across Island Drive) is zoned R-5 with restricted covenants to single family homes only. The property would be divided into 49 lots. As shown on the sketch plan, the proposed 49 lots would meet the minimum requirement (10,000 square feet) for the rezoning of R-10. Mr. Herring is requesting that the Conditional Use R-10 would limit this development to single family homes only.

This project has been submitted by Mr. John Parker, of Parker and Associates and is owned by Mr. Otha Herring of Wilmington, NC. Mr. Parker will represent Mr. Otha Herring at the public hearing to present this to the Board and to answer any questions.

Review of the sketch plan shows the following:

1. Streets: The lots will be serviced by a main road named Whitefield Lane with two cul-de-sacs named Timothy Place and Mary Lane. The main road and cul-de-sacs will be constructed by the developer. Lots 1 through 5 and lots 45 and 46 would have access from Island Drive.
2. Water and Sewer: The water and sewer will be individual taps with easements under the cul-de-sac for each property owner; this should be addressed in the preliminary plat review.
3. Open Space: Open space has not been designated at this time; this should be addressed in the preliminary plat review.
4. Access: There is a deeded 10' easement to the ocean for this property through the Summertyme subdivision.
5. Lot Size: All the lots will meet the R-10 minimum requirement of 10,000 square feet.
6. Flood Insurance: These lots will not be eligible for federal flood insurance as they are in the CBRA area.
7. CAMA: The coastal vegetation line has been marked by the Division of Coastal Management and the Army Corps of Engineers has delineated the 404 wetlands. The lots will have to meet the 40 foot buffer area.
8. Fire Hydrants: I have discussed the issue of a fire hydrant with Mr. Best, Fire Marshal, a hydrant will need to be located at the main entrance and an additional hydrant should be located between Lot 35 and 36.

11/07/02

Mr. Parker spoke on behalf of Mr. Herring. The property is located across from Summertime. The Planning Board did not approve this. The tract has about 16 acres of high ground. Mr. Parker noted that there was one correction; instead of 49 lots there are 46 lots. We needed to set this up as a hybrid type of development. There is a mixture of lot sizes. Some include wetlands, some do not. In this area there are 404 wetlands, not coastal wetlands. 404 wetlands are extending farther into the lots. What is significant is that the average uplands are just over 15,000 sq. ft. per lot. There are lots right at 10,000 sq. ft. and it is difficult to develop a layout plan. The overall density is not as great as it appears. Mr. Herring feels he has a right to the use of his property.

Alderman O'Donnell questioned which lot has the least amount of upland. Mr. Parker said Lot 13, at 9,000 sq. ft. upland, has almost no coastal wetlands. 404 wetlands has seasonal high water table. This is a conditional use. We amended to conditional use and restricted to single family homes.

Alderman Sandberg asked, in regard to property adjacent to this, how much is wetlands? Mr. Parker noted that the tract is very large. It is an old cultivated field and most of it is uplands.

Mayor Bostic questioned access to the property adjacent in the event anyone wanted to develop it. Mr. Parker said they would speak with adjoining property owners to determine if they want access through this property or through another direction. It may not require a bridge.

Alderman Smith asked from a CAMA standpoint, is it in compliance? Mrs. McLaughlin said that it was.

Linda Knowles addressed the Board. She noted that there is no land in this town that is not zoned. The whole town is zoned. It is zoned B3 and R20 and the rest is zoned conservation district. We have lost areas on the north end. Mrs. Knowles said that she has a problem with this development and the availability of sewer. This development went in front of the Planning board. Mrs. Knowles said that if she found out that it was unzoned and it was zoned she would be upset. She suggested that this issue start over to give the Planning Board the right information. She also said that all she hears is rezoning at meetings. Please don't make any decisions tonight until you see if it has been properly zoned.

Rodney Knowles addressed the Board and said that this is the first rezoning that has come up that has gone more than one classification lower. The next lowest should be R-20. In the past changes were made.

Alderman O'Donnell asked if there was any way to get answers on the rezoning. Staff advised that we would respond during Board discussion of this item.

11/07/02

2. Rezoning and Development Application 05/02 – Otha Herring and Others (New River Inlet Road – Hwy. 1568 – across from Goldsboro Lane) from R-20 to CU R-10:

This request for the rezoning and development of the property was received on August 30, 2002 for review by the Planning Board. This is the preliminary request for the rezoning and development of the property. All adjacent property owners were notified as required. I have received questions on this rezoning from the adjacent owners and have instructed them on the time and date of the public hearing. This request meets all the requirements of North Topsail Beach's ordinance.

The Planning Board held a public hearing on this application on September 12, 2002, and voted to recommend approval to the Board of Aldermen. The vote was unanimous.

The property is located on New River Inlet Road (Highway 1568) and across from Goldsboro Lane. Three of the proposed lots are located directly behind the existing houses on Goldsboro Lane.

Mr. Herring has requested that the 10.53 acre tract be rezoned from R-20 to CU R-10. Currently the lots to the north of this tract are zoned R-20, the lots to the south are zoned R-10. The property located on Goldsboro Lane, which abuts three of the proposed lots are zoned R-20. Currently this is two separate lots; the main part of this property is on the sound side. The sound side would be divided into 18 lots. The remaining 3 lots are on the ocean side of New River Inlet Road. As shown on the sketch plan, the proposed 21 lots would meet the minimum requirement (10,000 square feet) for the rezoning of CU R-10. The rezoning of this tract to R-10 would allow duplexes and single family homes in this area.

This project has been submitted by Mr. John Parker, of Parker and Associates and is owned by Mr. Otha Herring of Wilmington, NC. Mr. Parker will represent Mr. Otha Herring at the public hearing to present this to the Board and to answer any questions.

Review of the sketch plan shows the following:

1. Streets: Most sound side lots will be serviced by a two cul-de-sacs and ocean front properties will enter on to New River Inlet Road (Hwy 1568). Lots 17 and 18 will have a shared access off of New River Inlet Road. The cul-de-sacs will be constructed by the developer.

11/07/02

2. Water and Sewer: The water and sewer will be individual taps with easements under the cul-de-sac for each property owner; this should be addressed in the preliminary plat review.
3. Open Space: Open space has not been designated at this time; this should be addressed in the preliminary plat review.
4. Access: The plat plan does show a 10' easement from the end of the cul-de-sac to Norman's Creek and a 10' easement to the ocean off of Goldsboro Lane (which is a town road).
5. Lot Size: All the lots will meet the R-10 minimum requirement of 10,000 square feet. The average lot size is 19,855, the smallest lot is 10,129 (Lot 19).
6. Flood Insurance: These lots will not be eligible for federal flood insurance as they are in the CBRA area.
7. CAMA: At the present time, there is a 3 foot annual erosion rate in this area, therefore the ocean front lots are subject to a 90 foot CAMA setback from the first line of vegetation. On the sound side of the property, the coastal vegetation line has been marked by the Division of Coastal Management and the Army Corps of Engineers has delineated the 404 wetlands. The sound side lots will have to meet the 40 foot buffer area.
8. Fire Hydrants: I have discussed the issue of a fire hydrant with Mr. Best, Fire Marshal, and the hydrants in the area will be sufficient to handle the additional lots.

Mr. Parker noted that this is a bigger tract than the first one discussed this evening. There was no opposition by any adjoining property owners. This is another hybrid situation. Lots average 15,195 sq. ft. on the soundside. Lots are all large in size. They are proposing in areas of lot 5 and 6 a common area and will propose it as open space. There is a small turn in Norman's Creek for kayaks. Lots on oceanfront are zoned R-20, but they are less than 10,000 sq. ft. No one spoke in opposition to this item.

3. Rules and Regulations for Town Park:

TOWN OF NORTH TOPSAIL BEACH

PICNIC SHELTER AND GAZEBO RULES AND REGULATIONS

1. Picnic shelter or Gazebo can be used on a reserved basis with reservations being made through Town Hall at 910-328-1349, Monday - Friday from 8:30 A.M. until 4:30 P.M.
2. The Picnic Shelter or Gazebo may be used on a first come, first served basis as long as the Shelter or Gazebo has not been reserved.
3. Non-reservation users must leave immediately if the party who has reserved the Shelter or Gazebo shows up.
4. Groups using the Shelter, tables or Gazebo shall be responsible for cleaning up after use.

11/07/02

5. The Gazebo is not a fishing pier. Due to sanitary and safety concerns, there will be no fishing or crabbing on the Gazebo or walkway to the Gazebo.
6. Individuals or groups failing to comply with the Picnic Shelter/Gazebo and General Park Regulations set forth by the Board of Aldermen for the Town of North Topsail Beach may be denied future use of the facilities.

NORTH TOPSAIL BEACH GAZEBO AND PARK
PICNIC SHELTER RESERVATION POLICY/AGREEMENT

The park remains open to the public when the picnic shelter or gazebo is reserved. The reservation is for the use of the picnic shelter or gazebo only and for the allotted time shown on the reservation policy/agreement.

1. The picnic shelter or gazebo may be reserved for a minimum of three (3) hours and a maximum of five (5) hours between 10:00 AM and 9:00 PM, Monday through Saturday, and 1:00 PM and 6:00 PM on Sunday. Only one reservation will be approved per day. A specific group may make a reservation only once quarterly, unless authorized otherwise by the Town Manager or his designee.
2. There will be a reservation fee of \$40.00 for residents, businesses, churches and civic organizations inside the corporate limits of the Town of North Topsail Beach and a reservation fee of \$80.00 for residents, businesses, churches and civic organizations outside the corporate limits of the Town of North Topsail Beach for either the picnic shelter or gazebo. All payments must be made and an agreement signed within five (5) days after the reservation is made for a reservation to be confirmed. Reservations must be made at least five (5) days in advance of the reservation date.
3. The picnic shelter or gazebo may be reserved only for groups having at least fifteen (15) people with a maximum of fifty (50) people.
4. Trash is to be picked up around the picnic shelter and gazebo and disposed of properly. Groups must provide their own garbage bags and dispose of the bags by removing them from the park or by placing them in the containers provided. Littering is prohibited.
5. The Gazebo is not a fishing pier. Due to sanitary and safety concerns, there will be no fishing or crabbing on the Gazebo or walkway to the Gazebo.
6. Restrooms are to be monitored by the person who reserved the picnic shelter or gazebo to ensure that they are not abused. The reserving group must provide toilet tissue and hand towels.
7. Sound reproduction devices (loud speakers, etc.) and musical instruments are prohibited. This does not apply to events sponsored by the Town of North Topsail Beach.
8. No open fires are allowed except in the designated grill located near the picnic shelter. Charcoal only may be used in the grill. **Please do not leave the picnic shelter or park until grill fire is completely extinguished.**
9. If the picnic shelter, gazebo, bathrooms, or surrounding area are damaged or left in disarray, a maintenance fee of \$30.00/employee/hour will be charged.
10. Groups reserving the picnic shelter or gazebo must not disturb or interfere with any person or party using any other area of the park or any person or party participating in authorized activities within the park.
11. No possession, consumption or display of alcohol or any controlled substance or containers thereof are allowed within the park. Any person under the influence of alcohol or any controlled substance is prohibited in the park.
12. No firearms or other dangerous weapons are allowed in the park. This does not apply to law enforcement officers while engaged in the discharge of their duties.
13. No refunds will be given due to inclement weather or for cancellations. Inclement weather dates may be rescheduled if a date is available, but must be requested no more than two (2) workdays following the original reservation date. Inclement weather must occur **at** the picnic shelter **during** the time reserved before a rain date may be rescheduled.

11/07/02

14. Flagrant misuse of the park and recreational facilities will result in the forfeiture of future use and reservation privileges. Persons failing to comply with the rules of the shelter and park set forth by the Town of North Topsail Beach Board of Aldermen may be denied future use of the facilities.

RESERVATION FORM FOR NORTH TOPSAIL BEACH TOWN PARK PICNIC SHELTER OR
GAZEBO

DATE OF RESERVATION: _____
TIME OF RESERVATION: _____

PICNIC SHELTER _____ GAZEBO _____
(PLEASE CHECK WHICH AREA YOU ARE RESERVING)

My signature verifies that I am responsible to the group reserving the picnic shelter or gazebo and I have read and fully understand the Picnic Shelter/Gazebo Reservation Policy/Agreement. My signature also verifies that I understand and agree to abide by the rules of the agreement and all rules posted at the park. I further understand that failure to abide by the rules of the park could result in suspension from the park or arrest, if warranted. I agree to defend, indemnify and hold harmless the Town of North Topsail Beach from any claims for loss or damages, including expenses and defense cost it incurs as a result of my use of the premises.

Print Name

Signature

Business, Church or Civic Organization

Authorized Signature

Mailing Address

Telephone Number (Day & Evening)

Town Employee's Signature

Date

Mayor Bostic questioned under #7 (music) are portable radios acceptable. Mr. Betz said a radio would not be a problem. The only issue would be using large amplifiers.

Alderman Smith questioned #3 (number of people), how do we monitor that? Mr. Betz said that these are guidelines. It would be a concern if the numbers increased greatly.

Mayor Pro Tem Flynn noted that these regulations may be modified after the first season. Mr. Betz stated that there has not been a lot of trash or vandalism, just small issues. Alderman O'Donnell also felt that radios and small musical instruments should be allowed.

Alderman Vecchione understood that there is a sanitary issue at the Gazebo with people cleaning fish and crabbing, but he felt that children should be allowed to fish. He suggested giving it a trial run and we should put up a sign that reads no cleaning of fish or bait and see how that goes. Mr. Betz suggested up to age 12 could fish. No one spoke in regard to this item.

11/07/02

CLOSE PUBLIC HEARING:

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

APPROVAL OF AGENDA:

Alderman O'Donnell requested that the budget amendment be removed from the consent agenda. Mr. Betz noted that the MCTFER Charter presentation will be rescheduled to the next meeting.

Mayor Pro Tem Flynn moved, seconded by Alderman O'Donnell approval of the agenda as presented. The motion passed unanimously.

REQUEST TO ADDRESS THE BOARD:

1. Thompson, Price & Co., P.A. – Gregory Adams – Audit Report FY 2001-2002:

Mr. Adams noted that there was an increase of cash in all funds. The Town's equity has also increased. Revenues and expenditures are hard to compare because of FEMA. Next year the figures will be more in line. Property evaluations have increased. We did see an increase overall in the collection rate which is better than the state average. What can bring it down is DMV since we have no control over that. The Town has received an "unqualified opinion", which is the highest rating you could receive.

Mayor Pro Tem Flynn said that we had a reportable condition last year and we have made some moves to ensure that we were able to handle that. Mr. Adams said it was a matter of segregation of duties since the Town has a limited amount of personnel. Since then, flow charts and journal entries are made by different staff.

Mayor Bostic noted that we are getting better at budget amendments. Mr. Adams agreed.

COMMITTEE REPORTS:

Beach Nourishment – Mayor Pro Tem John Flynn:

Mayor Pro Tem Flynn stated that the Corps of Engineer's projects have suffered from funding. He has been advised that they are making efforts to cannibalize their other programs. They are moving funds to a level we should have had. The Corps is establishing a basic progress report format. They will mail us a commentary sheet monthly at where we are. We will have something to enable citizens to see what is happening with Town monies. The Corps will start work to determine where there is sand. The Spoil Island study should be completed by

11/07/02

December 16, 2002. As noted in our agenda, there will be commentary on the recommendation of entering into a contract with Coastal Engineering for the upward 7 miles of the Town. Mayor Pro Tem Flynn noted that he is anxious for that to take place.

Beach Erosion – Alderman Steve Smith:

Alderman Smith noted that there is no easy solution to erosion control. At our last meeting we decided to merge three of our members to the beach nourishment committee, namely, Marjorie Delbaugh, Rose Marie Martin and Laurie Sandberg. We will dissolve the Erosion Control Committee. The interest is not there that we had 6 months ago. Alderman Sandberg stated that they felt that controlling erosion was a long-term solution. We would need experts in the field and Mayor Pro Tem Flynn has a dialogue with the Corps. We would be better served with other experts.

Mayor Pro Tem Flynn said that he was pleased to have the three committee members. He would assign them to erosion concerns that we have as a whole.

Alderman Smith moved, seconded by Alderman Vecchione to appoint Marjorie Delbaugh, Rose Marie Martin and Alderman Laurie Sandberg to the Beach Nourishment Committee. The motion passed unanimously.

Alderman Sandberg said that she was grateful to all who served and urged everyone to not let this issue die.

Planning Board – Ron Coy, Chairman Pro Tem:

Ron Coy noted that Jim Milligan, Chairman was not able to attend since he was out of town. The Planning Board met at a workshop that consisted of review and discussion of ordinances on open space and accesses. The committee instructed Sue McLaughlin to get more data on other towns. They held a public hearing on the Northwinds development which was defeated and was opposed by residents. Scotch Bonnet was reviewed and they looked at all permits. The rezoning of Whitfield Shores was defeated. Beach front homeowners were opposed to the overcrowding of the area. High density housing could lead to environmental problems. Spot zoning would increase the density. Mr. Howard Hunt was nominated to the Onslow County Zoning committee.

Beautification Committee – Sallie McGuire, Chairman:

Mrs. McGuire said that the sub-committee for the Town Park reviewed the rules and regulations. The committee found that crabbing was a problem at the Gazebo because spindles have been broken. People are cleaning fish on the benches and leaving a mess. The committee concluded that people should use the Sea View Pier to fish and not the gazebo. The Subcommittee is going to

11/07/02

monitor the park. They will start with plantings tomorrow in the park. As the budget is not adequate, we will do part of the plantings in the spring. We have 10 snowflakes that were donated this year. The committee has hats and children's t-shirts for sale in the foyer. The sign area before the high rise bridge has been replanted. The committee will proceed with the Christmas tree and decorations after Thanksgiving.

Mayor Pro Tem Flynn questioned if the area left of the walkway to the gazebo could be used as a canoe launching site. He also asked if a short pier could be erected in that area. Mrs. McGuire said that it was a possibility, but they will not take care of it. A short pier could work though if we have a cleaning area. Mayor Bostic said he doesn't visualize people cleaning fish since the water is shallow. Mrs. McGuire said that they have cleaned fish in the gazebo.

Transportation Committee – Alderman Laurie Sandberg:

Alderman Sandberg noted that they met October 15th. The committee has decided to table the bike path discussion. Mr. Thompson spoke with Mr. Hawkins about flashing lights for the bridge. Mr. Thompson is doing research on that. We have a committee charter that will be presented at the next meeting. The committee has discussed fundraising issues. Mr. Thompson has volunteered to be on the RPO committee. The Shinskies will not be able to serve on this committee so we therefore have two vacancies. They have rescheduled the November meeting time to 3:00 pm. Mr. Betz noted that we did get new signs up. Alderman Sandberg said that "Share the Road" signs have been erected.

OPEN FORUM:

A citizen asked that we post on the web site when we have fencing and beach grass available. It was noted that it was posted. Alderman Smith said that a specific amount of funds were appropriated. Alderman Sandberg said that citizens could check with the Pender County Extension.

CONSENT AGENDA:

The consent agenda consisted of the October 3, 2002 Board Meeting minutes, Department Head Reports and Benefit Accrual Report.

Mayor Pro Tem Flynn moved, seconded by Alderman Sandberg approval of the Consent Agenda. The motion passed unanimously.

OLD BUSINESS:

Budget Amendment # 2:

Alderman O'Donnell was concerned that we are adding money to other departments before they have depleted funds in that department. He felt we

11/07/02

have spent excess money and then taken money out of the contingency fund for this flood insurance increase. He indicated that increases in revenues should offset the flood insurance cost. Mr. Betz indicated that if we review the recent audit you allocated the limited revenue sources to the various operating departments of the Town. It isn't appropriate under the Local Government guidelines to just put additional revenues where you have operating short falls. Alderman O'Donnell said that when we budget a certain amount of money for a department, we spend that money. Again making reference to the Audit just presented tonight, Mr. Betz noted that over \$100,000 in the previous fiscal year budget had not been spent. The Town actually received less revenue than what was budgeted and the Town didn't spend \$100,000 that was authorized. Thus, we must record the receipt of the revenue and budget the expenditure in the appropriate department. However, as illustrated it may not be actually spent in the fiscal year. Alderman O'Donnell said that we passed a generous budget to start with and the new money should offset the contingency fund. Mr. Betz indicated he appreciated what Alderman O'Donnell was saying, but that local government accounting procedures are different than the private sector. The Town will take another loss of budgeted revenue this fiscal year due to the repeal of the State collected reimbursements. Alderman O'Donnell then questioned the miscellaneous insurance payment. Mr. Betz indicated that it was due to a police car accident and we have received a check from the insurance company, to offset the expense, and thus it becomes a wash, but both revenue and expenses have to be amended to account for this.

Alderman O'Donnell questioned the expense for street signs. Mr. Betz indicated that this purchase was for signs for Rogers Bay Campground, in which the Association paid the Town the cost plus an administrative fee for handling the purchase through the Town's vendor. These street signs will also help in emergency response to the Campground. Mayor Bostic inquired about the increase in telephone costs as budgeted. Mr. Betz indicated that this is the one time cost for the installation of the new "emergency call box" located at Town Hall on the front porch which was not originally budgeted. But with the one pay phone booth already removed and the possibility of others, Mr. Betz felt this was a prudent expenditure for the future needs of citizens and visitors.

Alderman Vecchione moved, seconded by Alderman Smith approval of Budget Amendment #2. The motion passed with Alderman O'Donnell opposing.

a. Agreement for Rededication of Streets and Walkway in Ocean Side Village:

A Public Hearing was held on October 3, 2002 to address an Agreement between Ocean Side Village and the Town of North Topsail Beach to rededicate the streets and walkway to Ocean Side Village. There were no

11/07/02

comments made during the public hearing. This issue was tabled to the November 7th meeting for action since the Mayor and two aldermen were not present at the October 3rd meeting.

Alderman Sandberg moved, seconded by Alderman O'Donnell approval of the Ordinance for Rededication of Streets and Walkway to Ocean Sound Village Owner's Association. The motion passed unanimously.

REDEDICATION OF STREETS AND WALKWAY

This Rededication of Streets and Walkway (hereinafter "Agreement") is made this _____ day of _____, 2002, by and between Ocean-Sound Village Homeowners Association and the Town of North Topsail Beach:

WHEREAS, Ocean-Sound Village (hereinafter referred to as "the Village") is a subdivision situated in the Town of North Topsail Beach, Onslow County, North Carolina (hereinafter referred to as "the Town"), and recorded in the Office of the Register of Deeds of Onslow County, North Carolina in Map Book 32 at Page 47, Slide 1-35;

WHEREAS, the Village is serviced by two (2) streets, identified as Ocean View Lane and Sound View Lane (hereinafter referred to as "the Streets"), which are shown on the above referenced map;

WHEREAS, the Village has constructed a crossover for beach access (hereinafter referred to as "the Walkway"), which is also shown on the above referenced map;

WHEREAS, in May of 1995, the Developer and Declarant, Ocean-Sound Village Corp., offered to dedicate the Streets and Walkway to the Town for "maintenance;"

WHEREAS, on or about July 6, 1995, as recorded in Minute Book 5, the Town accepted the dedication of Streets and Walkway;

WHEREAS, the Article VIII, Section 4 of the Declaration of Covenants, Conditions and Restrictions (hereinafter "the Declarations"), as prepared by Developer and recorded in the Office of the Register of Deeds of Onslow County in Book 1235 at Page 605, precluded parking on the Streets, the swale area or lots owned by others which includes the approach and access to Walkway;

WHEREAS, between acceptance of the dedication until July of 2002 when the "No Parking" signs were removed by the Town, the Towns' Police Department enforced the restriction against parking on the Streets, swale area and on lots owned by others;

WHEREAS, a dispute has arisen between the Village and the Town regarding the obligation of The Town to enforce no parking on Streets when the funds for maintenance are derived in part from Powell Bill Funds collected by the State of North Carolina;

WHEREAS, for Walkway access to be beneficial to the public, safe and convenient parking would have to be available;

WHEREAS, the Village and the Town wish to resolve the dispute for the mutual benefit of both parties.

NOW THEREFORE, in consideration of mutual covenants and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

11/07/02

1. The Town will rededicate the Streets and the Walkway to the Village, and the Village will accept the Streets and Walkway for all purposes as private property, and will indemnify and hold harmless the Town from any and all claims for construction, inspection and/or repair of the Streets and the Walkway from the date of recording the rededication forward;
2. The Village will assume responsibility for all maintenance to the Streets and the Walkway, and will keep said streets and walkway in good and serviceable condition for use of Owners and all persons having appropriate authorization to use said Streets and Walkway;
3. The Village will assume any and all obligations associated with enforcing the prohibition against public parking on the Streets, the swale area, on the lots owned by others, or anywhere within the subdivision where parking is disallowed by the Declarations heretofore referenced.
4. The Walkway will cease to be available for use as public access to the beach, and in no event is the Village obligated to allow parking on the Streets, or in any area contiguous to the Walkway;
5. At all times, the Village will allow ingress, egress and regress to the Town or to the appropriate electric, gas, cable, telephone, police, fire, ambulance, mail delivery, including overnight delivery, or other company having bona fide business within the subdivision, in accordance with easements of records and/or Declarations, for the purpose of inspection, construction, reconstruction and/or repair on any and all utilities.
6. The Town shall prepare all documents necessary to effectuate said rededication, which, upon the duly notarized signature of the appropriate representative of the Town and of Ocean-Sound Homeowner's Association, will be recorded in the Office of the Register of Deeds of Onslow County, North Carolina, said rededication to be concluded in each particular within thirty (30) days of the date of this document.
7. Nothing in this Agreement shall be construed to abrogate the rights of the Village Owners' and guests to access to local law enforcement.

The Parties further state that they have carefully read the foregoing Agreement and know the contents thereof, and sign the same as their free and voluntary act.

Witness my hand this 7th day of November, 2002

For the Town of North Topsail Beach:

 Loraine M. Carbone
 Town Clerk
 For Ocean-Sound Village Homeowner's Association:

 Marlow F. Bostic, Jr.
 Mayor

By:

 Robert F. Gerkens, President

b. Resolution of Support for the Acceleration of the Effective Date of the Third One-Half Cent Local Government Sales and Use Tax to January 1, 2003:

During the recent session of the General Assembly the annual distribution of State Collected Revenue for Inventory Tax reimbursements and Intangible

11/07/02

Property Taxes was repealed. This revenue state wide amounted to over 330 million dollars. In fact the Governor withheld approximately a third of that amount from Towns, Cities, and Counties in the fiscal year ended June 30, 2002.

However, the General Assembly enacted SB 1292, which authorizes County Boards of Commissioners to levy a half-cent sales tax with an effective date of December 1, 2002. This is referred to as an **acceleration** of the previously authorized one-half cent sales tax to be effective July 1, 2003.

The intent of the bill, in the future, is to have a "hold-harmless" financial effect on local governments. However, this seven month acceleration will not accomplish that for all local governments. In fact for the Town of North Topsail Beach it will only generate about one third of the anticipated revenue from reimbursements.

Thus, it is recommended that the Town of North Topsail Beach urge the Onslow County Board of Commissioners to proceed with this authorization. Previously, after a Public Hearing on the subject, the Board of Commissioners adopted the additional half-cent sales tax effective July 1, 2003. The Legislation requires that the Board vote again to levy this sales tax, but does not require a Public Hearing. Mr. Betz noted that other towns have adopted similar resolutions.

Mayor Pro Tem Flynn moved, seconded by Alderman Vecchione to adopt Resolution of Support for the Acceleration of the Effective Date of the Third One-Half Cent Local Government Sales and Use Tax to January 1, 2003. The motion passed with Alderman O'Donnell opposing.

**Resolution of Support for the Acceleration of the Effective Date Of
The Third One-Half Cent Local Government Sales and Use Tax To
January 1st, 2003**

Whereas, the County of Onslow previously adopted on June 3, 2002, the Third one-half cent Local Government Sales and Use Tax authorized by Section 34.14(a) of Session Law 2001-424 and codified as Article 44 of Charter 105 of the General Statutes of North Carolina; and

Whereas, the General Assembly ratified an amendment on September 25, 2002 accelerating the effective date for the Third one-half cent Local Government Sales and Use Tax authorized by Section 34.14(a) of Session Law 2001-424 and codified as Article 44 of Chapter 105 of the General Statutes of North Carolina; and

Whereas, the Town of North Topsail Beach urges the Onslow County Board of Commissioners to consider adopting the acceleration of the effective date of the Third one-half cent Local Government Sales and Use Tax to be effective January 1, 2003, as a result of the repeal of State Revenue previously provided to the Town of North Topsail Beach during this session of the General Assembly; and

Now, Therefore, Be It Resolved, that the Mayor and Board of Aldermen for the Town of North Topsail Beach, support the adoption of accelerating the effective date for the Third one-half cent sales tax within Onslow County to become effective on January 1, 2003.

11/07/02

Adopted this 7th day of November, 2002.

Loraine M. Carbone, CMC
Town Clerk

Marlow F. Bostic, Jr.
Mayor

c. Change January 2, 2003 Board Meeting Date:

The Board of Aldermen Meeting in January is currently set for the 2nd. Since many people may be on a holiday vacation, we are requesting that we change that meeting date to Wednesday, January 8, 2003. A Four Town Meeting is scheduled on Thursday, January 9, 2003.

Alderman Smith moved, seconded by Alderman Sandberg to change the January Board of Aldermen meeting to Wednesday, January 8, 2003. The motion passed unanimously.

d. Planning Board's recommendation on Amending Zoning Map Showing MHR vs. MHP:

On October 10, 2002, the Planning Board reviewed the request of the Board of Aldermen concerning Section 7-121; Zoning districts established and 7-126; Descriptions and purposes of the districts, pertaining to the Mobile Home Park District to Manufactured Housing Residential.

The Planning Board reviewed the sections of the ordinance pertaining to Manufactured Housing Residential and approved the changing of the zoning map to reflect this district vs. the Mobile Home Park.

Mrs. McLaughlin noted that we have a mobile home park district. What we have done is correct the error on maps.

Alderman Sandberg moved, seconded by Alderman Smith to change the zoning map to reflect Manufactured Housing Residential. The motion passed unanimously.

e. Final Plat Review of Scotch Bonnet Oceanside Subdivision:

This is the final plat review of the development. The Planning Board reviewed the final plat on October 10, 2002 and voted approval, the vote was unanimously.

The Board of Aldermen was given a final plat plan showing the 9 lots for Scotch Bonnet Enterprises' property. This property is located along Highway 210, between Surf City town line and Surf City Campground area. The development will be named Scotch Bonnet Oceanside.

This project has been submitted by Mr. Charles Riggs, of Riggs and Associates and is owned by Scotch Bonnet Enterprises of Sneads Ferry, NC. Mr. Riggs will represent Scotch Bonnet Enterprises at the meeting to present this to the Board and to answer any questions.

Review of the final plat plan shows the following:

11/07/02

1. Streets: The lots will have a private easement of 30' as shown on the plat plan to enter the lots. The easement will include the utilities and a 20 foot private road. A driveway permit from DOT has been received on this development.
2. Water and Sewer: All permits for the septic tanks have been received from Onslow Health Department.
3. Access: The plat plan does show two 10' easements from the end of the private drive to the ocean. The owner is proposing to build only one crosswalk at the easement that is next to Lot 1. At the other 10' foot easement they are proposing to use the current crosswalk in Surf City. The Planning Board requested a letter from Surf City concerning this matter. (The letter of credit for this has been received.)
4. Lot Size: The development shows the total of 9 lots, all are ocean front. All the lots will exceed the R-15 minimum requirement of 15,000 square feet.
5. Flood Insurance: These lots will be eligible for federal flood insurance as they are out of the CBRA area.
6. CAMA: We have received a copy of the Storm Water and Erosion Plan.
7. Fire Hydrants: The letter of credit will address this issue.
8. Open Space: The owner has delivered a check for \$5,000.00.
9. Letter of Credit: A letter of credit has been received for all proposed improvements for this subdivision.

**An Ordinance Amending the Zoning Map of the Town of
North Topsail Beach dated March 26, 2001, for
Onslow County Tax Map No 804, Tax Parcel No 44.1
NTB Application 03/02 Final Plat Review of
Scotch Bonnet Oceanside Subdivision**

Whereas, Charles Riggs and Associates, 202 Warlick Street, Jacksonville, NC, has filed a Final Plat with the Town of North Topsail Beach on behalf of Scotch Bonnet Enterprises, Inc, owner of record for Tax Parcel 804-44.1; and,

Whereas, Section 7-257.3 provides that the Planning Board shall review the final plat at or before its next regularly scheduled meeting which follows at least thirty days after the subdivision administrator receives the final plat and shall recommend approval, conditional approval with modification to bring the plat into compliance or disapproval of the final plat with reasons within forty-five days of its first consideration of the plat.

Whereas, If the Planning Board recommends approval of the final plat it shall transmit all copies of the plat and its written recommendations to the Board of Aldermen through the subdivision administrator.

Whereas, the Planning Board held a public meeting to review the final plat of this subdivision, on October 10, 2002. The Planning Board approved the final plat plan.

Now therefore be it resolved, that the Board of Aldermen of the Town of North Topsail Beach does hereby recommend approval/disapproval on the Final Plat for Scotch Bonnet Oceanside Subdivision.
Adopted this 7th day of November, 2002

Loraine M Carbone, CMC
Town Clerk

Marlow F. Bostic, Jr.
Mayor

11/07/02

Alderman Smith moved, seconded by Mayor Pro Tem Flynn approval of the final plat review of the Scotch Bonnet Oceanside Subdivision. Alderman O'Donnell had a concern regarding the second road that is parallel to Highway 210. He felt it was unnecessary and that we need consistency in allowing paved driveways. ***The motion passed unanimously.***

f. Appoint Harold Hunt to the Onslow County Zoning Ordinance Committee:

On October 10, 2002, the Planning Board nominated Mr. Harold Hunt to serve on the Onslow County Zoning Committee.

Alderman Smith moved, seconded by Alderman Sandberg approval of the appointment of Harold Hunt to the Onslow County Zoning Ordinance Committee. The motion passed unanimously.

g. Resolution Accepting Recommendation to enter into Contract Negotiations with Coastal Planning & Engineering to perform Feasibility Study within CBRA Zones:

As previously noted in the Manager's Report for October 3, 2002, the Town received three submissions in response to the Request for Proposals/Qualifications regarding the Scope of Work associated with a Feasibility Study for the Coastal Barrier Resource Act areas within the Town's shoreline that was adopted at the July 9th, 2002 meeting.

Prior to the delivery of the three submissions an Evaluation Committee was assembled to review the proposals, interview the firms and provide a recommendation to the Board of Aldermen. The members of the Committee were: Mrs. Sue Tuman, Mr. James Milligan, Mr. Ron Coy, Mr. Buddy Godwin, Mr. Bill Price (Onslow County designee) and the Town Manager.

The Committee invited all three firms to make presentations on October 2, 2002. The Committee proceeded to evaluate each firm in regards to qualifications, experience, capabilities, and the firm's location to the Town.

The recommendation of the Committee, reached unanimously, is Coastal Planning & Engineering, led by Mr. Thomas Campbell, Principal in Charge/Senior Coastal Engineer, Mr. Thomas Jarrett, P.E., Project Engineer, and Mr. Bill Cleary, Ph.D., Marine and Coastal Geologist. Several others are listed in the proposal as well as members of the Project Team.

The attached Resolution is to accept this recommendation and to authorize the Town Manager and the Town Attorney to enter into Contract Negotiation with Coastal Planning & Engineering for a scope of work and a cost to perform the Feasibility Study Shore Protection/Stabilization within the Coastal Barrier

11/07/02

Resource Zones. The intent is to have the award of the contract on the December 5th, 2002 agenda.

The Town may wish to invite representatives of Coastal Planning & Engineering to the December meeting for a brief presentation.

**Resolution Accepting Recommendation from Evaluation Committee and Authorization to enter into
Contract Negotiations with Coastal Planning & Engineering to perform
Feasibility Study Shore Protection/Stabilization within the
Coastal Barrier Resource Zones**

Whereas, the Board of Aldermen for the Town of North Topsail Beach at the meeting held on July 9th, 2002 approved the "Scope-of-Work" request for proposals to perform a Feasibility Study within the CBRA areas of the Town; and

Whereas, three proposals were received on September 6th, 2002 for review by an Evaluation Committee. The Evaluation Committee members met several times and invited all three firms to make presentations to the Committee on October 2nd, 2002; and

Whereas, upon completion of the presentations the Committee evaluated the firms based upon qualifications, experience, capabilities, and the firms' location to the Town. The Committee members reached a unanimous decision with the selection of **Coastal Planning & Engineering**; and

Now therefore be it resolved that the Board of Aldermen for the Town of North Topsail Beach accepts the recommendation of Coastal Planning & Engineering to perform the Feasibility Study Shore Protection/Stabilization project within the designated Coastal Barrier Resource Zones and authorizes the Town Manager and Town Attorney to engage in contract negotiations to present a contractual scope of work and cost for consideration by this Board at the December 5th, 2002 meeting.

Adopted this 7th day of November, 2002.

Loraine M. Carbone, CMC
Town Clerk

Marlow F. Bostic, Jr.
Mayor

Mayor Pro Tem Flynn moved, seconded by Alderman Sandberg approval of Resolution Accepting Recommendation from Evaluation Committee and Authorization to enter into Contract Negotiations with Coastal Planning & Engineering to perform Feasibility Study Shore Protection/Stabilization within the Coastal Barrier Resource Zones. The motion passed unanimously.

NEW BUSINESS:

a. Withdraw Rezoning and Development Application: 06/02:

The request for the rezoning and development application for the property was disapproved by the Planning Board on October 10, 2002.

Section 7-94. Action by the Board of Aldermen; states that "before taking such lawful action as it may deem advisable, the Board of Aldermen shall consider the Planning Boards' recommendations on each proposed zoning amendment:.

11/07/02

Mr. Herring has requested to withdraw the rezoning and development application for this property.

Alderman Sandberg moved, seconded by Alderman O'Donnell to approve the withdrawal of Rezoning and Development Application: 06/02. The motion passed unanimously.

b. Rezoning and Development Application: 04/02:

**An Ordinance Amending the Zoning Map of the Town of
North Topsail Beach dated March 26, 2001, for
Onslow County Tax Map No 768, Tax Parcel No 9.1
NTB Application 04/02 Rezoning and Development from
Un-zoned to R-10.**

Whereas, John Parker and Associates, 306 New Bridge Street, Jacksonville, NC, has filed a rezoning and development application with the Town of North Topsail Beach on behalf of Mr. Otha Herring, owner of record for Tax Parcel 768-9.1; 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 un-zoned to R-10; and

Whereas, the R-10 District provides for single family and multifamily residential developments; 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 04/02, on September 12, 2002, providing opportunity for the owner's agent to present the application, and the public to comment on the application for the rezoning; and

Now therefore be it resolved, that the Planning Board of the Town of North Topsail Beach does hereby recommend approval/disapproval to the Board of Aldermen on the application for rezoning Tax Parcel 768-9.1 from un-zoned to R-10.

Adopted this 7th day of November, 2002

Loraine M. Carbone, CMC
Town Clerk

Marlow F. Bostic, Jr.
Mayor

In response to Alderman O'Donnell's question earlier, Mrs. McLaughlin noted that we do not have any requirements on how many classifications we can step up or down in our ordinance. Onslow County maps showed that this area was commercial before 1990. In the 1998 maps it showed as unzoned. The old Onslow County maps were not very accurate. Mrs. McLaughlin checked with the Institute of Government and we have followed procedure. Mr. Knowles said that the 1982 maps were adopted in 1990 as the official zoning maps and they were redone in 1990. Mayor Bostic said that there was a committee that did an inventory on all the parcels.

11/07/02

Mrs. McLaughlin noted that the maps she has shows no zoning on this piece of property. Mayor Pro Tem Flynn said if we are going to follow the ordinance amendment, he presumed you want a motion made to have this open for discussion by the Board. Are we going to either approve or disapprove the application?

Mayor Pro Tem Flynn moved, seconded by Alderman Smith to approve amending the zoning map to rezone tax parcel 768-9.1 from unzoned to CU R10. Alderman O'Donnell said that he was struck by the Planning Board rejecting this proposal. There was disapproval by adjoining property owners and citizens have spoken out against this. We need to listen to all of these people. Alderman O'Donnell was not willing to grant approval.

Alderman Sandberg noted that we have had a number of requests for rezoning and there are mistakes on the maps. We need to correct them before we move forward. She suggested that the Planning board make that a priority. Alderman Sandberg said that she would not want to rezone something that has been commercial. She would like to see more research before we consider rezoning.

Mayor Pro Tem Flynn noted that we are just looking at rezoning at this time. The development should be allowed to be moved ahead. He said that he walked the property and it is high ground. He stated that the Town is better off right now for having Cape Island and Osprey and the Town Park and these are good developments that help us. This development can also be good for the Town; therefore, Mayor Pro Tem supported the motion before the Board. This is the best use of this property. Mapping is a concern, but that will take an enormous effort to solve. Mayor Pro Tem Flynn said he has made reference in another resolution that we need to do that in a long range plan.

The motion passed 3 to 2 with Aldermen O'Donnell and Sandberg opposing. Alderman O'Donnell questioned if a motion has to pass 4 to 1 when property owners oppose. Mr. Parker said that no property owners spoke tonight. Mrs. McLaughlin noted that it has to be 80% of property owners adjacent in writing. Mr. Parker stated that Onslow County did have it zoned B3 and you do not have B3 zoning in Town.

c. Rezoning and Development Application: 05/02:

An Ordinance Amending the Zoning Map of the Town of
North Topsail Beach dated March 26, 2001, for
Onslow County Tax Map No 774, Tax Parcel No 25.4 and 25.3
NTB Application 05/02 Rezoning and Development from
R-20 to CU R-10.

11/07/02

Whereas, John Parker and Associates, 306 New Bridge Street, Jacksonville, NC, has filed a rezoning and development application with the Town of North Topsail Beach on behalf of Mr. Otha Herring, owner of record for Tax Parcel 774-25.4 and 774-25.3; 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 CU R-10; and

Whereas, the CU R-10 District provides for single family and multifamily residential developments; 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 05/02, on September 12, 2002, providing opportunity for the owner's agent to present the application, and the public to comment on the application for the rezoning; and

Now therefore be it resolved, that the Planning Board of the Town of North Topsail Beach does hereby recommend approval/disapproval to the Board of Aldermen on the application for rezoning Tax Parcel 774-25.4 and 774-25.3 from R-20 to CU R-10.

Adopted this 7th day of November, 2002

Loraine M. Carbone, CMC
Town Clerk

Marlow F. Bostic, Jr.
Mayor

Alderman Sandberg moved, seconded by Alderman Vecchione approval of the Rezoning and Development of Mr. Otha Herring's Tract (Norman's Landing – Rezone App #05/02). The motion passed unanimously.

d. Rules and Regulations for Town Park:

**AN ORDINANCE REGULATING THE OPERATION AND USE
OF PARKS AND RECREATION FACILITIES OWNED AND
CONTROLLED BY THE TOWN OF NORTH TOPSAIL BEACH**

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF NORTH TOPSAIL BEACH:

PURPOSE: The purpose of this ordinance is to establish regulations for the public health, safety and welfare in respect to the recreational activities, programs and facilities of the Town of North Topsail Beach. This ordinance is designed to maximize the enjoyment of recreation in North Topsail Beach's recreation facilities and programs and offer protection from conditions which could harm, injure or offend any group or individual.

SECTION 1.

It shall be unlawful for any person in any park, recreation area, playground, ball field, picnic shelter, or any other recreation facility and the parking facilities thereof, owned or controlled by the Town of North Topsail Beach to:

11/07/02

1. Willfully mark, deface, disfigure, injure, tamper with, display or remove any structure, equipment, facilities or other property, either real or personal.
2. Damage, cut, carve, transplant, or remove any tree or plant, injure the bark, pick the flowers or seeds of any tree or plant, to dig or otherwise disturb grass areas in any other way, or injure or impair the natural beauty or usefulness of any area.
3. Dump, deposit or leave any bottles, broken glass, ashes, charcoal, gas, paper, boxes, cans, dirt, rubbish, wastes, garbage or refuse, or other trash.
4. Fail to obey all police officers and recreational personnel or volunteers, as appointed by the Town Manager or his designee.
5. Park any motor vehicle in areas other than established or designated parking areas.
6. Drive any motor vehicle on any area except the parking areas or such other areas as may be specifically designated by the Town Manager, or his designee. No motorcycles, mini-bikes, trail-bikes, dirt-bikes, go-carts, all-terrain vehicles, or like motorized vehicles are allowed on park property except for parking in designated parking areas only.
7. Allow or permit any dogs or other animals to run at large or to leave any excrement from such animal on any area of the park or recreational facility.
8. Violate the regulation that use of the individual gazebo, picnic shelter, together with tables and benches, follows generally the rule of "First Come, First Served", unless a reservation has been issued according to regulations as adopted by the Board of Aldermen.
9. Leave a picnic area or shelter before the grill is completely extinguished and before all trash in the nature of boxes, papers, cans, bottles, garbage and other refuse is placed in receptacles provided. If no such receptacles are available, then refuse and trash shall be carried away from the park area by the user to be properly disposed of elsewhere.
10. No person shall use the Gazebo as a fishing pier. Due to sanitary and safety concerns, there will be no fishing or crabbing on the Gazebo or walkway to the Gazebo.
11. No person shall set up tents, shacks, or any other temporary shelter for the purpose of overnight camping, nor shall any person leave in any park after closing hours any movable structure or special vehicle to be used or that could be used for such purpose, such as a camper/trailer, house trailer, or the like.
12. Bring, have in his possession, set off or otherwise cause to explode, discharge or burn any firecrackers, other fireworks, explosives, or non-explosives, such as sparklers or discharge them or throw them into any such area from land or highway adjacent thereto.
13. Build or attempt to build a fire except when using the grill to cook. No person shall drop, throw, or otherwise scatter lighted matches, burning cigarettes or cigars, or other flammable material within any park area or on any highway, road or street abutting or contiguous thereto.
14. Sleep or protractedly lounge on the seats, benches, floors or other area, or engage in loud, boisterous, threatening, abusive, insulting or indecent language or engage in any disorderly conduct or behavior tending to be a breach of the public peace.
15. Disturb or interfere unreasonably with any other person or party occupying any area, or participating in any authorized activity.
16. Sell food, beverages, or merchandise or solicit donations for any individual, group, club, company or corporation.
17. Carry, use or possess firearms or dangerous weapons of any nature within any park, provided; however, this section shall not apply to law enforcement officers when engaged in the discharge of their duties.
18. Enter, use or remain within any park between the hours of 10:00 PM and 8:00 AM unless a Town sponsored event is delayed or a written permit therefore has been obtained from the Town Manager or his designee.
19. Bring upon, possess, consume or display any beer, wine, whiskey or other intoxicating liquor or beverage or controlled substances or the containers thereof within the confines of any park and recreation areas. It shall be prohibited for a person under the influence of alcohol or any controlled substance to enter or remain in a recreation facility or program and such person or

11/07/02

persons shall immediately leave upon the request of a police officer, recreation personnel, designated volunteers or other persons specified.

SECTION 2:

1. No open fires are allowed. All fires must be contained in grill provided by the Town.
2. Flagrant misuse of parks and recreational facilities will result in forfeiture of future use and reservation privileges.
3. The Town Manager and the Recreation and Appearance Committee have the authority and responsibility to recommend rules and regulations governing the use and maintenance of parks and recreational facilities to the Board of Aldermen for their consideration. Such rules and regulations become effective as adopted by the Board of Aldermen.
4. Any requests for special events or use of the parks and recreational facilities shall be presented to and approved by the Town Manager or his designee. If these requests are approved, a permit will be issued and any fees will be assessed by the Town Manager or his designee.

SECTION 3:

Any section or part of any park, recreation area or facility may be declared closed to the public by the Town of North Topsail Beach at any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise) and closed to certain uses.

SECTION 4:

1. Users of all parks and recreation facilities shall adhere to not only this ordinance, but also to any rules and regulations set by the Town of North Topsail Beach and Recreation and Appearance Committee as adopted by the Board of Aldermen.
2. The Town Manager or his designee and any authorized Town employee and any law enforcement agency shall have the authority to eject from any recreation facility, any person acting in violation of this ordinance, or in violation of other rules and regulations enacted pursuant to this ordinance by the Recreation and Appearance Committee as adopted by the Board of Aldermen.

SECTION 5:

Any person who shall violate the provisions of this ordinance shall be guilty of a misdemeanor punishable by a fine of not more than \$150.00, or imprisonment for not more than thirty (30) days, or both, in the discretion of the court, as provided by Section 14-4 of the General Statutes of North Carolina.

Adopted this the 7th day of November, 2002.

Loraine M. Carbone, CMC
Town Clerk

Marlow F. Bostic, Jr.
Mayor

Mayor Pro Tem Flynn moved, seconded by Alderman Vecchione approval of the Rules and Regulations, Reservation Policy/Agreement and Ordinance for the Town Park with the proviso that we allow children, age 12 and under, accompanied by an adult, to fish on the gazebo and that musical instruments be allowed as long as no amplifiers are used and that we revisit the regulations within a year. The motion passed unanimously.

11/07/02

e. Resolution to Require the Preparation of a North Topsail Beach Long Rang Comprehensive Plan:

1. The growth of housing development in North Topsail Beach has significantly increased during the past eighteen months and appears to be continuing upward. The dynamics of this growth will impact the Town's capability to continue to provide appropriate services for its citizens. The growth will directly influence a variety of issues and actions that the Town should address. Such concerns are; among others:

- Land Use
- Transportation
- Infrastructure
- Recreation
- Environment
- Beach/sound health and availability

2. The Town does not have a long range plan to provide information and guidance for its elected officials, administrative and citizens. A Comprehensive Plan reaching out eight (8) to ten (10) years could provide policy guidance that would provide a basis for future decisions regarding capital improvement programs, infrastructure requirements, development strategies and our relationship with the environment.

3. To use the Town's existing knowledge to the maximum, it is appropriate to assign the responsibility for development of a long range comprehensive plan to the Town's Planning Board. Section 7-8 of the North Topsail Beach Town Code states; "...it shall be the function and duty of the Planning Board to make and maintain a suggested Master Plan for the physical development of the Town....." Tasking the Planning Board to develop this Plan could be accomplished by the present Board membership or, by call of the Chairman, the formation of a separate sub-committee could be recommended.

4. The Land Use Plan for the Town of North Topsail Beach was prepared in 1996 and was adopted by the Town Board and certified by the Coastal Resource Commission in March 1999. A revision of the Plan is required to be completed five years after certification by 15A North Carolina Administrative Code 07B.0501. It may be appropriate for the assignment of this update to be part of the Long Range Group tasking.

5. The attached Resolution is provided for the Board's discussion.

Mayor Pro Tem Flynn noted that we don't know where we are going and we need a comprehensive viewpoint. Our Land use Plan was approved in 1999. We

11/07/02

need to revisit this in 2004. This plan was written in the early 90's. We need to look at our overall zoning.

RESOLUTION TO REQUIRE THE PREPARATION OF A NORTH TOPSAIL BEACH LONG RANGE COMPREHENSIVE PLAN

WHEREAS, the growth of housing development in North Topsail Beach has significantly increased during the past eighteen months and appears to be continuing upward. The dynamics of this growth will impact the Town's capability to continue to provide appropriate services for its citizens. The growth will directly influence a variety of issues and actions that the Town should address; and

WHEREAS, concerns that could affect the Town are: Land Use, Transportation, Infrastructure, Recreation, Environment and Beach/sound health and availability; and

WHEREAS, the Town does not have a long range plan to provide information and guidance for its elected officials, administrative and citizens. A Comprehensive Plan reaching out eight (8) to ten (10) years could provide policy guidance that would provide a basis for future decisions regarding capital improvement programs, infrastructure requirements, development strategies and our relationship with the environment; and

WHEREAS, to use the Town's existing knowledge to the maximum, it is appropriate to assign the responsibility for development of a long range comprehensive plan to the Town's Planning Board. Section 7-8 of the North Topsail Beach Town Code states; "...it shall be the function and duty of the Planning Board to make and maintain a suggested Master Plan for the physical development of the Town...." Tasking the Planning Board to develop this Plan could be accomplished by the present Board membership or by call of the Chairman, the formation of a separate sub-committee could be recommended.

NOW, THEREFORE, BE IT RESOLVED that the Chairman of the North Topsail Beach Planning Board is directed to analyze the requirements for a Long Range Plan for the Town to determine an appropriate structure, to include maximum citizen participation, to prepare said Plan, and present estimated budget outlays for the Plan development to the North Topsail Beach Town Board on January 8, 2003.

Adopted this _____ day of _____, 2002

Lorraine M. Carbone, CMC
Town Clerk

Marlow F. Bostic, Jr.
Mayor

Mayor Pro Tem Flynn moved, seconded by Alderman O'Donnell approval of the RESOLUTION TO REQUIRE THE PREPARATION OF A NORTH TOPSAIL BEACH LONG RANGE COMPREHENSIVE PLAN. The motion passed unanimously.

f. Grant Application for Phase II Town Park:

Mrs. McLaughlin stated that she met with Sallie McGuire and the Planning Board regarding the Grant Application for Phase II for the Town Park. January 31st is the deadline for the grant application. Alderman Smith asked if we could add the short pier next to the gazebo at this time. Mrs. McLaughlin said she would have to ask CAMA. We are restricted on length.

The draft plan would include a nature trail or walk, bathroom facilities, tennis courts, and additional parking.

Phase II would be constructed on the additional 3 acres beside the park. The town will be requesting a PARTF and CAMA grant for the construction

11/07/02

of this phase. CAMA will fund the bathroom, parking area and clearing of the property. The PARTF grant will fund the nature trail, bathroom and the tennis courts.

Mayor Pro Tem Flynn moved, seconded by Alderman Smith approval of the Grant Application for Phase II of the Town Park.

Alderman Sandberg asked if we would include impervious concrete. Mrs. McLaughlin said that any new parking has to be paved. We could put down packed sand and porous gravel for the nature trail, but parking has to be paved.

The motion passed unanimously.

MANAGER'S REPORT:

1. The Mayor received a letter from the Federal Emergency Management Agency dated October 1, 2002 that indicated that the Town of North Topsail Beach has received a Class 7 rating in the National Flood Insurance Program's (NFIP) Community Rating System. This means that NFIP policies issued or renewed for properties in the Special Flood Hazard Areas beginning October 1, 2002 will receive a 15 percent premium discount.
2. The Mayor and Board of Aldermen received a letter October 30, 2002 from Mayor William A. Stamper, Mayor, Town of Topsail Beach in appreciation to Chief Tommy Best and the entire North Topsail Beach Fire Department for assistance rendered to the Town of Topsail Beach's Fire Department in keeping the fire damage incurred on Sunday October 6, 2002 to a minimum.
3. The Town has also received an early notice from Betty L. Medlin, Mayor, Town of Kure Beach, that Kure Beach will be hosting the next Coastal Municipalities Meeting on February 20 and 21, 2003, a copy of the letter will be distributed to each of you.
4. Mr. Bob Mattocks, President of the Highway 17 Association has announced the Association's Annual Meeting will be Thursday, November 14, 2002 at the New Bern Riverfront Convention Center in New Bern starting at 11:30 a.m.
5. Staff has been directed by the Board to arrange a Retreat for mid-January 2003. One possibility that emerged from discussions was an out-of-town retreat session with a start up at 1 p.m. on Friday and a half day on Saturday. A suggested date is Friday, January 17th and Saturday, January 18th, 2003. Suggested places available are, Blockade Runner, or Sun spree Resort, Wrightsville Beach, Sheraton in Atlantic Beach and the Courtyard by Marriott in Myrtle Beach. Please advise if this is satisfactory to you and we will proceed to book the best value.

6. The Staff has reserved Paliotti's Restaurant for the "Holiday Party" to be held on Friday, December 13, 2002 at 6:30 p.m. Invites will be mailed out soon. Please confirm attendance with Loraine Carbone, Town Clerk.
7. During the past month the Town made a donation in memory of long time resident Mrs. Wade Chestnut, provided a fruit basket in acknowledgement of the passing of Mrs. Bostic and provided flowers in recognition of Alderman Vecchione's surgery and hospital stay.
8. Staff will be attending the North Carolina Shore & Beach Preservation Annual Conference at the Atlantic Beach Sheraton on Monday, November 18 and Tuesday, November 19th, 2002.

MAYOR'S REPORT:

Mayor Bostic thanked the Town and staff for cards and the fruit basket when his mother passed away. He said he still has concerns regarding our sewer situation. Mr. Betz noted that he has met with NC Utilities staff. We should have a report at the Board Retreat.

ALDERMEN'S REPORT:

Mayor Pro Tem Flynn noted that Veteran's Day is next week and it is a day worthwhile to give thoughts to earlier World Wars and to those who sacrificed their lives.

Alderman Smith reported that ONWASA has hired ARCADIS, a consulting firm who is doing research. They have also hired an attorney who will look at the contracts with the Base. We are looking at Piney Green and the Southwest area to put sewage there first. Our consultant, Ron Coy is doing a lot of work and we have progressed. This is a long-term project. Not much of our tax money is being spent as we have only paid \$139.00. November 21st is the next ONWASA meeting.

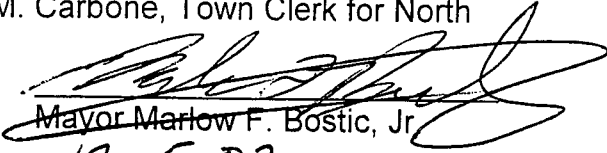
Alderman Vecchione thanked the staff of NTB for their support when he was ill. He also thanked citizens for their concerns, cards and flowers and said that it meant a lot to him.

Mayor Bostic noted that each area has its own problems. The JLUS committee is studying surrounding areas and the buffer zone around Camp Lejeune. Their next meeting is on the 19th at Dixon High School and we need to be involved.

ADJOURNMENT:

Mayor Pro Tem Flynn moved, seconded by Alderman O'Donnell to adjourn the meeting at 9:24 p.m. The motion passed unanimously.

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


Mayor Marlow F. Bostic, Jr.

12-5-02
Date Approved

**TOWN OF NORTH TOPSAIL BEACH
REGULAR BOARD MEETING
DECEMBER 5, 2002
7:00 P.M.**

PRESENT:

Mayor Marty Bostic, Mayor Pro-tem John Flynn, Aldermen Bill O'Donnell, Steve Smith and Joe Vecchione, Don Betz, Town Manager, Loraine Carbone, Town Clerk, Mary C. Fairley, Attorney

EXCUSED:

Alderman Laurie Sandberg (out of state)

QUORUM:

Mayor Bostic 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, of the North Topsail Shores Baptist Chapel, gave the invocation.

PLEDGE OF ALLEGIANCE:

Mayor Pro Tem John Flynn led the group in reciting the Pledge of Allegiance.

APPROVAL OF AGENDA:

Mr. Betz added under New Business d. "Disposition of Property". Mr. Betz noted that there was a revision to item Old Business 8a "Professional Services Contract". A designee as the Town's representative was added to the contract. ***Mayor Pro Tem Flynn moved, seconded by Alderman Smith approval of the agenda as revised. The motion passed unanimously.***

COMMITTEE REPORTS:

Beach Nourishment – Mayor Pro Tem John Flynn:

Mayor Pro Tem Flynn said that quite a few items have surfaced since the last Board meeting. The Federal government is still operating under a continuing resolution; therefore it is difficult for agencies to get any difference in monies. There is slowness in the movement of monies through the government funding organizations. However, the Corps has an allocation of funds for the continuing NTB and Surf City projects.

Don Betz and Mayor Pro Tem Flynn met with John Morris with DENR on the 13th of November. Mr. Morris is the Director of Water Resources for DENR and they discussed the North Carolina State funding allocation to NTB for our continuing aspects of beach nourishment. We were pleased that the monies assigned to us and listed in last year's funding profile will be forthcoming at the level we had discussed with Mr. Morris. That will be beneficial to us in helping with funding for both of our projects. We were also pleased to be notified that these funds do not

12/5/02

have to be expended during the single fiscal year that they were granted. This gives us greater flexibility to move forward. We have before us tonight the approval of the C P & E contract for the CBRA analysis.

Mayor Pro Tem Flynn noted that he and Mr. Betz attended the North Carolina Shore and Beach Preservation annual meeting on November 18th and 19th. Of value for our Town was the ability to talk with different coastal town authorities who have gone through the aspect of financing for beach nourishment. Both the Corps and C P & E have been requested to provide us no later than July 1, 2003 as best an estimate they could give at that time as to the amount of sand required as well as location and abundance of sand and approximate cost. This should give us the opportunity to do detail financial planning.

Mayor Pro Tem Flynn has heard from two sources that Headquarters U.S. Marine Corps is allegedly preparing an operational requirement dredging of New River Inlet as a result of the new Triple AV that they will use in 2005. Apparently Camp Lejeune will be the first site for this vehicle. If this occurs, there would be a significant impact for us and the surrounding area. We have contacted the Marine Corps, Corps of Engineers and NC reps with the view of ensuring that everyone is aware of the importance of this. If this moves forward, we will look at having a meeting the first quarter of next year. This may assist us financially by getting excellent sand that is in the New River Inlet and delta. A Marine Corps representative has said that he does not know exactly what is happening either, but he stands ready to join with us.

In the planning aspect of what we will be doing now through the first quarter, we need to ensure that the Corps and C P & E are together and are able to follow our suggestions as to combining some methodologies so we can share data and work. Mayor Pro Tem Flynn will be meeting in January with the Corps to inform them that we have an entire Town issue. We hope to have initial results of the spoil island coring soon.

Planning Board – Ron Coy, Chairman Pro Tem:

Mr. Coy reported that they met November 14th and had a workshop before their monthly meeting. The workshop consisted of a discussion of architectural review boards and the requirements of a long range plan. Other towns have Architectural Review Boards. However, according to various laws, these rules would only be applied to historical preservation. Since NTB is a young town, these rules are not applicable. Therefore there was no further action.

Their discussion of a Town master plan indicated that several sessions would be required to prepare the requested requirements analysis for the plan development. Since it will be difficult to meet due to the holidays, the report will not be ready for the January 8, 2003 meeting. At the Planning Board meeting,

12/05/02

the 30 ft. buffer rule was discussed and changes will be returned to the Planning Board for further discussion. The Northwinds final plat was approved for 3 single family lots. Zoning changes take a year before new structures could begin. After checking last week, the number of new building permits has doubled.

Alderman O'Donnell asked if the committee looked at the open space requirement. Mr. Coy said that would be incorporated into the master plan.

Alderman Smith noted that at last month's meeting, it was questioned if a property was not zoned. Mr. Coy said that needs to be addressed to correct oversights at the time the Town was created.

Beautification Committee – Sallie McGuire:

Sallie McGuire reported that the park is completed. Further work will be done in the spring since their budget was limited. She has been checking on the fishing off of the gazebo. There have been lots of compliments on the park. Mrs. McGuire thanked everyone who contributed to the snowflakes. The cost of the snowflakes are more than what we anticipated since Jones Onslow charges us throughout the year for the connections. Also, the electrical cost to connect the snowflakes to the poles amounted to almost \$900.00. There is also a cost for maintenance since the bulbs do blow out during high winds. Mrs. McGuire suggested an amendment to the budget to pay for these expenses since the Beautification Committee's budget does not have the money. The committee is planning on participating in next year's Spring Fling. Committee members will make things to sell.

Mayor Pro Tem Flynn congratulated the committee on the improvements to the entrance of NTB and the Christmas decorations.

Mayor Bostic questioned the bulk trash pickup and thought that Public Works did regular pick ups on a daily basis. He noted that a dishwasher had been left out in front of his driveway for 3 weeks. The Town Clerk stated that everyone had to call town hall for any bulky pickups and they would be picked up on Wednesdays. Mr. Betz said that he preferred that they call in since we are tracking the calls for this service.

OPEN FORUM:

No one spoke during the Open Forum.

CONSENT AGENDA:

The consent agenda consisted of the November 7, 2002 Board Meeting minutes, Department Head Reports, and Benefit Accrual Report.

12/05/02

Alderman Smith moved, seconded by Alderman O'Donnell approval of the Consent Agenda. The motion passed unanimously.

OLD BUSINESS:

a. Professional Services Contract for NTB Feasibility Study Shoreline Protection & Stabilization for CBRA to Coastal Planning & Engineering in the amount of \$398,000.00:

As previously reviewed at the November 7th, 2002 meeting, the Evaluation Committee, established to review the submissions to the Town in response to the Request for Proposals/Qualifications regarding performing the feasibility study for the Coastal Barrier Resources areas of the Town, selected Coastal Planning & Engineering.

At the November 7th, meeting the Board of Aldermen approved the recommendation from the Committee to engage Coastal Planning & Engineering to perform the Feasibility Study Shoreline Protection & Stabilization project for the CBRA areas of the Town. The Board also authorized the Town Manager and Town Attorney to engage in contract negotiations and to present a contractual scope of work and cost for the Board's consideration at the December 5th, 2002 meeting.

The Board reviewed the nine page document entitled "Scope of Professional Services North Topsail Beach Feasibility Study Shoreline Protection & Stabilization North Topsail Beach, North Carolina" from Coastal Planning & Engineering with a cost breakdown for each of the six task areas of the project. They also reviewed the recommended budget sheet illustrating the sources of revenues to fund the expenditures of the contract.

As noted in the Managers Report for the meeting, financial assistance from the State of North Carolina for this project has been confirmed in the amount of \$250,000.00. Onslow County has budgeted \$100,000.00 and the Town of North Topsail Beach will provide \$48,000.00 from the Capital Project.

Mr. Tom Jarrett of Coastal Planning & Engineering will be present to respond to any questions that the Board may have.

Mr. Betz noted that Mrs. Fairley has reviewed the document and said it was a standard engineering contract. The revised resolution brings the Board into compliance designating Mayor Pro Tem Flynn as the Town's designee. Mayor Pro Tem Flynn suggested that Don Betz be named the alternate designee.

12/05/02

Mayor Pro Tem Flynn moved seconded by Alderman Smith approval of the Resolution Authorizing Professional Services Contract for North Topsail Beach Feasibility Study Shoreline Protection & Stabilization for Coastal Barrier Resources Areas to Coastal Planning & Engineering in the amount of \$398,000.00 and that Don Betz act as the alternate designee. The motion passed unanimously.

Alderman O'Donnell thanked Mayor Pro Tem Flynn and Don Betz for their efforts in securing 87% of the funding for this project.

Resolution Authorizing Professional Services Contract for North Topsail Beach Feasibility Study Shoreline Protection & Stabilization for Coastal Barrier Resource Areas to Coastal Planning & Engineering in the amount of \$398,000.00

Whereas, the Board of Aldermen for the Town of North Topsail Beach on July 9, 2002 approved the request for proposals to perform a Feasibility Study within the Coastal Barrier Resources Areas of the Town; and

Whereas, three proposals were received on September 6, 2002 for review by an Evaluation Committee. The Evaluation Committee members met several times and invited all three firms to make presentations to the Committee on October 2, 2002; and

Whereas, upon completion of the presentations the Committee evaluated the firms based upon qualifications, experience, capabilities, and the firms' location to the Town. The Committee members reached an unanimous decision with the selection of **Coastal Planning & Engineering**; and

Whereas, on November 7, 2002, the Board of Aldermen authorized the Town Manager and the Town Attorney to engage in contract negotiations to present a contractual scope of work for professional services for the feasibility study and a cost for such services to the Board of Aldermen at the December 5th, 2002 meeting;

Now therefore be it resolved that the Board of Aldermen for the Town of North Topsail Beach hereby approves the professional services contract, scope of work for the feasibility study and financial budget for the period January 1, 2003 to December 31, 2004, in the amount of \$398,000.00 to Coastal Planning and Engineering; and

Be it further resolved that the Board in compliance with Section 3.1, designates John Flynn as the person to act as the Owner's representative with respect to the services to be rendered under this Agreement and that Town Manager Don Betz act as an alternate.

Adopted this 5th day of December, 2002

Lorraine M. Carbone, CMC
Town Clerk

Marlow F. Bostic, Jr.
Mayor

12/05/02

b. Board Retreat – January 17th and 18th, 2003:

A Board Retreat was brought up in the Manager's Report at the November Board Meeting. We are looking at holding the Retreat on January 17th and 18th – all day Friday and ½ day on Saturday.

After reviewing various hotel rates, staff has decided that the Sheraton in Atlantic Beach offers the best deal. Room rates are \$49.00/night. Everyone is requested to stay overnight. The meeting room was originally quoted at \$150.00/day for a total of \$300.00. After staff again discussed rates with the Sheraton, it was agreed that they would only charge us \$100.00/day for the meeting room. (Update: Loraine had the meeting room reduced to \$75.00/day) They will provide, water, mints, pens and pads. The restaurant in the hotel is open for breakfast/lunch/dinner.

The Board should decide if a moderator is needed. No one has been contacted at this time to see if they are available for these dates.

We need to make a commitment to finalize these dates.

Alderman O'Donnell said that he couldn't make these dates, but that the weekend of the 24th and 25th would be convenient for him.

Alderman Smith said that he would like a facilitator to be there. Mayor Pro Tem Flynn asked if Peter Hillyer could handle the job as facilitator. Mr. Hillyer said he would do it.

Alderman Vecchione moved, seconded by Alderman Smith to schedule the Board Retreat for January 24th and 25th at the Sheraton in Atlantic Beach with Peter Hillyer acting as facilitator. The motion passed unanimously.

Mayor Bostic noted that the Board has to go back to what we did at the last retreat and review their obligations and asked the Board to take them seriously. He also asked that they share information with other Board members. Alderman Smith asked if we still had the survey from citizens. Mayor Pro Tem Flynn suggested that the Board provide to the Mayor their recommended items at the January 8th Board meeting.

NEW BUSINESS:

a. Ordinance Amending Zoning Map for Tax Parcel No. 813-4 – Sketch Plan and Final Plat for Minor Subdivision Northwinds:

This request for a minor subdivision was received on October 24, 2002. This is the sketch design plan and Final Plat review of the property. This request meets all the requirements of the North Topsail Beach's zoning ordinance. The owners

12/05/02

have previously requested two rezoning and developments on this property. They have both been denied.

This property is located on Island Drive (Hwy 210) near the 3700 block, on the sound side of Highway 210.

Mr. Timothy Herring & Others are requesting that the 3.3 acres tract be subdivided from one large tract to 3 parcels. The current zoning of this property is R-20 (single family); the subdividing of the lots will meet the minimum requirement for this zoning.

Mr. Parker of Parker & Associates, Inc of 306 New Bridge Street, Jacksonville, NC will be presenting this proposal on behalf of Mr. Timothy Herring and Others.

Review of the sketch plan shows the following:

- 1 Water and Sewer: The water and sewer will be individual taps.
- 2 Open Space: The owner is proposing cash in lieu of the open space.
- 3 Access: The plat plan does show a 10' easement from Island Drive to Slush Creek.
- 4 Flood Insurance: These lots will be eligible for federal flood insurance as they are not located within the CBRA area.
- 5 CAMA: The coastal and wetlands have been delineated by the state and the Army Corps of Engineers. The back three lots will have a requirement for the 40 foot buffer line. This area is located within the Outstanding Resource Waters AEC.

Mr. Parker noted that we are proposing to pay a fee in lieu of recreation space. He did state that the Town's ordinance requirement is unbalanced. The fee is \$5000 for just 3 lots. Alderman O'Donnell said that it looked like a good plan to him.

**An Ordinance Amending the Zoning Map of the Town of
North Topsail Beach dated March 26, 2001, for
Onslow County Tax Parcel No 813-4
Sketch and Final Plat Review of
Minor Subdivision of Northwinds**

Whereas, Mr. John Parker and Associates of 306 Old Bridge Street, Jacksonville, NC, has filed a Sketch Plan and Final Plat with the Town of North Topsail Beach on behalf of Mr. Timothy Herring and Others, owner of record for Tax Parcel 813-4; and

Whereas, Section 7-254 provides that the Planning Board shall review the sketch plan and final plat at or before its next regularly scheduled meeting which follows at least fourteen days after the subdivision administrator receives the final plat and shall recommend approval, conditional approval with modification to bring the plat into compliance or disapproval of the final plat.

12/05/02

Whereas, if the Planning Board recommends approval of the final plat it shall transmit all copies of the plat and its written recommendations to the Board of Aldermen through the subdivision administrator.

Whereas, the Planning Board reviewed the sketch and final plat of this subdivision, on November 14, 2002. The Planning Board approved the final plat plan.

Now therefore be it resolved, that the Board of Aldermen of the Town of North Topsail Beach does hereby recommend approval/disapproval on the Final Plat for Northwinds Minor Subdivision.

Adopted this 5th day of December, 2002

Alderman Vecchione moved, seconded by Alderman O'Donnell approval of the Ordinance Amending Zoning Map for Tax Parcel No. 813-4 – Sketch Plan and Final Plat for Minor Subdivision Northwinds. The motion passed unanimously.

b. Resolution Appointing Patrick Thomson to the Rural Transportation Planning Organization:

RESOLUTION APPOINTING PATRICK THOMSON TO THE RURAL TRANSPORTATION PLANNING ORGANIZATION (RPO)

WHEREAS, RPO's are voluntary organizations of local officials or their designees in addition to representatives of local transportation systems; and

WHEREAS, a mutually adopted Memorandum of Understanding (MOU) will be used to form and develop the RPO; and

WHEREAS, The MOU will set in place the proposed area, membership, functions, and the responsibilities of the RPO; and

WHEREAS, the four core functions that the RPO will perform are: develop long-range local and regional multi-modal transportation plans; provide a forum for public participation in the transportation planning process; develop and prioritize suggestions for projects that the organization believes should be included in the State's Transportation Improvement Program; and provide transportation-related information to local governments and other interested organizations and persons; and

WHEREAS, Patrick Thomson is an active member of the North Topsail Beach Transportation Committee and has volunteered to represent the Town at RPO meetings of the Down East RPO.

NOW, THEREFORE, BE IT RESOLVED that the Board of Aldermen of the Town of North Topsail Beach does hereby appoint Patrick Thomson to the Down East Rural Transportation Planning Organization.

Adopted this 5th day of December, 2002.

Loraine M. Carbone, CMC
Town Clerk

Marlow F. Bostic, Jr.
Mayor

12/05/02

Mayor Pro Tem Flynn moved, seconded by Alderman Vecchione approval of the Resolution Appointing Patrick Thomson to the Rural Transportation Planning Organization. The motion passed unanimously.

c. Discussion on Town Policy Regarding Appointments and Attendance to Various Boards and Committees:

Mayor Pro Tem Flynn has brought this issue up for discussion. There is a broad base of policy amongst other municipalities regarding board members sitting on other boards and citizens serving on committees. Some rotate board members from committee to committee each year and they only serve in an advisory capacity, not as voting members. Another town allows only one person to serve on one board at a time and another permits board members to sit on as many as three.

In one city, citizens are allowed to serve on no more than two city boards at the same time. Yet another town allows citizens to sit on more than one committee provided the committees do not report to each other.

Another issue that should be addressed is the number of times a person is allowed to miss a meeting. It has been an unwritten rule that a committee person should not miss more than 3 meetings in a given year.

It is up to individual towns to adopt a policy that is relative to their boards and committees.

Mayor Pro Tem Flynn noted that when the three members of the Erosion Committee were transferred to the Beach Nourishment Committee, Alderman Sandberg was put on the committee, which put two members of the Board on a single committee. He has received comments in the past that citizens were intimidated when more than a single Board member served on a committee. It is valuable to have some type of standard that the Town can abide by.

We need to also look at the aspect of "three absences in a year and you are out policy" and the maximum committees a citizen could serve on. We could discuss this at the retreat in January. Alderman Smith felt that we should put this discussion off until the retreat since Alderman Sandberg is not here. Alderman Vecchione requested that the Town Manager come up with a standard that could be established. He also agreed that it could be intimidating to have two Board members on one committee.

d. Resolution Authorizing the Disposition of Certain Personal Property by Private Sale:

12/05/02

RESOLUTION AUTHORIZING THE DISPOSITION OF CERTAIN PERSONAL PROPERTY BY PRIVATE SALE

WHEREAS, the Board of Aldermen of the Town of North Topsail Beach desires to dispose of certain surplus property of the Town;

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen that:

1. The following described property is hereby declared to be surplus to the needs of the Town of North Topsail Beach:

1995 Tahoe - VIN 1GNEK18KXSJ305134
Mileage: 153,997
2. The Town Manager is authorized to dispose of the described property by private sale at a negotiated price.
3. The Town Clerk shall publish notice summarizing this Resolution in accordance with G.S. 160A-267.
4. The sale may be consummated not earlier than 10 days from the date of publication.

Duly adopted the 5 day of December, 2002.

Loraine M. Carbone, CMC
Town Clerk

Marlow F. Bostic, Jr.
Mayor

Mayor Bostic asked if we would advertise the Tahoe at a minimum price. Mayor Pro Tem Flynn suggested that we call dealers in the area to compare prices. The Board agreed to a \$2,000 minimum bid.

Alderman Vecchione moved, seconded by Alderman Smith approval of the Resolution Authorizing the Disposition of Certain Personal Property by Private Sale to be advertised and to request a \$2,000.00 minimum bid. The motion passed unanimously.

MANAGER'S REPORT:

1. Mayor Pro-Tem John Flynn and I traveled to Raleigh on November 13, 2002 to meet with Mr. John Morris, Director, Division of Water Resources and his associate Mr. John Sutherland, Chief, Water Projects Section to inquire about the release of State Funds authorized in SB 1115. Mr. Sutherland confirmed that the funds were available for distribution as provided for in the State Budget document. In a letter dated November 14, 2002, the Town officially requested release of \$76,750.00 in State matching funds for the Corps of Engineers Feasibility Study in accordance with the Cost Sharing Agreement, upon receipt, the Town with forward these funds to the Wilmington District along with the Town's share. The Town also requested release of \$14,000.00 in State matching funds as reimbursement to the Town for the additional \$28,000.00 that the Corps requested in June of 2002. This would draw down \$90,750.00 of the \$100,000.00 budgeted for the Town of North Topsail Beach.
2. It was also confirmed at this meeting that the State has authorized \$250,000.00 for the non-federal Feasibility Study for the area of the Town within the Coastal Barrier Resource System and that these funds are available for withdrawal through fiscal year ending 2003-2004. Upon adoption and execution of a contract for professional services for the feasibility study and the appropriate

12/05/02

request for payment of services rendered, these funds will be released over the period of the contract.

3. On November 18th & 19th, Mayor Pro-Tem Flynn and I attended the NC Shore & Beach Preservation Association's Annual Conference in Atlantic Beach at the Sheraton. The Mayor Pro-Tem met briefly with Congressman Walter B. Jones thanking him for his continued support for Beach Nourishment and his stand on federal cost sharing formula of 65% Federal and 35% non-Federal for beach nourishment projects.
4. Please mark your calendars for the next Board meeting to be held on Wednesday, January 8th, 2003, as previously adopted and that a four-town meeting is scheduled for Thursday, January 9th, 2003 at Surf City at 6:30 p.m.
5. Under the guidance of Sallie McGuire, landscaping was completed at the Town Park site with the remaining funds in the Capital Project-Phase One. Staff is currently working on the application for Phase Two for submission in January.
6. The Town has recently received a memorandum from the Department of the State Treasurer, Mr. Vance Holloman, Director of the Fiscal Management Section within the Local Government Finance Division instructing the local government units on the steps to be taken as a result of the State's budget for the 2002-03 fiscal year which was amended to **remove** reimbursements to be paid to local governments. The Town is directed to review the current year's budget and remove estimated revenues budgeted for these reimbursements. Local government units in counties where the Article 44 sales tax will take effect in the current fiscal year should include a **reasonable** estimate of those revenues in their budgets. The Town of North Topsail Beach Adopted Budget for fiscal 2002-2003 has \$18,525.00 budgeted in account 10-310-00 Inventory Tax Reimbursements, \$19,000.00 in account 10-339-00 Intangible Property Taxes and \$500.00 in account 10-368-00 Other State Revenue for a total of **\$38,025.00**. The Onslow County Board of Commissioners adopted the Article 44 sales tax to be effective January 1, 2003 and the state has estimated that this will yield \$12,825.00 for the Town, thus creating a negative **\$25,200.00** in revenues in the adopted budget. Staff will prepare the appropriate budget amendment for the January meeting.
7. The memorandum further indicated that the local government units are permitted by Senate Bill 1115 which amended G.S. 159-15, to allow for local government units to increase or decrease their property tax rates for unanticipated increases or decrease in revenue. If a unit wants to lower or raise its property tax rate in order to balance its budget, it must do so prior to January 1st, 2003. Units that adjust the tax rate should send out supplemental tax bills for the adjustment. While the above referenced amount is almost the value of 1c on the property tax levy, it is the staff's recommendation to reduce expenditures to offset the decrease in budgeted revenues.
8. The annual Audit indicated that the operation of the budget for fiscal 2001-2002 resulted in a return to the fund balance of \$20,757.00. It will be very difficult to duplicate that in this fiscal budget with this adjustment in revenues.
9. During the course of the past month Staff members continued to attend meetings of the Onslow County Joint Land Use, Onslow County Storm Water Committee, Onslow County Zoning Committee, Onslow County Mayor's Association meeting, North Topsail Beach Nourishment Committee and Planning Board.
10. Staff wishes each and every one an enjoyable Holiday Season and a Happy New Year!

ATTORNEY'S REPORT:

Attorney Kate Fairley noted that the Ocean Sound Village Agreement was filed. The NFIP Bill runs out December 24th and Congress has dismissed for the year. Therefore, that bill will not be taken up until January. There will be no writing of flood insurance for new policies. (Information on Flood Insurance is posted on the Town's web site) In regard to the Feasibility Study, Mrs. Fairley said to make sure that both documents are read together. The agreement talks more about what isn't included in the Exhibit. She has talked to Mr. Gregson regarding the

12/05/02

home that is not in compliance and a draft of complaint was being sent to their attorney.

MAYOR'S REPORT:

Mayor Bostic stated that there was a new turnover in our state legislature. He requested that everyone drop them a card. The Town's Christmas party is December 13th. He wished everyone a happy new year.

ALDERMEN'S REPORT:

Alderman Vecchione reminded everyone that the Town is collecting for "Toys for Tots" and that monetary donations would also be appreciated.

Alderman Smith wished everyone a happy holiday.

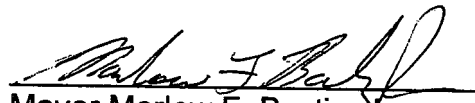
Alderman O'Donnell asked that town staff identify themselves when they answer the phone. He noted that comp time was going up a little. Alderman O'Donnell said that he would have conflicts with meeting dates the first of the year, but asked that we don't reschedule meetings for one person. He asked if we heard what was going on with the Ocean City Pier site.

Mayor Pro Tem Flynn said that the Surf City Baptist Church would have a blood drive next week. He wished everyone a happy holiday.

ADJOURNMENT:

Alderman O'Donnell moved, seconded by Alderman Vecchione to adjourn the meeting at 8:07 p.m. The motion passed unanimously.

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



Mayor Marlow F. Bostic, Jr.

1-8-03

Date Approved