

REGULAR MONTHLY MEETING
BOARD OF ALDERMAN
JANUARY 4, 1996

PRESENT: Mayor Marlow F. Bostic Jr., Mayor Pro-Tem Peter Hillyer, Aldermen Susan Tuman, Wilbur Bass, Barbara Haynes and Jack Royman, Town Manager Ann Vause and Deputy Town Clerk Susan Daughtry.

PUBLIC HEARING
REZONING REQUEST
SEAVIEW INC.:

John Kelly and Mark Padgett were present to represent the property owners for this request.

Mr. Padgett explained that the Sea View Inc. property is located on New River Inlet Road and extends from New River Inlet Road to the ocean. Salty's Pier is located on the property. This request is for a change from R-10 to B-2. The property owners are requesting this zoning district in order to create a consistent zoning in the area. The old right-of-way located along this property currently has no zoning.

Town Manager Vause stated that the Planning Board voted unanimously recommend approval of this request.

Citizen Bill Parr: Generally I would not be in favor of rezoning to commercial. But in this case I am in favor for two reasons, one is because the Planning Board recommendation is favorable and the other is because the density of the new zoning would still be close to what exists.

Mr. Kelly explained that one of the main things the Smith's wish to do is to clean up the property and totally eliminate the look of a campground. They would like to do away with the area now used for parking and provide the pier with its own parking. This would enhance the property and the remainder of the property would be used consistently with the new zoning. They have already ordered close to \$10,000 worth of pilings to bring the pier into compliance. They are having problems getting authorization to work on the pier, but will be going before the Coastal Resources Commission for the necessary approvals for the repairs. They just want to be able to make the property more presentable.

A motion was made by Alderman Tuman and seconded by Mayor Pro-Tem Hillyer to close the Public Hearing at 6:15 p.m. Passed unanimously.

CALL TO ORDER: Mayor Bostic called the meeting to order at 7:00 p.m. and declared a quorum present.

CONVOCAATION: Mayor Bostic requested a moment of silence prayer.

APPROVAL OF
AGENDA:

A motion was made by Alderman Hillyer and seconded by Alderman Bass to approve the agenda with the following additions: Under Item 6 Mrs. Pat Dempsey - Beautification Report; and under Item 7 Further discussion of

the hiring of Independent Contractors. Passed unanimously. Alderman Tuman also requested that further discussion is needed on a resolution for personal watercraft and that this item be placed on the February agenda.

APPROVAL OF
MINUTES:

A motion was made by Mayor Pro-Tem Hillyer and seconded by Alderman Royman to approve the minutes of December 7, 1995 with the following corrections: In the Resolution of Appreciation for Mrs. Margaret Stackleather, Paragraph #1, Line #3, change "o" to "to", Page 1, last sentence change "assistance" to "assisting" and Page 3, under Corporate Resolution, the motion was seconded by Mayor Pro-Tem Hillyer. Passed unanimously.

A motion was made by Mayor Pro-Tem Hillyer and seconded by Alderman Bass to approve the minutes of December 12, 1995 with a correction to Paragraph # 2, change "presented" to "present". Passed unanimously.

A motion was made by Alderman Bass and seconded by Mayor Pro-Tem Hillyer to approve the minutes of December 21, 1995 with the following changes: All references to "reverta clause" should be changed to "reverter clause"; in Paragraph 6, 1st sentence should be changed to read "Further discussion was held on this issue..."; and Paragraph 6, Last sentence read as follows "from the reverter clause in the deed has been received from Ocean Sound...". Passed unanimously.

REQUEST TO ADDRESS
THE BOARD - MS.
TERRI ASHWORTH:

Ms. Terri Ashworth discussed her work with children regarding T.O.P.S.A.I.L. Friends of 4-H. A grant was started back in 1982 to provide assistance for programs to help troubled children. This program is associated with the criminal justice system. This program helps to provide role models for children who have been in some form of criminal trouble and is available for children from Onslow and Pender Counties. Fifteen children are chosen from each county and are placed with an adult volunteer. These adults can take the child shopping, hunting, fishing, or wherever they want to go. It does not work to lock them up because they are being exposed to more crime in advanced training school. Ms Ashworth explained that financial support is needed to keep the program going. The approval of grant funds is based on a matching funds requirement. Also volunteers are needed to act as board members, people who believe in the program. She has an office in Burgaw and one in Jacksonville. These are good kids who have just made some bad mistakes.

She stated that Topsail Beach has donated \$500.00 and Surf City has donated \$600.00. Money is available, but we need volunteers as well money. Fund raisers have previously been held at Topsail Greens and Brass Pelican.

Alderman Tuman stated that the housing of juveniles is 4 to 5 times more expensive than trying to work with these children in this manner. There is also the issue of saving the lives of the children. General discussion of the program and the working relationship between the

adults and the children.

Citizen Bill Rogers: Suggested that Ms. Ashworth contact Ms. Charlotte Wilmer who lives in the town. She has stated previously that she was interested in working with children.

A motion was made by Mayor Pro-Tem Hillyer and seconded by Alderman Royman to donate \$600.00 to the T.O.P.S.A.I.L. Friends of 4-H. Passed unanimously.

REQUEST TO ADDRESS
THE BOARD - MRS.

PAT DEMPSEY:

Mrs. Dempsey wanted to thank all the volunteers who came and helped put up the Christmas decorations. There were two groups of volunteers, one group helped put up the wreaths and the other group helped put up the tree of lights. She asked for volunteers to help with taking them down. All volunteers who would like to help can meet at the north end station on Monday, January 8th at 10:00 a.m.

BEAUTIFICATION REPORT: I spoke with Mr. Zandy, DOT this evening. Although the new turn lane is in, Mr. Dixon from the DOT will have to put in the curbing before the DOT can complete our landscape gardens. Right now, Mr. Zandy is planning on a February planting of individual gardens with appropriate planting rather than replacing trees, which seem to fade into the landscape.

Prior to planting time he will consult with the town and this chairman for suggestions as to what type of plantings we would prefer.

He also told me he is planning on installing two wildflower gardens. One at the entrance to the highrise bridge and the other down by Hwy 210, near Food Lion.

CONTRACT FROM
DEHNR - OYSTER LANE
& BAY COURT:

We have before us the grants for Bay Court and Oyster Lane. Does the board wish to match the funds and designate who will need to sign the contract. A motion was made by Alderman Tuman and seconded by Mayor Pro-Tem Hillyer to authorize Mayor Bostic to sign the contract. Passed unanimously.

POLICY ON HIRING
INDEPENDENT
CONTRACTORS:

Alderman Tuman stated that she did not think that the board wanted it to appear that the town does not want to hire independent contractors for town jobs. We do not want them to feel that they should not even attempt to bid. The concern is that we not say, if we use someone from the town we can do it cheaper. We are never going to be able to beat our local people. Is it a correct way to handle it by doing it ourselves? There is still the question of liability. Bill Bass who is an independent contractor does not require liability insurance, because he is already covered under our insurance on our equipment.

Alderman Royman stated that is also important to be certified to operate

a piece of equipment. The most important thing is for all employees to be able to operate the equipment.

Alderman Tuman requested the board design a contract with certain criteria. Then look at all who would wish to perform that service through some type of application and then consider who is best qualified to perform the work, as well as who offers the best price. She stated her concern about the long term appearance. She feels the board is not being totally fair to others who may wish to work for the town.

Alderman Haynes discussed the experience level. She stated that all employees in Public Works should be able to run all of the equipment. Who would determine that level of expertise. Alderman Tuman stated that would be the town manager's job.

Mayor Pro-Tem Hillyer stated that he agreed with Alderman Tuman. He asked who the board should go about ensuring a level playing field for all interested parties.

Citizen Dan Tuman: When we have a need to hire someone for a specific job, the board should allow the Town Manager to hire whoever is found to be qualified for the job. The board only involvement should be to identify the need, the town manager should hire. It does not look go Board members should be disqualify for these types of jobs.

Mayor Bostic explained that there are legal requirements that have to be followed and he was not aware of any time when the manager has been told who to hire.

Citizen Otis Sizemore: I do not see the problem. Why should we hire from somewhere else when we have people available and willing to do the work.

Alderman Tuman stated that there was a tendency in the discussion regarding who would run the front end loader, that we did more or less agree to have Bill Bass do it. We should not discuss who is going to do the work, only that it does or does not need to be done.

Alderman Bass stated that at the November meeting, there was a suggestion by Sam McGinn that he be hired, but he did not believe that Ann was told to do so.

General discussion of listings with the Employment Security Commission and informal bid procedures.

Citizen Linda Knowles: Is this a board member using town equipment or is this board member using his own equipment and insurance? Either way they are still classified as an independent contractor. I have some questions about town insurance. Is it fair for the town to pay insurance?

Town Attorney Coleman answered that the town would be probably be sued even if the contractor is individually sued, because the town has hired the contractor for a specific job.

Citizen Bill Rogers: As a basis of consideration, the IRS does not consider him as an independent contractor if he is using town equipment and working for the town.

Alderman Tuman stated that the Mayor does use his own equipment and carries his own insurance.

Attorney Coleman stated that she was fairly certain that the insurance that we have would cover us. Most contractors do carry their own insurance. General discussion of independent contractor and employees.

Mayor Bostic explained that the situation was to get someone on the beach immediately. It was to be a temporary situation. The areas were to be limited and that was all.

Alderman Bass stated that he was working on filling holes and then would begin banking sand around crossovers. After that, then he would construct a disposable dune. Then a committee was to come along and designate where the pushing was to begin.

Citizen Pat Dempsey: On the question of liability, does the town's insurance cover the volunteers that help on the committees? I feel that Bill Bass should be hired anyway.

General discussion of liability issues.

Clara Bass: Bill volunteers to work on any projects which come up. I do not understand what the problem is.

Leland Newsome: If Bill Bass is qualified to do this then let whoever is qualified do it. You cannot get others from town to come out and work for this cost.

Alderman Haynes suggested the possibility of getting a pool of contractors to do specific work. We could then call on them for services or possibly set up a rotation.

Town Manager Vause explained that we do have a list of contractors. We do have cards from interested parties and some have submitted resumes.

Alderman Tuman stated that she was only discussing allowing the town manager to make the decision on who will be hired. We do not want her to feel that the board has too much influence on the decision. We should make a policy and make it clear. We should not talk about who we wanted to do the job, but what job we want done.

Alderman Tuman requested the board stay out of any hiring act that involves the town.

FINAL PLAT FOR
CRYSTAL SHORES II:

Mr. John Parker of Parker and Associates was present to represent the property owners in this matter.

Mr. Parker stated that the memo written by Ms. Daughtry dated December 21, 1995 brings this matter up to date. There are two items that should be addressed. The Open Space funds will have to be paid before the signing of the plat. The acceptance of these funds in lieu of land dedication was approved with the Preliminary Plat. An informal letter of credit has been confirmed by the bank, but the holidays have delayed the issuance of the actual letter of credit. We are asking for conditional approval contingent on receipt of letter of credit and cash in lieu of land dedication. The formula for the open space monies was taken straight out of state regulations.

A motion was made by Alderman Tuman and seconded by Mayor Pro-Tem Hillyer to approve the final plat for Crystal Shores II contingent on receipt of letter of credit and cash monies for open space. Passed unanimously.

**OPERATION ONSLOW
RESOLUTION:**

Alderman Tuman explained that she, Town Manager Vause and Alderman Royman had participated on the committee. She explained that she felt very strongly that we should do whatever to help pass this plan. It will help improve the quality of life, industry, infrastructure and schools. Bill Rogers served on the committee dealing with infrastructure and Marlyn Mallette was on the committee dealing with Schools.

Alderman Bass asked what changes were recommended by the plan.

Alderman Tuman explained it is called a Strategic Plan. It give a list of recommended actions, in most cases just a first action with specific items to follow. There were many people working on a direction of what they think should be considered to improved these things. It is a plan that will lead all communities into the 21st century.

**RESOLUTION ENDORSING
"OPERATION ONSLOW" STRATEGIC PLAN**

WHEREAS, the Onslow County Strategic Plan Steering Committee was established to determine the most pressing needs and issues in Onslow County and formulate a strategic plan to address their findings; and

WHEREAS, after thorough research and goal setting sessions, the Onslow County Strategic Plan Steering Committee presented their "'Agenda for Change" through the "'Operation Onslow"' Strategic Plan; and

WHEREAS, the goals of "'Operation Onslow" Strategic Plan fulfill a vision of a cooperative, county wide effort to establish a diversified economy in a well educated positive living environment; and

WHEREAS, key goals of "Operation Onslow" focus on strengthening intergovernmental/community/military cooperation, increasing livability and sense of belonging within he county, enhancing public education and establishing employment diversification; and

WHEREAS, the Town of North Topsail Beach is eager to work toward the vision of "Operation Onslow" to ensure the best possible future for Onslow County and our town.

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen that the Town of North Topsail Beach endorses and supports the "Operation Onslow" Strategic Plan and publicly commends the efforts of the Onslow County Strategic Plan Steering Committee for preparing a plan that will lead all communities of Onslow County into the 21st Century.

BE IT FURTHER RESOLVED that a copy of this resolution be directed to the Onslow County Board of Commissioners recommending that they adopt the plan and consider establishing responsibility for the continued administration, overseeing and updating of the plan. Also, that a copy of this resolution be sent to the Governing Bodies of all the municipalities of Onslow County.

DULY ADOPTED THE 4th DAY OF JANUARY, 1996.

A motion was made by Mayor Pro-Tem Hillyer and seconded by Alderman Royman to adopt the resolution endorsing Operation Onslow. Passed unanimously.

ROADSIDE

MAINTENANCE:

At the November 2, 1995 meeting the board requested Town Manager Vause check into the following possibilities:

1. The town contracting with an independent contractor to supplement the mowing contract currently in place by the N.C. Department of Transportation;
2. The town contracting with an independent contractor to do all roadside maintenance for North Topsail Beach;
3. The cost for the town to hire an additional individual in public works and purchase equipment to do its own roadside maintenance program.

Alderman Royman asked what the two men who are now working in the Public Works Department have to do.

Town Manager Vause explained that these men have a very full program in place now, in addition to the mosquito control program.

Mayor Bostic stated that there was a bid attached for \$14,400.00 for mowing and weed eating. DOT pays \$1700 per year for roadside mowing which does not include any weed eating.

Alderman Tuman stated that she did not see any advantage to augmenting a job which is not being done now. This is a resort town and we want it to look nice. The roadsides look awful in most places. The volunteers are not covered by our insurance. There are many things in this town for public works to do and I can see hiring another employee. This town is its services and appearance.

Alderman Haynes and Mayor Pro-tem Hillyer stated that they agree with

Alderman Tuman.

Mayor Bostic stated that only one citizen brought this up at budget time. I agree with using our own people and tell DOT to stay on the other side of the bridge. We need to notify them by April 1st in order for them to pay the town it share of the funds for roadside maintenance. We can also gear towards using our powell bill monies for equipment.

General discussion of equipment which would be needed, insurance and general costs. Mayor Bostic directed the town manager get bids on different kinds of equipment.

A motion was made by Alderman Tuman and seconded by Alderman Haynes for North Topsail Beach to contact DOT informing them that we wish to maintain our own roadsides and return our money for supplemental funds. Passed unanimously.

BUDGET

AMENDMENT:

Town Manager Vause explained that this budget amendment contains the following:

1. Dunes restoration funds collected during Fiscal Year 1994-95;
2. Unspent Powell Bill funds from Fiscal Year 1994-95;
3. Payments in Lieu of Open Space funds collected during Fiscal Year 1993-94 and 1994-95.

She explained that this budget amendment is necessary at this time, because it was not included in the budget and could not be included until the amounts had been approved by the auditor.

AN ORDINANCE AMENDING THE TOWN OF NORTH TOPSAIL BEACH BUDGET ORDINANCE FOR FISCAL YEAR 1995-96

BE IT ORDAINED BY THE TOWN OF NORTH TOPSAIL BEACH BOARD OF ALDERMEN MEETING IN REGULAR SESSION THIS 4TH DAY OF JANUARY 1996, THAT THE BUDGET ORDINANCE FOR FISCAL YEAR 1995-1996 ADOPTED JUNE 1, 1995, AMENDED NOVEMBER 2, 1995, IS HEREBY AMENDED AS FOLLOWS:

GENERAL FUND - EXPENDITURES:

Governing Body	47,550.00
Administration	124,916.00
Elections	3,100.00
Inspections/Zoning	125,713.00
Public Buildings	152,500.00
Police Department	386,314.00
DWI Grant - Police	4,912.00
Public Works	87,430.00
Utilities	20,000.00
Street Improvements (Powell Bill)	48,139.00*
Sanitation	30,000.00
Recreation	2,000.00
Non-Departmental	-0-
Recreational Facilities	7,300.00*
Fire Department	171,572.00

Committees	7,500.00
DABSTEC	201,510.00*
Contingency	<u>23,208.00</u>

TOTAL GENERAL FUND EXPENDITURE BUDGET 1,443,664.00

POLICE ASSET ACCOUNT EXPENDITURES:

Police Asset/Service Account	<u>9,674.00</u>
TOTAL BUDGET	<u>1,453,338.00</u>

GENERAL FUND - REVENUES:

Beach Renrsh/Dune Stabilization	69,100.00
Taxes Budget Year 1995	598,864.00
Prior Years Taxes 1993/1994	28,000.00
Prior Years Taxes 1992/1993	12,000.00
Prior Years Taxes 1991/1992	10,100.00
Prior Years Taxes 1990/1991	6,000.00
Prior Years Taxes 1989/1990	2,025.00
Prepaid Taxes - 1996	46,414.00
Inventory Tax Reimbursement	18,400.00
Tax Penalties/Interest	5,000.00
Privilege License	2,500.00
Cable Franchise	5,600.00
Interest - Investments	60,000.00
Miscellaneous	5,000.00
Miscellaneous Permits	500.00
Payment Lieu Open Space	5,000.00
Utilities Franchise Tax	55,000.00
Intangible Property Tax	21,000.00
Beer & Wine Tax	4,000.00
Powell Bill Allocation	31,000.00
Local Option Sales Tax	106,000.00
DWI Grant - Police	4,912.00
Building Permits	23,000.00
Mechanical Permits	6,000.00
Electrical Permits	10,000.00
Plumbing Permits	5,500.00
Homeowners Recovery Fund	100.00
Inspection Fees	100.00
CAMA Permits Local	4,000.00
CAMA Permits Reimb. - State	1,500.00
Refuse Collection Fees	30,000.00
Tax Refunds - Sales	5,000.00
Tax Refunds - Gasoline	3,700.00
Other State Revenues	1,000.00
Beach Driving Permits	-0-
Officer Fees & Violations	2,000.00
Fund Balance Appropriated - Powell Bill Funds	17,139.00*
Fund Balance Appropriated - Dune Funds	132,410.00*
Fund Balance Appropriated - Payments in Lieu of Open Space	7,300.00*
Fund Balance appropriated - Town Hall	<u>98,500.00</u>

TOTAL GENERAL FUND REVENUE BUDGET 1,443,664.00

POLICE ASSET ACCOUNT FUND

Treasurer Payroll Expense	674.00
Police Asset Fund - Customs	<u>9,000.00</u>
	<u>9,674.00</u>

TOTAL BUDGET

1,453,338.00DULY ADOPTED THE 4th DAY OF JANUARY, 1996.

A motion was made by Alderman Tuman and seconded by Mayor Pro-Tem Hillyer to approve the Budget Amendment as presented. Passed unanimously.

REVISED AGREEMENT
WITH RISK
MANAGEMENT:

Attorney Coleman stated she saw no problems with this agreement as amended.

A motion was made by Alderman Tuman and seconded Alderman Haynes to authorize the mayor to sign the amended agreement. Passed unanimously.

RESOLUTION TO
THE NEUSE
RIVER COG:

A motion was made by Alderman Royman and seconded by Mayor Pro-Tem Hillyer to adopt the Resolution for the New River Council of Governments. Passed unanimously.

APPOINTMENT TO
PLANNING BOARD:

Mayor Bostic explained that with the election of Mr. Jack Royman to the Board of Alderman a vacancy has been created on the Planning Board. Alderman Tuman nominated Linda Knowles. General discussion of persons who have completed applications for appointments to various boards. Town Manager Vause stated that she will have to start campaigning new applications because there are none now on file. Alderman Royman stated that he wishes to resign from Planning board. A motion was made by Mayor Pro-Tem Hillyer and seconded by Alderman Tuman to close the nominations with Linda Knowles as only nomination. Passed unanimously.

A motion was made by Alderman Tuman and seconded by Mayor Pro-Tem Hillyer to appoint Linda Knowles to replace Jack Royman on the Planning Board. Passed unanimously.

Alderman Royman was asked to act as liaison between the Planning Board and the Board of Aldermen.

N. C. RESORT

TOWN ASSOCIATION: After a brief discussion it was the consensus of the board not to pay the annual membership dues to the N.C. Resort Town Association.

SURPLUS VEHICLES: After a brief discussion a motion was made by Mayor Pro-Tem Hillyer and seconded by Alderman Royman to donate the two surplus vehicles to the Special Olympics. Passed unanimously.

TOWN MANAGER

EVALUATION FORM: Alderman Tuman explained that the town cannot properly evaluate the Town Manager without a form. She requested a workshop be scheduled for the early part of February to discuss and prepare a form.

MANAGER'S
REPORT:

ATTORNEY'S
REPORT:

Attorney Coleman reported that she will be attending a Public Personnel

seminar and will be sharing her information from the seminar with the Town Manager.

ALDERMAN'S
REPORT:

Alderman Tuman reported that a date has been set for Operation Topcat on Easter weekend. We hope to do forty-five cats (45) on Friday and another fifteen (15) on Saturday. Rabies shots and neutering will be free. The Historical Society on Topsail Island would like to see a higher attendance of North Topsail Beach residents. The cover island topics and can be very interesting. I recommend attendance.

Alderman Royman stated that he felt that the citizens suffered a great deal of inconvenience when contractors cause breaks in services lines. He stated that he felt the board should look into some form of action to take against them for these acts of negligence. The contractors should be fined for breaking waterlines and cable or telephone lines.

Alderman Bass reported that there are many citizens buying grass, but they are working against us by planting on the front of dunes. It is being done the opposite way from what is beneficial.

MAYOR'S
REPORT:

Mayor Bostic reported that he had received a lot of good comments about work done by Alderman Bass. We have had good success on the beach grass project. We owe it to our neighboring towns to get them to work on their dunes.

OPEN FORUM:

Citizen Linda Knowles: Asked if the town was pushing sand all along the beach. Mayor Bostic advised no. The work being done now is to fill holes and stabilize walkways.

Citizen Pat Dempsey: Asked about the dredging and who was paying for it. Are there any other areas getting sand from that project. Mayor Bostic explained that no monies for beach renourishment have been stopped. The area of waterway across from Swan Point Marina needs to be dredged frequently. This dredging will be placed in areas along the beach front. Last year it was along the inlet, this time in front of Galleon Bay.

Citizen Linda Knowles: She discussed Operation Topcat and encouraged everyone to participate. The next meeting will be on February 5th at 7:00 p.m.

ADJOURNMENT:

A motion was made by Alderman Bass and seconded by Alderman Royman to adjourn at 9:15 p.m. Passed unanimously.

Susan R. Daughtry, Deputy Town Clerk

TOWN OF NORTH TOPSAIL BEACH
PUBLIC HEARING/REGULAR BOARD MEETING
FEBRUARY 1, 1996

PRESENT: MAYOR PRO-TEM PETER HILLYER, ALDERMEN SUSAN TUMAN, WILBUR BASS, BARBARA HAYNES, AND JACK ROYMAN; LEGAL COUNSEL LYNN COLEMAN, TOWN MANAGER ANN VAUSE AND TOWN CLERK TERESA HEATHERLY.

6:00 P.M. - PUBLIC HEARING:

- 1. AMENDMENT TO ZONING ORDINANCE - DEFINITIONS/MANUFACTURED HOME REGULATIONS:
 - a. Amendments to regulate age and underpinning on mobile homes. The proposed re-wording is to strengthen the ordinance and bring it into compliance with federal and state law.

CALL TO ORDER: MAYOR PRO-TEM PETER HILLYER CALLED THE MEETING TO ORDER AT 6:05PM. APPROXIMATELY 25 CITIZENS ATTENDED.

BLDG. INSPECTOR JEFF HOLLAND ADDRESSED THE BOARD AND CITIZENS PRESENT REGARDING PROPOSED AMENDMENTS TO THE ZONING ORDINANCE DEALING WITH DEFINITIONS AND REGULATIONS FOR MANUFACTURED HOUSING.

BLDG. INSPECTOR JEFF HOLLAND:

FIRST SECTION AMENDMENT IS TO CHANGE THE DEFINITION OF A MANUFACTURED HOME PER ATTACHMENT A. MR. HOLLAND PROCEEDED WITH THE READING OF ATTACHMENT, PER THE STATE OF NORTH CAROLINA CODE FOR MOBILE HOMES:

SECTION 7-60. MANUFACTURED HOME: A DWELLING UNIT THAT IS (i) NOT CONSTRUCTED IN ACCORDANCE WITH STANDARDS SET FORTH IN THE NORTH CAROLINA STATE BUILDING CODE; AND (ii) IS TRANSPORTABLE IN ONE OR MORE SECTIONS, WHICH IN THE TRAVELING MODE, IS 8 BODY FEET. (2.4 m) OR MORE IN WIDTH OR 40 BODY FEET (12m) OR MORE IN LENGTH, OR, WHEN ERECTED ON SITE IS 320 OR MORE SQUARE FEET (28.8 m²), AND WHICH IS BUILT ON A PERMANENT CHASSIS AND DESIGNED TO BE USED AS A DWELLING WITH OR WITHOUT A PERMANENT FOUNDATION WHEN CONNECTED TO THE REQUIRED UTILITIES, AND INCLUDES A PLUMBING, HEATING AND ELECTRICAL SYSTEM CONTAINED THEREIN; EXCEPT THAT SUCH TERM SHALL INCLUDE ANY STRUCTURE WHICH MEETS THE SIZE REQUIREMENTS AND WITH RESPECT TO WHICH THE MANUFACTURER VOLUNTARILY FILES A CERTIFICATION REQUIRED BY THE SECRETARY OF THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND COMPLIES WITH THE FEDERAL MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS.

MANUFACTURED HOME PARK SECTION:

SECTION 7-201, EXCEPTIONS: SECTION A 7-202 DESIGN STANDARDS
SECTION 7-203. SECTIONS D, T & U WERE DELETED.

SECTION D WAS MOVED INTO SECTION 7-202.

SECTION T WAS DELETED AS A CRITERIA FOR ANCHORING A MOBILE
HOME THAT IS OUTDATED. SECTION U IS COVERED BY FLOOD
PREVENTION ORDINANCE.

- ALDERMAN BASS: REGARDING ATTACHMENT A PAGE, WIDTH OF 8' AND LENGTH OF 40'
SOME HAVE LENGTH OF 32'. TRAVELING MODE VS. ERECTED MODE?
- HOLLAND: THESE DIMENSIONS REFER TO THE TRAVELING MODE OF THE UNIT.
WHEN ERECTED THE UNIT MUST CONTAIN A MINIMUM OF 320 SQ. FT.
- ALDERMAN TUMAN: THE INTENT IS NOTHING SMALLER THAN 8' WIDE AND LONGER THAN
40' LONG.
- HOLLAND: THE SMALLEST MODEL YOU COULD BUY WOULD EXCEED THAT.
- HOLLAND: THE PROPOSED AMENDMENT FOR SECTION 7-203, REFERRING TO
PLACEMENT OF MANUFACTURED HOMES COMING INTO OUR TOWN BE NO
OLDER THAN 5 YEARS AND TO BE UNDERPINNED WITHIN 30 DAYS,
AND TO HAVE EXISTING MANUFACTURED HOMES UNDERPINNED WITHIN
ONE YEAR. HUD HAS CHANGED SOME LAWS IN ZONE 2, WHICH IS
WHERE WE ARE LOCATED, THAT REQUIRES HURRICANE ZONE 2 TYPE
MANUFACTURED HOUSING. THIS WOULD KEEP BETTER STANDARDS AND
BETTER LOOKING MANUFACTURED HOMES IN OUR TOWN.
- CITIZEN CLARA BASS:
CAN ANYTHING BE DONE ON EXISTING HOMES?
- HOLLAND: NO, NOT AS THIS TIME.
- ALDERMAN TUMAN: I DID HAVE A QUESTION ABOUT #6 ABOUT DOOR SPECIFICATIONS AND
AVOIDING SKIRTING? I GUESS IF IT'S A DOOR THE SKIRTING
REQUIREMENT WOULD STILL APPLY?
- HOLLAND: YES, THAT'S RIGHT.
- MAYOR PRO-TEM HILLYER:
JEFF, STATE AGAIN THE REASONS FOR THE CHANGES.
- HOLLAND: TO SET STANDARDS FOR THE QUALITY OF MANUFACTURED HOUSING
COMING INTO OUR TOWN.
- BILL PARR: WHAT IS THE IMPACT ON EXISTING STRUCTURES IN OUR TOWN?
- HOLLAND: IT WOULD HAVE NO IMPACT OTHER THAN WE WOULD ASK THEM TO HAVE
UNDERPINNING.

HILLYER: WHAT ABOUT A 30 YR OLD HOME? WE HAVE NO WISH TO REMOVE THESE HOMES.

MRS. SIZEMORE: WHAT ABOUT MODULARS THAT ARE CONNECTED TO SEWER AND WATER?

HOLLAND: THEY ARE THE SAME AS RESIDENTIAL CONSTRUCTION WHICH MEETS THE CRITERIA OF THE STATE OF NORTH CAROLINA FOR STICK BUILT HOMES.

MAYOR PRO-TEM HILLYER: ARE THERE ANY OTHER QUESTIONS OR COMMENTS?

ALDERMAN ROYMAN MOTIONED TO ADJOURN THE PUBLIC HEARING, ALDERMAN BASS SECONDED. MOTION PASSED UNANIMOUSLY.

PUBLIC HEARING ADJOURNED AT 6:25PM.

REGULAR BOARD MEETING: 2-1-96

1. MEETING CALLED TO ORDER:

THE MEETING WAS CALLED TO ORDER BY MAYOR PRO-TEM HILLYER AT 7:02 PM.

2. DECLARATION OF QUORUM:

MAYOR PRO-TEM PETER HILLYER, ALDERMEN SUSAN TUMAN, WILBUR BASS, BARBARA HAYNES AND JACK ROYMAN; TOWN MANAGER ANN VAUSE ATTORNEY LYNN COLEMAN AND TOWN CLERK TERESA HEATHERLY.

3. INVOCATION:

BILL PARR OFFERED INVOCATION AT MAYOR PRO-TEM HILLYER'S REQUEST.

4. APPROVAL OF AGENDA:

UNDER OLD BUSINESS: ADD (C.) ROADSIDE MAINTENANCE
UNDER NEW BUSINESS: REMOVE E
UNDER NEW BUSINESS: REMOVE G, AT THE REQUEST OF THE PETITIONERS.
UNDER NEW BUSINESS: ADD H, FIRE DEPT. GRANT

ALDERMAN TUMAN: SHOULD WE ADD CONSIDERING VOTING ON ZONING ORDINANCE PRESENTED AT THE PUBLIC HEARING? CAN IT BE ADDED ?

ALDERMAN ROYMAN PROPOSED THE AMENDMENT FOR ZONING MANUFACTURED HOUSING BE ADDED UNDER NEW BUSINESS. ALDERMAN TUMAN SECONDED THE MOTION. THE MOTION WAS CARRIED UNANIMOUSLY.

UNDER NEW BUSINESS: ADD I, MANUFACTURED HOUSING ORDINANCE

5. APPROVAL OF MINUTES:

- a. Regular Board Meeting held January 4, 1996.

THE BOARD APPROVED THE MINUTES AS CORRECTED:
 PG. 3, PARA 5: REPLACE "TAN" WITH "THAN"
 PG. 4, PARA 3: REPLACE "ALIGN" WITH "DESIGN "
 PG. 5, PARA 13: REPLACE "WHAT" WITH "WANT" AND REPLACE "TO" WITH "TOO"
 PG. 6, PARA 4 STATES THAT SHE (ALDERMAN TUMAN) & TOWN MANAGER VAUSE HAD PARTICIPATED ON THE COMMITTEE. THE CLARIFICATION IS THAT ANN PENTA, JACK ROYMAN & SHE (ALDERMAN TUMAN) ATTENDED THE FORMAL PRESENTATION OF THE PLAN.
 PG 8, PARA 5: CORRECTING THE MOTION TO READ "AND TO RETURN OUR MONEY FOR SUPPLEMENTAL FUNDS".
 PG. 13, PARA 3: RE: OPERATION TOPCAT SHOULD READ "A TOTAL OF 45 CATS-30 ON FRIDAY AND 15 ON SATURDAY".
 PG. 13 PARA 8: RE: OPEN FORUM (DEMPSEY) REPLACE "BE" WITH "BEEN"

MOTION FOR APPROVAL OF CORRECTED MINUTES MADE BY ALDERMAN ROYMAN. AND SECONDED BY ALDERMAN HAYNES. MOTION CARRIED UNANIMOUSLY.

6. REQUEST TO ADDRESS THE BOARD:

a. Mr. Bill Parr - Sales Tax Distribution.

MR. PARR:

AS A MEMBER OF THE NORTH TOPSAIL BEACH HOMEOWNERS ASSN., ONE RESPONSIBILITY IS TO WORK IN THE AREA OF SALES TAX DISTRIBUTION TO OUR TOWN. MR. PARR PROVIDED BACKGROUND INFORMATION REGARDING THE DISTRIBUTION OF STATE 1 CENT TAX RETURNED TO EACH COUNTY. THE AMOUNT DISTRIBUTED TO ONSLOW COUNTY IS \$18,000,000. IN A YEAR. THE COUNTY DECIDES HOW TO DISTRIBUTE TO TOWNS WITHIN THE COUNTY. THE STATUTES ARE PER CAPITA AND AD VALOREM BASIS (TAX VALUE). THERE ARE GREAT DIFFERENCES IN TYPES. INITIALLY THEY WERE DISTRIBUTED BY THE PER CAPITA METHOD, ONE YEAR BY THE AD VALOREM METHOD, THEN BACK TO PER CAPITA. IN 94-95 A METHOD WAS INTRODUCED TO POOL \$225,000 TO BE DISTRIBUTED TO TOWNS. WHEN TAX DISTRIBUTION WAS CHANGED FROM AD VALOREM TO PER CAPITA, JACKSONVILLE GAINED HUGELY. JACKSONVILLE WOULD REIMBURSE THE COUNTY FOR WHAT IT LOST. JACKSONVILLE & ONSLOW COUNTY DEVELOPED THE DISTRIBUTION POOL. IN 1993 ONSLOW COUNTY COMMISSIONERS GAVE IN TO JACKSONVILLE FOR JACKSONVILLE TO KICK BACK TO COUNTY FOR CHANGING THE METHOD. THE RESULTING EFFECTS NETTED JACKSONVILLE A GAIN OF \$600,000 PER YEAR. MR. PARR STATED WE ARE SUBSIDIZING 50% OF JACKSONVILLE POPULATION. AS COUNTY RESIDENTS, THE SWITCH FROM AD VALOREM TO PER CAPITA MEANS WE ARE LOSING \$375,000 PER YEAR, \$246,000 NET LOSS W/POOL. MR. PARR SAID SOME EFFORTS HAVE BEEN MADE, MEETING(S) TO DEAL W/SITUATION, LETTERS TO EDITOR, ATTORNEY GENERAL QUESTIONING LEGALITY OF KICKBACK OF \$ 1.2M. THE ATTORNEY GENERAL ANSWERED 2 LETTERS(HILLYER & TUMAN) ASSESSING THE SITUATION AS MORE POLITICAL THAN LEGAL. THE ATTORNEY GENERAL OFFERED NO SPECIFIC STATUTE PROHIBITING OR APPROVING THIS SITUATION. MR. PARR STATED IT WAS TIME TO DEAL WITH THE SITUATION IN A MORE FORCEFUL MANNER. THE CURRENT METHOD IS INTOLERABLE, UNFAIR, UNETHICAL AND ILLEGAL. ONE ON ONE CONTACT WITH COMMISSIONERS WHO ARE COMING UP FOR ELECTION THIS YEAR IS NEEDED. THERE ARE 150,000 VOTES OUTSIDE THE CITY OF JACKSONVILLE. MR. PARR SAID WE NEED WORK ON THE COMMISSIONERS, GET AN AUDIENCE AS GROUP, WORK WITH STATE LEGISLATORS, WORK WITH SOMEONE IN STATE TO ELECT BY DISTRICT FOR BETTER REPRESENTATION, AND PUSH FOR INVESTIGATION OF LEGAL ACTION. THE NORTH TOPSAIL BEACH HOMEOWNERS ASSOCIATION PASSED A RESOLUTION REQUESTING THE TOWN OF NORTH TOPSAIL BEACH ADOPT A RESOLUTION TO RETURN TO AD VALOREM METHOD & APPOINT A REPRESENTATIVE TO PURSUE THIS OBJECTIVE AND TO REPORT IN A PERIODIC MANNER TO THE BOARD OF ALDERMEN. MR. PARR OFFERED TO BE THE REPRESENTATIVE IF IT SUITS THE BOARD. MR. PARR STATED HE HAD NO INTEREST IN RUNNING FOR ANY POLITICAL OFFICE. HIS MOTIVE IS FOR THE BETTERMENT OF THE TOWN.

ALDERMAN BASS:

STATED WE HAVE BEEN HAVING QUARTERLY MEETINGS WITH OTHER TOWNS AND THAT OTHER TOWNS WOULD LOSE MONEY. THEY ARE NOT INTERESTED IN CHANGING THIS.

MR. PARR:

ACKNOWLEDGED RICHLANDS WOULD LOSE, ALL WOULD BENEFIT EXCEPT ONE. DOES THAT MEAN WE OUGHT TO QUIT?

ALDERMAN HAYNES: DOES EVERYBODY HAVE TO CHANGE, IF WE CHANGE?

MR. PARR: PENDER COUNTY GOES 50/50 ON METHOD. IF WE WENT TO THAT WE WOULD PICK UP MONEY \$ 291,000 AS OPPOSED TO \$ 129,000.

ALDERMAN HAYNES: WOULDN'T THAT BE MORE EQUITABLE?

ATTORNEY COLEMAN: THEY GOT THE LEGISLATURE TO PASS SPECIAL PENDER BILL TO DO IT THAT WAY.

ALDERMAN TUMAN: STATED SHE CARES ABOUT OTHER TOWNS, AND AGREED THAT BECAUSE OF THE MILITARY POPULATION, THEY GET THE EXTRA MONEY. SHE ALSO STATES IT WOULD BE A GOOD ARRANGEMENT IF ALL TOWNS GOT TO PARTICIPATE. IN HER OPINION, THE PROBLEM IS LEGALITY.

ALDERMAN ROYMAN: SINCE THE MOMENTUM IS THERE, I WOULD SUPPORT YOU AS REPRESENTATIVE AND USE THE LEAGUE OF MUNICIPALITIES FOR SUPPORT.

MAYOR PRO-TEM HILLYER:

I AM CONCERNED THE TAX IS UNFAIR, BUT WE DON'T WANT TO PENALIZE OTHER TOWNS. WE SHOULD ARRANGE CONFERENCE WITH OTHER TOWNS AND COUNTY COMMISSIONERS.

ALDERMAN TUMAN: THEY ARE AFRAID THEY WILL LOSE WHAT THEY ARE GETTING.

ALDERMAN BASS: CONCURRED WITH ALDERMAN TUMAN.

THE ALDERMEN DISCUSSED WHAT SPECIFIC ACTION TO TAKE IN REGARD TO MR. PARR'S REQUEST. MAYOR PRO-TEM HILLYER OFFERED TO PURSUE THE MATTER WITH BILL PARR TO ADDRESS INEQUITIES IN SALES TAX DISTRIBUTION WITH ONSLOW COUNTY. ALDERMAN TUMAN MADE THE MOTION, ALDERMAN ROYMAN SECONDED. MOTION PASSED UNANIMOUSLY.

CITIZEN OTIS SIZEMORE ALSO QUESTIONED REPRESENTATION BY DISTRICTS, IN ADDITION TO SALES TAX METHODS. ALDERMAN BASS STATED NO ONE WILL RUN AGAINST THEM. MR. SIZEMORE FELT WE HAVE PEOPLE ON THIS BEACH QUALIFIED TO SERVE. CITIZEN GINNY HILLYER STATED WE HAVE GONE 4 YEARS WITHOUT REPRESENTATION, AND WE SHOULD ENCOURAGE PEOPLE WHO ARE RUNNING.

BILL PARR: STATED HE WAS PLEASED WITH ACTION TAKEN AND APPRECIATED IT.

7. OLD BUSINESS:

- a. Authorization to solicit bid from contractors for dune restoration;

TOWN MANAGER VAUSE:

REFERENCED A MEMO DATED DECEMBER 4, 1995, REQUESTING AUTHORIZATION TO CONTACT POTENTIAL CONTRACTORS INTERESTED IN WORKING ON OUR DUNE RESTORATION PROJECT.

ALDERMAN HAYNES: QUESTIONED HOW LONG THE CONTRACT WOULD BE FOR?

TOWN MANAGER VAUSE:

STATED IT WOULD BE OPEN ENDED UNTIL MAY 1, 1996. MANAGER VAUSE WOULD COORDINATE WITH SUSAN AS TO WHERE. SHE STATED THE BIDS WILL DETERMINE A WHOLE LOT, AS TO AREAS AND LENGTH OF TIME.

CITIZEN LINDA KNOWLES:

STATED SHE WOULD LIKE TO SEE MASTER PLAN FROM VAUSE AS TO WHO GETS SAND.

TOWN MANAGER VAUSE:

STATED WE CAN'T DO IT ALL IN ONE YEAR.

CITIZEN DORIS NAUMANN:

STATED THIS COULD CAUSE PROBLEMS; HOW DO YOU DECIDE WHO GETS SAND?

TOWN MANAGER VAUSE:

STATED WE WOULD NOT BE SELECTIVE, WORKING WITH SUSAN, WE WOULD START IN ONE DIRECTION AND COME DOWN. THE DISTRIBUTION HAS TO BE EQUITABLE.

ALDERMAN TUMAN:

SAID SOME PEOPLE PAY EVERY YEAR TO HAVE SAND PUSHED. WE NEED THE BEST CHANCE TO DO FAIREST JOB POSSIBLE. WE LIKE TO HEAR FROM PEOPLE.

CITIZEN BARBARA LEE:

INQUIRED ABOUT A MASTER PLAN, IN CASE A BAD STORM WOULD WASH IT OUT. WE MAY HAVE TO RE-DO SOME OF WHAT'S BEEN DONE.

SUSAN DAUGHTRY:

STATED A BEACH PROPERTY OWNER MAY HAVE TO FILL THE BREACH; YOU CAN'T TURN AROUND AND GO BACK WHERE YOU'VE BEEN.

CITIZEN ANN PENTA:

I THOUGHT WE HAD DISCUSSED THE PEOPLE WERE PAYING & PEOPLE ON EITHER SIDE WERE NOT DOING IT. CAN WE SEND LETTERS TO PROPERTY OWNERS THAT THEY MUST PUSH UP SAND? I THOUGHT THAT WAS WHAT WE WERE GOING TO DO.

ALDERMAN TUMAN:

THERE WAS NO LEGAL WAY WE COULD FORCE THEM.

CITIZEN PENTA:

WE CAN'T SEND LETTERS?

MAYOR PRO-TEM HILLYER:

STATED THERE WAS NO METHOD OF ENFORCEMENT. WE HAVE TO DO THE BEST WE CAN WITH WHAT WE HAVE.

CITIZEN GINNY HILLYER:

STATED SHE INTERPRETED THIS MESSAGE THAT INDIVIDUAL OWNERS HAVE THE RESPONSIBILITY TO REPLENISH THEMSELVES. SOME PEOPLE WOULD RELY ON TOWN PROJECT. IT DOESN'T ELIMINATE INDEPENDENT EXPENSES.

ALDERMAN TUMAN:

STATED IT WAS A DILEMMA NOT EASILY RESOLVED. THIS YEAR IS A LEARNING EXPERIENCE. WE NEED TO ALERT OCEAN FRONT PROPERTY OWNERS TO PLAN.

CITIZEN BILL PARR AND

ALDERMAN BASS DISCUSSED GETTING A BULLDOZER ON BEACH, GETTING PEOPLE TO PUSH IT, AND THE AVAILABILITY OF A CONTRACT BULLDOZER TO BE USED AT OWNER'S EXPENSE, NOT THE TOWN'S, SINCE OWNERS HAVE PRIMARY RESPONSIBILITY FOR MAINTAINING THE DUNES.

ALDERMAN BASS MADE A MOTION FOR AUTHORIZATION FOR TOWN MANAGER VAUSE TO CONTACT CONTRACTORS INTERESTED IN PUSHING SAND FOR DUNE RESTORATION.

ALDERMAN TUMAN SECONDED; THE MOTION PASSED UNANIMOUSLY.

- b. A request from Seaview, Inc. to rezone a portion of the Blue Horizon Subdivision located on New River Inlet Road, between Salty's Pier & New River Inlet Road, from R-10 (residential 10,000 s.f.) to B-2 (marina business);

TOWN MANAGER VAUSE ADVISED A PUBLIC HEARING WAS HELD JANUARY 4, 1996 TO CONSIDER REZONING OF THIS PROPERTY. CAMA OFFICER SUSAN DAUGHTRY EXPLAINED A PORTION OF THIS PROPERTY IS NOW ZONED R-10. THE OLD ROAD BED CARRIED NO ZONING. SHE ADVISED THE PLANNING BOARD VOTED TO APPROVE. ADDITIONALLY, A 20' ACCESS EASEMENT IS NOT RECORDED AND NOT CONSIDERED IN THIS REQUEST. MR. KELLY AND MR. PADGETT ARE PRESENT TO REPRESENT THE OWNERS.

ATTORNEY COLEMAN: ADVISED THE BOARD CAN ENTER INTO AGREEMENT TONIGHT AND FORMALIZE THE DOCUMENTS LATER.

JOHN KELLY: SPOKE IN REGARD TO THE EASEMENT AND ADVISED THE OWNERS ARE WILLING TO GIVE AN EASEMENT. HE ASKED THE BOARD TO REZONE THE ENTIRE PROPERTY TO COMMERCIAL. HE STATED THEY WOULD MOVE ALL PARKING TO NORTH OF PROPERTY, AND THERE WOULD BE NO MORE CAMPERS OUT THERE. THERE WOULD BE DEFINED & STRUCTURED MARKINGS FOR PARKING, ETC. HE FELT THE PIER WILL LOOK NICE AFTER THE AREA WAS FINISHED. MR. KELLY COMPLIMENTED THE TOWN FOR THE PEOPLE WHO WORK THERE. HE STATED MANAGER VAUSE WAS EXTREMELY HELPFUL, MS. DAUGHTRY HAS WORKED ON BOTH & GONE FAR BEYOND WHAT SHE NEEDED TO DO. HE STATED JEFF AND SHERI WERE VERY HELPFUL. MR. PARKER STATED FOR THE BOARD TO TELL THEM HOW TO DO THE EASEMENT & THEY WILL DO IT.

ALDERMAN TUMAN: ASKED IF THE LOCATION WILL BE WITHIN 20 FEET OF WHERE MARKED.

MR. KELLY: YES.

SUSAN DAUGHTRY: ADVISED THE BOARD THEY CAN ONLY CONSIDER THE ZONING AND WHAT IS ALLOWED IN THAT ZONING.

ALDERMAN BASS MADE THE MOTION THE BOARD APPROVE THE RE-ZONING; THE MOTION WAS SECONDED BY ALDERMAN TUMAN. THE MOTION PASSED UNANIMOUSLY.

- c. Authorization for the Town to accept the \$19,367.39 bid from the John Deere Dealer, Jacksonville Lawn & Tractor Company, for a tractor/mower to be used for roadside maintenance.

TOWN MANAGER ADVISED THE BOARD THAT A NUMBER OF BIDS HAD BEEN RECEIVED BY THE TOWN FOR THE PURCHASE OF A TRACTOR/MOWER FOR ROADSIDE MAINTENANCE AND THAT MOST BIDS EXCEEDED THE \$20,000. CEILING REQUIRED BY THE STATE TO SOLICIT FORMAL BIDS. THE STATE HAD ALREADY AWARDED THE JOHN DEERE VENDORS THE STATE BID FOR THIS EQUIPMENT. BECAUSE THE STATE HAD ALREADY COMPLETED THE BID PROCESS, MUNICIPALITIES ARE ALLOWED TO PURCHASE EQUIPMENT WITHOUT ADDITIONAL BIDDING REQUIREMENTS. TOWN MANAGER VAUSE RECOMMENDED THE TOWN PURCHASE THIS EQUIPMENT.

ALDERMAN HAYNES: QUESTIONED THE DIFFERENCE BETWEEN A FLAIL MOWER AND A ROTARY MOWER.

GREG PRATHER: EXPLAINED THE FLAIL MOWER HAS TEETH, ROTARY HAS BLADES, AND TOWN PERSONNEL CAN MAINTAIN THE ROTARY MOWER, WHEREAS THE FLAIL MOWER WOULD HAVE TO BE REPAIRED BY FACTORY SERVICE. HE STATED THAT D.O.T. CUTS WITH A ROTARY AND THE CUT IS COMPLETE.

TOWN MANAGER VAUSE:
EXPLAINED THE STATE BID PROCESS SELECTED JOHN DEERE.

ALDERMAN HAYNES: ASKED IF YOU THINK THIS IS GOOD. (TO PRATHER)

GREG PRATHER: WE THINK THIS WILL SUIT OUR PURPOSES NOW. WE CAN USE A BUCKET AND LANDSCAPE RAKE LATER.

CITIZEN LINDA KNOWLES:
HOW DOES IT CUT? CAN YOU GET INTO THE DITCHES? THE MOWER IS IN LINE WITH THE TRACTOR BEHIND IT?

GREG PRATHER: YES. THE PROBLEM WITH D.O.T. IS NOT DOING THE JOB PROPERLY.

LINDA KNOWLES: THE MOWER WILL DO MOST OF IT? NOT AS MUCH HAND WORK?

GREG PRATHER: YES, D.O.T. IS TRYING TO CUT BEACH IN 2 DAYS.

ALDERMAN HAYNES: WE ALSO NEED A BEACH RAKE? IN ADDITION TO THIS?

GREG PRATHER: YES AT A LATER TIME.

THE MOTION WAS MADE BY ALDERMAN TUMAN TO ACCEPT THE BID FROM THE JOHN DEERE DEALER FOR A TRACTOR MOWER. ALDERMAN HAYNES SECONDED. THE MOTION PASSED UNANIMOUSLY.

8. NEW BUSINESS:

- a. Application for Highway Safety Project Contract - DWI Grant;

TOWN MANAGER VAUSE EXPLAINED GRANT THE TOWN HAD APPLIED FOR AND RECEIVED THE DWI GRANT FOR THE PAST THREE YEARS AND IF THE GRANT WAS APPROVED THE FUNDS WOULD BE RECEIVED IN TWO FISCAL YEARS, PART IN MAY, 1996 AND THE REMAINDER IN JULY, 1996. THERE WERE NO QUESTIONS FROM THE BOARD.

ALDERMAN HAYNES MOTIONED TO APPROVE THE RESOLUTION TO FILE FOR THE DWI GRANT IN THE AMOUNT OF \$ 10,000.00. THE MOTION WAS SECONDED BY ALDERMAN BASS AND WAS PASSED UNANIMOUSLY.

- b. Fiscal Year 1995-96 Budget Amendment;

TOWN MANAGER VAUSE EXPLAINED GRANT FUNDS AND REFUSE COLLECTION FUNDS WERE NEEDED TO COMPLETE THE FISCAL YEAR.

ALDERMAN BASS: QUESTIONED STUDY GRANT AND AGREED FOR PLANNER TO STUDY AREA FOR A 10 YEAR PLAN FOR FUTURE.

GINNY HILLYER: STATED THE PLAN WOULD PROVIDE AN OVERVIEW OF THE ENTIRE TOWN. SHE EXPLAINED THIS IS WORKING WITH AN ARCHITECT WHO HAS DONE PLANNING BEFORE AND IS LOOKING AT THE ENTIRE TOWN WHAT POTENTIAL WE HAVE FOR DEVELOPING OTHER ACCESSES AND AREAS SUCH AS PARK FACILITIES, PLAYGROUND FACILITIES, INVENTORY OF UNBUILDABLE LOTS, AND SUITABILITY OF DONATED LOTS. SHE STATED WE WERE OBLIGATED TO GET A PLANNER BY VIRTUE OF AWARD OF THE GRANT.

TOWN MANAGER VAUSE:

STATED THIS WAS NOT JUST BEACH ACCESSES, BUT SOUND ACCESS OR PARKS AND PLAYGROUNDS.

ALDERMAN BASS: ASKED IF THIS IS A MATCHING GRANT?

GINNY HILLYER: STATED THE TOWN PROVIDED 25% AND IN KIND SERVICES. SHE NOTED SURF CITY HAD ONE DONE PRIOR TO BUILDING THEIR ACCESSES.

THE MOTION WAS MADE BY ALDERMAN TUMAN TO APPROVE THE BEACH ACCESS STUDY, SECONDED BY ALDERMAN ROYMAN AND WAS PASSED UNANIMOUSLY.

COMMENT WAS MADE BY GINNY HILLYER THAT PUBLIC PARTICIPATION IS NEEDED; THE ARCHITECT IS NOT IN CONTROL OF THE PROJECT, AND SHE REQUESTED CITIZENS TO COME AND PARTICIPATE.

- c. Resolution Authorizing Acceptance of Beach Access Study Grant and Execution of Necessary Agreement;

THE MOTION WAS MADE BY ALDERMAN TUMAN AUTHORIZING THE MAYOR TO SIGN THE BEACH ACCESS STUDY GRANT; ALDERMAN HAYNES SECONDED. THE MOTION PASSED UNANIMOUSLY.

- d. A Resolution Regulating the Use of Personal Watercraft;

TOWN MANAGER VAUSE:

REQUESTED THE BOARD ADOPT THE RESOLUTION REGULATING THE USE OF PERSONAL WATERCRAFT AS BEING PRESENTED TO GOVERNING BODIES IN THE COASTAL AREAS OF NORTH CAROLINA.

ALDERMAN HAYNES: COMMENTED THAT 14 YEARS OLD IS VERY YOUNG TO OPERATE A PERSONAL WATERCRAFT.

CHIEF MATTHEWS: STATED NAGS HEAD REGULATES AGE, WHILE OTHERS DON'T.

ALDERMAN TUMAN: EXPRESSED THAT LEGISLATORS WOULDN'T SUPPORT THE RESOLUTION IF THE AGE WAS HIGHER THAN 14.

ALDERMAN BASS: ASKED WHAT GOOD IS A RESOLUTION IF WE CAN'T ENFORCE IT.

TOWN MANAGER VAUSE:

STATED THAT ENFORCEMENT WAS A JOINT EFFORT BETWEEN COAST GUARD, WILDLIFE AND NORTH TOPSAIL BEACH POLICE DEPARTMENT.

ALDERMAN BASS: ASKED ABOUT HIRING EXTRA POLICE TO PATROL BEACH.

CHIEF MATTHEWS: SAID THE POLICE DEPARTMENT MADE IT BY WITH RESERVES.

ALDERMAN ROYMAN: STATED THAT ALL 3 COMMUNITIES HANDLE IT REGULATING DRIVING BY AGE.

CITIZEN LEE HAYNES:
QUESTIONED LIABILITY OF OPERATION.

TOWN MANAGER VAUSE:
RESPONDED THE VENDORS RENTING THEM.

CITIZEN LINDA KNOWLES:
STATED WE DON'T NEED COPS ON THE BEACH ALL TIME. THAT CITIZENS WILL CALL THE POLICE DEPARTMENT.

ATTORNEY COLEMAN: STATED THERE ARE LAWS ON THE BOOKS ALREADY TO COVER ENDANGERMENT.

MAYOR PRO-TEM HILLYER:
EXPLAINED THE DOCUMENT IS A COMPROMISE TO BE PASSED BY THE GENERAL ASSEMBLY, AND IS BETTER THAN WHAT WE HAVE. NOTHING.

ALDERMAN TUMAN: STATED THIS IS A STARTING POINT.

CITIZEN OTIS SIZEMORE:
QUESTIONED IF IT REGULATED THE USE OF PRIVATELY OWNED WATERCRAFT.

THE BOARD RESPONDED ALL WATERCRAFT IS COVERED.

ALDERMAN TUMAN MOVED TO ADOPT THE RESOLUTION; ALDERMAN ROYMAN SECONDED. THE MOTION PASSED UNANIMOUSLY.

- f. Request for workshops to review code of ordinances, manager's evaluation form.

TOWN MANAGER VAUSE ADVISED THE BOARD HAD REQUESTED WORKSHOP DATES. THE BOARD WAS POLLED AND ALDERMAN ROYMAN ADVISED HE WOULD NOT BE HERE. MANAGER VAUSE SAID THEY NEEDED TO SPECIFY ITEMS TO BE COVERED PRIOR TO MEETING. WORKSHOP MEETING DATES WERE SET FOR FEBRUARY 14 AND 22 AT 6:00PM.

MR. OTIS SIZEMORE REQUESTED THE PLANNING BOARD APPRECIATED BEING INVOLVED IN PERTINENT ISSUES. ALDERMAN TUMAN STATED THE PUBLIC WAS WELCOME TO ATTEND.

- h. Request for approval of Fire Department Grant application;

THE BOARD WAS ASKED IF THEY WOULD MATCH \$ 20,000. GRANT IF RECEIVED. ALDERMAN TUMAN MADE THE MOTION TO AGREE TO MATCH ANY FIRE DEPARTMENT GRANT PENDING AT THIS TIME. ALDERMAN HAYNES SECONDED; THE MOTION PASSED UNANIMOUSLY.

- i. Consideration of adopting the amended Manufactured Home Ordinance, as presented at the Public Hearing.

ALDERMAN TUMAN STATED THERE HAD BEEN TWO PUBLIC HEARINGS ON THIS MATTER, WITH NO OPPOSITION EITHER TIME. ON THAT BASIS, CAN WE CONSIDER VOTING ON THIS MATTER, BECAUSE OF THE UNUSUAL CIRCUMSTANCES ? IS THE BOARD PREPARED TO VOTE?

A MOTION WAS MADE BY ALDERMAN TUMAN TO AMEND THE ZONING ORDINANCE FOR MANUFACTURED HOMES. ALDERMAN ROYMAN SECONDED. THE MOTION PASSED UNANIMOUSLY.

AN ORDINANCE AMENDING
SECTION 7-60, SECTION 7-200, SECTION 7-201,
SECTION 7-202 AND SECTION 7-203
OF THE NORTH TOPSAIL BEACH ZONING ORDINANCE

SECTION 1: The North Topsail Beach Zoning Ordinance Section 7-60 Definitions is hereby amended to read as follows:

Section 7-60. Manufactured Home: A dwelling unit that is (i) not constructed in accordance with standards set forth in the North Carolina State Building Code; and (ii) is transportable in one or more sections, which, in the traveling mode, is 8 body feet (2.4 m) or more in width or 40 body feet (12 m) or more in length, or, when erected on site, is 320 or more square feet (28.8 m), and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes a plumbing, heating and electrical system contained therein; except that such term shall include any structure which meets the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the U.S. Department of Housing and Urban Development and complies with the Federal Manufactured Home Construction and Safety Standards.

NOTE: This definition should not be interpreted to include any types of recreational vehicles (including "park models" or travel trailers) which may equal or exceed the body length, width or area specified herein.

Delete the following Sections in entirety:

Manufactured Home, Class A:
Manufactured Home, Class B:
Manufactured Home, Class C:

SECTION 2: The North Topsail Beach Zoning Ordinance Section 7-200 Manufactured Home Parks is amended as follows:

SECTION 7-200. MANUFACTURED HOME PARKS
AND MANUFACTURED HOME STANDARDS

Manufactured home parks are conditional uses and are allowed only in a manufactured home residential district. As a condition for the approval of a conditional use permit for a manufactured home park, the following shall apply.

SECTION 3: The North Topsail Beach Zoning Ordinance the title "Section 7-201 Administration" is hereby amended as follows:

Section 7-201. Administration of Manufactured Home Parks

SECTION 4: The North Topsail Beach Zoning Ordinance Section 7-201 Administration, Sub-section B, Paragraph 5 is hereby amended as follows:

B. Construction or Alterations of Manufactured Home Parks

5. Adherence to the placement of manufactured homes (Section 7-203) are other conditions required for the issuance of a conditional use permit.

SECTION 5: The North Topsail Beach Zoning Ordinance the title "Section 7-202 Design Standards (precedent to permit)" is hereby amended as follows:

Section 7-202. Design Standards (precedent to permit) for Manufactured Home Parks

SECTION 6: The North Topsail Beach Zoning Ordinance Section 7-202. Design Standards (precedent to permit) for Manufactured Home Parks, Sub-section D is hereby amended as follows:

D. The placement of all manufactured homes parked within an authorized park shall be installed in accordance with State of North Carolina regulations for manufactured homes. The anchoring and foundation shall be of a FEMA approved design and shall comply with Section 7-203.

SECTION 7: The North Topsail Beach Zoning Ordinance Section 7-202. Design Standards (precedent to permit) for Manufactured Home Parks, Sub-section F is hereby amended as follows:

F. A driveway and parking space sufficient to accommodate at least two (2) automobiles shall be assigned to each manufactured homes space. Any paved or covered area shall conform to CAMA regulations.

SECTION 8: The North Topsail Beach Zoning Ordinance Section 7-202. Design Standards (precedent to permit) for Manufactured Home Parks, Sub-section H is hereby amended as follows:

H. Each manufactured home site and the manufactured home space shall be graded to provide adequate storm drainage away from the manufactured home and such that there will exist no more than three (3) feet difference between the chassis of the manufactured home and the finished grade of the manufactured home stand along the entire perimeter of the manufactured home property.

SECTION 9: The North Topsail Beach Zoning Ordinance Section 7-202. Design Standards (precedent to permit) for Manufactured Home Parks, Sub-section M is hereby amended as follows:

M. Each manufactured home site shall have adequate access, for both the manufactured home and autos, with a maximum access width of twenty (20) feet unless more is deemed necessary because of topographical conditions or street curvature, so that the parking, loading, or maneuvering of a manufactured home shall not necessitate the use of any public street or right-of-way or any private property not part of the manufactured home park.

SECTION 10: The North Topsail Beach Zoning Ordinance Section 7-202. Design Standards (precedent to permit) for Manufactured Home Parks, Sub-section Q, Paragraph 2 is hereby amended as follows:

Q. 2. Manufactured home site utilities: Each manufactured home site shall be equipped with plumbing and electrical connections grouped together within the

manufactured home site.

SECTION 11: The North Topsail Beach Zoning Ordinance Section 7-202. Design Standards (precedent to permit) for Manufactured Home Parks, Sub-section Q, Paragraph 5 is hereby amended as follows:

- Q. 5. Health Regulations: All applicable health regulations shall apply to manufactured home parks within the jurisdiction of the town except where such regulations are in conflict with the provisions of this section, in which case the more restrictive provisions shall apply.

SECTION 12: The North Topsail Beach Zoning Ordinance Section 7-202. Design Standards (precedent to permit) for Manufactured Home Parks, Sub-section T is hereby amended as follows:

- T. Manufactured home sales in manufactured home parks: It shall be unlawful to conduct on a commercial basis the sale of manufactured homes or travel trailers within a manufactured home park.

SECTION 13: The North Topsail Beach Zoning Ordinance Section 7-202. Design Standards (precedent to permit) for Manufactured Home Parks, Sub-section U is hereby amended as follows:

- U. Residential units not to be travel trailers: No manufactured home park shall permit a travel trailer as herein defined to be located within its boundaries.

SECTION 14: The North Topsail Beach Zoning Ordinance Section 7-202. Design Standards (precedent to permit) for Manufactured Home Parks, Sub-section V is hereby added as follows:

- V. Refuse disposal: All garbage and refuse in every manufactured home park shall be stored in suitable water-tight and fly-tight receptacle which shall be kept covered with closely fitting covers. The size and type of all garbage receptacles shall be in conformance with town standards. No person shall throw or leave garbage or refuse upon the ground of any manufactured home park. It shall be the duty of the manufactured home park operator to make certain that all garbage and refuse are regularly disposed of in a sanitary manner.

SECTION 15: The North Topsail Beach Zoning Ordinance Section 7-202. Design Standards (precedent to permit) for Manufactured Home Parks, Sub-section W with paragraphs 1 through 5 is hereby added as follows:

- W. Fire prevention and detection: In addition to any fire prevention regulations of the Town of North Topsail Beach, the following shall apply:
1. The operator of a manufactured home park is responsible for informing each park resident of the location of the nearest fire alarm box, if any; the location of an accessible telephone and the telephone number to be used to report fires; and procedures to

be followed in case of a fire.

2. The park owner shall install a fire extinguisher labeled as suitable for manufactured home fires and a type approved by the fire department in each building open to the public and in the park office. The park staff shall be instructed in the proper use of any fire protection equipment available in the park and their specific duties in the event of fire shall be defined.
3. The park owner or operator shall maintain the park area free of rubbish, dry brush, leaves, weeds, and any other materials which might communicate fires between manufactured homes and other buildings.
4. Empty liquified petroleum gas containers and other objects and materials not approved by the fire department shall not be stored under manufactured homes.
5. The manufactured home park owner shall be responsible for payment of any applicable fee if the fire department is called upon.

SECTION 16: The North Topsail Beach Zoning Ordinance the title "Section 7-203 Operating Standards (subsequent to permit)" is hereby amended as follows:

Section 7-203. Placement of Manufactured Homes within the Town's Limits

SECTION 17: The North Topsail Beach Zoning Ordinance Section 7-203 Placement of Manufactured Homes with the Town's Limits shall be amended as follows:

The following operating standards shall be maintained for placement of a manufactured home whether in a manufactured home park or on an individual lot.

- A. A manufactured home permit must be issued for each manufactured home placed within the Town of North Topsail Beach.
- B. No owner shall place or relocate a manufactured home in the Town of North Topsail Beach unless:
 1. The manufactured home has the inspection label certification as recognized by the State of North Carolina, as stated in the Regulations for Manufactured/Mobile Homes, 1979 edition or amendments thereto;
 2. A valid manufactured home permit has been issued in accordance with this article;
 3. The manufactured home's certificate of title was issued no more than five (5) years prior to the permit application date;

4. The manufactured home is hurricane rated as per the North Carolina Regulations for Manufactured/Mobile Homes as amended;
5. The placement and installation of all manufactured homes shall be installed in accordance with State of North Carolina regulations for manufactured homes. The anchoring and foundation shall be of a FEMA approved design; and
6. Within thirty (30) days, any manufactured home placed in the town's jurisdiction shall have a corrosive and decay resistant skirt extending from the bottom of the manufactured home to the ground. Said skirt shall be provided with an access door measuring eighteen (18) inches by twenty-four (24) inches or larger. Flood vents shall be installed in accordance with the Flood Damage Prevention Ordinance. All manufactured homes in place at the time of adoption of this ordinance shall be underskirted within one (1) year.

Manufactured Homes elevated on pilings shall be exempt from this section, but the underside shall be sheathed according to Volume VII of the N.C. State Building Code, Section C-2705.8 which reads "insulation installed in floors elevated on piles shall be held in place with plywood with exterior glue or other material approved by the building inspector".

- C. Every person desiring to place a manufactured home within the Town of North Topsail Beach shall submit an application to the Town. The application shall contain the following information:
 1. Location where manufactured home will be placed;
 2. If it is to be located in a manufactured home park the name, address, and lot number where said manufactured home will be located;
 3. If it is to be located on a lot not in a manufactured home park, the size of said lot, method of obtaining utilities, and location of all utilities that will service the home; and
 4. The make, model, year of manufacture and size of manufactured home.
- D. No manufactured home shall be stored or parked within the Town limits unless in compliance with the requirements of Section 7-200.

SECTION 18: All laws and clauses in conflict with this ordinance amendment are hereby repealed.

SECTION 19: This ordinance amendment shall be effective immediately upon adoption.

DULY ADOPTED THE 1ST DAY OF FEBRUARY, 1996.

9. MANAGER'S REPORT:

Activities from the month of January, 1996:

1. DECEMBER 95 NEWSLETTER:

THANKS TO THE EFFORTS OF MS. ANN PENTA AND HER VOLUNTEER GROUP (CLARA BASS, JACK & PRISCILLA ROYMAN, SUE TUMAN) THE DECEMBER 1995 NEWSLETTER WAS MAILED JANUARY 25TH. AFTER THE STAFF MADE COPIES, THE VOLUNTEER GROUP STAPLED, SORTED LABELED AND MAILED 2500 NEWSLETTERS.

2. TOWN HALL PROJECT:

A NEW DEED OF CONVEYANCE AND RESTRICTIVE COVENANTS HAS BEEN SIGNED BY OCEAN SOUND VILLAGE CORPORATION, BB&T AND TOWN REPRESENTATIVES. ATTORNEY COLEMAN WILL HAVE THE NEW DEED RECORDED NEXT WEEK. IRVING BROWN CONSTRUCTION HAS BEEN MAILED A COPY OF THEIR CONTRACTS FOR SIGNATURES. ONCE THE CONTRACTS ARE RETURNED A PRE-CONSTRUCTION CONFERENCE WILL BE HELD. HOPEFULLY WITHIN THE NEXT TWO WEEKS.

3. NEW EMPLOYEES:

MR. SEAN HASTE AND MR. ROBERT REGISTER HAVE BEEN EMPLOYED AS POLICE OFFICERS - EFFECTIVE JANUARY 24TH. THIS BRINGS OUR FORCE TO A TOTAL OF 9 OFFICERS. ONE ADDITIONAL AUXILIARY POLICE OFFICER WILL BE ADDED DURING THE MONTH OF FEBRUARY AND ONE WILL BE ADDED DURING THE MONTH OF MAY 1996. THIS WILL GIVE US A TOTAL OF 5 AUXILIARY OFFICERS.

4. BEACH ACCESS STUDY/CROSSOVER PROJECTS:

THE CROSSOVER COMMITTEE IS COMPILING INFORMATION FOR MR. RYDER (PLANNER-IN-CHARGE) ON THE TOWN'S BEACH ACCESS STUDY. THEY PLAN TO MEET WITH MR. RYDER FEBRUARY 14TH TO DISCUSS THE PROJECT. CONTAINED WITHIN THE PROJECT CRITERIA WILL BE A RANDOM SURVEY CONCERNING BEACH ACCESS, A PUBLIC HEARING, ETC. TO RECEIVE CITIZEN INPUT ON THE PROJECT.

THE COMMITTEE PLANS TO MEET WITH THE CONTRACTOR CONCERNING THE CONSTRUCTION OF THE BAY COURT AND OYSTER LANE CROSSOVERS IN THE NEAR FUTURE.

5. ROAD SIDE MAINTENANCE:

OUR REQUEST FOR AN AGREEMENT WITH D.O.T. HAS BEEN FORWARDED TO RALEIGH. WE SHOULD HEAR FROM THEM WITHIN THE NEXT FEW WEEKS.

6. CRYSTAL SHORES II PROJECT:

THE LETTER OF CREDIT AND CHECK IN LIEU OF OPEN SPACE ON THIS PROJECT HAS BEEN RECEIVED BY THE TOWN.

7. BUDGET FOR FISCAL YEAR 1996-97:

THE STAFF AND I HAVE STARTED WORKING ON THE PROPOSED BUDGET FOR FISCAL YEAR 1996-97. ANY COMMITTEE OR ORGANIZATION THAT WISHES TO SUBMIT A BUDGET REQUEST SHOULD DO SO NO LATER THAN FEBRUARY 15TH.

10. ATTORNEY'S REPORT:

NONE

11. ALDERMEN'S REPORTS:

ALDERMAN ROYMAN: ADVISED THE PLANNING BOARD & BOARD OF ALDERMAN ARE COMMUNICATING. THEY ARE CONSIDERING THE FEASIBILITY OF SCHEDULING 3 MEETINGS A YEAR. HE FEELS THIS IS GOOD EXPOSURE FOR THE BOARD OF ALDERMAN TO SEE WHAT THE PLANNING BOARD IS GOING THROUGH.

ALDERMAN TUMAN: STATED SHE LIKES TO ATTEND DUE TO FULLER PRESENTATION AND SUGGESTED THAT THE MEETING SCHEDULE BE PASSED ALONG.

12. MAYOR'S REPORT:

13. OPEN FORUM/CITIZENS REQUEST:

LINDA KNOWLES: REMINDED EVERYONE OF OPERATION TOPCAT.
DON'T FORGET.

14. ADJOURNMENT:

MOTION TO ADJOURN MADE BY ALDERMAN ROYMAN AND SECONDED BY ALDERMAN HAYNES. MEETING WAS ADJOURNED AT 9:25 PM.

Teresa Heatherly
TERESA HEATHERLY - TOWN CLERK

SPECIAL MEETING MINUTES
BOARD OF ALDERMEN
TUESDAY, FEBRUARY 14, 1996

1. MEETING CALLED TO ORDER:

Mayor Marty Bostic called the meeting to order at 6:00 pm.

2. DECLARATION OF QUORUM: Mayor Bostic, Mayor Pro-Tem Hillyer, Aldermen Tuman, Bass and Haynes, Legal Counsel Lynn Coleman, Town Manager Ann Vause, Police Chief Gunnar Matthews, and Town Clerk Teresa Heatherly also attended.

3. NEW BUSINESS:

a. Discussion of Town Code of Ordinances:
Section 1 - Section 6

Per Attorney Coleman:
Section 1-5 (b) Change Page 16 in regard to Class A violation, fine not to exceed \$ 50., or maximum fine as set by state law. We can attach specific higher fines in some cases.

Attorney Coleman stated we need a copy of state ordinance re:annexation as passed by the State Legislature. They amended our charter, with no prior notification.

Chapter 2 Administration: No changes recommended.

Chapter 3 Personnel:

Attorney Coleman stated she has not reviewed past Page 35. Mayor Pro-Tem Hillyer reviewed for grammar and compared the old with the new. Did not finish; but he has notes. Mostly in Zoning & Sub-division.

Proposed changes for Sec 3-51 Page 66 (b):
Police Personnel & General Employees defined in 2 categories:
(c) Re-write due to FSL requirements, which clarified overtime v. comp time. Police are on 12 hr. shifts, and the ordinance showed them with comp time.

Bill Bass noted some overtime confusion. Regular hours v. overtime hours, with sick, vacation or holiday included in work week pay.

Sec 3-61 (b)Holidays:

Clarified wording to be less confusing.

Alderman Haynes asked if holidays are dictated by the State?

Town Manager Vause: No, by this Board.

Alderman Bass: Can you accumulate sick leave?

Vause: Yes, indefinitely, to apply to state retirement.

Vause: Explained "family" leave.

Sec 3-63 (k):

Changed "maternity" to family leave.

Sec 3-64

Change to "Workers Compensation"

Mayor Pro-Tem Hillyer: Have you run into any problems?

Vause: No, when you look at fair labor, it didn't match.

Sec 3-67 Rest Periods

Took out last line.

Sec 3-68

Changed "maternity" to family leave.

Chap 4, Page 94,

Fee Schedule is incorrect, new one adopted, but not codified.

Sec 4-40 Adult Businesses:

Attorney Coleman will review to see if any changes are necessary.

Language too over-broad, she will work on it.

Chapter 6 Public Safety

Review to Chief Matthews:

Sec. 6-20 Discharge of Firearms

After much discussion on the proper wording to define and restrict hunting, the following wording was agreed upon.

Attorney Coleman: Hunting will not be permitted in any area of the town limits, except that hunting with shotguns or bows as long as not within 500 feet of any dwelling or place of business. Individual hunters must have written permission on their person from the property owners.

The Board agreed on this change.

Sec 6-40 page 130 Limitations on turning around was omitted by the Board.

Sec 6-56 6-60 Page 132-133

Traffic Control Signal Legend:

The Board decided to have Chief Matthews talk to Village of Stump Sound to put up proper signs.

Sec 6-72, Page 134: Residential streets

Eliminate after "of this Town" and insert a limit of (35) there.

Sec 6-81, Page 135: Emerging from alleys or private driveways.

The Board agreed to omit it and Attorney Coleman agreed.

Sec 6-93, Page 137:

Should state 30 days instead of 10 days.

Attorney Coleman: Advised to leave it as is; storage people have control over sale.

6-103 Sec (c):

Should be changed to Town of North Topsail Beach, instead of Topsail Beach.

b. Evaluation form Town Manager:

Alderman Tuman explained that evaluation is a "process", and a completed evaluation can provide structured feedback from the group. She did not feel we are ready to evaluate. There was much discussion between Board members in regard to the type form or forms to be used. They agreed they were looking for end result.

Use budget as a comparison document. What does the Board want from the Manager?

1. Start the process by reviewing this form and make suggestions.
2. Need a job description. We have law & ordinances.
3. Keep a record of instances, good or bad for evaluation. Shoot for fall 96 for evaluation.
4. Need to define Board mission statement and goals.

Mayor Pro-Tem Hillyer thought the Board should evaluate on how manager does the job, not the goals of the Board.

Mayor Bostic concerns on how manager handles situations & day to day operations.

Alderman Bass: Have questionnaire rate each question from 1-10 and average numbers.

Attorney Coleman: Suggested the problem may be my 3 is your 6, but you may agree in principle. Share the narratives, not the numbers.

Alderman Tuman: Mayor Bostic is in favor of doing something now?

Mayor Bostic to Attorney Coleman: Can we discuss this in a closed session? I'll look it up and call Ann tomorrow.

Alderman Hillyer: Stated he would like to get on with it.

Alderman Haynes: We would meet as a group & then meet with Ann.

The Board agreed on February 22nd for evaluation beginning.

4. ADJOURNMENT: Mayor Pro-Tem Hillyer made the motion to adjourn, Alderman Bass seconded. The meeting was adjourned at 8:25 pm.

Teresa Heatherly
TERESA HEATHERLY TOWN CLERK

TOWN OF NORTH TOPSAIL BEACH
PUBLIC HEARING/REGULAR BOARD MEETING
MARCH 7, 1996

- PRESENT:** Mayor Pro-Tem Peter Hillyer, Aldermen Jack Royman, Barbara Haynes, Sue Tuman and Bill Bass, Town Attorney Lynn Coleman, Town Manager Ann Vause and Town Clerk Teresa Heatherly. Due to a death in his family Mayor Bostic was absent.
- CONVOCATION:** Mayor Pro-Tem Hillyer called the meeting to order at 6:00 p.m., at the south end fire station, and declared a quorum present.
- INVOCATION:** Mayor Pro-Tem Hillyer requested everyone observe a moment of silence.
- PUBLIC HEARING:** Mayor Pro-Tem Hillyer opened the public hearing concerning proposed amendments to the ordinance on Travel Trailer Parks at 6:01 p.m. and requested comments from the citizens present.

Building Inspector Jeff Holland reviewed the proposed amendments and why they were necessary. He showed a video of non-conforming uses taped March 22, 1995. He said rules provided to campgrounds in 1992 have not been followed and continue to be abused. The proposed amendments are to bring town ordinances in compliance with FEMA regulations so insurance rates will not be affected. However, most campground residents feel their property improvements should be "grandfathered".

The following comments were received from the approximately 80 citizens present:

Bob Fox:

Thank you for giving me this opportunity to speak. I am a resident of Garner, North Carolina. I have been a long time participant in North Topsail Beach. I currently have a park model at Rogers Bay Campground. My trailer is one of the ones that was video taped that is one without the tongues on their but, I would like to make a couple of objections to Mr. Holland's remarks. Objection # 1: On park models - those are structurally designed for the tongue to be removed. There are 8 bolts that hold those on there. The point I make is that they are more road worthy if the tongue is removed and placed under the trailer instead of being outside getting oxidized by the salt air. You can take video tapes of all the welded ones over there. The salt air tears up the metal and paint. It need constant maintenance to keep it road worthy. On the park model they are structurally designed to have the tongues removed. Objection # 2: I refer to a letter from Mr. Jon Briggs the former chief inspector of North Topsail Beach. It is a letter that Mr. Holland referred to and it dated April 7, 1994. I would like to read you the second paragraph. "Over the years rules & regulations about the placement of recreational vehicles on a barrier island have changed. Admittedly enforcement of these rules & regulations have been inconsistent. These rules & regulations are quite clear.

The newly created Town of North Topsail Beach has no choice but to enforce these while allowing existing situations to continue contrary to the rules. Many situations in Rogers Bay simply predate the rules we now enforce". Objection # 3: We have been coming down here, especially in the orange section in Phase I and Phase II of Rogers Bay long before the existing of the city of North Topsail Beach and it has always been considered that in Rogers Bay the orange section has been the permanent section. We have had year long leases on these lots and when ever they went up for sale we were given the first opportunity to purchase these leases. Most of us did. Even after the existing of the Town of North Topsail Beach the city hall was located at the store on the campground. They were well aware at that time of the screened porches and all the preexisting structures that were on there. Another point is that prior to any of us purchasing these park models we contacted the city of North Topsail Beach and were told that as long as there were not special permits required to pull that vehicle that they would be allowed. There was no stipulation that was given at that time on the amount of square footage that these park models could have. Many of our residents that go down there and enjoy the park are 70 years old or older and we go down there mainly to enjoy the property and the beach. It has never been any of our intent to go down there and cause any trouble. Seems like all of these concerns have been brought in by outside sources. One of the preexisting decks that Mr. Holland showed on his video tape was sitting on the ground. He stated this has been a continuous battle. My trailer is right next door to that and I have the same structure which is an 8X8 deck constructed on the front and I got a permit from the city of North Topsail permitting me to do that. However, he was not permitted to do that so why is one allowed and not the other? There is a couple of things I would like for you to consider. It has long been considered permanent, long before the establishment of North Topsail Beach. After the Town of North Topsail Beach, their office was located on there. We as owners purchased sewer taps, have LP gas lines and it would cause us great financial hardship moving these trailers just for the sole purpose of proving that we can do so. One of the things I wish the board could consider is that we have grown from a campground. Webster's dictionary describes a campground as a place where transit people come and go, erect tents and live outdoors. We do not do that. We moved indoors, they are recreational vehicles. I wish Phase I and Phase II would be considered for rezoning under a different category to take us out of the campground type of ordinances that may get passed. The other thing instead is instead of passing these over restrictive ordinances to simply require the RV owners to purchase insurance and we would have to have proof of insurance just like with motor vehicles. They would be proved road worthy. It would help to defray the cost of insurance if there was some way to ensure that in case of a storm that clean up and replacement would take place. The last point I wish to make - I would like if there is any way to try to work together and try to have some sort of cooperation between the town I believe we contribute to the tax base and to the local economy and there is no reason that why we should be considered no only part time residents but valued vacationers that come down here. Thank you for your time.

Gary Shipman:

I represent members of the Rogers Bay Campground and our concerns are basically this - As you know Rogers Bay existed long before North Topsail Beach ever existed. Many people bought property leased property within Rogers Bay with an expectation and at that time there were certainly no restrictions regarding the use of the property other than any restrictions imposed by the State. North Topsail Beach was incorporated and this particular ordinance seeks to make unlawful that which was lawful prior to the incorporation of North Topsail Beach. It is our position that any attempt to have individuals who purchased their property, made improvements to their property in reliance upon the nonexistence of any ordinance which prohibited certain uses being made of their property is unlawful. If you want anyone to tear down a structure which existed that prior to the adoption of this ordinance was lawful the Town of North Topsail Beach must compensate them for that. Otherwise you would take property from your residents without just compensation. Now, Mr. Holland and I just had a conversation outside and it may be that the issues which I am addressing to you may in large part have been addressed through some discussion this week and the presentation that Mr. Holland made to you at the beginning of the public hearing. I suppose by way of clarification, it is my understanding from Mr. Holland reading what the true intention of the ordinance was to be quote: "Section 7-222 a & b and section 7-224 are not intended to and do not apply to existing operating campgrounds on the date of adoption or to previously permitted or erected structures within the boundaries of such campground". In other words, is your ordinance intended to apply to decks which existed prior to the adoption of the ordinance and any other structures which existed prior to the adoption of the ordinance. That is the magic question. If you intend to grandfather any uses which were in existence prior to the date of the ordinance than it is my opinion that your ordinance is lawful. The ordinance serves a lawful purpose and it is within your general police power to adopt it. However, when you look at section 224 which is the non-conforming use section of your ordinance it specifically says under "e" non-conforming uses that all structural additions other than those permitted in Section 18.14 are prohibited. All structural additions, other than those permitted in Section 18.14 are prohibited. All structural additions, oversize decks, and any other structures other than those listed in Section 18.14 existing at the time of passage of this article shall be removed within 90 days. There is some confusion, at least on my part, after Mr. Holland's presentation. If your ordinance is not intended to make "structural additions, oversize decks or any other structures other than those listed in 18.14 unlawful as of the date of the passage of the ordinance". In other words, if it is not your intention to make residents in here remove those structures than the ordinance is going to have to be clear to that affect. March 1995 was given as the magic date. Any structure additions erected after March 1995 will have to be removed within 90 days than your ordinance need to so state because that is not clear from your ordinance or from the presentation made by Mr. Holland. If it is your intention to grandfather those structures contained within non-conforming uses under section 2-24e your ordinance needs to so state. It is not my intention or the intention of any of my clients to engage in any litigation with the Town of North Topsail Beach. This is a harmonious community, a lot of people turned out tonight. No one wants any problem but, you forced these people to

basically go against the town if you don't grandfather the uses that were in existence as of the magic date of March 1995. It is my opinion that the ordinance is unlawful because you forced these people to destroy something that they, out of their own pockets constructed at a time when no such ordinance existed. This is my opinion. Ms. Coleman may or may not agree with me. It is my opinion that you will have to compensate these owners for their losses. That is not what you want to do and I understand that. I understand the ill that this ordinance is designed to prevent but, understand the ills that your residents will be forced to incur if you make this ordinance retroactive. Will you create more harm than you will solve by making it retroactive? I pose that as a query. I understand from Mr. Holland that your ordinance is not intended to apply to structures that were erected in good faith by these people when there were not such restrictions prior to March 1995. If that is the intent of this ordinance than the people in this room need to know because in large part some most or all of the objections these people raise may be eliminated. If that is in fact the true intent of this ordinance. I pose those questions to you to let you know that I do not come here tonight pointing a gun at you or pointing a finger at you. I come here tonight only to tell you that if this ordinance is adopted and if in fact, the town forces people within 90 days who have erected structures, who have spent money in reliance upon there being no restrictions the town is going to be faced with the prospect of proving to a court of law that their ordinance is lawful. You don't want that, we don't want that.

Vaughn Worley:

I live in Rogers Bay and what he was saying is very true. I know an attorney from Washington that took the city to court on the very same thing. They wouldn't let a guy erect a dock on a lake. He not only got the dock but he got the lot next door too at the town expense. If you guys want to fight it I will call him and see what I can do with him.

Ginny Hillyer:

Thank you. I have been a resident of North Topsail Beach for 7 years. Prior to incorporation and prior to Rogers Bay Campground changing hands and I have some comments and some questions. From my prospective that Rogers Bay has subdivided and yet has not gone through a legitimate subdivision process. We do have ordinances that govern this type of land division. The rest of the town has gone through that process. It has gone through zoning ordinances and construction has gone through an inspection process. This does not apply to all the structures or the make-up of Rogers Bay. The next point I have is that prior to Rogers Bay changing hands and offering the sites as shares, as in time share. If you buy a time share in a community you get a deed also. Prior to that happening the people who were in Rogers Bay were essentially leasing or renting their property and I have been a renter many times and I know that the improvements that I have made on the rented property which I occupied, whether it was a gallon of paint or curtain rods, were really not mine. They were only mine to enjoy while I was there because I do not believe that renters have the same rights and that goes into the category of vested rights. Renters do not have the same rights as owners do so until you owned that property everything you did, in my opinion, was temporary. There were no guarantees that you were going to be able to keep that. Now as a compromise for determining what was

there and what should stay my first suggestion would be the date that Rogers Bay changed hands would be a compromise date. Those structures that were there prior to that date - prior to the time that they started selling these shares should be allowed to stay. Anything constructed after that time, I think, should go. This affects the entire town. The general welfare when it come to the FEMA part of this controversy. The general welfare does include everyone in Rogers Bay I understand that and I would hope that would be true and that the people sitting here, when they make a decision, would make it for the general welfare of our community and not a special interest group. Rogers Bay is a special interest group and I do not see how allowing these structures to stay would satisfy FEMA and therefore, satisfy the insurance cost of the rest of the community. There are over 2500 dwelling units not counting Rogers Bay. That is a lot of people. Rogers Bay as I understand it has 500 spaces. When Rogers Bay started selling the sites, we pick a figure of \$15,000 per site - 500 shares. You get a deed but your deed says that you own a share, you have a designated site. \$15,000, maybe some of you spent more maybe some of you spent less time 500 is no small sum of 7.5 millions dollars so Rogers Bay Corporation did not move to change anything if they did not stop people from doing whatever they wanted to do it could have been greed motivated because maybe they feared they would not sell those sites if they did not say yea fine do what ever you want to do. Well, I am one of those who looks upon greed motivation as a negative thing and it has grown from a campground but the zoning hasn't changed. You want to be a subdivision but, you don't want to go through the zoning so I am asking the town board to consider all these facts. The fact that they avoided subdivision process while the rest of the town has. The question of whether vested interest do indeed apply to renters and leasers and whether satisfying a special interest group, especially as far as FEMA insurance goes will satisfy the general welfare. It is unfortunate, I am sorry to see this kind of controversy. I was on the first planning board. It was something that we discussed then, that this was a problem. I think that if the owners of shares have a complaint and want to see recourse perhaps they should negotiate with the current owners for reimbursement because if the current owners that I hope were aware of what a travel trailer park was suppose to be and did not stop the growth then they do have in my opinion some liability. I hope you will make a decision that will be in the best interest of the general public.

Marian Harkins:

My understanding of these regulations are that they are to bring the town into compliance with FEMA. FEMA has made the regulations and insist that we comply if we want to be a part of that program. It has been discussed tonight that it would be a financial hardship on many of the people in Rogers Bay to prove that their recreational vehicles are road worthy even though they are suppose to be road worthy by virtue of being a recreational vehicle. It would be a tremendous financial hardship on every property owner in this town if we could not be a part of FEMA because we don't obey the regulations. This campground, as well as many other places, have consistently abused regulations. The town building inspector has tried from what I can see, to get along with people and to allow them to do what he can without creating a hardship. When those electrical units were put in he could have as building inspector gone in and said you will tear out everything because you did not apply for a permit. He did not do that but, he had

that right. The town has a right to require that anything be torn out that is without a permit that requires one. He has tried to get along, he has tried to allow what he can. I do not believe that simply allowing abuses is good for this town. I don't think that as a town we want to accept any kind of abuses that anyone goes with because you decided to do it and didn't know the regulations. If I as a property owner construct something on my property without a permit or finding out the regulations than I am the one that should suffer not every other property owner in town.

Marian Fields:

We hired an attorney by the name of Henry Foy out of Southport to represent all the property owners at Rogers Bay. Henry presented a letter to the town manager, with a copy to each board member, yesterday. I understand that this letter was to be read tonight. Town Manger Vause advised she understood Mr. Foy would read the letter and that he was to furnish other letters to the town which we have not received. Town Attorney Coleman advised she would read the letter. Mr. Foys letter was read in entirety by the Town Attorney. A copy of this letter can be obtained from the Town Clerks Office at Town Hall.

Linda Knowles:

I am not a lawyer but, I do know right from wrong. This campground is not conforming to FEMA regulations. I came before the previous Board of Aldermen on May 5, 1994 with a letter and we had comments about the violations and after a discussion a motion was made to turn the information over to the Town Attorney. She was to report back to the board regarding a three sided house constructed at Rogers Bay. I spoke with the former town manager who referred me to Mr. Bill McElwee, the building inspector at that time. He advised that he did not issue any permits on that lot and that there were no permits at town hall. I did not hear anything so I requested to be back on the August 4th agenda but was unable to attend because of illness. The board requested that the building inspector check Rogers Bay and that the town manager report back to the board. This town has provisions to enforce FEMA regulations. That should have been handled and should not come into these new regulations. Anything built since 1990 should fall under that. We have ordinances now. I could not live on this island if I did not have FEMA insurance. We would go into probation period and double insurance rate, not sure about that rate. My problem is the houses being built in there. There's letters in here, where there seems to be conversations going on, but nothing shows me which way this was leaning. I can't believe the former manager would do this. I was totally ignored by this board, it could have been stopped, they don't have a permit or a certificate of occupancy. I think the ordinance should be enforced. What was done about the May 4th meeting.

Pansy Rehm:

You're all upset by FEMA, we citizens are going to rebuild it with our money. Onslow County is lowering the property values because of violations on waterways, estuaries, etc. We don't have anything to do with it. I think people who have personal vendettas should stay away from here.

Joe Royal:

I have 2 vested lots at Rogers Bay and I want to know who is responsible for drafting these amendments. He was advised they were drafted by the Building Inspector and the CAMA/Zoning Administrator.

Monty Brigman:

I believe someone said 2500 structures existed on this island. How many can get FEMA insurance? This is all I would like to know.

Attorney Coleman mentioned that she was of the opinion that the best way to handle this was to design standards. Develop operating standards and call out which campgrounds apply.

No further comments were received from the citizens present. A motion was made by Alderman Bass and seconded by Alderman Royman to close the public hearing at 7:15 p.m. Passed unanimously.

RECESS:

Mayor Pro-Tem Hillyer called for a recess at 7:15 p.m.

REGULAR BOARD
MEETING:

Mayor Pro-Tem Hillyer called the regular board meeting to order at 7:30 p.m. and declared a quorum present.

APPROVAL OF AGENDA:

Mayor Pro-Tem Hillyer requested Item B - Rules of Procedures under Old Business be removed from the agenda since all board members were not present. No further additions or deletions were requested. A motion was made by Alderman Tuman and seconded Alderman Bass to approve the agenda as presented with the removal of Item B - Rules of Procedure from Old Business. Passed unanimously.

MINUTES:

Regular Board Meeting held February 1, 1996:

After minor spelling corrections were noted, a motion was made by Alderman Tuman and seconded by Alderman Royman to approve the minutes of the regular board meeting held February 1, 1996 as presented with corrections on typos. Passed unanimously.

Special Meeting/Workshop held February 14, 1996:

After a discussion on minor typing errors, a motion was made by Alderman Haynes and seconded by Alderman Bass to approve the minutes of the special meeting/workshop held February 14, 1996 as presented with correction of typos. Passed unanimously.

POLICE OFFICERS:

Town Manager Vause introduced the following North Topsail Beach police officers to the board and citizens present: Chief Gunnar Matthews (5 1/2 year service); Asst. Chief Danny Salese (4 years service); Police Records Clerk Dot Campbell (1 years service); Officer Ron Menke (almost 5 years service); Officers John Porterfield (1 years service); Officer James Branson (3 1/2 years); Deron Jones (2 years service); Louis DeNoia (1 1/2 years service plus auxiliary time); Sean Haste (2 months service); P. Gause (2 days service); Auxiliary Officer Lee Haynes (3 years service); Luis Rosario (8 months); Lester Moore (will be sworn in shortly). She advised the North Topsail Beach police officers were dedicated professionals the board and citizens could be proud of.

CROSSOVER COMMITTEE
REPORT:

Crossover Committee Chairman Ginny Hillyer presented the following report:

The Beach Access Study project is - moving right along. The committee has met with the Planner-in-Charge, John Ryder of Century Von Oesen several times now. John has spent time with Susan Daughtry, Town CAMA/Zoning Coordinator, doing a windshield survey of the area, taking pictures, and thereby, getting a picture in his mind of the options for projects the town could possibly pursue. This is essentially a "feasibility study" - and we feel that Mr. Ryder will have a good list of what is "feasible" here.

Mr. Ryder has also worked with the committee to develop a survey. The committee contributed several questions. Mr. Ryder reviewed surveys from other areas and added some questions, then it was reviewed by our local Division of Coastal Management Grant Coordinator who also added to it. The end result is a very comprehensive questionnaire. I understand that people in the 28460 zip code area began receiving their copy of the survey today. Almost 1900 were mailed out yesterday. The remaining 300 will be mailed shortly - the break came due to mechanical failure - the copier - not the committee nor the tremendous effort of a great bunch of volunteers who folded, stuffed, stamped and sorted. I have attached a list of names of the people for whom we owe a round of applause. Also, thanks to the town staff.

The next step will be to tally the survey. That will begin Monday, March 25th. I'd like to take this opportunity to invite anyone willing to give of their time to be here at 10 a.m. that morning to help. We are hoping for a record return.

Tuesday, March 26th at 10 a.m. there will be a meeting of the committee here (and more counting surveys after). All our meetings are open to the public.

We plan to have 3 public participation meetings, one each in April, May and June - to discuss survey results, the findings of the Planner and where we, as a town, would like to go with all this information.

VOLUNTEERS FOR BEACH ACCESS SURVEY MAILING:

Bill Parr, Isabell Parr, Bill Rogers, Helen Rogers, Marie Maurer, Art Maurer, John Trout, Pat Trout, Mallia Trout, George Weitner, Marie Weitner, J. Allegood, Barbara Allegood, Clara Bass, Bill Bass, Marge Lombardo, Joe Lombardo, Pat Dempsey, Dolan Winslow, Oscar Stackleather, Margaret Stackleather, Marion Beisler, Charlie Beisler, Bonnie Donahue, Dick Donahue, Jennie Pelehack, John Pelehach, Virginia Grogan, Raymond Grogan, Ann Penta, Ginny Hillyer, Sue Tuman, Peter Hillyer. Town Staff: Ann Vause, Terry Heatherly, Susan Daughtry, Sheri Anderson and Barbara Howell.

SPRING FLING:

Mr. Otis Sizemore, Spring Fling Committee representative, reviewed the proposed plans for the 1996 Spring Fling Festival scheduled for April 26-28th. He requested the board authorize horse back riding on the beach of North Topsail Beach from Jeffreys property on New River Inlet Road to Ocean City Pier from 10:30 a.m. to 2:30 p.m. He advised that the Turkey Creek Volunteer Fire Department

would follow the riders with 2 four wheel drive vehicles for clean-up purposes and to make sure riders turn around at Ocean City Pier as required. After a brief discuss the request was approved by consensus of the board.

WHITE OAK BASIN
COMMITTEE:

Town Manager Vause advised that Onslow county appointed Mr. Bill Rogers to the White Oak Basin Committee as requested by the board. However, Mr. Rogers has requested the board accept his resignation from this committee because they meet the same night as the planning board and he prefers to remain on the planning board. She requested the board consider recommending Mrs. Jane Andrus to the Onslow County Commissioners as a replacement for Bill. After a brief discussion, a motion was made by Alderman Bass and seconded by Alderman Royman to accept Mr. Rogers resignation from the White Oak Basin Committee and recommend that Onslow County Commissioners appoint Mrs. Jane Andrus to replace Mr. Rogers. Passed unanimously.

RESOLUTION -
CONTRACTING WITH
TOWN OFFICIAL:

Town Manager Vause recommended the board adopt a resolution authorizing the town to enter into a contract with Alderman Bass for dune preservation work. This is the same type of resolution adopted last year on Mayor Bostic. After a brief discussion, a motion was made by Alderman Tuman and seconded by Alderman Royman to adopt the following resolution. Passed unanimously. Alderman Bass abstained from voting on this resolution.

RESOLUTION AUTHORIZING PURCHASE/CONTRACTING
WITH TOWN OFFICIAL

WHEREAS, N.C. General Statute 13-234 has a provision that allows towns with populations under 7,000 to deal with town officials; and

WHEREAS, this G.S. 14-234 requires a specific resolution authorizing contracts with individual board members; and

WHEREAS, the town is in need of the services provided by Mr. Bill Bass, Alderman of North Topsail Beach.

NOW, THEREFORE, BE IT RESOLVED BY THE NORTH TOPSAIL BEACH BOARD OF ALDERMEN MEETING IN REGULAR SESSION THIS 7TH DAY OF MARCH, 1996, THAT:

The Board of Aldermen hereby authorizes and approves the entering into of a contract between the Town of North Topsail Beach and Mr. Bill Bass not to exceed the amount of \$15,000 for a dune preservation project within the town.

DULY ADOPTED THE 7TH DAY OF MARCH, 1996.

WORKSHOP DATE -
CODE OF ORDINANCES:

Town Manager Vause advised the board has reviewed 1/3 of the town ordinances. She requested the board schedule a workshop to review additional sections. After a brief discussion, the board scheduled a workshop for Wednesday, March 20th at 6:00 p.m. - south end fire station.

MANAGER'S REPORT:

1. TOWN HALL PROJECT:
On Tuesday, February 27th, a ground breaking ceremony was held on the new town hall site. The Town Board, Manager and staff members were present to see the labors of the past years coming together. After the ceremony, the crews from Brown Construction began working on the site and we are happy to announce that our new town hall is underway.
2. PERSONNEL:
Mr. D. Sean Haste and Ms. Annie R. Gause have been employed as full time police officers. Officer Haste reported for work in February and Officer Gause will report in during March. We also have a new reserve officer, Mr. Lester Moore. Officer Moore will also report in during March.
3. CURB SIDE PICK-UP:
The billing for the first part of the billing cycle was mailed during the first week of February. The payment response for the October-December period has been strong. The next billing for the first quarter of 1996 will go out the first week in April.
4. ADDRESSING SYSTEM:
All residents are again reminded to place their new house numbers on their residences. It is extremely important these numbers be displayed on the houses because of E911, UPS and mail delivery.
5. BEACH ACCESS STUDY GRANT:
The Planner-in-Charge, Mr. Ryder, the crossover committee, DEHNR Representative Mrs. Zoe Bruner and I will be meeting on March 5th. The surveys are in the process of being prepared for mailing. These should be in the mail by mid-March. The response to this survey will assist the planner in developing the beach access study and will also help collect information that will be used in the updating of our Land Use Plan which is due during 1996.
6. RE-ENTRY CARDS:
The new re-entry cards are being distributed both by mail and with our local residents stopping by Town Hall. The response has been slow, but we expect this to pick up when more residents are here enjoying the spring weather. Only one pass is being issued per household. A re-entry pass provides an individual an opportunity to check their property after a major storm or disaster. Because of the safety factor and emergency personnel/work crews only one pass per residence is being issued to control the number of vehicles initially entering the town after a major storm or disaster. Once the town has been checked and it is deemed safe by emergency personnel individuals will be allowed to bring more than one vehicle on the island.
7. POSSIBLE PAVING PROJECTS:
I have been working with the Department of Transportation on the development of repairs and paving of several of the town streets. These projects should be underway in the next few months.
8. ANNUAL CONFERENCE:
Chief Matthews attended the Annual Chief's Conference in Asheville during the first week of February, regardless of the bad weather.
9. BUDGET PREPARATION:
I will be meeting with each department head during the first week of march in preparation for the 1996/97 fiscal year budget.

10. NOTICE OF SPECIAL INTERGOVERNMENTAL MEETING:

Attached for your information, please find a Notice of Special Meeting. Those interested can contact the Jacksonville's Mayors Office for more information.

11. TOPSAIL FLU:

It seems that Topsail Island has a new visitor, an unwelcome one at that! Our unwelcome visitor has been busy, meeting with each employee, as well as residents, keeping the town staff at a minimum. We apologize for any inconvenience that may have occurred to any residents from our absentees. Hopefully, the month of March will restore better weather and much better health.

ATTORNEY'S REPORT:

Attorney Coleman advised that she would be in Chapel Hill March 21st & 22nd for a conference.

ALDERMEN'S REPORTS:

Alderman Bass:

Has the public notice requesting volunteers been published yet? Town Manager advised no but it should be published shortly.

OPEN FORUM/CITIZENS
REQUEST:Bill Parr:

He advised he was asking to be on the Onslow County Commissioners March 18th agenda to discuss sales tax distribution method. He said he was working with Mayor Pro-Tem Hillyer on an approach to use at this meeting. He wants to point out the value of North Topsail Beach in Onslow County and talk about our population. The average population is much higher than we're credited for.

Otis Sizemore:

It is a windy time of the year. There are 3 houses under construction and we would appreciate Jeff asking these people to put trash where it won't be blow everywhere in the neighborhood. Also, is there anything about artificial stucco? Jeff stated that before a permit is issued the manufacturer and applicator have to give statements that it has been done properly. The State does not require new inspections.

Linda Knowles:

Please contribute to Operation Topcat. Come by and see what we will be doing the weekend of April 5th & 6th.

Doris Naumann:

Is there a penalty in garbage ordinance if people don't put there garbage in a container. Building Inspector Holland explained how citations are written.

ADJOURNMENT:

No further business was conducted. A motion was made by Alderman Royman and seconded by Alderman Bass to adjourn the meeting at 8:30p.m. Passed unanimously.

Teresa Heatherly
Teresa Heatherly - Town Clerk

TOWN OF NORTH TOPSAIL BEACH
BOARD OF ALDERMEN
WORKSHOP MEETING
March 20, 1996

CALL TO ORDER:

The meeting was called to order at 6:10 pm by Mayor Bostic.

DECLARATION OF QUORUM:

Attending was Mayor Bostic, Aldermen Tuman, Bass, Royman, Town Manager Vause, Attorney Lynn Coleman, and Town Clerk Heatherly. Absent were Aldermen Haynes and Mayor Pro-Tem Hillyer.

REVIEW OF CODE OF ORDINANCES:

Review, discussion and recommendations were made in regard to the following sections of the Town Code of Ordinances:

- Chapter 8 - FLOOD DAMAGE PREVENTION
- Chapter 9 - ENVIRONMENTAL CONTROL
- Chapter 10- PARKS AND RECREATION
- Chapter 11- ANIMALS
- Chapter 12- VEHICLES AND BOATS
- Chapter 13- SOLID WASTE MANAGEMENT

Susan Daughtry, CAMA/Zoning Administrator was present and contributed to the discussion and recommendations regarding the Flood Damage Prevention and Environmental Control Ordinances.

Gunnar Matthews, Police Chief was present and contributed to the discussion and recommendations regarding the sections dealing with Parks and Recreation, Animals and Vehicles and Boats.

Pat Dempsey offered a memo from the Beautification Committee to the Planning Board, dated 3/19/96. Ms. Dempsey said many dogs run loose on the beach. Suggested dogs should be leashed all the time. She called Emerald Isle to see what they did; he said they did not allow dogs to run loose. There, the Police Chief picks up the animal that is running loose. She pointed out it is really a problem at the north end. Ms.

Dempsey requested a year long leash law, which would be good for the Town.

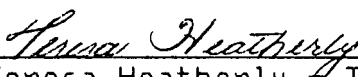
A general discussion regarding liability for acts of stray dogs, pooper scooper laws and questions of enforcement was held. The growing permanent population and growing dog population were of concern.

Some discussion of progress with the waste contractor and problems occurring was held.

Two additional workshops to complete the review, discussion and recommendation of amended ordinances will be scheduled for April. All ordinances will be submitted in their entirety to the board for approval after the final workshop sessions are held.

ADJOURNMENT:

A motion was made by Alderman Royman and seconded by Alderman Bass to adjourn the meeting at 9:30 pm. Passed unanimously.



Teresa Heatherly Town Clerk

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TOWN OF NORTH TOPSAIL BEACH
PUBLIC HEARINGS
APRIL 4, 1996

PRESENT: Mayor Marty Bostic, Mayor Pro-Tem Peter Hillyer. Aldermen Jack Royman, Barbara Haynes, Sue Tuman and Bill Bass, Town Attorney Lynn Coleman, Town Manager Ann Vause and Town Clerk Teresa Heatherly.

CONVOCAATION: Mayor Bostic called the meeting to order at 6:10 p.m. at the south end fire station and declared a quorum present.

INVOCATION: Mayor Bostic requested a moment of silence be observed.

PUBLIC HEARING #1:

Mayor Bostic opened the public hearing concerning a request by Ocean Sound Village Corporation to rezone the Town Hall Tract located at the entrance to town from the high bridge, from RA (Rural Agricultural) to B-1 (General Business).

The following comments were received from some of the approximately 30 citizens present:

John Parker:

Mr. Parker, representing Ocean Sound Village, displayed a map and aerial photos of the area under rezoning consideration, which is 5 to 6 acres total. Approximately 1.3 acres is owned by Ocean Sound Village, the remainder is Town Hall property. Bill Parr asked to see the photos and map. Mr. Parker stated they made the application to include Town Hall property to be contiguous to Highway 210. He stated that governmental offices are not subject to zoning and the owner does not have a use for this property at this time. We did feel like the location and size of the tract and cost to develop it, would be expensive enough to eliminate most uses. I had not studied your business zones: B1 and B2 are the two zones and they are very broad, which makes it difficult to pick a zone. We picked B1 because we saw certain things that could go in there that would be attractive to a developer. The intent is to rezone the property so that it would allow the development of a commercial or business type use. If rezoned, it would place the Town in a situation for years if the Town Hall property were ever converted to another use. The issue of permitted uses is probably of some concern and if the board felt like there was some concern for some of those uses, we could eliminate those uses.

Mayor Bostic read Marshall Dotson's letter of 4/4/96 representing George Jeffries requesting an easement to his property. Mayor Bostic asked Mr. Parker, "the question is, will your owners allow him to go through the property?". According to Mr. Parker, any relationship between Mr. Jeffries and Ocean Sound Village is not a zoning issue. There has been an attempt for conversation between the two parties.

Linda Knowles:

Asked if there is an easement across Town Hall property. Attorney Coleman replied there was, to the benefit of Ocean

Sound Village Corporation. Ms. Knowles advised this came before the planning board and she was one who voted against it. It's not that I am against some conditional use; I am totally against a B1. First of all it's backing up to a residential area, and creating a dangerous traffic situation. We talked at length about conditional use rather than a straight B1. We went down the list and marked out things we do not need on this island, much less in the area of the Town Hall site.

Bill Rogers:

Mr. Parker has done an outstanding job of presenting this project both here and to the Planning Board. However, because the area of the Town Hall does not require rezoning, therefore in reality, you are considering the rezoning of one piece of property, called spot zoning. The existing Land Use plan shows this to be in ORW, considered to be of significant value for recreational and natural resource areas. Commercial, agricultural and/or aquacultural uses are deemed to be detrimental uses of ORW impact areas. B1 and B2 both permit agricultural uses under your zoning ordinance, paragraph 7, 128. There many other uses listed in B1 zoning equally detrimental to ORW areas. I believe you should deny this building request.

Bill Parr:

I am against this zoning request, because the town doesn't know what might be planned for it, particularly in the area of our Town Hall and the view from the high rise bridge. I would be more in favor of conditional use. There is absolutely no advantage to the town to change the zoning.

Marge Lombardo:

Why do you have to do this at this time? Why not wait until you decide what you want to do with it?

John Parker:

With business type uses, to market to a potential tenant you have to be able to show the proper zoning. This is not necessarily a situation where they know what they want to do. It is not always true that a person says I want to put this here and then go after the zoning. There are so many uses that can be enjoined in that type of permitted use. Examples of shops and possible uses were given. We don't really know what will go there. I'm not sure I answered the question, per se.

Marge Lombardo:

If you did have a shopping center, how would you get there? Would you have a little road next to the Town Hall?

John Parker:

There is an access on the left side of the Town Hall property. Unlike, when the properties were sold by the Jeffries families, these people reserved their means of access.

Linda Knowles:

Presented copies of accepted uses of property to Board, as suggested by the planning board.

Ann Penta:

It's frightening not knowing what could go in there. It's like whatever comes up we'll have to take. That's crazy.

John Parker:

This property is not actually within an ORW, if it were, it would have required a major CAMA permit to build Town Hall. We did not need to get a major CAMA permit to build Town Hall. The Town Hall property lies within a dead zone, as far as CAMA permitting is concerned; it is more than 75' from estuarine waters and more than 575' from ORW waters. It is a unique property because it did not require a CAMA permit; the adjoining property does not meet all that criteria because it does fall. But the Town Hall property did not require a CAMA permit because it did not fall within an ORW.

Motion to close the first public hearing was made by Mayor Pro-Tem Hillyer and seconded by Alderman Bass at 6:35 p.m. Motion passed unanimously.

PUBLIC HEARING #2:

Mayor Bostic opened the second public hearing concerning a request by Gulfstream Developers, LTD. to rezone properties in the Ocean City Subdivision between Carver Street & Lincoln Street from R-10 (Residential 10,000 s.f.) to B-1 (General Business). Mayor Bostic recognized Mr. Ken Weeden.

Mr. Ken Weeden:

I'm here to represent Mr. Wade Chestnut; he called me at the last minute to say he couldn't be here from Charlotte. I'm here very simply to ask that two tracts of land that are surrounded by businesses be rezoned from residential uses to business uses. According to your ordinances, there is a wide array of allowed uses. These two tracts in question are currently vacant; there is nothing on them. Mr. Weeden showed the Board and the public maps of the property in question (near Ocean City Pier). He stated the property across the street is zoned for R10. He presented maps showing the way the property would look if rezoned. The Board was given copies of the maps and the Mayor solicited questions from the public.

Bernard Allen:

My name is Bernard Allen from Raleigh. I have property contiguous to the property in question. Let me state for the record, I do not object to Mr. Chestnut's dream. I am a property owner; I have a major investment. I would like to know what kind of structure they have in mind; what they propose to build on this site. I unfortunately did not get to chat with Mr. Chestnut. I think it is imperative as a property owner that I have some sense of what is proposed to go directly in front of my property. I am very concerned about giving anyone, Mr. Chestnut notwithstanding, this type of property use. I also speak for Dr. Holland who could not be here tonight. I would respectfully request Counsel to defer action until Mr. Chestnut or someone lets us know what they propose to do. I selected to come into this area because of its uniqueness. I certainly would not want to see anything that would destroy the character of this area. That

is my fundamental concern. Mr. Allen was asked where his property was located. He replied, I am across the street next to the Episcopal church. I'm looking at whatever is across the street out my window.

Linda Knowles:

The main reason I was here tonight was to explain my voting. I understand there are not long minutes about what went on in the Planning Board meeting. There was a lot of discussion on the other one, when we got to this one I expressed my concern of what the people of Ocean City thought of this. I expressed that when I approved the other. Ocean City has been a town for a long time and it does have its own character; I'm sorry there couldn't be more people here tonight. Maybe another public hearing could be held on it. I would never make a decision on it until we hear from more people. I'm sorry I voted the way I did on the Planning Board. The Planning Board doesn't have a public hearing. I feel we're making decisions to pass up to the Board and we don't get input. In the past there have been people attending. I think conditional use would be perfect on this too.

Mr. Allen:

What is conditional use? I'm not sure I understand what that is.

Susan Daughtry:

A specific use can be stated for the property, a site plan for the property and it has to be presented in that manner. As long as the applicant deletes B1 uses. The town cannot impose the conditions or uses.

Mr. Allen:

I can assure you more people have an interest in this beside me; I talked to the president of the Homeowner's Association and thought he would be here tonight to speak on behalf of the other owners. The special condition does concern me in the fact that the applicant does have the authority or exclusivity to delete whatever he or she wants to; that's not much protection.

Susan Daughtry:

What happens is, at this point in time, their request as they have made it, the town has the choice to approve it or deny it. They can come back again and delete specific uses, the town again can approve or deny based on what he presents.

Linda Knowles:

If it were denied tonight and come back, would another public hearing be set?

Mayor Bostic:

Let me clarify, there is no action on this tonight.

Mayor Pro-Tem Hillyer:

Conditional business B1 or B2 is where you have eliminated some uses. There is no conditional business zoning in our

town now, is there?

Susan Daughtry:

There are none currently here. We have allowance for conditional business uses. There are several different ways they could amend it, by taking out specific uses, they could say certain things will happen on that piece of property. They have a lot of options they could use.

Mayor Pro-Tem Hillyer:

So no matter who purchases that property at a later date, the conditional use still holds true; you can't play games with it.

Susan Daughtry:

Yes, it runs with the property, not the property owner.

Bill Parr:

On the existing property, the abandoned motel property, that's a B1?

Susan Daughtry:

Yes and this is the property that's within that same block.

Bill Parr:

My comment is if I were this gentleman, I would want to know what was there too. I think the Board should vote this down and if they want to come back for a specific use, additional use, then that's how they should do it.

Leland Newsome:

I have been in contact with the people who own the property around it, and I haven't found one against it; they just wanted to know what they have in mind for it. And when I told them it was possible if the property was sold, they could put duplexes on it, and it would be a much worse situation than whatever the present owners have in mind for business.

Mr. Allen:

Think about what I'm asking this council; would you want someone to get a blanket permit to construct something next to you without knowing what it was to be? I would love to see a beautiful motel, something that I'm proud of, not something I would not want. That's all I'm asking. What do you propose to put in there? This is the second biggest property investment I've ever made.

Linda Knowles:

I would like to see you turn it down; I wish my vote had not been a yea vote in Planning Board. If it goes B1, it's gone. You don't know what's going to happen. That's not too much to ask of anyone.

Ken Weeden:

Since Mr. Chestnut is not here, I think it's fair that I should clarify some things. The idea gets in people's minds, based on fear, that something bad is going to happen. Why would he build something that would hurt him? The shanty's there are already B1, what if that property is sold off,

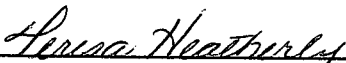
what will happen? The use can be controlled in one tract or the development. I think for the Town to make a decision based on downright fear, that it's a bit premature upon itself. He's not asking for a blank check to do anything he wants to do. The town has very little commercial land in zoning, and as the town grows, and it is growing, there is a need for certain kind of services. Your controls are sufficient to prevent certain kinds of business. There's not enough breakdown in B1 and B2; it needs more sections.

Mr. Allen:

I resent that the gentleman says I would try to instill fear, I resent that. I want the record to show that. I did not come here to instill fear in anyone. I came here as a property owner and taxpayer to protect my rights.

Mayor Bostic asked if there were any more comments; there were none.

Alderman Bass motioned to close the public hearing, Alderman Hillyer seconded the motion. The motion passed unanimously and the hearing closed at 7:05 pm.



Teresa Heatherly - Town Clerk

BOARD OF ALDERMEN
REGULAR MEETING
APRIL 4, 1996

MEETING CALLED TO ORDER:

Mayor Bostic called the meeting to order at 7:20 p.m. and declared a quorum present.

APPROVAL OF AGENDA:

A motion was made by Alderman Tuman and seconded by Alderman Bass to approve the agenda as presented. Passed unanimously.

MINUTES:

- a. Public Hearing/Regular Board Meeting held March 7, 1996; After spelling corrections were noted, a motion was made by Alderman Royman and seconded by Alderman Haynes to approve the corrected minutes. Passed unanimously.
- b. Special Board Meeting held March 20, 1996. A motion was made by Alderman Tuman and seconded by Alderman Haynes to approve the minutes. Passed unanimously.

CITIZENS REQUEST
TO ADDRESS THE BOARD:

BILL PARR:

Mr. Parr talked to the County Commissioners on March 18th, and made his presentation of how unfair the tax was, and detailed our contribution to the county. He explained other coastal communities were using ad valorem instead of per capita, and that we're the only county distributed on a per capita basis. Noting the population differences, the commissioners were very attentive and each made a statement. The commissioners stated we would be given due consideration and the Town would be invited to participate in discussion. Mr. Swindell talked about Jacksonville accounting for 33% of sales tax dollars in the county, but neglected to remember that Jacksonville is the shopping center of the county. Jacksonville does not pay 33%; he did not pick up that point. Mr. Parr stated he had prepared a letter to each Commissioner restating our position. Alderman Hillyer and he were getting together on the wording of the letter. He noted, it was interesting in the Jacksonville Daily News, the mayor stated when the city voted to withdraw from the Council of Governments, it was because dues went up so much, because Camp Lejeune population was added. Mr. Parr said the North Topsail Beach Homeowners Association authorized him to get a legal position from a lawyer outside our county to get an opinion. Mr. Parr had contacted Joel Ryan, of Wilmington who will take a look at that. He said we need that before we proceed. He said the Homeowners Association may come back and ask for a little financial help from the town. Mr. Parr said in reading all the literature associated with this, I came up with a statement by our lawyer to you, the Board; He quoted Coleman: "The side deal between the City of Jacksonville and the county has more to do with politics than it does with sales tax distribution. The county was scheduled to receive reduced payments from city

by 20% each year with zero being received in 95 & 96." I called the County Manager's office and found a memo of understanding dated 1990 between the City of Jacksonville and the County of Onslow which does talk about this 20% decrease. I have called today the financial guy, Mr. Barrett, to find out if the payments have been decreasing; he was less familiar with this document than I am. He couldn't tell me if the document was still effective; however the document does have an addendum on it that was in 1991 that showed the calculation that reduces the payments to 80%, rather than 100%. Another thing it shows that the reimbursement is based on the consideration including the annexed portion; that is Camp LeJeune. It also shows the amount Jacksonville actually owes is based on using the ad valorem calculation compared with the per capita calculation and it comes up with some kind of a number that I don't understand. There's a whole lot of this I don't understand.

ATTORNEY COLEMAN:

My understanding is that agreement was superceeded by a later agreement, maybe that addendum you referred to.

MR. PARR:

I can't find any document that's superceeds this. We'll be digging into it.

BEAUTIFICATION
COMMITTEE REPORT:

PAT DEMPSEY:

Members of the Beautification Committee met on March 19, and asked permission to update some ordinances: 1)dog leash law-year round; 2)owners be responsible for cleaning up dog waste; we checked with Emerald Isle, Atlantic Beach and Wrightsville Beach; all have specific leash laws. Wrightsville Beach provides bags to clean up after their dogs. At the north end of town, we have a lot of dogs and people who are afraid of them. 3)Weed Control: our ordinance states 24", most towns are 10"; 4)Abandoned and junked vehicles needs to provide for junked boats; 5)Vegetation ordinance-written to keep natural vegetation, i.e. Emerald Isle states that a 4" tree must have a permit to be removed. We ask that you please consider these changes. Our thanks to Emerald Isle, Atlantic Beach and Wrightsville Beach for being so cooperative with our committee. We would also like to think we're keeping pace with our growth. With rabies, we're not being unreasonable to ask people to keep their dogs on leashes and to clean up after them. DOT is replacing dead trees and bushes at 210/1568. Once the job is complete the Town should write a note of thanks. Ms. Dempsey asked for a show of hands for agreement with these ordinances.

CLARA BASS:

I do not agree with this about the dogs. Dogs have got to have exercise. My dog is fifteen years old, and then when I take him out to walk, I've got to go out with that dog on a leash and a pooper scooper and a bag in my hand and then I might have to pick him up and carry him. It's just not right. I understand what you're saying though.

MS. DEMPSEY:

I understand what you're saying too. But I would venture a guess we probably have one dog per household in this town and we just can't have all these dogs running loose. We want to keep pace with these other towns that are growing.

CROSSOVER COMMITTEE REPORT:

None.

OLD BUSINESS:

DISCUSSION -

RULES OF PROCEDURE;

MAYOR PRO-TEM HILLYER:

I would like to ask an addition be made to our rules of procedure. Rules of procedure governs the way this board operates. The words are these; "No item added to the agenda on the day of the meeting can be voted on that same day. The only exception shall be that the item added is considered to constitute an emergency situation. To declare that an item constitutes an emergency situation, requires a unanimous vote by the board." The reason I want this is to try to insure that when the Board of Aldermen meets, that people who have something to say have the chance to voice their opinion.

Mayor Pro-Tem Hillyer cited the case when "driving on the beach" was added to an agenda at the last minute and people who opposed it did not know it was added and did not have the opportunity to voice their opinion. He said he felt adding the new wording would prevent something like that from happening again. He said that's why he wanted this added to the rules of procedure.

ALDERMAN BASS:

Stated Hillyer was out of town and he did not have a chance to vote on it. It comes down to it if a board member wants to vote on the thing, he should be here to vote on the thing. We already have procedures and rules, and if people want to know, they will attend the meeting.

ALDERMAN TUMAN:

Number 1, this particular situation had been on an agenda, was discussed at a public meeting and was voted down. On the second occasion, when it just popped up; he was totally unaware this was going to come up. It was never discussed by some of us on the board. The matter had already been voted on. Peter is representing the public's right to know. There are things that have to be added to an agenda; if there were some way to adjust this. Maybe we need to consider items that are in the ordinances are not going to be added without the public knowing it. This could have been prevented.

ALDERMAN HAYNES:

I guess I misunderstood from the discussion because I wasn't sitting on the board then. What I thought you meant was, if someone wants to add an item that is controversial, it should go to the next meeting. Is that what you meant?

MAYOR PRO-TEM HILLYER:

My concern is that when an item is added to the agenda, it's important and people don't know its going to be on the agenda, I wanted to make sure if an item was brought to the board it could be discussed, but not voted on. Is there a way to solve this Lynn?

ATTORNEY COLEMAN:

If you are going to take an action that is an ordinance, you have to have a larger majority to act on it.

Considerable discussion occurred and the decision was made to table the discussion and revisit the issue on the May agenda.

95-96 BUDGET AMENDMENT -
ROADSIDE MAINTENANCE AND
DWI GRANT;

Manager Vause presented the request for the budget amendment to fund the roadside maintenance program; equipment and personnel, and the DWI grant program for the police department.

Some general discussion regarding the DWI program took place with Manager Vause explaining this was a portion of the total grant that falls within this fiscal year.

With no further discussion, the motion to approve was made by Mayor Pro-Tem Hillyer, seconded by Alderman Royman. Passed unanimously.

AN ORDINANCE AMENDING THE TOWN OF NORTH TOPSAIL BEACH
BUDGET ORDINANCE FOR FISCAL YEAR 1995-96

BE IT ORDAINED BY THE TOWN OF NORTH TOPSAIL BEACH BOARD OF ALDERMEN MEETING IN REGULAR SESSION THIS 1ST DAY OF FEBRUARY 1996, THAT THE BUDGET ORDINANCE FOR FISCAL YEAR 1995-1996 ADOPTED JUNE 1, 1995, AMENDED NOVEMBER 2, 1995, AMENDED JANUARY 4, 1996, AMENDED MARCH 7, 1996 IS HEREBY AMENDED AS FOLLOWS:

GENERAL FUND - EXPENDITURES:

Governing Body	47,550.00
Administration	124,916.00
Elections	3,100.00
Inspections/Zoning	125,713.00
Public Buildings	152,500.00
Police Department	386,314.00
DWI Grant - Police	9,271.00*
Public Works	110,330.00*
Utilities	20,000.00
Street Improvements (Powell Bill)	48,139.00
Sanitation	98,210.00
Non-Departmental	-0-
Recreational Facilities	23,065.00
Fire Department	171,572.00
Committees	7,500.00
DABSTEC	201,510.00
Contingency	<u>23,208.00</u>

TOTAL GENERAL FUND EXPENDITURE BUDGET

1,552,898.00

POLICE ASSET ACCOUNT EXPENDITURES:

Police Asset/Service Account
TOTAL BUDGET

9,674.00
1,562,572.00

GENERAL FUND - REVENUES:

Beach Renrsh/Dune Stabilization	69,100.00
Taxes Budget Year 1995	598,864.00
Prior Years Taxes 1993/1994	28,000.00
Prior Years Taxes 1992/1993	12,000.00
Prior Years Taxes 1991/1992	10,100.00
Prior Years Taxes 1990/1991	6,000.00
Prior Years Taxes 1989/1990	2,025.00
Prepaid Taxes - 1996	46,414.00
Inventory Tax Reimbursement	18,400.00
Tax Penalties/Interest	5,000.00
Privilege License	2,500.00
Cable Franchise	5,600.00
Interest - Investments	60,000.00
Miscellaneous	5,000.00
Miscellaneous Permits	500.00
Payment Lieu Open Space	5,000.00
CAMA Grant-Oyster Lane	4,080.00
CAMA Grant-Bay Court	4,635.00
CAMA Grant-Access Study	5,050.00
Utilities Franchise Tax	55,000.00
Intangible Property Tax	21,000.00
Beer & Wine Tax	4,000.00
Powell Bill Allocation	31,000.00
Local Option Sales Tax	106,000.00
DWI Grant - Police	9,271.00*
Building Permits	23,000.00
Mechanical Permits	6,000.00
Electrical Permits	10,000.00
Plumbing Permits	5,500.00
Homeowners Recovery Fund	100.00
Inspection Fees	100.00
CAMA Permits Local	4,000.00
CAMA Permits Reimb. - State	1,500.00
Refuse Collection Fees	98,210.00
Tax Refunds - Sales	5,000.00
Tax Refunds - Gasoline	3,700.00
Other State Revenues	1,000.00
Beach Driving Permits	-0-
Officer Fees & Violations	2,000.00
Fund Balance Appropriated - Powell Bill Funds	17,139.00
Fund Balance Appropriated - Dune Funds	132,410.00
Fund Balance Appropriated - Payments in Lieu of Open Space	7,300.00
Fund Balance appropriated - Town Hall	98,500.00
Fund Balance appropriated - Public Works	<u>22,900.00*</u>

TOTAL GENERAL FUND REVENUE BUDGET

1,552,898.00POLICE ASSET ACCOUNT FUND

Treasurer Payroll Expense
Police Asset Fund - Customs

674.00
9,000.00
9,674.00

TOTAL BUDGET

1,562,572.00

DULY ADOPTED THE 4TH DAY OF April, 1996.

NEW BUSINESS:PRESENTATION OF BUDGET
FISCAL YEAR 1996-97
REQUEST FOR PUBLIC HEARING:

After a brief discussion, the Public Hearing was scheduled for May 2, 1996, at 6:00 p.m. prior to the regular board meeting. It was announced that a copy of the proposed budget was available at Town Hall for the public.

A budget workshop was scheduled for Monday, May 6, 1996 at 6:00 p.m.

ADDITIONS TO TOWN
STREET SYSTEM:

Manager Vause presented a request by DOT to find if the town wished to add Jenkins Way and Topsail Road to the town street system. Because of the problems associated with these streets, Manager Vause recommended the town not accept these streets at this time.

Some general discussion of the condition of the streets and DOT maintenance took place.

ANN PENTA:

Asked, "What happens with me now?" She stated she had documentation that they (DOT) are supposed to take care of that road and asked the board what was to be done about it.

The consensus of the board was to send DOT a letter voicing their concerns and attempt to solicit a response.

REQUEST FOR TOWN
PAYING SHARE TO
OPEN TOPSAIL AVENUE:

Manager Vause presented history of Topsail Avenue and stated the town share would be approximately \$ 1,530. She said the opening would provide the town with another through road to Island Drive and could increase the town's tax base if more houses were built in this section. Mr. Leland Newsome was present to answer questions.

Mr. Newsome states that there was 100 feet behind the building from Gray Street south to the private road and he requested the right of way on the right side not be disturbed. Mayor Pro-Tem Hillyer said he felt that was a reasonable request. Some general discussion occurred. Manager Vause added that when this street is opened it will be a private street, but owners could request it become a town street.

A motion to pay the town share was made by Alderman Bass, but was temporarily tabled in order for Attorney Coleman to locate the plat. Zoning Administrator Daughtry stated there was dedication of open space within the subdivision and it had to stay as it is.

Alderman Bass made the motion to pay the town share, \$1530. Mayor Pro-Tem Hillyer seconded. Passed Unanimously.

REQUEST TO CLOSE
LINCOLN STREET:

Manager Vause presented letters from the parties requesting Lincoln St. be closed, (Gulf Stream Developers, LTD and Ocean City Fishing Pier, Inc.) and stated the parties had offered to pave Carver Street if the closure is passed. Manager Vause offered a copy of the G.S. 160A-299, which outlines procedures required to close a street.

After some discussion, it was decided to schedule a public hearing for Saturday, May 18, 1996 at 2:00 p.m. and that the hearing would be advertised for four successive weeks prior to the hearing. It was felt having the hearing on Saturday would improve public attendance.

RESOLUTION -
AUTHORIZING THE FILING
OF APPLICATION WITH LGC
FOR TOWN HALL FINANCING:

Manager Vause presented the request for approval of the LGC application for town hall financing and authorization to pay the \$250.00 application fee. She explained the lengthy procedures and requirements the town must meet to obtain approval from LGC.

Some discussion took place regarding the total cost and concerns of financial shortfalls on the project.

Alderman Bass made the motion to adopt the resolution and approve payment to LGC in the amount of \$250.00. The motion was seconded by Alderman Tuman. Passed Unanimously.

DONATION REQUEST -
PROJECT GRADUATION-
DIXON HIGH SCHOOL;

Manager Vause presented the request for a \$500.00 donation for the project and stated the money would have to come out of the contingency fund.

The motion to donate \$500. was made by Mayor Pro-Tem Hillyer, and seconded by Alderman Royman. Passed Unanimously, specifying the funds were to come out of contingency.

AUTHORIZATION -
MANAGER TO SIGN AGREEMENT
WITH S&ME FOR ENGINEERING
SERVICES-TOWN HALL PILINGS;

Manager Vause presented a letter of explanation as to the circumstances of having to obtain the services of an engineer who specialized in inspection of pilings, and that the project could not have proceeded until the inspection was made. As the circumstances occurred on March 20, it would have delayed the project for three weeks to wait for

the next board meeting, or a minimum of 48 hours to schedule a special meeting to obtain approval.

There was a general discussion of how this happened and why this cost was not covered in the general contract. It was determined the town was not paying for the service twice.

A motion was made to authorize Manager Vause to sign the contract with S & ME Engineering by Mayor Pro-Tem Hillyer, and seconded by Alderman Tuman. The motion passed unanimously.

ORDINANCE AMENDMENT -
CHARCOAL GRILLS ON BEACH;

Manager Vause explained that Fire Marshall Best had requested this ordinance. Best said they were trying to eliminate charcoal grills due to safety factors such as burying the hot charcoal on the beach and having someone get burned.

There was some discussion regarding the question of public safety and how to enforce the ordinance.

The motion to approve was made by Alderman Tuman, seconded by Alderman Royman and passed unanimously.

AN ORDINANCE AMENDING CHAPTER 7 - PLANNING AND ZONING
SECTION 7-364 OF THE NORTH TOPSAIL BEACH CODE OF ORDINANCE
PERTAINING TO OUTDOOR GRILLS

SECTION 1: Chapter 7 - Planning and Zoning. Section 364 Bonfires or Rubbish Fires is hereby amended by adding the following:

"There shall be no charcoal grills permitted on the beach, sand dunes or within 10 feet of combustible material. Other grills may be used with the approval of the Fire Marshall."

SECTION 2: This ordinance amendment shall be effective immediately upon adoption.

SECTION 3: All laws and clauses in conflict with this ordinance amendment are hereby repealed.

DULY ADOPTED THE 4TH DAY OF APRIL, 1996.

WORKSHOP DATES -
ZONING/SUBDIVISION ORDINANCES;

Manager Vause advised that most of the town ordinances had been reviewed for recommended changes and we were now at the point of reviewing those ordinances within the Zoning and Subdivision section. She also suggested the Planning Board be included in the workshops, as these are the main ordinances used by the Planning Board. Some discussion of available dates and times was held. Workshops were scheduled for Wednesday, April 17, 1996, at 6:00 p.m. and Tuesday, April 24, 1996 at 6:00 p.m.

APPOINTMENT -
 "TOPSAIL ISLAND
 THOROUGHFARE COMMITTEE";

Manager Vause presented a summary of a meeting with DOT and managers from Surf City, Topsail Beach, Holly Ridge and herself pertaining to organizing a committee to coordinate the project with DOT. She requested the board to appoint the manager and another person for the committee. Mayor Bostic asked for volunteer from Board, but there was none. Manager Vause suggested Patsy Jordan from the Planning Board be appointed.

Alderman Bass made the motion to appoint Patsy Jordan, Alderman Haynes seconded. Passed Unanimously.

RESOLUTION -
 AUTHORIZATION TO FILE
 CAMA GRANT FOR NTB
 LAND USE PLAN;

Manager Vause discussed the composition of the previous Land Use Plan Committee, which was board members and members from the public. There was a discussion regarding obtaining a cross section of people. The recommendation was made to advertise and use the planning board to advise and direct a cross section of volunteers from the community. There was some discussion regarding the size of the committee. Manager Vause suggested the board adopt the resolution and names of interested appointees be presented in May so the board can select the members they want.

A motion was made by Alderman Tuman to adopt the resolution, seconded by Alderman Royman, and passed unanimously.

APPROVAL -
 PRELIMINARY PLAT
 CAPE ISLAND SUBDIVISION;

JOHN PARKER:

Representing Island Development Group, Inc. briefly presented one change that had occurred since the conditional use on the plat previously presented. The tip end had been bought. He stated they were trying to emulate the effect of an island; that lots are large, and it is a fully private community, with a manned or electronic gate house. He said County water, sewer, and permits are in process with state agencies now.

There were no questions.

The motion to approve the preliminary plat was made by Alderman Tuman, seconded by Mayor Pro-Tem Hillyer. Passed unanimously.

MANAGER'S REPORT:

1. ROAD-SIDE MAINTENANCE PROGRAM:

We will start our road side maintenance program April 1, 1996. Applications have been received for the maintenance position and the individual will be hired by April 3, 1996.

2. HURRICANE CONFERENCE:

Thomas, Gunnar, Susan and Terry will be attending the Hurricane Conference scheduled for April 10th, 11th & 12th in Atlantic Beach.

3. METAL OBJECTS IN THE EDGE OF WATER:

Adjacent to the old Paradise Pier location (southern side) some metal objects have appeared. They are very sharp and extremely dangerous. We have contacted the Coast Guard and Camp LeJeune. However, neither of these agencies are able to assist with this situation. Susan is now talking with Mr. Jeff Reicter, Army Corps of Engineers, about the problem. The Corps is the agency that issued the permit for the pier and they have been working with the property owners for several years in the removal of the old pilings left by the pier. To date, we have not received information on what they plan to do. We will keep you updated on this issue.

There was considerable discussion by members of the board in regard to liability of the town concerning the metal objects.

4. SPOIL SITE:

We have received several calls about the work being done under the high rise bridge. The Army Corps of Engineers is developing a spoil site in this area. They plan to dredge the intercoastal waterway this year and this site will be used for the debris collected.

5. BEACH MEDIC:

I have been advised by the Rescue Squad that Onslow County will station a medic on the beach this summer. The individual will be housed at the north end fire station part of the time and at the south end fire station the remainder of the summer. NTB Rescue Squad will train the individual in water rescue. Of course, the medic will double as an area medic for Onslow County, if needed.

Bill Poe advised the board of the beach medic who will be on the beach with the first response vehicle; he advised the medics will have response duties in surrounding areas as well. He noted this is a pilot program for the entire country and several other states and agencies will be interested to follow the progress here.

ATTORNEY'S REPORT:

Ms. Coleman stated she was not available for the April 24 meeting and the date was changed to April 23 at 6:00 p.m.

ALDERMEN'S REPORT:

None

MAYOR'S REPORT:

Mayor Bostic reported on Onslow Co. Commissioners retreat at St.

Regis last Friday night and he and Manager Vause attended at the commissioners invitation. He said hopefully they did some things to help out the county as a whole. They did discuss the possibility of a satellite office. He asked that if board members run into a county commissioner, to stress this.

CITIZEN FORUM;

Otis Sizemore:

Mr. Sizemore presented pictures of 3 houses under construction at the same time on Topsail Rd. He said these contractors need respect for the neighborhood citing parking, noise and time of day the neighborhood was disturbed. He stated he had called the Police Department twice; once because of a boom box playing at 7:30 am, and the following Sunday morning at 7:30 am, because of power saws and other noise. He said the beach access was blocked by building material; and material was stored on the edge of the roadway. The dumpster is within 5 feet of roadway. He stated the trash is atrocious; blowing everywhere. The construction workers are parking all over the place. He said roof trusses not even for that house, were delivered by mistake and not moved yet. He complained the dumpster is overflowing, and material piled all around. He had called DOT about parking, and they referred him to the town. He referred to Ordinance Section 6-130 Building Operations and stated that Jeff has spoken to them. Mr. Sizemore asked the board to look at the ordinance and define weekdays, prohibit Sunday work, and do something about parking on the right of way. He stated he was speaking on behalf of Charlotte Wilmer, Sue Winslow, Pat Helms McClain and Jane Hedgepeth.

There was some discussion about noise, Sunday work, etc. Bill Rogers offered that this site has big problems and they are picking up trash all the time.

It was stated that the board will re-visit these ordinances at workshop, and noted that Jeff has been going by these job sites daily.

Bill Rogers:(For the Beach Access Committee)

Reported the survey work was about half finished, with approximately 600 surveys being received.

CLOSED SESSION:
POTENTIAL LITIGATION

A motion was made to go into closed session to discuss potential litigation by Alderman Royman and seconded by Alderman Bass. Motion passed unanimously. The board moved to closed session at 10:00 p.m. No action was taken.

ADJOURN:

The board reconvened in open session at 10:10 p.m. Motion was made to adjourn by Alderman Royman and seconded by Mayor Pro-Tem Hillyer at 10:12 p.m. Motion passed unanimously.

Teresa Heatherly
Teresa Heatherly - Town Clerk

BOARD OF ALDERMEN
WORKSHOP MEETING
APRIL 17, 1996

CALL TO ORDER: Mayor Bostic called the meeting to order at 6:15 p.m.

PRESENT: Mayor Pro-Tem Hillyer, Aldermen Haynes, Tuman, Bass and Royman, Manager Vause, Attorney Coleman and Town Clerk Heatherly.

PLANNING &
ZONING ORDINANCES: Manager Vause said they would cover through "definitions" tonight. The following definitions were reviewed and discussed per the referenced pages:

Pg 167-Planning Board Ordinance: Composition-Discussion regarding one member of board serving as liaison to Planning Board. It was decided to leave it in.

Pg 168 Meetings: Change 30 days to 45 days; Change "question" to "request".

Pg 168 - Master Plan for Town:

Extensive discussion regarding who and how the board wanted the master plan done; i.e. the Planning Board to do it, or from the staff to the Planning Board to the Board of Alderman? Procedures of other towns were discussed. Linda Knowles suggested if the Planning Board is not going to do it, change the word "shall" to "may". Attorney Coleman advised you don't need staff doing long range planning for the town. There was additional discussion about using committees and sub-committees.

Agreement to change "shall" to "may".

Pg 170 - (c) "all" officers or one person assigned. No change made.

Pg 170 - Annual Report is not being done. Leave wording as is.

Pg 170 - Designation of responsible local officer: (a) "CAMA/Zoning administrator" instead of building inspector. Discussion of wording ensued. Agreed "CAMA/Zoning

administrator.

Pg 171 - (d)Records-

The Board was asked do you want quarterly report to the Board? Ms. Daughtry explained the DEHNR report to the board and what it contained.

Change "he" to permit officer. Delete "to the CRC". The report goes to DEHNR. Or change it to read "as required by law". All agreed.

Pg 172 - (b) Permit Officer - The inspections department, North Topsail Beach Town Hall. instead of Building Inspector & address. Delete (b) and add "the permit shall be obtained from the Inspections Dept., North Topsail Beach Town Hall".

Change (c) to (b)

Pg 173 (c) "permit officer" to "inspections department"

Pg 173 7-25 (2)" in the maximum amount as set by the CRC."

There was a discussion of replacing "Permit Officer" with "inspections department" generally. It was decided to leave permit officer, except for the first placement.

Pg 175 -delete "\$100.", Check out CRC fines and return to next workshop meeting.

Pg 182-delete all "adult" headings; they are addressed in the ordinance.

Pg 182 - "Apartment"

Manager Vause offered the following sentence to replace the second sentence of the definition: "Such dwelling unit may be located within an appropriate housing facility or a commercial building in which the apartment is not the principal use."

There was significant discussion about the meaning of the second sentence, as well as about other ways to limit apartments in residential areas; enforcement problems were discussed. Attorney Coleman explained that zoning protects residential areas, not commercial ones. The consensus was they are trying to prevent someone from turning a house into apartments. Everyone expressed

the desire in removing apartments from single family and duplex areas. Ms. Daughtry and Attorney Coleman will report back at a later workshop on definition and specifications of "apartments".

Mayor Bostic called for a brief recess at 7:45 p.m. The workshop reconvened at 7:55 pm.

Pg 183 - Change "Boardinghouse" to "Bed & Breakfast" - All agreed.

Pg 183 - Building, Height of - to be replaced by amendment previously approved.

There was some discussion of the amendment and what it meant.

Pg 183 - Building Setback Lines- After considerable discussion of this definition, it was decided the Emerald Isle ordinance verbiage would be used.

Pg 183 - Campgrounds, etc.-delete after "manufactured homes"

Pg 183 - Campers & Tents - delete after "living quarters"

Pg 183 - Canopy - change "rooflike structure" to "removable covering"; additional wording from Susan and Jeff.

Mayor Bostic called a brief recess at 8:20 pm. The workshop reconvened at 8:40 pm.

Pg 185 - Land area - add "excluding properties below mean high water" at end of sentence.

Pg 185 - Open Space- add "or " instead of "including"

Pg 186 - Inoperative Vehicle - "Land and Sea" to address the junk boat issue. There was much discussion and it was decided to delete "self-propulsion" and add "being driven or used on the water."

Pg 186 - Junk- add "boats"

Pg 186 - Loading Space - delete "expect"

Pg 187 -Lot Coverage - New wording:

"The built-upon area that is covered by impervious or partially impervious cover including buildings, pavement, driveway, whether rock or concrete, any roofed areas, any concrete areas around swimming pools, recreation facilities, but not including uncovered decking."

Pg 187 - Manufactured Homes - Eliminate according to 1996 Codes

Pg 189 - Community Boating Fac- delete "on"

Pg 189- After Mobile Office -
Add "Move Back Capabilities" definitions

Pg 189 - Parking Lot - delete "storage"

Pg 189 - Planning Board - new definition:
"A committee established by the Board of Aldermen to review, consider and prepare recommendations on various zoning, subdivision regulations and other matters."

Pg 190 - Public Sewage Disposal System to "Sewage Disposal System"

Public Water Supply System to "Water Supply System"

Pg 190 - Sign - Use Emerald Isle definition:
"Sign means any words, lettering, figures, numerals, emblems, devices, trademarks, or trade names, or combination thereof, by which anything is made known such as the designation of an individual, firm, corporation, profession, business, commodity or product, and which is designated to attract attention, and/or convey a message."

Pg 191 - Outdoor Sign-this definition is being checked and will come back at a later workshop.

Pg 191 - Site Plan - add "easements" to second line.

Pg 192 Remove and replace with ordinance adopted April 1, 1993.

Pg 192 Tourist Home - Delete, as is covered under Bed and Breakfast definition.

Pg 192 Trailer-will be addressed with proposed amendments being presented within the next 60 days.


Pg 193 -Variance- new definition:
"A permit which the Board of Adjustment may grant in certain situations enabling a property owner to make use of his property in some way that conflicts with the literal provisions of the Zoning Ordinance."

Pg 193 Yard Front- insert (side facing street)

Pg 193 Yard, Rear : Add: "On lot adjacent to water the rear yard is the waterward side of the lot."

ADJOURN:

A motion was made to adjourn by Mayor Pro-Tem Hillyer and seconded by Alderman Tuman. Passed unanimously. The workshop adjourned at 9:30 pm.



Teresa Heatherly Town Clerk

SPECIAL MEETING
BOARD OF ALDERMEN
APRIL 23, 1996

CALL TO ORDER: Mayor Bostic called the meeting to order at 6:05 pm.

PRESENT: Mayor Pro-Tem Hillyer, Aldermen Royman, Bass and Haynes; Attorney Coleman, Town Manager Vause, Town Clerk Terry Heatherly. Alderman Tuman arrived at 6:15 pm.

PURPOSE: Workshop discussing Zoning Ordinances:
A review of Sections 7-91 through 7-96

Town Manager Vause provided all attending with an outline of proposed changes, additions and deletions for the above referenced sections.

PROPOSED
CHANGES:

SECTION 7-71 - ZONING ENFORCEMENT OFFICER:
Paragraph One, last sentence to read: "The Town Manager shall appoint a Zoning Enforcement Officer."

All agreed.

SECTION 7-73 - CERTIFICATES OF
OCCUPANCY/COMPLIANCE:

Paragraph One, last sentence: Question for Attorney-What does sentence mean? Does it mean no certificate of occupancy would be required for bed & breakfast?

A certificate of occupancy is required for a bed & breakfast, per Attorney Coleman.

Paragraph Three, last sentence to read: "The certificate of occupancy/compliance shall be issued by the Building Inspector and Zoning Enforcement Officer after all final inspections have been made provided they find compliance."

Paragraph four, after "occupancy intended": add "Building Inspector."

All agreed.

SECTION 7-75 - ADMINISTRATIVE PROCEDURES:

SECTION A.-Paragraph one, after "permit", change to read: "A change of zoning district classification, or other ordinance a public hearing may be held by the Planning Board, as the representative of the Board of Aldermen. The Board of Aldermen shall hold a public hearing as required by general statutes."

The Board of Aldermen can hold a public hearing through the Planning Board, per Attorney Coleman. This change would allow for that. Discussion of why the change was suggested. OK as suggested.

Paragraph Two, add the following sentence: "Written materials received from parties unable to attend shall be forwarded to the Planning Board and Board of Alderman for consideration."

SECTION D. - FEES: Change fee amount from \$75.00 to \$150.00. Reason - advertising cost for public hearing requirements.

All agreed.

SECTION 7-82-CRIMINAL PENALTIES:

Requested attorney change to meet current requirements.

SECTION 7-83-CIVIL REMEDIES:

Requested attorney change to meet current requirements.

Attorney Coleman advised: You can't have both civil and criminal for the same thing. You need to decide which way to go. After some discussion, the Board decided criminal needed to stay and civil being removed. Susan Daughtry explained what a violation is and why people violate zoning ordinances. Attorney will re-write and bring back to the Board.

SECTION 7-91-CHANGES AND AMENDMENTS:

Last sentence after "aldermen"--remove words: "or in its behalf, by the Planning Board."

All agreed.

SECTION 7-92 ACTION BY THE APPLICANT:

Paragraph B. Application (Petition): Change filing time from 2 weeks to 4 weeks because of advertising time requirements and time for item to be placed on the proper agenda.

Paragraph D. Public hearing notices: After sentence ending "the list"--add new sentence as follows: "If both Boards hold public hearings the applicant must provide two (2) sets of stamped, addressed envelopes."

Change second sentence to read: "These addressed envelopes and the list shall be submitted with the application."

Remove sentence 5 & 6, beginning with the words: "A second set of"

Add Paragraph E. To read as follows: "E. Posting for Public Notice. The property shall be posted by the applicant 2 weeks prior to the public hearing. The notice shall contain the following: date, time, place of hearing and shall be visible on all main streets in the vicinity of the property."

Change existing Paragraph E to F, with the addition of new section above. Change to: "F. Reapplication for Amendment."

After some discussion of the proposed changes, all agreed to the above.

SECTION 7-93 ACTION BY THE PLANNING BOARD:

Paragraph one - change "shall" to "may".

Paragraph two - change to read as follows: "If the Planning Board elects to hold a public hearing the Board of Aldermen shall receive from the Planning Board written notice of the hearing, subject matter, public comments and Planning Board recommendation prior to the public hearing required to be held by the Board of Aldermen."

Paragraph 4 - change time frame from "2 weeks" to "4 weeks".

Paragraph 5 - change time frame from "60 days" to "45 days".

All changes were agreed upon.

SECTION 7-94 ACTION BY THE BOARD OF ALDERMEN:

Second sentence - change time frame from "30 days" to "45 days".

Third sentence - change to read as follows: "The Board of Aldermen shall call for a public hearing before making a decision."

Fourth sentence - omit the word "therefor" in brackets.

All agreed to the changes.


SECTION 7-96 WITHDRAWAL OF THE APPLICATION:

Add the following sentence: "All withdrawals shall be submitted in writing prior to the meeting date."

There was some discussion about withdrawing requests and circumstances under which requests are withdrawn. It was decided to delete after "in writing". The corrected sentence to read: "All withdrawals shall be submitted in writing."

ADJOURN:

A motion to adjourn was made by Mayor Pro-Tem Hillyer; seconded by Alderman Haynes. Passed unanimously. Meeting adjourned at 6:45 p.m.



Teresa Heatherly-Town Clerk

TOWN OF NORTH TOPSAIL BEACH
PUBLIC HEARING
APRIL 29, 1996

CALL TO ORDER: Mayor Bostic called the meeting to order at the south end fire station at 6:04 p.m.

CONVOCATION: Attending were Mayor Pro-Tem Hillyer, Aldermen Bass, Tuman and Royman; Town Manager Vause and Town Clerk Heatherly. Alderman Haynes was absent due to active duty with the Air Force; Attorney Coleman was absent due to illness.

BUSINESS:

- a. Request for citizen input regarding financing proposals for Town Hall project.

Approximately 10 citizens attended the meeting.

CITIZEN REMARKS:

Joe McMillan:

Mr. McMillan requested to go on the record for supporting paying the Town Hall project in cash from the unappropriated fund balance. He asked if paying cash had been examined as an option and the dollar amount available in the general fund. The reason he supported paying for the project in cash was he felt the fund balance would be depleted over the years if not used for capital outlay items. He emphasized he wanted the project paid with the fund balance, which would keep the town out of debt.

George Weitner:

Mr. Weitner asked what rate of interest we were making on our 1.4 million in the unappropriated fund balance. Manager Vause replied in the 6% range. Mr. Weitner wanted to know if there were other costs besides the interest rate of 4.69%. Manager Vause explained the management fees, origination fee and escrow charges. Mr. Weitner stated that it didn't make sense to take the fund balance out because we were making money on it. He stated since the fund balance was making more money than the interest rate charged, he was in favor of financing the project.

A general discussion took place between the board members, Town Manager Vause, Mr. McMillan, Mr. Weitner and Mr. Stuart Wishard concerning how the escrow account works, the interest earned while funds remain in the escrow account, how draws against the escrow account take place, and the length of time the funds will remain in escrow. It was explained that the funds would be drawn against periodically to pay construction costs and the project should be finalized in approximately six months. Mr. Weitner asked how the loan would be repaid and he was advised that annual payments, made in advance was what the town has requested. He asked if that was going to call for a tax increase, and was told that the town had other payments coming off, being paid off. Mr. McMillan noted that it was not all paid off at this time. Mr. McMillan also requested a recapitulated budget be prepared that would show a total of like items (i.e. All Salaries, all insurance, etc.)

Mayor Bostic asked for additional public comment; there was none. Alderman Royman made a motion to adjourn the public hearing, seconded by Mayor Pro-Tem Hillyer and passed unanimously. The meeting adjourned at 6:31 p.m.

Teresa C. Heatherly

Teresa Heatherly-Town Clerk

TOWN OF NORTH TOPSAIL BEACH
PUBLIC HEARINGS AAND REGULAR BOARD MEETING
MAY 2, 1996

PUBLIC HEARING - 6:00 P.M.:

MEETING CALLED

TO ORDER:

Mayor Bostic called the meeting to order at 6:05 pm. Present were Mayor Pro-Tem Hillyer, Aldermen Bass, Royman and Tuman, Town Manager Vause and Town Clerk Heatherly. Alderman Haynes was absent due to active duty service for the Air Force and Attorney Coleman was not present.

PROPOSED BUDGET

FISCAL YEAR 1996-97:

- a. Request for citizens input on the proposed budget for Fiscal Year 1996-97.

Approximately 15 citizens attended the hearing.

PUBLIC SPEAKERS:

GEORGE WEITNER:

Mr. Weitner said he objected to the appropriation from the general fund of \$ 160,000. He stated he thought this budget is loaded with fat. He felt the salaries, group health, retirement and 401(k) were OK; he had gone to Surf City and Topsail Beach and found that they only have 401(k) for the police officers. He stated he was not so concerned about that. He referred to the budget message regarding time off for good employees in lieu of merit pay and said we shouldn't be bribing them with days off. He pointed out that salaries includes a 4.9% pay increase, 2.3% above inflation (with 3% 401K that's 8%). He felt there was too much phone & postage, utilities too high, maintenance and repair of equipment too high, and maintenance and repair for vehicles were too high. \$20,102. rent on the two trailers used by the town hall and police department; he asked who negotiated the rent on the trailers being used for town hall and the police department. He noted the budget for office supplies, departmental supplies, dues & subscriptions, insurance & bonds as being too high. Grand total of \$ 807,000. Referring to the final payment to First Citizens Bank for Fire Station and 2 police cars; he questioned requesting funds for 3 new Police cars for \$ 65,000. "What's wrong with what we have?" He said if we stop providing police service to Sneads Ferry, we wouldn't need this. He requested this purchase be put off next year until we have the money. He addressed professional fees, specifically Attorney Coleman, with all due respect, he requested we eliminate this expense from the budget. She sits over there and you ask her a question and she doesn't know the answer to the question and she'll get back to you. And when she does, you don't even care. You're talking about 240 hours; seven weeks of work at 40 hours. Do we have any law suits? Where is this money going? He stated last year Inspections & Zoning had a budget of \$40,960; this year \$131,920. and no capital outlay. He objected to a new department-Mosquito Control at \$53,000. and asked why not get bids from private pest control.

He urged everyone to get a copy of the budget and let the mayor and board know. He stated "This budget is a joke." He said this is the same thing that happened in Long Island in the 1950's. He said this is an "Out of control Board and out of control Mayor. Throw them out."

JOE MCMILLAN:

I am aware there are only certain areas we can attack. The trend is bigger, better, it is up to us to control this budget. We have figures on the number of employees on other towns. George didn't bring up Holly Ridge with 1600 people. Their budget is only \$750,000. I've heard figures of 1000-2000 that live here year round. Then we go to 15,000 in the summer. They've (Holly Ridge) been in debt and I can see us getting to that point someday, if we don't take a hold of it now. I'm with George on this proposed budget. As of the 26th when I wrote this letter, there was only one citizen who picked it up. Reading from his letter:

"Ladies and Gentlemen of the Governing Body:

I have been reading with mouth open in disbelief, your proposed budget for 1996. I believe this is a perfect example of how we citizens get the government we deserve. Rumor has it that, as of today there has only been one copy of the budget picked up by one citizen of this community. But you can bet that at the public hearing on 2 May 96, all the "interested" parties will be there to shake their heads in assent to what I can only call "This Rip Off".

If working for the town of North Topsail Beach is the only "industry" in this area experiencing a boom in growth I would hope the reason would be to serve it's citizens and not to serve itself. One look at this budget makes me ask myself how reasonable people can let themselves be talked into creating this monster. We are all asked to cut back on everything and our government goes for broke with 401 k plans, purchase of uniforms, separate retirement plans, and insurance plans. This budget makes me think we are speaking of The Congress instead of a local body. This budget cannot stand close scrutiny without we citizens asking ourselves "How could this have happened?" Are we all asleep at the switch? When did this get out of control and who let it happen?"

I cannot but feel that the way this is constructed without firm bottom lines in each area, such as office supplies, telephone, postage, etc. you would think that the "spread sheet" had never been invented. Further you would think that the town managers office would make sure that line items are made available in print, for review by the public, instead the public must dig out the three thousand percent increases, etc. on our own.

I also feel that taking \$159,770. from the fund of money accumulated in the "lean years" since our incorporation is the easy way to balance this or any budget. But if we look to the revenue side we can see that the interest on our investments are now \$60,000 we can figure a lot less in this column next year. Can we justify \$1,000 for sharpening blades of lawn mowers when we have a shop with three employees called maintenance or public works, or maybe the Mosquito control

department which cannot exterminate other bugs can do this when he is not killing mosquitos all year round.

I would strongly advise you to spend this entire bank account to help build the new Taj Mahal, town hall complex to house our 21 full time town employees, who cost this town total emoluments of \$626,062. because after it is spent perhaps the reality will set in on those of us euphemistically known as "The people". Perhaps the patsys would be a better name. I honestly would like to ask each of you just one question "Do any of you smell tax increase in the foreseeable future?" After answering that one I would like you to consider that this exercise in smoke and mirrors is in reality a tax increase, right here and right now. When you spend our money like you are doing with this budget it is tantamount to confiscating our money.

At a past meeting of the town governing body that I attended, I heard the people there protest hiring a person at 23 thousand dollars a year in order to get a 16 hundred dollar grant from Onslow County for "Beautification". I don't know when you did it, but you hired that person anyway. So much for the public opinion. It is obvious to me that 2 and 2 only equals 4 outside of that circle of friends wherein the peoples money is spent.

Only in America can we take town government and turn it into Santa Claus. In a time of fiscal cutbacks everywhere, North Topsail Beach stands out as a beacon of financial irresponsibility, or maybe the "prosperous citizenry" at this beach think it is logical that they should be exploited.

I hope none of you take this "personally"; it is not an attack on any of you. You are all my neighbors and I genuinely admire and respect your public spirit that is demonstrated by your sincere attempt to get the job done. If this comes across strident in its tone, it is because I think you need to hear it the way I feel it. I am sincerely, Joseph D. McMillan"

BILL O'DONNELL:

I do appreciate Ann and what numerous volunteers do and want to thank the board for the hours you put in. I have observed our budget increase this year, although it didn't actually increase this year. He stated he was concerned about general movement of increase through the years. It's impossible not to be concerned when you think of taxes as our bill, not the rate. Also people bragging about tax rate, he expressed concern about the tax assessment values, and stated county commissioners are not sympathetic to our cause. Regarding merit raise, he suggested taking 4.9% and use longevity for merit raises. He thinks we should follow merit rules for employees. Speaking of beach renourishment, he said he received less that \$100. of poor bulldozing for his tax dollars and thinks we should trash the disposal dunes theory. He noted there had been no significant storms during the last 3 years. He said when he originally spoke of money for the new town hall and how that should be financed, his proposal was originally to finance, but now feels we should pay cash, since we are not using those funds to reduce our taxes.

He quoted Thomas Jefferson in closing, "That government governs best which governs least."

LELAND NEWSOME:

I have studied this budget; there may be some fat in it, but where can you get all this for 26 cents on valuation. We have good employees; we have a good city. I think we should support this board, and do what we need to do to keep this town running smoothly.

WADE CHESTNUT:

Said he had had the opportunity of living on the island during the past year, being involved with the various services offered and after getting a copy of the budget, was amazed to see the dollars were so very few. Backing what Mr. Newsome had said this is good value for dollars that are being spent here. Covering the surface and the budget as a whole, we're on the money here.

JOE MCMILLAN:

Mr. McMillan said he wouldn't want his comments misconstrued; that he is for smaller government. I'm not saying we should fire people, I'm saying we've got too many. We're pretty fat. Suppose we've got to buy a sewer system?

GEORGE WEITNER:

Said this was the first time attending a budget meeting he ever heard any body say "what a great budget; raise the taxes." He said he thought the budget stinks.

Mayor Bostic asked Mayor Pro-Tem Hillyer to take charge of the meeting, so that he (Bostic) could address the hearing as a private citizen. With Mayor Pro-Tem Hillyer presiding, Marty Bostic addressed the group.

MARTY BOSTIC:

Bostic stated this budget has not been before the North Topsail Beach board as a group. I came here tonight and heard how we're overspending. Over the last several years we have increased police department to 2 men per shift per day, and have heard nothing but compliments on the police department since that time. The comment was made that we don't need a mutual aid agreement with Onslow County. What they don't realize is what we get with that agreement. We got a dispatching system, we'd have to have our own system, and probably have to raise taxes 5 or 6 cents to cover that. We will have a 911 system, which will be run by the county. I have personally no problem with the police department answering calls in other areas. It does deter crime in North Topsail Beach. I ride the police department's back, and the board doesn't like this. Our police department is undergoing a first responder class and can help EMS. Fire Department is probably the only department in the town that pays for itself. He said there was an average savings of \$100. per unit in

insurance. That is \$260,000. in savings. That is more than the Fire Department budget. As I stated, on the Fire Department roster, there are very few resident property owners on that list. North Topsail Beach on an EMS call has someone on the scene quicker than anyone else in Onslow County or any other town on the island. Referring to the police cars (3), I've asked that every department head justify what they request. He said 17 people have called him since the budget appeared in the paper to criticize, but not one is here. They were all invited. Overall as the budget, I do think there is some fat in there. We do have a budget workshop next Monday and one the 16th. And we should encourage people to attend those. No further comments.

GEORGE WEITNER:

Asked to respond. I think I've been maligned. My statement was that we should hold up on cars until next year when we have the money freed up. I did not object to the money or benefits. It's the fat in the budget I don't like. I didn't hear anybody say anything about the Police or Fire Departments.

JOE MCMILLAN:

Addressing the Mayor. The mayor asked these people to come out here. We hate to be maligned because we're not at all the meetings. Because I'm not a volunteer firefighter, that my input is not appreciated.

GINNY HILLYER:

Said she wanted to thank the person who made that comparison sheet, because it was very helpful. The only thing is I think we have a lot more than 1,033 people on any given day.

CLARA BASS:

Said she didn't think we have too many employees and that we finally have someone cutting our grass and making this town looking like a town should look.

LINDA KNOWLES:

I second that. There has been some concern for grass mowing. I'm responsible for seeking that. For the first time I've been here in a long time, it looks like a town.

There was no further public comment.

A motion was made by Alderman Royman, seconded by Mayor Pro-Tem Hillyer to adjourn. Motion passed unanimously. Public hearing adjourned at 6:55 p.m.

REGULAR BOARD MEETING - 7:00 P.M.:

MEETING CALLED

TO ORDER: Mayor Bostic called the meeting to order at 7:15 pm.

PRESENT: Mayor Pro-Tem Hillyer, Aldermen Tuman, Bass and Royman; Attorney Coleman joined the meeting; Alderman Haynes not present due to

active duty training with the Air Force; Town Manager Vause and Clerk Terry Heatherly present.

INVOCATION: A moment of silent prayer was observed.

APPROVAL OF

THE AGENDA: Alderman Tuman requested a report from Operation TOPCAT be added under Committee Reports. Agenda was approved as amended.

APPROVAL OF

MINUTES:

- a. Public Hearings/Regular Board Meeting held April 4, 1996; With typos noted, Alderman Tuman made a motion to accept corrected minutes, seconded by Alderman Royman and passed unanimously.
- b. Special Board Meeting held April 17, 1996; Motion made to accept minutes made by Alderman Bass, seconded by Mayor Pro-Tem Hillyer and passed unanimously.
- c. Special Board Meeting held April 23, 1996; Motion made to accept minutes made by Mayor Pro-Tem Hillyer, seconded by Alderman Bass and passed unanimously.
- d. Public Hearing held April 29, 1996. Motion made to accept minutes made by Alderman Royman, seconded by Mayor Pro-Tem Hillyer and passed unanimously.

BEAUTIFICATION

COMMITTEE REPORT:

PAT DEMPSEY:

Addressed the issue of maintaining the appearance of a year round community while living in a resort environment. The Committee toured the island in February, and pondered how to get absentee homeowners to keep up their property. If you have any suggestions, please contact the Committee at 328-0899. She asked for any comments or questions?

GINNY HILLYER:

Stated some owners may have the impression that the fee they are paying an agency may be taking care of their property. I would want to think I was getting what I was paying for.

PAT DEMPSEY:

We have sent a letter to the Board of Realtors, informing them of a problem with houses where there is high grass or weeds. I appreciate any suggestions.

OPERATION TOPCAT:

LINDA KNOWLES:

Thanked staff, specifically Public Works, Greg, Bill Poe and other town staff for their help and cooperation. 46 cats taken care of during the weekend. She thanked the Mature Citizens who provided brunch for the vet staff, and noted it was a gratifying experience. She read, in part from Topsail Advertiser story covering the clinic. Hopefully we'll be doing this again and we hope the town will help again.

CROSSOVER COMMITTEE
REPORT:

GINNY HILLYER:

Reported 2175 surveys were mailed, they received 769 (35%) and were very pleased with that. We understand 17% would have been good. The Committee and volunteer citizens have put in 288 hours tallying the survey results. We have turned over tallys to John Ryder. As soon as we have the trends from John we will have a public hearing.

OLD BUSINESS:

- a. Request from Ocean Sound Village Corporation to rezone a tract located at the entrance to town from high rise bridge from RA (Rural Agriculture) to Conditional Use B-1 (Business District.

JOHN PARKER:

Representing Ocean Sound Village Corporation requested to clarify the amendment to the rezoning request: he stated there was a strong personal attachment because of our new town hall, the request was amended to conditional use zoning. Application prohibited a large number of uses currently permitted as conditional use. (He noted X's to left prohibit uses-Yellow highlight is what is left.) Many uses eliminated were, at best, remotely probable that they would ever happen; the remaining uses will probably be a secondary or accessory use. They may be a very small part of a larger use. He asked that the Board would agree this eliminates a potentially objectionable use and tell him if there is something left that you have a problem with.

BILL BASS:

Stated that "Private recreation club" sounded like other than a decent spot to be.

There was some conversation regarding the classification of recreation clubs, adult recreation, etc. John Parker stated if someone comes in with a use, it would have to come before the board for a conditional use.

Alderman Tuman questioned Attorney Coleman regarding the town property not being included on the application. Attorney Coleman responded it would be better if the Town were to join the application; it would be cleaner.

A motion that the Town join in the application for rezoning was made by Alderman Tuman, seconded by Alderman Royman, and unanimously approved.

A motion was made to approve the re-zoning request, conditional B1 use by Alderman Bass, seconded by Mayor Pro-Tem Hillyer and passed unanimously.

- b. Request from Gulfstream Developers, LTD to rezone property between Carver Street and Lincoln Street from R-10 (Residential 10,000 s.f.) to B-1 (Business District).

Mayor Bostic asked for comments. Mayor Pro-Tem Hillyer stated that some people might object to B1 in that adjacent property, but we have letters from the owners, which eliminates my concern.

A motion to approve the re-zoning request to B1 was made by Alderman Bass, seconded by Alderman Tuman and passed unanimously.

NEW BUSINESS:

Planning Board Re-appointments:

Bill White, Joe Moseley, Patsy Jordan terms expire May 7, 1996 and re-appointment terms are for 3 years. Joe Moseley and Patsy Jordan both had expressed an interest in being re-appointed, however the manager had not been able to contact Bill White.

There was considerable discussion between board members regarding whether to re-appoint all three or the steps necessary to change the numbers of members to serve on the Planning Board.

A motion to reappoint Bill White, Patsy Jordan and Joe Moseley to three year terms was made by Alderman Bass, seconded by Mayor Pro-Tem Hillyer, and passed unanimously.

It was concluded that a Public Hearing concerning the number of members on the Planning Board be added to the next Zoning Ordinance Workshop.

New Employee:

Introduction of the new town employee: John Moore, into the Public Works Department and who is a member of NTB Fire Dept. was made by Mayor Bostic. John was welcomed as an employee.

Community Service Worker Contract:

Town Manager Vause explained the program and the need for the program. She asked for authorization to sign or have Mayor sign the contract.

Alderman Bass asked how much does the town had to pay. Manager Vause stated it was a free service from court system and these workers were covered under County insurance.

A motion was made authorizing the manager or the Mayor to sign the contract by Mayor Pro-Tem Hillyer, seconded by Alderman Bass and passed unanimously.

Request for the town to assume ownership and maintenance of 20th Avenue - Topsail Road Crossover.

Manager Vause gave the background on the crossover and the construction of same. She requested the board accept the crossover for maintenance.

A motion was made to accept and perform maintenance of crossover at 20th Avenue by Alderman Tuman, seconded by Mayor Pro-Hillyer and passed unanimously.

Land Use Plan Committee appointments.

Manager Vause brings a list of nominees for the Land Use Committee and requests the board appoint a committee.

There was a discussion of the previous committee, noting originally 12 members, then 10, but usually 6 attended, per Ginny Hillyer. The

board agreed it was a wonderful list.

A motion was made to accept the list of twelve names as Land Use Committee:

Otis Sizemore, Geraldean Walker, Ginny Hillyer, Marilyn Christoph, Wade Chestnut, Leland Newsome, Bill Parr, Pat Dempsey, Priscilla Royman, Bill O'Donnell, Rodney Knowles and Stewart Wishard

by Alderman Bass, seconded by Mayor Pro-Tem Hillyer and passed unanimously.

Award of bid for financing Town Hall Project.

The board was presented with a comparison of cash versus financing the town hall project. Staff recommended accepting BB&T proposal at 4.69%. Manager Vause said the town was advised by LGC we are on the June agenda.

A motion was made to accept BB&T financing at 4.69% for a term of 7 years by Alderman Tuman, seconded by Mayor Pro-Tem Hillyer and passed unanimously.

Budget Amendment for Fiscal Year 1995-96.

Manager Vause requested additional funds for legal fees from contingency (\$11,500) and Town Hall construction expenses (\$131,000) from Appropriated Fund Balance.

A motion was made to approve budget amendment #5 by Alderman Tuman, seconded by Alderman Royman and passed unanimously.

AN ORDINANCE AMENDING THE TOWN OF NORTH TOPSAIL BEACH
BUDGET ORDINANCE FOR FISCAL YEAR 1995-96

BE IT ORDAINED BY THE TOWN OF NORTH TOPSAIL BEACH BOARD OF ALDERMEN MEETING IN REGULAR SESSION THIS 1ST DAY OF FEBRUARY 1996, THAT THE BUDGET ORDINANCE FOR FISCAL YEAR 1995-1996 ADOPTED JUNE 1, 1995, AMENDED NOVEMBER 2, 1995, AMENDED JANUARY 4, 1996, AMENDED MARCH 7, 1996, AMENDED APRIL 4, 1996, IS HEREBY AMENDED AS FOLLOWS:

GENERAL FUND - EXPENDITURES:

Governing Body	59,050.00*
Administration	124,916.00
Elections	3,100.00
Inspections/Zoning	125,713.00
Public Buildings	283,500.00*
Police Department	386,314.00
DWI Grant - Police	9,271.00
Public Works	110,330.00
Utilities	20,000.00
Street Improvements (Powell Bill)	48,139.00
Sanitation	98,210.00
Non-Departmental	-0-
Recreational Facilities	23,065.00
Fire Department	171,572.00
Committees	7,500.00
DABSTEC	201,510.00
Contingency	<u>11,708.00*</u>

TOTAL GENERAL FUND EXPENDITURE BUDGET 1,683,898.00

POLICE ASSET ACCOUNT EXPENDITURES:

Police Asset/Service Account 9,674.00
 TOTAL BUDGET 1,693,572.00
 =====

GENERAL FUND - REVENUES:

Beach Renrsh/Dune Stabilization	69,100.00
Taxes Budget Year 1995	598,864.00
Prior Years Taxes 1993/1994	28,000.00
Prior Years Taxes 1992/1993	12,000.00
Prior Years Taxes 1991/1992	10,100.00
Prior Years Taxes 1990/1991	6,000.00
Prior Years Taxes 1989/1990	2,025.00
Prepaid Taxes - 1996	46,414.00
Inventory Tax Reimbursement	18,400.00
Tax Penalties/Interest	5,000.00
Privilege License	2,500.00
Cable Franchise	5,600.00
Interest - Investments	60,000.00
Miscellaneous	5,000.00
Miscellaneous Permits	500.00
Payment Lieu Open Space	5,000.00
CAMA Grant-Oyster Lane	4,080.00
CAMA Grant-Bay Court	4,635.00
CAMA Grant-Access Study	5,050.00
Utilities Franchise Tax	55,000.00
Intangible Property Tax	21,000.00
Beer & Wine Tax	4,000.00
Powell Bill Allocation	31,000.00
Local Option Sales Tax	106,000.00
DWI Grant - Police	9,271.00
Building Permits	23,000.00
Mechanical Permits	6,000.00
Electrical Permits	10,000.00
Plumbing Permits	5,500.00
Homeowners Recovery Fund	100.00
Inspection Fees	100.00
CAMA Permits Local	4,000.00
CAMA Permits Reimb. - State	1,500.00
Refuse Collection Fees	98,210.00
Tax Refunds - Sales	5,000.00
Tax Refunds - Gasoline	3,700.00
Other State Revenues	1,000.00
Beach Driving Permits	-0-
Officer Fees & Violations	2,000.00
Fund Balance Appropriated - Powell Bill Funds	17,139.00
Fund Balance Appropriated - Dune Funds	132,410.00
Fund Balance Appropriated - Payments in Lieu of Open Space	7,300.00
Fund Balance Appropriated - Town Hall	229,500.00*
Fund Balance appropriated - Public Works	<u>22,900.00</u>

TOTAL GENERAL FUND REVENUE BUDGET 1,683,898.00

POLICE ASSET ACCOUNT FUND

Treasurer Payroll Expense 674.00

Police Asset Fund - Customs	9,000.00
	<u>9,674.00</u>
 TOTAL BUDGET	 1,693,572.00
	<u>=====</u>

DULY ADOPTED THE 2nd DAY OF May, 1996.

Board of Adjustment re-appointment.

Manager Vause advised that Ginny Hillyer's term on the Board of Adjustment had expired. She requested Ms. Hillyer be re-appointed for a 3 year term.

A motion to re-appoint Ginny Hillyer to the Board of Adjustment was made by Alderman Royman, seconded by Alderman Tuman and passed unanimously.

Order Approving Cable Rate Adjustments for Falcon Cable.

Manager Vause provided David Harris information regarding Falcon Cable's rate increase request. She stated this information has been reviewed by Coleman and she agrees with Mr. Harris. A contract for Mr. Harris' services will be presented at your June meeting. Our franchise expires in 1997.

There was some discussion about David Harris, his credentials and capabilities. Attorney Coleman advised the quote Harris has given is significantly less than if I did it. I would have to reeducate myself. If my expenses are a concern to you, this would be another way to go on this. You need to start the renewal process 12 months in advance of expiration.

A motion was made for the order approving cable rate adjustments by Alderman Tuman, seconded by Mayor Pro-Tem Hillyer. The motion passed 3-1; Alderman Bass voted nay.

George Weitman requested clarification of the budget amendment passed previously in the evening. Manager Vause and the board explained this was the current year budget and the amount paid on attorney fees was \$ 17,484 through 2/29/96. Mr. Weitman said he stands corrected and understands the action.

MANAGER'S REPORT:

Listed below are the activities for the month of April, 1996:

1. ROAD-SIDE MAINTENANCE PROGRAM:
The road side maintenance program started April 22, 1996. We have received several telephone calls complimenting us on the work that is being done.
2. DUNE PROJECT:
The contractor has completed bulldozing work for this year. He was able to push sand along the entire length of the town. Most of the pushed sand has held. However, 2 areas (Ocean Wynds & Ocean City) did not hold as

well as the other areas because of the amount of sand available for bulldozing and the erosion problems.

3. RISK MANAGEMENT MEETING:

Aldermen Haynes and Royman, Town Clerk Heatherly and I attended a meeting in Wilmington with Risk Management Services. Risk Management representatives provided an update on possible State legislation concerning annexation procedures.

4. DOT PAVING/RESURFACING WORK:

The DOT contractor has been in town most of this week. They are preparing to pave 5th, 12th, 23rd Avenue and Bird Lane. They should be resurfacing River Road in the near future.

ATTORNEY'S REPORT:

NONE

ALDERMEN'S REPORT:

Alderman Royman: Stated "Listen to our citizens; they are trying to tell us something."

Alderman Tuman: Reminded everyone of the RUMMAGE SALE scheduled for Memorial Day Weekend. "Donate something and buy something".

Mayor Pro-Tem Hillyer: Complimented the two "cat ladies", Sue and Linda for the terrific job done. He said he was impressed with the humane way the animals were treated.

MAYOR'S REPORT:

He apologized if he stepped on anybody's toes at the public hearing. Of the 17 calls he received from citizens complaining about the budget, none of those 17 people are here tonight. There is a lot of information available at the Town Hall and we bend over backwards to anybody who requests it. Monday night we are having a budget workshop, department heads should have documentation to support their requests. He urged citizens to attend workshops and the media to cover it. Hopefully we can come together and come up with a budget we can live with.

CITIZENS FORUM:

Linda Knowles:

I think any member of the board has the right to walk up to that podium and address the public.

Clara Bass:

Thanked Greg for what he did for us last summer getting rid of our mosquitos. She said she had not even seen one this year.

Ann Penta:

Has DOT answered that letter yet? Manager Vause replied "no". I'm extremely concerned about that low area we looked over. This past weekend the people next door destroyed the dunes next to my house. They were at Ocean Bay. Go and see the markings of their shoes.

Mayor Bostic:

We will try to get a hold of the Homeowners Association there and see

ADJOURNMENT:

A motion was made to adjourn by Alderman Royman, seconded by Alderman Bass, and passed unanimously.
Meeting adjourned at 9:10 pm.

Teresa Heatherly - Town Clerk

BOARD OF ALDERMEN
BUDGET WORKSHOP
MAY 6, 1996

CALL TO ORDER: The mayor called the meeting to order at 6:10 pm.

ATTENDING: Mayor Pro-Tem Hillyer, Aldermen Bass, Royman and Tuman, Town Manager Vause, Clerk Terry Heatherly, Town Department Heads: Gunnar Matthews, Thomas Best, Bill Poe, Susan Daughtry, Jeff Holland and Greg Prather were present. Alderman Haynes was not present due to active duty assignment with the Air Force; Attorney Coleman was not present.

Approximately 10 citizens attended.

Mayor Bostic opened the meeting by asking for comments from the Aldermen.

ALDERMAN HILLYER:

Stated at the Public Hearing two people were for and two people against the proposed budget. "Fat"; what does that mean? Services that are not needed or not wanted by some people. i.e. the Mosquito Control program and department. He stated this is no longer a place where it is just a collection of nice cottages; it's a town which provides services, and services cost money. He said he felt the department heads gave their best estimate of what it costs to run their departments. This year there was a \$400,000. gap between revenues and requested funds. He felt it was a good budget; no fat. He stated by law, we have to have a balanced budget. I heard things like recognizing outstanding employees is bribery; I don't agree. The portion of our budget devoted to salaries has dropped. We have more houses, more people and they want services. It doesn't mean you're going to get rich; it usually means you have to spend more money. The person who prepared this budget hasn't gone from near genius to dummy in a year. We listened to a lot of criticism and they have a right to do it in a positive way. If they have some constructive criticism, let's hear it.

ALDERMAN ROYMAN:

He said he was also concerned about the word "FAT"; we keep coming back to two words-communicating and educating. Look at how many citizens are here; they must take this very lightly. Think about that.

ALDERMAN BASS:

It still comes up to that "Fat in the budget"; and every budget has fat in it. Some things in this budget that I consider should not be there:like in

the Police Department, Maintenance & Repair of Vehicles \$ 10,000. and Automotive Supplies \$23,000. Like I say, I believe this budget has some fat in it; all budgets do. Even the Federal government budgets have fat in it.

ALDERMAN TUMAN:

I agree with Peter; when I thought over the Public Hearing, I heard a lot of raised voices and anger; one person's fat is another person's lean. I would say after I thought about it, at best, what in many cases, some people think they have to yell to be remembered. I don't feel that is true or that we have behaved that way. But there are always problems in a sense because Ann does such a tight budget, and people feel like they have to nickel and dime everything. I thought this was a very well prepared budget. A lot of criticism is based on poor understanding of what the topic is; if they go and speak with the Town Manager, they find out what it's about. They find out there is a very logical explanation. She's there in that office and willing to speak to anyone. This budget has taken a lot of her time and she doesn't have a lot of time. I appreciate the efforts of all department heads and their help with this budget.

MANAGER VAUSE:

Our tax rate is 26 cents for operations and 3 cents for dunes preservation, at a 95% collection rate; sales tax collections are now divided between county & state portions. I have asked for \$159,700 to pay off all existing debt. When the town hall comes in that will be the only debt we will have. We have started the roadside maintenance program. In capital outlay, the Police Department is asking for 3 new cars, Public Works for 2 used trucks, and the Fire Department needs various equipment. Personnel costs compares to 4.9% increase with benefits in with that. It provides for the estimated cost of operation of the town in an efficient and effective manner. It does not request an increase in the tax rate.

There was a conversation about the rate of collection used, the improvement of tax collection in the past few years and some discussion about people not paying their taxes.

After Alderman Bass questioned higher salaries and benefits in Administration and Inspections & Zoning, there was considerable conversation and explanation of longevity pay, applied estimates on overtime and the resulting increase in benefits.

Mayor Bostic asked if there were any problems with the budget for the Governing Body:

Alderman Bass pointed out there was a \$ 25,000. problem here. He said it sounds outrageous. He said he didn't know who wrote the contract. Alderman Tuman stated the board approved it. There was discussion about the attorney fees, charges for extra meetings and that other towns are paying a larger portion of their budget for legal counsel. The consensus was we have to have an attorney and that the previous attorney was providing services for free. Everyone wished it wasn't so high, but it's one of those things we have to pay for. Manager Vause advised the attorney's contract is up for renewal in June or July, and can be discussed with her at that time.

Mayor Bostic asked for comments on the Administration budget:

Manager Vause noted a big difference in salaries, because this year the department went seven months without a town clerk/finance officer. Also, it was noted cleaning service estimates were figured on existing town hall space.

Mayor Bostic asked for comments on the Inspections and Zoning budget:

Items discussed and explained were: recalculation of salaries for the department, as well as all departments; training requirements for CAMA and Inspections; building rent on trailers for six month period until new town hall is ready; state and supplemental retirement plans. It was noted the town pays retirement on overtime because it is in the state contract that they do so. The different retirement rates between police and other departments was explained. Susan Daughtry answered a question on whether the department made money on advertising; she stated right now it is approximately \$10. per application. There was a lengthy discussion of vehicle maintenance, supplies and insurance costs.

Mayor Bostic asked for comments on the Public Facilities budget:

Thomas Best explained the painting requirements of south fire department and stated that estimates were between \$8,000 and \$10,000.

Mayor Bostic asked for input and questions on the Police Department budget:

Manager Vause explained retirement for police officers, 401(k) mandated by the state; that the town pays for employee medical and dental insurance and the employee pays for dependents. She noted maintenance agreement costs are increasing on equipment.

Alderman Royman asked where vests were in the budget. Vause explained they were departmental supplies, and we are partially reimbursed from the insurance co. Gunnar explained vests are good for five years, based on the liability from the company; the more you wear it the more it breaks down the kevlar. He stated they had three that are good, the others need replacing. Officer Porterfield explained the new vest material and why they are better.

A discussion of vehicle maintenance, Taurus breakdowns, various police packages, the year, make and mileage on each vehicle. It was determined that each police vehicle was averaging 25,000 - 30,000 miles each. The board was advised that a maintenance program is in place for the police vehicles, as well as other town vehicles. It was noted we go to the dealership if the vehicle is still under warranty.

The number of vehicles requested was discussed, as well as when these vehicles could be received. A general discussion of the take home policy for police cars was held. Alderman Bass stated he would go along with three cars, if they would park them at town hall; Mayor Bostic was in favor of purchasing 2 cars. Hillyer, Royman and Tuman stated they were in favor of purchasing three cars.

There was discussion about the insurance line items for all departments and Manager Vause stated she would provide a breakdown and comparison.

Gunnar and Danny explained what the other equipment in capital outlay was: \$ 8,000 for radio equipment, light bars, etc.

Mayor Bostic asked for comments and questions on the Public Works budget:

Vause explained that Public Works and Mosquito Control combined is three people. The budget was separated to provide a clear picture of what Mosquito control costs you.

Greg Prather, Public Works Supervisor answered questions and explained the following: blades and replacements for the lawn tractor; the mowing

apparatus; departmental supplies, including a lift, welder, closing in the office (to finish that building); he was asked to explain \$6,900. expense in departmental supplies this year: he advised it was to purchase paint, tools, tape, hardware, etc. and stated we had nothing.

There was discussion of the capital outlay request for two used trucks, existing equipment and its condition, and maintenance requirements.

Manager Vause was asked to provide insurance breakdown to the board.

There was a general discussion of Public Works needs, how salaries and other costs are divided between departments, and the fact that this will be the first year of the Mosquito Control program breaking out as a separate department, and we don't know how all the costs will break out.

Mayor Bostic asked for questions and comments on the Fire Department budget:

Alderman Bass questioned departmental supplies requests and capital outlay requests; and asked if that was related to the pending grant application. He was advised this did not include anything related to the grant. Mayor Bostic questioned insurance rates and a discussion took place. There was conversation about departmental supplies, pagers, specifically, and other needs including bottles, arson investigation equipment and an air compressor.

A discussion of vehicle maintenance, oil changes and the need to paint the white Bronco ensued. Tommy Best replied the vehicles were running good but needed a paint job to prevent rust damage. He was asked to itemize his capital outlay request, and responded: mobile radio, hose tester, hose clamps, cascade bottles, OSHA explosive proof fill station, and hearing protection and intercom for emergency vehicles. There was a conversation about the immediate need for a fill station and the board agreed to purchase the fill station now if \$700. could be found in this year's budget.

A general discussion ensued concerning the purchase of a fire truck; that one was obsolete and parts may not be available soon. Volunteer reimbursement was also discussed. Everyone agreed there needed to be some kind of volunteer incentive.

Proposed budget for Committees was discussed:

It was determined Land Use Plan will not have grant money available until October; DABSTEC accounts needed to be broken out, showing fuel for loader, repairs and maintenance also. There was some discussion of the growth of the Dune Funds and its use.

Budget request for Contingency:

Required by law, no problem.

Discussion of Police Asset Account:

10.5

This money is completely set aside, in a separate account. The money can only be spent on equipment.

Budget for Special Events:

Manager Vause explained we may not spend some of this. The board agreed on Christmas decorations two years ago, this is the third and final year.

Utilities-Street Light discussion.

Street Improvement-Powell Bill Portion of street repairs and construction.

Sanitation Budget: a general discussion of garbage contract, costs and the need to make the service mandatory ensued.

It was agreed the next workshop would be at 6:00 pm on May 16, 1996.

PUBLIC COMMENT:

George Weitner:

Stated he could understand why nobody comes. With the exception of Bill Bass and Marty Bostic, no one else said anything.

Joe McMillan:

Stated that he spoke at the Public Hearing, and I was called improper.

The workshop was recessed at 10:00 pm until the 16th of May, 1996.

Teresa Heatherly - Town Clerk

BOARD OF ALDERMEN
BUDGET WORKSHOP
MAY 16, 1996

CALL TO ORDER: Mayor Bostic called the meeting to order at 6:09 pm. Aldermen Bass, Haynes, Tuman and Mayor Pro-Tem Hillyer were present. Alderman Royman and Attorney Coleman were absent. Town Manager Vause and Town Clerk Heatherly were present. Four citizens attended.

LUP COMMITTEE

APPOINTMENT: Manager Vause stated that Marge Lombardo had inadvertently been left off the list of nominees for the Land Use Plan Committee and Vause was requesting formal appointment of Lombardo at this time.

A motion was made by Mayor Pro-Tem Hillyer, seconded by Alderman Tuman to appoint Marge Lombardo to the Land Use Plan Committee. Passed unanimously.

NOMINATIONS-

COASTAL RESOURCES

COMMISSION: Manager Vause explained that the Town had been notified that there were 9 openings for the Coastal Resources Commissions appointments and each municipality can make one nomination. The board discussed the need for time to find and agree upon a nominee. The Mayor noted it would be good to find out what the county was doing, stating there was the opportunity for May 20 meeting with county commissioners. All agreed there was no nominee at this time, and they would wait to see what the county decided about a nominee.

1996-1997

PROPOSED BUDGET:

TOWN MANAGER VAUSE:

Advised the board that recommended changes were made in some budget items, but total budget was the same. In "Governing Body" Workers Compensation, insurance figures have changed. In "Administration" Workers' Compensation, insurance figures changed, salaries lowered; Town wide we stayed the same on insurance/workers' compensation. This is the same budget, just shifting numbers, noted Alderman Bass.

ALDERMAN HAYNES:

Stated she had never seen this type of budget; only familiar with federal government. She said

she thought some areas were lean; and questioned why some things are asked for and not given. Overall, I just have to say there are areas too lean and some too fat. Mayor Bostic asked for particular areas. She stated she read the budget cover to cover and the manager had explained how to read the worksheet. She questioned why the attorney was so high and why we are limited to the type of attorney available. There were questions concerning the mower, and why we're spending so much money on blades; question about insurance for the Fire Department; she thinks that's unfair, but was explained that we're looking into other insurance. She stated she didn't think you should penalize one part of the town on insurance. Vause explained she had talked to Swansboro about their insurance; and stated we can shop around. There was some general discussion about fire department insurance again. Vause explained whatever is requested is looked into. It will take a while. The existing insurance is on everything we have except health insurance. Alderman Haynes explained she didn't understand how to read salary chart. Vause explained the chart was not based on years, but we hope to get it to that point, whatever the board wants to do.

GENERAL DISCUSSION:

There was discussion about change from departmental supplies to capital outlay in Public Works (some items over \$500. each). Vause explained insurance changes; the amounts between departments changed, but the total was the same, overall there was no money saved. Vause explained the way positions are rated according to Workers Compensation insurance charges; that some positions (i.e. firefighters carry a higher premium than others). She stated there is no flexibility at the moment. Alderman Haynes asked about separate budgets for Public Works, Mosquito Control and Dune Stabilization; Manager Vause explained the split was for budget control purposes and changes of the budget between departments must be approved by the board. She stated we needed one year of experience with actual costs to budget this area more accurately.

Mayor Bostic, Alderman Bass and others discussed at length costing expenditures by department to assure that each department is paying their part for shared items. It was noted that Public Works was keeping better records than ever before on maintenance, etc. The conversation continued in discussing blade replacement costs for the mower,

the type mower that should have been purchased, flail or rotary and the fact that the manager was planning to further investigate the advantages of a flail mower. She pointed out the board could increase the capital outlay for \$ 3,000. at this time to purchase a flail mower. There was much discussion regarding trying to rehabilitate the surplus truck being used by Public Works, rather than budgeting for two used trucks. It was pointed out that the surplus truck was actually a Police Department vehicle and would go back to the state upon being scraped. Mayor Bostic then asked about purchasing a lift and how the bay with the lift could be utilized. Other items covered were what type oil, oil filters, headlights, quantity and place purchased; Bostic suggested factory oil filters purchased from K Mart. Mayor Bostic asked manager Vause to look into bulk gas. Vause explained what she had done so far and who she had talked to. She said she had been advised underground tanks were out, and above ground tanks state code was very involved. She said she also had gotten information from CAMA and EPA rules. There was considerable discussion about gas tanks. Bill Poe explained about cleanup in case of spill, etc. and existing rules. It was decided not to include money in the proposed budget for that.

PUBLIC FACILITIES:

Greg answered Alderman Bass's question about why he can't spray for bugs; stating he doesn't have a commercial license. He would have to get special licensing, it's a lot more involved and this one might cost us. Greg said he would call the state and find out. A discussion of painting the south end fire station, cost, specifications of paint type ensued.

POLICE DEPARTMENT:

After Mayor Bostic requested any questions, Alderman Haynes asked for explanation of the car request. Danny Salese said they asked for three to bring everyone up to speed and this week we've already had two cars in the shop. The older vehicles are about worn out. Manager Vause explained we're trying to get on a two year replacement schedule on these cars. Mayor Pro-Tem Hillyer said he would like to see the Police Department spending less time working on cars and going ahead to buy three new cars. Alderman Tuman stated the Taurus' are a lost cause. Mayor Bostic asked Manager Vause: "What's coming out of fund balance?" Vause answered \$159,700 to pay off all

existing debt. There was some discussion about whether there will be excess revenues at year end. Vause explained you can't spend next year's money before it is approved through budget.

SPECIAL PROJECTS:

Vause explained LUP Update money of \$1,250. was budgeted per CAMA request. Mayor Bostic would like to see something like Military Appreciation Day, again. General discussion ensued about donations, etc. Alderman Bass asked about CAMA Grants for Oyster, Bay and Access Study. "Did we get the grant money for that?" Vause explained where the project is now; that we needed one foot additional easement. Bay Court is being resurveyed. We have until September to have it approved by CAMA. The board discussed handicapped requirements, etc. There was some discussion about "community day" and using it to honor volunteers, etc. Vause offered to look into costs.

FIRE DEPARTMENT:

Manager Vause stated you will see an adjustment on salary, because it didn't round up correctly. Mayor Bostic stated he would like to see the \$10,000 back in Departmental Supplies (to \$20,000). He said he would rather see an increase in departmental supplies than paint the building. There was discussion about the general condition of the fire station (rust spots, etc.), the cost proposals received and guarantees. The board agreed to move \$3,500 from Public Facilities (painting) to Fire Department departmental supplies, based on \$6,500 bid to paint fire department south end station.

Alderman Bass questioned Volunteer Reimbursement. Manager Vause explained this is the first year we've had it; we talked at length about it during budget meetings with staff. The expense will be paid out in June (anticipate paying out another 1,000). Alderman Haynes asked "What happens if you have money left over?" Vause replied the auditor verifies funds, and the remainder goes into undesignated fund balance; if there is a department loss, funds are appropriated from fund balance. Alderman Haynes asked if they could purchase things before June 1, with anticipated left over money. Vause said things could happen and the money might be needed. Vause asked what she had in mind. Tommy Best stated painting Poe's Bronco. There was a general discussion of tax base increase and rate and future budget years. Mayor Bostic asked if the board was in agreement

to paint the Bronco before July 1st? Alderman Haynes replied if that's what he wants. Vause advised staff will check and see the money situation. All agreed.

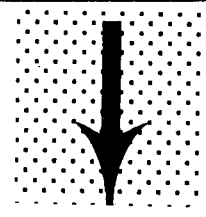
There was some discussion regarding Beach Renourishment/Dune Stabilization. Vause advised new accounts had been added per request from the previous workshop.

There was a general discussion regarding the Police Asset Funds & Custom Funds. Vause advised of the restrictions as to what governing board can do, essentially, they can't touch it.

INSPECTIONS & ZONING:

Mayor Bostic asked for any questions regarding Inspections/Zoning. Alderman Tuman stated people may not understand having or appreciating a good department. Susan Daughtry stated "I have the best building inspector you could ask for." Tuman agreed. Mayor Bostic asked Manager Vause "If we approve the budget, do we have to formal bid on police car?" Vause stated that has already been done, as it is under state contract. Alderman Tuman noted that the Town Manager's salary had to be set before we pass a budget and Jack Royman needed to be present. She asked to have it added to Saturday's Public Hearing. All agreed to that. Haynes asked if there was going to be another budget workshop. The consensus was no. The board agreed to recess until after the Public Hearing on Saturday, May 18. The workshop recessed at 9:16 pm.

Teresa Heatherly - Town Clerk



BOARD OF ALDERMEN
PUBLIC HEARING/SPECIAL MEETING
MAY 18, 1996

CALL TO ORDER: Mayor Bostic called the meeting to order at 2:06 pm. Present were Mayor Pro-Tem Hillyer, Aldermen Haynes, Bass and Tuman. Alderman Royman and Attorney Coleman were not present.

PUBLIC HEARING:

a. To receive citizen input on a request by Gulfstream Developers, LTD and Ocean City Pier, Inc. to close Lincoln Street and one (1) block of Ocean Drive.

Public Participation: Two citizens attending-Wade Chestnut & Leland Newsome.

MR. WADE CHESTNUT:

Mr. Chestnut presented letters and a map for addition to the minutes. He stated there was nothing here that relates to the Lincoln Street portion; the letters are from Ocean Drive owners. With the exception of Harvey Beech and others and they are objecting until the property is sold. That is in negotiation presently. The other owners have no objection to closing this road. The only point I would like to draw to your attention, the owners on the north side of Ocean Drive come in on Lincoln Street. As part of this application, we are offering to pave Carver Street so that those residents are not inconvenienced.

ALDERMAN HAYNES:

Referring to the maps, asked how those residents would access their property? Chestnut pointed out Carver Street access.

MAYOR PRO-TEM HILLYER:

Questioned what the plan was for Lincoln Avenue; is it going to be a parking lot? Chestnut responded yes. He confirmed he was negotiating with Harvey Beech about Lot A & B. There was discussion between Board members and Mr. Chestnut, clarifying who owned what portions of the properties.

LELAND NEWSOME:

Stated he talked to 2 dozen residents and only one objected, but when I explained they could still walk to the pier and they withdrew the objection.

GENERAL DISCUSSION:

Mayor Bostic asked are you requesting to lease easement from the town (explaining the easement at the Village of Stump Sound)?

Mr. Chestnut responded that is the request and the desire. In my opinion it would be best to move everything to that side. Parking would be open to the public.

Alderman Bass asked when do you estimate having the crosswalk done, etc? Mr. Chestnut said by the beginning of fall after permits are obtained, we hope to start construction and finish before winter. Mayor Bostic to Mr. Newsome: Regarding the piece of property next to the Village of Stump Sound; we will get with Susan and see if the Town owns that and what needs to be done. We have reason to believe this project would bring beauty to the area; there is none there now.

With no additional comments, Alderman Bass made a motion to close the Public Hearing, Mayor Pro-Tem Hillyer seconded. Passed unanimously. The Public Hearing closed at 2:20 pm.

CALL TO ORDER
WORKSHOP MEETING:

Mayor Bostic reconvened the workshop meeting from May 16, 1996, at 2:21 pm.

PURPOSE: a. Set town manager's salary.

DISCUSSION:

Mayor Pro-Tem Hillyer read from an article about New Hanover taking money from fund balance and why it is feasible; and Shalotte's fire rating has gone from a 6 to a 10 and the difference in the amount of the premiums that owners will have to pay. He stated, "I wonder how many people realize the money individuals have saved here because of the fire rating". Alderman Tuman said there is more than one way for departments to pay for themselves. Manager Vause added when she and Tommy talked about the fire department's budget, (new fire equipment) we decided to come back at midyear after the town hall project is settled. Mayor Bostic speaking about different departments, stated he still wondered if there isn't more equipment that public works could utilize; Box blades, front end loader, etc. Manager Vause stated a lot of these are long range plans. Alderman Haynes talking about Public Works, we

discussed about prisoners doing road work. Manager Vause noticed that Surf City has some now, and it takes about 6 months to get it going. We have summer hire program, and we'll be advertising those positions soon. There was a general discussion about mowing frequency. Greg said they were trying to get it cut on schedule, with some consistency. Greg stated he needs him (John) to do other things as well. I did not think he was just a grass cutter, but was a Public Works employee. Mayor Bostic asked Greg if it would benefit us to hire a contractor with a bush hog to cut down ditch area. Greg responded if the town wants to spend the money. Alderman Bass suggested making the back side of the ditches mandatory to the property owners to maintain. He said the board has got to get in on that. It's not covered in our ordinance. Mayor Bostic stated if we're going to get into things like that, we're going to need more money. Alderman Tuman suggested letting Greg and the manager investigate and bring options to the Board.

TOWN MANAGER'S SALARY:

Alderman Tuman stated she wanted a full board for this process. Mayor Pro-Tem Hillyer stated he would also be out of town until June 4. Vause said she couldn't get budget ordinance that quick. Hillyer suggested it be done anyway. The board agreed.

Vause stated she makes \$42,900., for the record, got a raise a year ago and went from \$39,000 to \$42,900 (10%). Alderman Bass asked if employees increase was set at 4.9%? Vause stated that was an average, a few are above that.

Alderman Tuman stated that Ann has continued a very good job. I did a 5% raise. Mayor Pro Hillyer agreed as that is a significant raise in line with the other employees. Alderman H agreed. Alderman Bass stated she came for \$ 39,000 for a beginner and got 10% last year another 5% is a hell of a raise on this sal Manager Vause asked "What do you mean \$39,000 is high for a beginner?" Alderman Bass stated Charles was making that (Vause said it was \$40,900) and was screwing up more than doing good. He said if the board goes 5%, I'll go along with it. Alderman Tuman stated the manager has the daily operations of this town; all we have to do is listen and refer them to the manager. I think we are fortunate to have someone with so much experience, if we will stay out of her way, in

in terms of micro-managing. Mayor Pro-Tem Hillyer suggested the board go with 5%, due to 10% prior year. Board agreed with 5% raise; and Alderman Tuman said she will try to reach Alderman Royman. She said she thought he would be in agreement with the 5%.

A motion to adjourn was made by Alderman Tuman, seconded by Alderman Haynes and passed unanimously. The meeting adjourned at 2:55 pm.

Teresa Heatherly (TE)
Teresa Heatherly - Town Clerk

TOWN OF NORTH TOPSAIL BEACH
REGULAR BOARD MEETING
JUNE 6, 1996

CALL TO ORDER: Mayor Bostic called the meeting to order at 7:05 pm.
CONVOCAATION: Present were Mayor Pro-Tem Hillyer, Aldermen Bass, Tuman, Haynes and Royman; Attorney Coleman, Town Manager Vause and Town Clerk Terry Heatherly.
INVOCATION: A moment of silent meditation was observed.

AGENDA
APPROVAL: Delete 6 (b) Bill Fouss, add Bill Parr (Change 12f to 12h), add possible donation to Topsail Island Historical Society for renovations as item 12g. Motion to approve amended agenda by Alderman Haynes; Alderman Royman seconded. Passed unanimously.

- MINUTES:
- a. Public Hearing/Regular Board Meeting held May 2, 1996; Motion to approve corrected minutes by Alderman Bass; Alderman Tuman seconded. Passed unanimously.
 - b. Budget Workshop held May 6, 1996; Motion to approve amended minutes by Alderman Bass; Alderman Haynes seconded. Passed unanimously.
 - c. Budget Workshop held May 16, 1996; Motion to approve minutes by Alderman Haynes; Alderman Tuman seconded. Passed unanimously.
 - d. Public Hearing/Budget Workshop held May 18, 1996. Motion to approve Public Hearing minutes by Alderman Bass; Alderman Tuman seconded. Passed unanimously. Motion to approve Budget Workshop minutes by Alderman Haynes; Mayor Pro-Tem Hillyer seconded. Passed unanimously.

REQUEST TO ADDRESS THE BOARD: Jean Nociti - Topsail Island Chamber of Commerce:

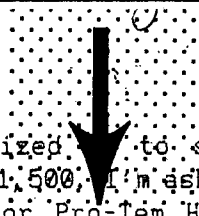
Ms. Nociti, speaking to the board to update them from the Chamber, read from "Carolina Business", "in 1994, the North Carolina tourism industry was an 8.34 billion dollar industry; in 1995 it increased to over a 9 billion dollar industry. It has a projected growth rate of 5.7%." She went on to state that every tourism dollar spent here stays here. Every dollar invested in tourism promotions generates \$ 5.28 in cash revenues for our state. She noted that Tommy Best helped a tourist move to new rental home; and thanked him and the employees who helped. She said the Chamber had accomplished a lot with a \$ 60,000 budget, including Topsail Beach and Surf City accommodations tax. Since last year, the Chamber has a new larger office, a part time employee, and are

still recruiting volunteers, and really need quality volunteers. In 1995, 10,395 inquiries to Chamber; and are continuing to increase 4,356 this period so far. Many are relocation inquiries. The Chamber participated in Travel Expo in Jacksonville and other advertising and network with Onslow County Tourism. Onslow County Tourism had an ad in Reader's Digest. They had 1328 inquiries from this ad alone. She noted some progress with Pender County also; and will be doing a brochure with Pender County. We now have a seat on NC Tourism Committee. She said they were networking on the internet, which has generated foreign inquiries. They have been fielding questions about hog spills, work with the missile museum, etc. They are trying to get Topsail Island in every publication and calendar possible. Included in packets she provided to the board were their first annual report. They will need 50,000 copies of brochures this year (previously 30,000). We need to get the right information to inquiries. The Chamber is an umbrella agency for what's going on. She extended an invitation to the new office and will accept any help they can get.

George Weitner asked why we want tourists here? He said "I'm retired, I live here." She replied that taxes would go up, you would have no amenities here, your businesses would be gone here. Alderman Tuman stated the Chamber does a fantastic job.

Bill Parr:

Mr. Parr, offering a Sales Tax distribution update, stated the beach community doesn't have friends in places of power in our county. He said the presentation he made to the Board of Commissioners in May, Mr. Swindell (who is not friend of the beach) said if the county went to the Ad Valorem method of distribution, the county would do better and Surf City and North Topsail Beach would do better. He said he could not support that because part of Surf City lies in Pender County. He ignores the fact that we bring about 6 million dollars in revenue in tourism. I have copy of a "Memorandum of Understanding" signed by representatives of Onslow County and the City of Jacksonville; County will distribute on a per capita basis rather than an Ad Valorem basis, and the county will be reimbursed from the City of Jacksonville for those moneys lost by that method. Part of the memorandum deals with the Beer & Wine tax. Jacksonville gave the county all this money resulting from Camp Lejeune based on annexation. They gave almost a million dollars to county to entice the county to keep present basis of sales tax distribution. I think it's against the law. In pursuing this, on behalf of the Homeowners Association, retained a law firm to look into this thing. The census totally ignores our temporary population; possible conflicts of interest; possible illegal distribution of other peoples money; the Institute of Government opinion is it is illegal. Since we needed somebody independent; we retained Joel Ryan to take a look at this thing. the



Homeowners Association authorized to spend up to \$500; but we need a total of \$ 1,500, I'm asking for the town to contribute 1,000. Mayor Pro-Tem Hillyer said Bill didn't mention other towns get over \$100,000 in accommodations tax we don't get; we're not looking to sue somebody; we're looking for a reasonable compromise that can be reached. An objective legal evaluation is important; and I'll make motion to authorize \$ 1,000 to the North Topsail Beach Homeowners Association to pursue a legal evaluation with regard to the sales tax. Alderman Royman seconded. The motion passed unanimously. A motion to allocate funds from the Contingency Fund was made by Alderman Tuman; seconded by Mayor Pro-Tem Hillyer. Passed unanimously.

CROSSOVER COMMITTEE
REPORT:

Ginny Hillyer, Chairman stated a Public Hearing was held May 21, to publicize the results of the survey. Another meeting will be scheduled in July. Look for public notice.

PLANNING BOARD
REPORT:

Bill Rogers reported on the May 9 meeting. Joe Morgan was elected Chairman and Otis Sizemore was elected Vice Chairman. There will be monthly reports to the Board of Aldermen; format will be standardized.

BOARD OF ADJUSTMENT
REPORT:

Ginny Hillyer reported the next meeting will be June 18, and anyone who needs information can get it from Town Hall.

COASTAL RESOURCES
COMMISSION:

Manager requested any nominations from floor. The matter was tabled.

LINCOLN STREET
CLOSING:

Attorney Coleman suggested amending the order, because some wording needed to be specific. After a brief discussion, Alderman Bass made a motion to close Lincoln Street and one block of Ocean Drive; Mayor Pro-Tem Hillyer seconded. Motion passed unanimously.

NORTH CAROLINA
ONslow COUNTY

=====
IN RE: CLOSING OF LINCOLN STREET AND ONE BLOCK OF OCEAN DRIVE
=====

ORDER

=====
THIS MATTER, coming before the Board of Aldermen at their regularly scheduled meeting on June 6, 1996; and, from statements of the parties concerned and after a public hearing on the matter, the Board makes the following findings of fact:

FINDINGS OF FACT

- 1. The Town of North Topsail Beach was requested to

consider closing Lincoln Street and one block of Ocean Drive from Carver Street to Lincoln Street by Gulfstream Developers, LTD. and Ocean City Pier, Inc. by petition presented at the regular meeting of the Board on May 2, 1996;

2. The closing of these streets will not result in the deprivation of a reasonable means of access to any individual owning property abutting the street or in the vicinity of the street, including the subdivision in which the streets are located.
3. The closing of these streets will not be contrary to the public interest.
4. The owners of the adjoining property on each side of each street, do not oppose the closing of these streets.
5. A public hearing was held by the Board of Aldermen on the 18th day of May, 1996, at which no opposition was voiced to the closing of these streets, which public hearing was duly advertised in accordance with NCGS 160A-299.

ORDER

Based on the foregoing findings of fact, the Board of Aldermen of the Town of North Topsail Beach hereby orders that Lincoln Street and the block of Ocean Drive between Carver Street and Lincoln Street are hereby closed to the public and remain the sole and exclusive property of the adjoining landowners, subject to the possible recordation of a plat setting out an alternate agreed plan of ownership. The Board further orders that this order be recorded in the office of the Register of Deeds of Onslow County to evidence this action.

This 6th day of June, 1996.

**JULY BOARD OF ALDERMEN
MEETING DATE:**

A motion was made by Mayor Pro-Tem Hillyer, and seconded by Alderman Royman to set the July meeting for July 3, 1996 at 7:00 pm.

**FISCAL YEAR 1996-97
BUDGET:**

With no discussion, a motion was made by Alderman Tuman to adopt the budget for Fiscal Year 1996-1997, and seconded by Mayor Pro-Tem Hillyer. Passed unanimously.

**CABLE TV CONSULTANT
CONTRACT:**

Manager Vause advised the Board of Onslow County and Custom Communications arrangements and requested a contract with Custom Communications. Total estimated cost to us is approximately \$959.00. Attorney Coleman thinks you will get a model franchise ordinance and agreement that you can tailor to your needs; a good solid basic model ordinance. Mr. Harris will negotiate on behalf of the town and for the association as a group. He will make sure you're not short shifted on legal language. Some other work will still have to be

done by the manager or the town attorney. This will reduce your fees for this process; I could not come up with a good ordinance for this money. Manager Vause stated all county representatives and municipal representatives felt customer relations was the problem. She said there were many steps before finalizing the franchise. Alderman Haynes asks if programming was negotiable; consensus it is not. Prior experience shows per Manager Vause, last time 4 companies were asked and no one wanted the area. General dissatisfaction was expressed by Otis Sizemore and Bill Rogers.

Alderman Haynes made a motion to approve the contract; seconded by Alderman Royman. Motion passed unanimously.

OCEAN CLUB VILLAGE
SUBDIVISION STREETS
& WALKWAY:

Manager Vause stated the walkways have been inspected by Building Inspector Holland and he advised they meet town specifications. Motion made to accept streets and walkways by Alderman Tuman; seconded by Alderman Haynes. Passed unanimously.

ORDINANCE WORKSHOP
DATES:

June 17, 1996 at 5:00 pm was set for the next ordinance workshop.

NO PARKING SIGNS -
OCEAN SOUND VILLAGE
SUBDIVISION:

No Parking Signs request from Ocean View and Sound View Lane; Chief Gunnar Matthews had observed the problem, stating that section of beach was bad for illegal parking. He said so many people were parking on property on sides of the street, they needed approximately 4 or 5 signs.

A motion was made to erect no parking signs on Ocean View and Sound View Lane by Alderman Tuman; Alderman Haynes seconded. Passed unanimously.

HISTORICAL SOCIETY
DONATION:

Donation Request for Historical Society for Missiles & More Museum; made by Sue Tuman. She said the museum is open Wednesday, Saturday and Sunday from 2 - 4 pm and special arrangements can be made. They have renovated that area and is quite nice. Labor was donated, but they need money for materials. There are two North Topsail Beach displays and one from Ocean City. They are asking for a one time donation for renovations in the amount of \$ 500.00. A motion to donate \$500., with money from the Contingency Fund was made by Alderman Tuman; seconded by Alderman Haynes. Passed unanimously.

TOWN ATTORNEY
CONTRACT:

ATTORNEY COLEMAN:

Stated the way this was working, in effect, the contract in February, 1994, is continuing until one or other terminates contract. I did this at your request. I don't

expect to renegotiate every year; either party can terminate. She stated she was willing to continue under old rates and old contract, if the board agrees. She said the retainer insures that I will do your work and attend board meetings at no extra charge. Last year I upped rates to everybody except yours.

No motion is necessary if they stay with the old contract, per Manager Vause. No further action. No discussion. The old contract stays in force.

MANAGER'S
REPORT:

Listed below are the activities for the month of May, 1996:

The month of May was a very active one. A good portion of the month was spent on the proposed budget for Fiscal Year 1996-97.

The condition of the ditches on Island Drive and New River Inlet Road was discussed with Mr. Billy Dixon, DOT. He advised that his crews will be here within the next 2 months to pull the dirt from the ditches back to the shoulder of the road. In addition, the DOT landscaping crews plan to plant grass seed on the new shoulders.

Terry Heatherly, Town Clerk/Finance Officer, will be leaving us mid-June. She plans to work part-time the last 2 weeks of the month to assist us in closing out the financial year. Greg Prather, Public Works Superintendent, has resigned. Greg is the only one certified to handle pesticides. After our initial discuss he agreed to work part-time until September to enable us to continue with our mosquito control program. However, because of school schedule restraints he will be unable to work part-time for us this summer. Kermit & John are currently reviewing the requirements for pesticide testing. He will handle the program until June 4th. Test for pesticide license are done periodically in Raleigh. As soon as possible we plan to send each of them to Raleigh to take the test. Until we have another individual certified to handle pesticides the mosquito control program will be on hold after June 4th.

We are beginning to work on the next newsletter which is scheduled to be mailed the early part of July. If anyone has information they would like included in this newsletter please contact me.

Onslow County Paramedics are now stationed in North Topsail Beach. They will be here from May to September (week after Labor Day).

The spring/summer season is in full swing. All departments are very busy. Construction continues to be very active. Solid waste management has increased double fold. Residents/property owners are cleaning up,

sprucing up their properties which is greatly increasing the number of calls for bulk pick-up.

ATTORNEY'S
REPORT:

Stated she would be gone most of June and July, but will attend meetings. She stated she had attended a good Land Use Plan course at the Institute of Government.

ALDERMEN'S
REPORT:

Alderman Haynes thanked volunteers for help with rummage and bake sale which raised over \$1,400. She noted special thanks to Lisa Pope. She said she attended Planning Board meeting and the statement was made, why are the Board of Aldermen attending these meetings? Don't they trust us? She stated, I trust anybody; and we worked out a schedule and I want to continue to go. She asked about June 18, Town Hall Day, and was anybody going? Alderman Tuman said she went once. No other board members said they were going.

Alderman Tuman said she also goes to Planning Board meetings, stating it's very useful and informative and in no one should think we are hovering over them.

Alderman Bass mentioned the state is here this week and will clean back side of the ditches, but they're not supposed to cut the bushes in the ditches. People are going to have to clean out under those bushes so we don't have mosquitos, since we don't have mosquito control for the time being. Mayor Bostic suggested note in July newsletter regarding ditches.

Mayor Pro-Tem Hillyer and Alderman Royman had no report.

MAYOR'S
REPORT:

Stated with the manager, they were trying to get convict labor to clean ditches. He noted the Neuse River Council of Governments meeting 6/13/96 at 6pm at the Holiday Inn in Kinston. The mayor said the paramedics were answering a lot of calls and making a big difference; Bill Poe concurred. Very proud they're here.

Manager Vause said Jeff Stevens is working on an infommercial called Topsail TV; no cost for these on channel 4. McMillan said he liked the idea. (Had seen one in South Carolina) Vause asked for permission to contract with him if necessary. The board agreed.

OPEN FORUM
CITIZENS REQUEST:

GINNY HILLYER:

Said Governor Hunt would be in Jacksonville tomorrow. She referred to the hog farm story in the Wilmington paper today. If you can, go tomorrow 10:00 am at 159 Bridge Street in Jacksonville. She had bought the new edition of Rand McNally map; has Onslow county section directing people to go to the beach.

GEORGE WEITNER:

Stated we need a new Board of Aldermen, everybody voted the same way. It's a joke.

JOE MCMILLAN:

The information is public information; I plan to go on opposition on this type of thing; I don't want things clouded, I'm going to be asking for numbers of hours worked. I don't agree with you. Some guy called me and said he hopes I run for something. Stated he will ask the manager's office for information; I'll be putting it in writing. I have sent communications to the Board and Mayor and they are not read publicly.

MELVIN ALTBAUM:

Asked about completion date on the new town hall and penalty if it's not completed? He was advised there is a \$100 per day penalty if not completed on time.

ADJOURNMENT:

Alderman Royman made a motion to adjourn at 9:10 p.m.; seconded by Alderman Haynes. Passed unanimously.

Teresa Heatherly - Town Clerk

TOWN OF NORTH TOPSAIL BEACH
ZONING WORKSHOP
JUNE 17, 1996

PRESENT: Mayor Marty Bostic, Mayor Pro-Tem Peter Hillyer, Aldermen Sue Tuman, Bill Bass, Jack Royman and Barbara Haynes, Town Attorney Lynn Coleman, Planning Board members Otis Sizemore, Bill Rogers, Gearldean Walker, CAMA/Zoning Administrator Susan Daughtry, Town Manager Ann Vause, and Town Clerk Leigh Etheridge.

CONVOCATION: Mayor Bostic called the workshop to order at 5:30 p.m., at the south end fire station, and declared a quorum present.

ZONING WORKSHOP: This workshop started with Section 7-101 of the current zoning ordinance. The board reviewed proposed changes to the following sections:

- 7-101 Establishment of the Board of Adjustment;
- 7-111 Zoning Affects All Land and Every Building and Use;
- 7-113 Relationship of Building to Lot;
- 7-115 Reduction of Lot and Yard Areas Prohibited;
- 7-116 Business Uses of Manufactured Homes and Trailers;
- 7-121 Zoning Districts Established;
- 7-124 Interpretation of District Boundaries;
- 7-126 Descriptions and Purposes of the Districts;
- 7-128 Permitted and Conditional Uses;

The discussion on Permitted and Conditional Uses was very lengthy. The Board discussed items up to Optician and Optical Supply Sales before deciding to continue the discussion on Permitted and Conditional Uses at the next workshop to be scheduled in July.

ADJOURNMENT: A motion was made by Alderman Tuman and seconded by Alderman Bass to adjourn the meeting at 8:30 p.m. Passed unanimously.

Leigh Etheridge

Leigh Etheridge - Town Clerk

TOWN OF NORTH TOPSAIL BEACH
REGULAR BOARD MEETING
JULY 3, 1996

PRESENT: Mayor Marty Bostic, Mayor Pro-Tem Peter Hillyer, Aldermen Barbara Haynes, Jack Royman, Bill Bass, Sue Tuman, Town Manager Ann Vause and Town Clerk Leigh Etheridge. Attorney Lynn Coleman joined the meeting.

CONVOCAATION: Mayor Bostic called the meeting to order at 7:00 p.m. at the south end fire station and declared a quorum present.

INVOCATION: A moment of silent prayer was observed.

APPROVAL OF THE AGENDA: Alderman Sue Tuman requested the addition of a public hearing date for zoning ordinance amendment and a discussion of a possible moratorium on any new travel trailer parks or expansion to current ones. (To be added as items h. and i. respectively under new business). Agenda was approved as amended.

APPROVAL OF MINUTES: a. Regular Board Meeting held June 6, 1996; With typos noted, Alderman Bill Bass made a motion to accept corrected minutes, seconded by Mayor Pro-Tem Hillyer and passed unanimously. b. Zoning Ordinance Workshop held June 17, 1996; Motion to accept minutes made by Alderman Bill Bass, seconded by Alderman Barbara Haynes and passed unanimously.

REQUEST TO ADDRESS THE BOARD: Bill Fuss - Topsail Island Historical & Cultural Arts Council:

Mr. Bill Fuss, requested to address the board regarding the Topsail Island Historical & Cultural Arts Council. Our primary concern right now is the assembly building. Reference was made to your donation to the museum. The museum that you donated to is housed in the assembly building. Everything that we do is for the maintenance and preservation of that building. I asked to come here this evening to make sure I had the chance to speak to every municipality on the island. I realize that I missed your budget planning for this year, which is okay. For next years budget, I ask right now that you consider the historical council and the assembly building in your planning for a donation. We as a group are trying to establish programs and activities for everyone on this island of all age groups. If there is any type of monetary donation we would appreciate it. I hope everyone will support us as we are trying to support the island.

ROBERT BIBLE: Mayor Marty Bostic recognized Mr. Robert Bible, torch bearer for the olympics and presented him with a certificate of appreciation and a North Topsail Beach T-Shirt.

CROSSOVER
COMMITTEE
REPORT:

Ginny Hillyer:

Announced that there will be a public hearing on July 31, 1996. However it will be August 31, 1996 before we have a plan or anything to present to the board, which is the official deadline. Her apologies were extended due to circumstances which have gotten in the way of this project.

PLANNING
BOARD
REPORT:

Gearldean Walker:

Reported that the planning board met June 13, 1996. The agenda was approved and by one unanimous vote added one item for discussion. Issues and actions on rules of procedure, planning for the future, what is expected of new members, and how to recruit more volunteers were all discussed.

BOARD OF
ADJUSTMENT:

Ginny Hillyer:

Stated that the board of adjustments met June 18, 1996. A unanimous approval was decided on a specific request that was given to us at that time. The board feels that our decision was a just one on this particular case. We do not have any new business on the calendar.

NEW
BUSINESS:

Reimbursement Resolution - Town Hall Project:

Town Manager Ann Vause presented a resolution to the board requesting reimbursement for the Town Hall Project, agenda item #11-a. A motion was made by Alderman Sue Tuman to approve the reimbursement resolution of the Town Hall Project, seconded by Mayor Pro-Tem Peter Hillyer and passed unanimously.

Cash Management Policy Amendment:

From agenda item #11-b, Town Manager Ann Vause states that approximately 3 years ago the Board of Aldermen adopted a Cash Management Plan Policy for North Topsail Beach. A section of the plan states that the finance officer will review the plan annually for possible recommended amendments. The main changes to the original policy concern specifying the banking institution we are currently using, the use of N.C. State Treasurers Electronic Payment Systems (STEPS), the initiation of a fee for returned checks and removal of carts/fee for reinstatement on refuse collection accounts not paid. With very few changes made to the original policy, Town Manager Ann Vause requested the board adopt the amended Cash Management Plan Policy. Several typographical errors were noted and will be corrected. A motion was made by Alderman Sue Tuman to adopt the amended Cash Management Plan Policy as submitted by the Town Manager with noted corrections, seconded by Alderman Bill Bass and passed unanimously. (Copy of the Cash Management Plan may be obtained from the town clerk)

Purchasing Policies & Procedures Policy:

From agenda item #11-c, although North Topsail Beach has always followed the procedures and requirements of the Local Government Commission in handling finances an official

Purchasing Policies & Procedures Policy has never been adopted by the Board of Aldermen. Town Manager Ann Vause proposed an official Purchasing Policies & Procedures Policy to include the authority to make purchases & contracts, authorization for expenditures, the purchasing process, the purchase order system, payment of vendor invoices, encumbrance formal & informal bid procedures and gifts and favors; and the authorization of department heads to purchase items with small ticket cost without a purchase order being required. After a lengthy discussion among the Board of Aldermen, a motion was made by Alderman Sue Tuman to adopt the proposed Purchasing Policies & Procedures Policy, seconded by Mayor Pro-Tem Peter Hillyer and passed with the exception of Alderman Bill Bass who voted no to the Policy. (Copy of Policy may be obtained from the town clerk)

Request for Public Hearing Date - Cable TV:

Town Manager Ann Vause requested a Public Hearing concerning our franchise - Falcon Cable TV. Decision was made to hold the Public Hearing before the August 1, 1996 Regular Board Meeting at 6:00 p.m. to allow for citizen input.

Request for Zoning Ordinance Workshop Dates:

Conclusion was made to hold a Zoning Ordinance Workshop on July 22, 1996 at 5:50 p.m. at the south end fire station. A second needed date would be chosen then.

Recommendation on Planner-in-Charge - Land Use Plan:

After interviewing potential planners-in-charge for the update of the North Topsail Beach Land Use Plan due in 1996 Town Manager Ann Vause recommended the Board forward a recommendation to Coastal Management that Mr. T. Dale Holland, Holland Consulting, be selected as Planner-in-Charge for our project. A motion was made by Alderman Sue Tuman to select T. Dale Holland of Holland Construction as Planner-in-Charge for the update of our Land Use Plan, seconded by Alderman Bill Bass and passed unanimously.

Public Works Vehicles:

Town Manager Ann Vause reported that the approved Fiscal Year 1996-97 Budget contains \$15,000 for 2 used public works vehicles. When the amount was requested we felt that we could obtain 2 used vehicles for that department at the requested amount. After reviewing information on prospective vehicles and available options, a lengthy discussion followed. Consensus was 3 to 2 to looking into purchasing one new public works vehicle. Mayor Marty Bostic stated that with additional information he would possibly schedule a special meeting for this matter.

Request for Public Hearing on Travel-Trailer Parks:

Alderman Sue Tuman requested a date for a Public Hearing on Travel-Trailer Parks. A motion was made by Alderman Sue Tuman in the interest of public safety set a moratorium on new travel trailer parks or expansion to current ones until the Board has an opportunity to address the changes needed in the current ones or 120 days, whichever occurs first. The meeting date was scheduled for Tuesday, July 30, 1996 at 6:00 p.m.

MANAGER'S
REPORT

Listed below are some activities from the month of June, 1996:

DOT has begun work on the road sides. This project will continue for the next 2-3 months. It is the first time the ditches have been cleared in approximately 10 years.

Sgt. Barnhill, Highway Patrol, has been contacted about inmate labor to assist in clean-up and other projects. To date, we have not heard back from him. If we do not hear from him by the first of July we will contact his office again.

We are still trying to work out the final details on our crossover grants. Hopefully, all requirements will be completed and construction started by the middle of July. Once the projects start we will request the Board bring grant funds that were budgeted in the Fiscal Year 1995-96 for these projects into the Fiscal Year 1996-97 budget.

Mrs. Ann Gause, Police Officer, resigned to return to Whiteville. We are in the process of advertising and interviewing for replacement. Mr. John Tew has been employed in the Public Works Department. Ms. Leigh Etheridge has been employed as Town Clerk/Finance Officer. Employees in the public works department are being scheduled to take the pesticide test during July and August. Hopefully, we will have a certified individual within the next 30 days and will be able to resume our mosquito control project.

After a very slow, rocky start the town hall project is now underway. Financing arrangements have been completed. The completion date is still November/December of 1996.

We have started to work on the July newsletter. However, due to several factors the newsletter will not be completed until about the middle of July. We hope to mail it out no later than the 3rd week of July.

ATTORNEY'S
REPORT:

Attorney Lynn Coleman announced that she would be departing immediately after the August 1, 1996 Board Meeting to attend a conference in Southern Pines August 1-3, 1996.

ALDERMEN'S
REPORT:

Mayor Pro-Tem Peter Hillyer:

Commented that the sides of the road looked better than he has ever remembered them looking. That is why it is important for Public Works to have good equipment.

Sue Tuman:

Requested that those people with bulk pick-ups need to remember to call Barbara to alleviate some of the refuse problem.

MAYOR'S
REPORT:

Mayor Marty Bostic:

Stated that he was very proud of our emergency services who were the first responders to a heatstroke incident where minutes counted.

CITIZENS
FORUM:

Joe McMillan:

Questioned the purpose of the recently scheduled public hearings. Would like for us to exercise more control on how money is spent.

ADJOURNMENT:

A motion was made to adjourn by Mayor Pro-Tem Hillyer, seconded by Alderman Sue Tuman and passed unanimously. The meeting adjourned at 8:40 p.m.

Leigh Etheridge
Leigh Etheridge - Town Clerk

TOWN OF NORTH TOPSAIL BEACH
SPECIAL BOARD MEETING
BOARD OF ALDERMEN
AUGUST 5, 1996

PRESENT: Mayor Marty Bostic, Mayor Pro-Tem Peter Hillyer, Aldermen Barbara Haynes, Jack Royman, Bill Bass, Sue Tuman, Town Manager Ann Vause and Town Clerk Leigh Etheridge.

CONVOCATION: Mayor Bostic called the meeting to order at 6:00 p.m. at the south end fire station and declared a quorum present.

BULLDOZING
PROJECT:

The board discussed the need for another bulldozing project, whether or not FEMA would pay for all or part of the cost from the first bulldozing project prior to Hurricane Bertha, the importance of dunes. After the discussion, a motion was made by Alderman Tuman and seconded by Alderman Bass that the town contract the required number of bulldozing operators to begin pushing a continuous dune line, wherever possible, along the entire length of the town. Passed unanimously.

CROSSOVER
REPAIRS:

After a discussion on the importance of crossovers and the fact that the town has encouraged individuals to use them instead of walking across the dunes, a motion was made by Alderman Bass and seconded by Alderman Haynes to authorize the Town Manager to take funds from the undesignated fund balance to pay for the repairs of the town owned crossovers and any and all dollars received back from FEMA will be used to replace funds used from the undesignated fund balance. Passed unanimously.

VEHICLE FOR
CAMA/ZONING:

Town Manager Vause stated that during the budget process a second vehicle for inspections was discussed. At that time we felt that one vehicle could be used by Jeff and Susan. However, since Hurricane Bertha the volume of work required the need for a second vehicle has been demonstrated. The heavy volume of work by Susan will continue for an unknown period of months ahead and the coordination of the one vehicle is now impossible. She requested the board consider purchasing a vehicle for the CAMA/Zoning Administrator and presented them with quotes received to date. Once things are back to normal the vehicle can be utilized by the CAMA/Zoning Administrator and the Town Manager. After a discussion, the board decided to place a ceiling of \$18,000 for this expenditure and requested the Town Manager check leasing cost and obtain other quotes on vehicles.

COUNTY CONTRACT
- DEBRIS
REMOVAL:

After a brief discussion, a motion was made by Alderman Haynes and seconded by Alderman Bass to authorize Mayor Bostic to sign, on behalf of North Topsail Beach, to sign a debris removal contract with Onslow County. Passed unanimously.

FEMA
DOCUMENTS:

After a brief discussion, a motion was made by Alderman Tuman and seconded by Alderman Royman to authorize the Town Manager to apply and execute all documents related to the recovery of disaster related costs from Federal and State agencies. Passed unanimously.

BULLDOZING
BIDS:

A motion was made by Alderman Tuman and seconded by Alderman Bass to proceed with informal bids for the bulldozing project for the dune restoration on the entire front of the town as an emergency issue of utmost importance for the safety and welfare of our town. Passed unanimously.

ADJOURNMENT:

A motion was made by Alderman Bass and seconded by Alderman Haynes to adjourn the meeting at 8:30 p.m. Passed unanimously.

Leigh Etheridge
Leigh Etheridge - Town Clerk

TOWN OF NORTH TOPSAIL BEACH
SPECIAL BOARD MEETING
AUGUST 15, 1996

PRESENT: Mayor Marty Bostic, Mayor Pro-Tem Peter Hillyer, Aldermen Barbara Haynes, Jack Royman, Bill Bass, Town Manager Ann Vause and Town Clerk Leigh Etheridge. Alderman Sue Tuman and Attorney Lynn Coleman were absent. Also present were FEMA representatives James Stephen Randolph, John Gerber, Russ Johnston, James Self and Spencer Rogers with UNC Seagrant.

CONVOCATION: Mayor Bostic called the meeting to order at 5:00 p.m. at the North Topsail Beach Town Hall and declared a quorum present.

RECESS: The board determined that the town hall was not a sufficient meeting facility for the meeting and requested the meeting be recessed and reconvened at the south end fire station.

RECONVENE: Mayor Bostic reconvened the meeting at 5:15 p.m. at the south end fire station.

FEMA: FEMA representative James Self advised they requested the meeting with the board to discuss agency issues and the effect of Hurricane Bertha on North Topsail Beach.

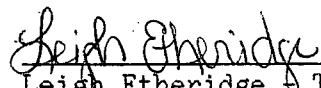
FEMA representatives explained the process they used on determining assistance to the town, how the shore line had changed since the hurricane, insurance for properties in the CBRA areas, elevation of structures, the Federal Flood Insurance Program in general, etc. Mr. Self advised that FEMA would be working on two projects for North Topsail Beach - 1) building inventory study; 2) flood insurance mapping restudy for all of Topsail Island.

After a discussion on each issue the following motions were made by the Board of Aldermen:

- 1) A motion was made by Mayor Pro-Tem Hillyer and seconded by Alderman Haynes that the town request the Division of Emergency Management perform a building inventory study of North Topsail Beach. Passed unanimously.
- 2) A motion was made by Alderman Bass and seconded by Alderman Haynes to request the Division of Emergency Management perform a flood insurance mapping restudy for all of Topsail Island including North Topsail Beach, Surf City and Topsail Beach. Passed unanimously.

Mr. James Self, point of contact for FEMA, advised FEMA would prepare the two studies and final documents, at no cost to the town. Once they were completed they would be presented to North Topsail Beach.

ADJOURNMENT: A motion was made by Mayor Pro-Tem Hillyer and seconded by Alderman Haynes to adjourn the meeting at 5:50 p.m. Passed unanimously.


Leigh Etheridge Town Clerk

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TOWN OF NORTH TOPSAIL BEACH
EMERGENCY BOARD MEETING
SEPTEMBER 4, 1996

PRESENT: Mayor Marty Bostic, Mayor Pro-Tem Peter Hillyer, Aldermen Barbara Haynes, Sue Tuman, Bill Bass and Jack Royman, Town Manager Ann Vause. Absent were Town Attorney Lynn Coleman and Town Clerk Leigh Etheridge.

CONVOCATION: Mayor Bostic called the meeting to order at 6:00 p.m., at the south end fire station and declared a quorum present.

HURRICANE

PREPARATIONS:

The Board was presented with a Hurricane Fran update and what path it might take. Mayor Bostic advised that the county was recommending a voluntary evacuation on the north end of town because of the expected high tides. They said we can expect extreme high tides Thursday, September 5th between 2:00 - 3:00 p.m., gale force winds as early as 11:00 a.m. They recommend individuals prepare for alternate lodging for Wednesday. Onslow County shelters are not expected to open until Thursday, September 5th at 12 noon. If the storm path changes the wind and water surge may be here sooner than expected.

Mayor Bostic read the following public announcement, made to the press, at the Onslow County Emergency Management meeting:

"Because of high tides, rough sea and possible washover in some areas of North Topsail Beach a voluntary evacuation is recommended as of Wednesday, September 4, 1996, 7:00 p.m. Individuals, particularly on the northern end of North Topsail Beach, should consider making lodging arrangements for Wednesday and Thursday nights. High tide will be at 2:00 a.m. and 2:00 p.m., Thursday, September 5th. If the storm continues on its current course, access to the Town of North Topsail Beach may be limited as early as Thursday afternoon."

Mayor Bostic said it looked like we would get minimal hurricane winds. However, if it goes further north everything will speed up at a rapid pace.

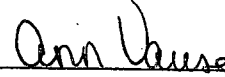
Alderman Haynes wanted to know if the county was anticipating a mandatory evacuation. She was advised that a meeting was scheduled for 8:00 a.m. tomorrow. The county plans to look at the 5:00 a.m. update and if the path does not change they will go with a mandatory evacuation tomorrow.

The Board discussed individuals leaving to go to work and how they would get back on the island if evacuation is called for. Individuals who work will need time to return to their units and collect items for evacuation. Chief Matthews said he would get the number for the base so he will know when they plan to close the base so he can coordinate with residents who need to get items from their units. He advised individuals would be allowed back on the island until conditions became unsafe. At that time he would close the island to all traffic.

The board discussed how re-entry would be handled by the town before and after the storm and what public service stations the citizens needed to tune to for updates. Re-entry passes will be distributed at the town's command center at Dixon Elementary School. Owners/renters without passes will need to show proof of residence. Onslow County Emergency Management will be contacted for radio stations they will send public service announcements to.

ADJOURNMENT:

No further items were discussed. A motion was made by Mayor Pro-Tem Hillyer and seconded by Alderman Royman to adjourn the meeting at 7:00 p.m. Passed unanimously.



Ann Vause
Ann Vause - Town Manager

TOWN OF NORTH TOPSAIL BEACH
 BOARD OF ALDERMEN
 EMERGENCY MEETING
 SEPTEMBER 13, 1996

PRESENT:

Mayor Marlow F. Bostic, Jr., Mayor Pro-Tem Peter Hillyer, Aldermen Barbara Haynes, Sue Tuman, Bill Bass, Building Inspector Jeff Holland, CAMA/Zoning Administrator Susan Daughtry and Inspections Records Clerk Sheri Anderson. Absent were Alderman Jack Royman, Town Manager Ann Vause, Attorney Lynn Coleman and Town Clerk Leigh Etheridge.

CALL TO
ORDER:

Mayor Bostic called the Emergency Meeting to order at 4:00 p.m. and declared a quorum present.

BUILDING
MORATORIUM:

Building Inspector, Jeff Holland, suggested a moratorium for 30 days. His reasons included that a house to house assessment had not been completed and that more inspectors would be arriving. At this point, the permitting process would be too overwhelming for the inspectors and the Inspections Department. Debris would need to be removed and the utilities restored.

CAMA/Zoning Administrator, Susan Daughtry, advised she could not give a permit until CAMA comes in and establishes a new first line of vegetation.

The Board discussed assessment of houses and what would be done if homes had only minor damages. Would repairs for minor damages be allowed without a permit?

Jeff Holland responded to the Board stating that minor damages would be dealt with on a case by case basis. He added that he had finished assessing the majority of the homes at the south end and would be finished with the north end in a few days. Mr. Holland continued to say that he had spoken with The Department of Insurance, The Institute of Government and several attorneys, in regards to placing a moratorium on utilities. He was told that he could not.

The Board questioned the safety of turning on the electric. Mr. Holland informed them that a form would need to be signed by the homeowner before power would be restored. It would state that the house would not be fit for human habitation, even though power had been restored. A signed form would represent the resident's acceptance of responsibility, in the event that they were hurt or injured, once the electric had been deemed safe. If something happened the town could not be held liable.

Alderman Tuman asked if there would be an inspector on hand to determine whether or not a major or minor permit would be required.

Jeff Holland advised that there would be two inspectors available to make that determination. He added that a moratorium would give the Board an opportunity to examine ordinances that may not have been enforced. He also advised that the moratorium would provide him time to assess damages and issue building permits, as required.

A motion was made by Alderman Tuman and seconded by Alderman Haynes to establish a maximum 30 day moratorium on building permits, effective at 5:00 p.m., September 13, 1996. Passed unanimously.

Mayor Bostic advised individuals were requesting to bring in plywood for security reasons.

Jeff Holland said he had no problem with plywood, for emergency purposes only.

A general discussion was held on the following items. A) The opening of Highway 210, for two-wheel drive vehicles, on Sunday from 6:00 a.m. to 8:00 p.m.. B) Allowing individuals with U-Haul trucks with re-entry passes. C) Whether or not to request an extension on the use of military Hum-vees.

No further items were discussed. A motion was made by Alderman Hillyer and seconded by Alderman Bass to adjourn the meeting at 5:00 p.m.. Passed unanimously.

Inspections Records Clerk - Sheri Anderson

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TOWN OF NORTH TOPSAIL BEACH
BOARD OF ALDERMEN
SPECIAL MEETING
OCTOBER 2, 1996

PRESENT: Mayor Marlow F. Bostic, Jr., Mayor Pro-Tem Hillyer, Aldermen Barbara Haynes, Bill Bass, Jack Royman, Town Manager Ann Vause, Town Clerk Leigh Etheridge, CAMA/Zoning Administrator Susan Daughtry and Building Inspector Jeff Holland. Absent were Alderman Sue Tuman and Town Attorney Lynn Coleman.

CALL TO ORDER: Mayor Bostic called the meeting to order at 4:00 p.m., at the temporary Town Hall and declared a quorum present.

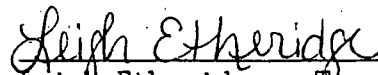
BEACH BULLDOZING PROJECT: Susan Daughtry reported that the first line of vegetation has not been established and CAMA (Coastal Area Management Act) will not allow emergency sand removal. For those areas with the worst washover, (i.e. Myrtle Drive), fill will be allowed. Beach citizens will be allowed to remove sand, whether by bulldozing or front-end loader; however, there is not enough to fill underneath homes. It was also requested to fill from the backside to fill homes. As for the line of vegetation, it can be determined in most cases; if not then, on a case by case basis.

MOTION: A motion was made by Barbara Haynes and seconded by Mayor Pro-Tem Hillyer to pursue a bulldozing project in the fastest way possible - (whether or not by bids) - and to allow citizens to push up sand if they can. Passed unanimously.

Susan Daughtry announced that in her meeting with local permit officers and coastal management, a discussion on how to estimate setbacks without effecting erosion rates and normal setbacks took place. We will allow beach bulldozing of threatened structures but sandbags for homes will require permits, which can be obtained through Janet Russell, CAMA/Field Representative.

In conjunction with moving homes, a home that is less than 50% destroyed can be moved back as far as possible with no setback. This will require a minor permit. A home that is more than 50% destroyed must meet the setback criteria before it is moved back or rebuilt. For septic tanks, we still want another setback behind the first line of vegetation.

ADJOURNMENT: A motion was made by Mayor Pro-Tem Hillyer and seconded by Alderman Bill Bass to adjourn the meeting at 4:40 p.m. Passed unanimously.


Leigh Etheridge - Town Clerk

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TOWN OF NORTH TOPSAIL BEACH
REGULAR BOARD MEETING
OCTOBER 24, 1996

PRESENT: Mayor Marlow F. Bostic, Jr., Mayor Pro-Tem Peter Hillyer, Aldermen Barbara Haynes, Jack Royman, Bill Bass, Sue Tuman; Town Manager Ann Vause, Town Attorney Lynn Coleman and Town Clerk Leigh Etheridge.

CONVOCAATION: Mayor Bostic called the meeting to order at 6:15 p.m. at the South End Fire Station and declared a full quorum present.

INVOCATION: A moment of silent prayer was observed.

APPROVAL OF THE AGENDA: Mayor Bostic announced the deletion of item #9-g under new business, Citizens Participation Plan - LUP. A motion to accept the revised agenda was made by Alderman Sue Tuman and seconded by Alderman Bill Bass. Passed unanimously.

APPROVAL
OF MINUTES:

- a: Regular Board Meeting held July 3, 1996; With the exception of the clarification that Robert Bible was presented with a certificate of appreciation and a North Topsail Beach T-Shirt noted by Alderman Sue Tuman, a motion was made by Mayor Pro-Tem Peter Hillyer and seconded by Alderman Bill Bass to accept minutes. Passed unanimously.
- b: Special Board Meeting held August 5, 1996; Alderman Sue Tuman made a motion and seconded by Alderman Barbara Haynes to accept minutes. Passed unanimously.
- c: Special Board Meeting held August 15, 1996; Mention was made by Alderman Sue Tuman to Spencer Roger's title with UNC-Sea Grant. Motion was made by Alderman Bill Bass and seconded by Alderman Jack Royman to accept minutes. Passed unanimously.
- d: Emergency Board Meeting held September 4, 1996; A motion was made by Alderman Sue Tuman and seconded by Alderman Barbara Haynes to accept minutes. Passed unanimously.
- e: Emergency Board Meeting held September 13, 1996; With the correction noted of a maximum 30-day moratorium included on page 2, a motion was made by Alderman Bill Bass and seconded by Alderman Sue Tuman to accept minutes. Passed unanimously.

f: Special Board Meeting held October 2, 1996; A motion was made by Alderman Barbara Haynes and seconded by Alderman Jack Royman to accept minutes. Passed unanimously.

CITIZENS
ADVISORY
COMMITTEE:

Charlotte Wilmer:

Addressed the Board concerning our citizens' advisory committee on disaster recovery. On Saturday morning, August 10, 1996, after only two days notice, approximately 20 North Topsail Beach residents met for over two hours at the South End Fire Station to discuss disaster recovery efforts for our town. Problems, comments and suggestions that were noted focused on three general areas: communication, coordination and cooperation. Many alternatives were presented to help alleviate the problems mentioned in these three areas. A special meeting workshop for the citizens advisory committee on disaster recovery was scheduled for Saturday, November 9, 1996, at 10:00 a.m. The Board of Aldermen will also be in attendance.

PLANNING
BOARD
REPORT:

Otis Sizemore:

Stated that it was difficult to reconstruct everything that was discussed at the last planning board meeting due to the length of time that had elapsed because of both hurricanes. The main item of business was to consider a final plat for the Cape Island subdivision after obtaining answers for such questions as: how many sewer taps were in the area; roads to be paved for specification; and ramps to be constructed.

OLD
BUSINESS:

- a. Agreement with C&M Investment, Incorporated;
Town Manager Ann Vause addressed the Board of Aldermen concerning removal of sand and debris from the area near Scotch Bonnet that the town uses as an emergency access, through a contract signed in 1992 with C&M Investments, Incorporated. A decision was made not to bother with the Scotch Bonnet area but to proceed with Gray Street.
- b. Resolution with DOT - Speed Limits;
A motion was made by Mayor Pro-Tem Peter Hillyer and seconded by Alderman Bill Bass to approve the resolution and ordinance changing the speed limit from 35 to 45 on a portion of State Road 1568. Passed unanimously.

c. Mutual Aid Agreements with Dare County and Southern Shores;

The following motions were made after the Board of Aldermen reviewed the mutual aid agreements (item 8-c):

A motion was made by Mayor Pro-Tem Peter Hillyer and seconded by Alderman Bill Bass to accept the agreement between the Town of North Topsail Beach and Dare County. Passed unanimously.

A motion was made by Alderman Bill Bass and seconded by Alderman Barbara Haynes to accept the agreement between the Town of North Topsail Beach and Southern Shores. Passed unanimously.

d. Report on vehicle for CAMA/Zoning;

As noted from the August 5th special meeting, the Board of Aldermen was presented with quotes on a 4-wheel drive vehicle for CAMA/Zoning Administrators use. After reviewing all pertinent information, a motion was made by Alderman Barbara Haynes and seconded by Alderman Jack Royman to allow the Town Manager to locate a vehicle and purchase with a ceiling of \$18,000.00. Passed unanimously.

e. Resolution on Building Inventory and Flood Insurance Mapping Re-Study;

Two motions were made by the Board of Aldermen after review of the resolutions on both projects:

A motion was made by Alderman Sue Tuman and seconded by Alderman Barbara Haynes to pass resolution requesting FEMA to prepare a building inventory study for the Town of North Topsail Beach. Passed unanimously.

A motion was made by Alderman Sue Tuman and seconded by Alderman Barbara Haynes to pass resolution requesting FEMA to prepare a Flood Insurance Mapping Re-Study for the Town of North Topsail Beach. Passed unanimously.

NEW
BUSINESS:

a. Surplus Taurus to Olympic Gold;

The Board members were addressed requesting permission to contribute town Taurus vehicle (no longer in use) to the Olympic Gold Organization. The funds are used for recreational opportunities for handicapped

children. A motion was made by Mayor Pro-Tem Peter Hillyer and seconded by Alderman Jack Royman to contribute our off-line vehicles to the Olympic Gold Organization. Passed unanimously.

b. Review/Recommendation for approval - Beach Access Study;

A motion was made by Mayor Pro-Tem Peter Hillyer and seconded by Alderman Sue Tuman recommending the CAMA Beach Access Study be adopted. Passed unanimously.

c. Possible contribution to Salvation Army;

Following a brief discussion, a motion was made by Alderman Sue Tuman and seconded by Alderman Jack Royman to contribute \$1,000.00 to the Salvation Army and encourage contributions from our citizens and property owners with a thank-you letter. Passed unanimously.

d. Appointment to Crossover Committee;

A motion was made by Alderman Bill Bass and seconded by Alderman Sue Tuman to appoint Jane Harrell to the Crossover Committee. Passed unanimously.

e. Contract with DEHNR - CAMA Fund Reimbursement from State;

The contract from DEHNR covers reimbursement from the State for CAMA permits. The town receives approximately \$9500.00 reimbursement per year from CAMA. A motion was made by Alderman Sue Tuman and seconded by Mayor Pro-Tem Peter Hillyer to authorize the Mayor to sign the contract for DEHNR and the Town of North Topsail Beach for the state, for CAMA reimbursement. Passed unanimously.

f. Approval of Change Orders - New Town Hall Project;

After a brief discussion, a motion was made by Alderman Sue Tuman and seconded by Mayor Pro-Tem Peter Hillyer to approve change orders #2 and #3 and allow Town Manager to sign. No action was taken on change order #5. Ayes were Mayor Pro-Tem Peter Hillyer, Aldermen Sue Tuman, Barbara Haynes and Jack Royman. Voting nay was Alderman Bill Bass. Motion was passed four votes to one.

- h. Budget Amendment #1 - Fiscal Year 96-97;
Budget Amendment #1 was presented to the Board of Aldermen which contained funds for the following: a) Bulldozing Project; b) Crossover Repairs; c) CAMA/Zoning Vehicle; d) Hurricane Expenses; e) Possible contribution to the Salvation Army; f) Authorization to bring Crossover Grant funds (\$8,715) from Fiscal Year 1995-96 to Fiscal Year 1996-97; g) Remaining unspent funds from the \$800,000 loan for the town hall project (\$560,385.40). Following a brief discussion, a motion was made by Alderman Sue Tuman and seconded by Mayor Pro-Tem Peter Hillyer to approve Budget Amendment #1 for Fiscal Year 1996-97. Passed unanimously.
- i. Public Hearing Dates - RV/Trailer Park Ordinance Amendments and Cable TV;
After a very brief discussion, a decision was made to extend the Public Hearing date until Tuesday, December 5, 1996, for RV/Trailer Park Ordinance Amendments. A motion was made by Alderman Sue Tuman and seconded by Barbara Haynes to extend the original moratorium on new or expanded RV/Travel Trailer Parks for an additional four months. Passed unanimously. A decision was also made to table the Public Hearing date for Cable TV and to set the date at the December Board Meeting.
- j. Meeting Dates for Zoning Ordinance Amendment Workshops;
The meeting dates for the Zoning Ordinance Amendment Workshops were tabled until the December Board Meeting.
- k. Meeting Date for 4-Town Meeting;
Due to the problem of the facility location from Hurricane Fran, a decision was made to check to see which town actually hosts the next meeting and where would be the best possible place for the meeting to be held. A further discussion will continue at the December Board Meeting.
- l. Beach Driving;
A motion was made by Alderman Barbara Haynes and seconded by Mayor Pro-Tem Peter Hillyer to disallow beach driving for personal vehicles, on the beach, for the Town of North Topsail Beach. Passed unanimously.

- m. CAMA Grant - LUP;
Included for Board review and approval was the CAMA Grant - LUP contract. A motion was made by Mayor Pro-Tem Peter Hillyer and seconded by Alderman Sue Tuman to allow the Mayor to sign the Land Use Plan contract. Passed unanimously.

MANAGER'S REPORT:

Town Manager Ann Vause apologized for not providing a report for this meeting due to circumstances resulting from Hurricane Fran.

ATTORNEY'S REPORT:

Town Attorney Lynn Coleman respectfully requested that the Board Members enter into a very short closed session before adjournment to discuss Attorney/Client privileged information.

ALDERMEN'S REPORT:

Mayor Pro-Tem Peter Hillyer:
Reported that the majority of citizens and employees for the Town of North Topsail Beach, that he encountered after Hurricane Fran, were terrific.

MAYOR'S REPORT:

Mayor Marlow F. Bostic, Jr.:
Reported that he had been very disappointed with FEMA due to the debris removal through our contract with Onslow County. FEMA is not making any guarantees on reimbursement for debris removal. A second concern noted was the water situation. Many lines need to be re-pressurized (sic) and there are two breaks along the Myrtle Drive area. The breaks must be repaired before the lines can be retested. Mayor Bostic also expressed his concerns about the limited number of crews working on site for water restoration and the time of their arrival each morning. Mayor Bostic concluded by reporting that the mosquito spraying has been very effective.

OPEN FORUM/
CITIZEN'S REQUEST:

Linda Knowles:
Stated that as citizens, we should be allowed to get to our homes much sooner than we did following Hurricane Fran. She noted that she appreciated all of the Town's efforts, but felt that if North Topsail Beach were Charlotte, North Carolina, and without the high-rise bridge, we could walk to our homes. After all, "these are our homes".

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Joe McMillan:

Addressed the Board about the following complaints:
a) Wanted to thank everyone who worked so hard following Hurricane Fran.

b) Expressed his concern at the government of our town, budget and tax rate.

c) Felt that the Town of North Topsail Beach has too many employees mandated and cost the town too much of the taxpayer's dollars.

d) Made statements concerning a personal issue with a contractor.

Ann Penta:

Felt that many citizens were angry as they approached the North Topsail Beach Command Post and as a result, picked on whoever tried to help them; especially if an answer could not be provided or was an answer they did not like.

Ginny Hillyer:

Stated that she could see positive changes made between the way things were handled during Hurricane Bertha and Hurricane Fran. The public should not think that we can have a plan for every different scenario. She thanked the Town's employees and reported that they did a wonderful job.

CLOSED
SESSION:

A motion was made by Mayor Pro-Tem Peter Hillyer and seconded by Alderman Sue Tuman to enter into a closed session at 9:15 p.m. to discuss Attorney/Client privileged information. Passed unanimously.

REGULAR
SESSION:

A motion was declared by Alderman Sue Tuman and seconded by Alderman Bill Bass to return to the regular session at 9:25 p.m.

Mayor Marlow F. Bostic, Jr., advised on the discussion held on Attorney/Client privileged information, no action was taken.

ADJOURNMENT:

A motion was made by Alderman Bill Bass and seconded by Alderman Barbara Haynes to adjourn the meeting at 9:26 p.m. Passed unanimously.

TOWN OF NORTH TOPSAIL BEACH
REGULAR BOARD MEETING
NOVEMBER 7, 1996

PRESENT: Mayor Marlow F. Bostic, Jr., Mayor Pro-Tem Peter Hillyer, Aldermen Barbara Haynes, Sue Tuman, Jack Royman, Bill Bass; Town Manager Ann Vause, Town Attorney Lynn Coleman and Town Clerk Leigh Etheridge.

CONVOCAATION: Mayor Bostic called the meeting to order at 7:00 p.m. at the South End Fire Station and declared a full quorum present.

INVOCATION: A moment of silent prayer was observed.

APPROVAL OF THE AGENDA: A motion was made by Alderman Bill Bass and seconded by Alderman Jack Royman to approve the agenda. Passed unanimously.

APPROVAL OF MINUTES:

- a. Regular Board Meeting held October 24, 1996; With a clarification in New Business item c by Alderman Sue Tuman; a motion was made by Alderman Bill Bass and seconded by Alderman Barbara Haynes to accept the minutes. Passed unanimously.

MANAGER'S REPORT:

1. TWO OF THE FEMA SHOWERS IN NORTH TOPSAIL BEACH HAVE BEEN REMOVED. THE ONLY ONE REMAINING IS ON THE SOUTHERN END OF TOWN. THIS SHOWER WILL BE HERE FOR APPROXIMATELY 3 MORE WEEKS. IF NEEDED LONGER WE CAN NOTIFY FEMA.
2. FEMA WILL STOP BOTTLE WATER DELIVERY TO NORTH TOPSAIL BEACH AS OF FRIDAY, NOVEMBER 8TH. THE TOWN HAS BEEN REQUESTED TO CONTRACT WITH A WATER COMPANY TO PROVIDE WATER FOR THE NEXT 30 DAYS. FEMA WILL REIMBURSE THE TOWN FOR THE COST OF THIS SERVICE.
3. WE HAVE BEEN ADVISED BY MR. HOWARD VARNAM, ARMY CORPS OF ENGINEERS, THAT A DREDGING PROJECT WILL BE INITIATED IN NORTH TOPSAIL BEACH THIS FALL. APPROXIMATELY 100,000 CUBIC YARDS OF MATERIAL WILL BE PLACED IN NORTH TOPSAIL BEACH. FROM THE FRONT OF TOPSAIL REEF AND PROCEEDING SOUTH.
4. THE 4 TOWN MEETING HAS NOT BEEN ARRANGED TO DATE. I HAVE TALKED WITH THE HOLLY RIDGE MANAGER AND SHE ADVISES THAT THEY WILL HOLD THE MEETING IF THE BOARD SO DESIRES.

5. A COASTAL MUNICIPAL MEETING WILL BE HELD IN EMERALD ISLE NOVEMBER 18-19TH. MAYOR BOSTIC AND POLICE CHIEF MATTHEWS PLAN TO ATTEND.

ALDERMEN'S
REPORT:

Alderman Barbara Haynes:

Reported that a busload of tourists were halted before completely crossing the sand dunes by a police officer.

Alderman Jack Royman:

Expressed his concern about people crossing the sand dunes due to un-existing crosswalks that were destroyed by Hurricane Fran.

Alderman Sue Tuman:

Reminded everyone about the Coastal Plant Workshop at the Surf City town hall from 1-4 p.m., on November 18, 1996.

Alderman Bill Bass:

Stated that he passed the Town Hall site and saw at least 15 (fifteen) people working for the first time this year. He also asked about the status of the CAMA/Zoning vehicle. Town Manager Ann Vause answered by stating that we are still looking for a vehicle.

Mayor Pro-Tem Peter Hillyer:

Asked Police Chief Gunnar Matthews what the police force were doing about the "on-looking" slow sightseers on the road. Police Chief Gunnar Matthews reported that these slow drivers can be pulled over and asked to move along.

MAYOR'S
REPORT:

Mayor Marlow F. Bostic, Jr.:

Expressed his concerns about Public Works cleaning Bay Court and inquired on whether 11th Avenue had been fixed and cleaned. 11th Avenue has approximately nine homes and Bay Court approximately two.

OPEN FORUM/
CITIZEN'S
REQUEST:

Sam McGinn:

Discussed the following matters:

- sand dune crossing
- the destruction caused by Hurricane Fran
- town employees commended for all of their hard work and endless hours devoted following Hurricane Fran.

ADJOURNMENT:

A motion was made by Alderman Jack Royman and seconded by Alderman Bill Bass to adjourn the meeting at 7:45 p.m. Passed unanimously.

Leigh Etheridge
Leigh Etheridge - Town Clerk

TOWN OF NORTH TOPSAIL BEACH
SPECIAL BOARD MEETING
NOVEMBER 9, 1996

PRESENT: Mayor Marlow F. Bostic, Jr., Mayor Pro-Tem Peter Hillyer, Aldermen Sue Tuman, Barbara Haynes, Jack Royman and Bill Bass; Town Manager Ann Yause and Town Clerk Leigh Etheridge. Not present was the Town Attorney Lynn Coleman.

CALL TO ORDER: Mayor Bostic called the meeting to order at 10:00 a.m. at the South End Fire Station and opened the floor for any questions, comments, positive or negative suggestions, and recommendations concerning post-disaster recovery issues.

Bill Rogers:
What are the objectives from the information that will be discussed today?

Sue Tuman:
We will be willing to rethink our disaster recovery plan, and through input today; make any necessary modifications to that plan.

Mayor Pro-Tem Peter Hillyer:
The plan that we have for disaster is largely theoretical and we realize that it has shortcomings, defects, etc., and we hope to get from the people here that which we need to improve our plan. That's our goal for today. Unfortunately, our plan has been tested by reality.

Bill Rogers:
The biggest problem this town has is no leadership and organization. We must change the post-disaster plan.

George Green:
Expressed his concern regarding regulations forced upon citizens who knew they were taking a risk when they bought property and built here at North Topsail Beach.

Mayor Bostic:
Stated that there is a certain criteria that our inspections department must follow in accordance with state and federal agencies. We are a municipality and are bound to follow these rules. We have no jurisdiction over CAMA and they do check behind us to see if we are following the scope of our guidelines and theirs as well.

Ken Gibbs:

We are not getting the appropriate information through the mail. We need to get all federal and state agencies here to help us understand the required post-disaster procedures, rules, etc. It is realized that the town can not help us with everything. Please advise us as to who to contact.

Lori Gibbs:

Is there a coordinated effort to bring all of these agencies together to help us with our questions and problems?

Mayor Bostic:

Getting all of these agencies together at one location and place is very difficult because everything is being handled on a case by case basis right now. We need to make sure these agencies get you the right answers to your questions. There is a need for letters to be sent to our representatives; local, state and federal.

After a lengthy discussion from various citizens about the above stated post-disaster problems, frustrations and circumstances; a motion was made by Mayor Pro-Tem Peter Hillyer and seconded by Alderman Sue Tuman to invite all appropriate representatives (local, state and federal) to a meeting that will be held November 23, 1996, at 10:00 a.m. to address post-disaster recovery issues for the citizens of the Town of North Topsail Beach. Passed unanimously.

ADJOURNMENT:

A motion was made by Alderman Bill Bass and seconded by Alderman Barbara Haynes to adjourn the meeting at 1:00 p.m. Passed unanimously.

Leigh Etheridge
Leigh Etheridge - Town Clerk

TOWN OF NORTH TOPSAIL BEACH
SPECIAL BOARD MEETING
NOVEMBER 23, 1996

PRESENT: MAYOR MARLOW F. BOSTIC, JR., MAYOR PRO-TEM PETER HILLYER, ALDERMEN JACK ROYMAN, SUE TUMAN AND BILL BASS; TOWN MANAGER ANN VAUSE AND TOWN CLERK LEIGH ETHERIDGE. NOT PRESENT WERE TOWN ATTORNEY LYNN COLEMAN AND ALDERMAN BARBARA HAYNES. ALSO IN ATTENDANCE WERE LOCAL, STATE AND FEDERAL REPRESENTATIVES; 150 CITIZENS.

CALL TO ORDER: MAYOR BOSTIC CALLED THE MEETING TO ORDER AT 10:15 A.M. AT THE SOUTH END FIRE STATION AND AFTER AN INTRODUCTION OF THE REPRESENTATIVES, OPENED THE FLOOR FOR AN UNLIMITED SCOPE OF QUESTIONS CONCERNING HURRICANE DISASTER RECOVERY.

A LENGTHY QUESTION AND ANSWER SESSION FOLLOWED CONCERNING THE FOLLOWING MATTERS:

- FEDERAL FLOOD INSURANCE PROGRAMS
- CBRA ZONES
- INSURANCE CLAIMS
- REDEFINING THE FIRST LINE OF VEGITATION AS REQUIRED BY CAMA FOR REBUILDING REQUIREMENTS
- FATE OF TOWN STREETS THAT WERE DESTROYED
- CONDEMNED STRUCTURES
- COMMUNICATION AND AVAILABILITY OF NECESSARY REPRESENTATIVES
- STRUCTURE/DEBRIS REMOVAL
- WATER RESTORATION
- SEWER LINES
- RESTORATION OF BRIDGE ON STATE ROAD 1568 WHERE A NEW INLET WAS FORMED
- STREET REPAIR
- BEACH CROSSOVERS

ALL CITIZENS WERE PROVIDED WITH DIRECT ANSWERS TO THEIR QUESTIONS FROM THE APPROPRIATE REPRESENTATIVES. HOWEVER; IF AN ANSWER COULD NOT BE PROVIDED FOR A SPECIFIC CIRCUMSTANCE, CAREFUL ATTENTION WAS MADE TO RESPOND BACK TO THE INDIVIDUAL ONCE THE MATTER WAS RESEARCHED PROPERLY AND EFFICIENTLY.

ADJOURNMENT: THE MEETING CONCLUDED AT 1:10 P.M.

Leigh Etheridge

Leigh Etheridge - Town Clerk

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Town of North Topsail Beach
Public Hearing
December 5, 1996

PRESENT: Mayor Marlow F. Bostic, Jr., Mayor Pro-Tem Peter Hillyer, Aldermen Barbara Haynes, Sue Tuman, Jack Royman, Bill Bass; Town Manager Ann Vause, Town Attorney Lynn Coleman and Town Clerk Leigh Etheridge. Sixty citizens were present.

CALL TO ORDER: Mayor Bostic called the meeting to order at 6:00 p.m. at the South End Fire Station by opening the floor for any comments, statements or input (not questions) concerning the proposed amendments to the Zoning Ordinance for RV Travel Trailer Parks.

Robert Fox:
Please see attachment 1.

Linda Knowles:
Felt that Rogers Bay Campground should be brought into compliance with FEMA regulations so her Flood Plain insurance will not be cancelled or changed.

Wes Hodges:
Offered the following suggestions to the proposed ordinance:

-Section G-4: Change the language of the last sentence to read: Additionally, any vehicle in excess of (320) square feet within the towing mode and provisional "pop-out" rooms would be allowed.

-Section H-1.B(2): Suggest to change the language to reflect a maximum square footage of 200 feet and anything that does not comply with the 10 by 20 square foot would be allowable subject to the approval of the Building Inspector. This would allow more creativity for the designs and wishes of the lot owners.

-requested clarification on the grandrathering of existing decks.

Henry Foy:
Representing Island Camp (which is the existing developer of Rogers Bay Campway) came into existence in the early 1970's. Island Camp became the developer in 1993. The legal structure of Rogers Bay is a campway that is owned as tenants in common. No one owns an individual site. The owners, as tenants in common, own an undivided

interest in the particular land. Island camp is one of those owners of undivided interest. The structure provides that individual campers have given up their right to call for a provision of property in exchange for the exclusive use of a particular campsite. Requests to consider concerning ordinance:

-Permits issued for any new structures in Rogers Bay campsite should be in the name of the occupier of that particular campsite.

-Section G-4: The responsibility of Road Worthiness should be with the NC Division of Motor Vehicles, not the town.

-Cautioned not to interfere with persons vested rights concerning county permits prior to the town's existence and grandfathering structures.

Roc Merritt:

If we are all in violation of FEMA regulations, then all of us here would like to know what regulations from FEMA have we violated at Rogers Bay Campground?

William Foscreen:

Has obtained a permanent spot on Rogers Bay Campground since 1979. No adjustments have been made to personal residence since 1983. Since the town's incorporation, has seen nothing but problems.

Jack Murphy:

Representing Associate Family Campground, requested the Board consider delaying any decisions regarding this meeting and ordinance due to the short length of time since both hurricanes. More time needs to be given before any hasty decisions are made.

Donnie Coble:

Why must we pull out travel trailers (licensed vehicles) in the first place? Would persons owning a travel trailer and parking it in their residence driveway be required to do the same thing?

Ed Cramer:

How long will it take to make the decisions on this ordinance? People like myself are in the process of trying to purchase a new RV and would like to start enjoying life here again. We need to know what allowed.

Frank Rochelle:

Consider the results of ordinance and the impact it will have if some owners do not come and pull trailers out in the event of another hurricane.

Monte Brigman:

Consider how much revenue Rogers Bay contributes to the community. Yes, Rogers Bay had problems from the hurricane, but the turned-over campers were a result of a tornado that preceded Fran by about four hours. It is my opinion that the only thing that should be allowed on barrier islands are campers. Also, there are no permanent residents on Rogers Bay Campground.

Robert Fox:

Requested the town set up a committee for communication to reach reasonable expectations.

Jeff Holland:

Explained why we must comply with federal guidelines under the Flood Damage Prevention Program.

Donnie Coble:

It should be permissible to anchor RV's to prevent damage.

ADJOURNMENT:

A motion was made by Alderman Bill Bass and seconded by Alderman Jack Royman to adjourn the Public Hearing at 6:51 p.m. Passed unanimously.

Leigh Etheridge
Leigh Etheridge Town Clerk