

TOWN OF NORTH TOPSAIL BEACH
PUBLIC HEARING/REGULAR BOARD MEETING
JANUARY 5, 1995

PRESENT: Mayor Marlow F. Bostic, Jr., Mayor Pro-Tem McGinn, Aldermen Wilbur Bass, Sue Tuman, Peter Hillyer, Margaret Stackleather, Town Attorney Lynn Coleman, Town Manager Ann Vause and Deputy Town Clerk Lynn Farrell.

PUBLIC
HEARING -
REZONE REQUEST
FOR PROPERTY
LOCATED BETWEEN
ST. REGIS AND
MARINE DRIVE:

The Public Hearing for citizen input regarding rezoning property between the St. Regis and Marine Drive from R-20 to R-10 was called to order at 7:10 p.m. Approximately 25 citizens were present.

Neil Whitford representing the Hunter Heath Trust, Ellen G. Sullivan representing Testamentary Tigers and Charles Riggs, Surveyor were present. Neil Whitford stated that the Hunter Heath Trust owned approximately 40 acres and Testamentary Tigers owned approximately 18 acres between St. Regis and Topsail Reef, and were requesting a rezone from R-20 to R-10 to provide an opportunity to construct duplexes on the tract. He explained that R-20 required 20,000 sq. ft. lots and R-10 required 10,000 sq. ft. lots. He stated that there was approximately 25 to 30 acres (or about 50%) of high ground suitable for building in the tract.

Alderman Bass: Asked how many houses would be constructed on this tract of land.

Neil Whitford: Explained that the North Topsail Beach Zoning Ordinance Section 8.6 stated that R-10 was residential density, with a maximum density of 4 dwelling units per acre and R-20 was residential density not to exceed 2 dwelling units per acre. R-20 required single-family homes and R-10 allows duplexes or 4 duplexes per acre (8 dwelling units). Mr. Whitford also stated that with only approximately 50% of the tract being buildable, from a practical point of view this would allow 60 duplexes (120 dwelling units). He stated that if all the tract was buildable at the R-20 classification, theoretically 120 dwelling units could be built.

Alderman Hillyer: Stated that the purpose of the rezone request was to allow duplexes instead of single-family homes.

Neil Whitford: Stated that the Town inherited the R-20 designation from Onslow County (which allowed duplexes). Mr. Whitford stated that DEM had jurisdiction along with CAMA and the Army Corp of Engineers and that these agencies were more than adequate to regulate environmental concerns regarding this property. He stated that water and sewer may be limiting factors but would be regulated by outside agencies. Mr. Whitford stated that duplexes look like fine

single-family homes and were aesthetically pleasing. He explained that the North Topsail Beach Planning Board had voted in favor of this request and asked that the Board of Aldermen grant the rezone request.

Mayor Bostic read the letter from the St. Regis Home Owners Association stating their opposition to the request. The letter was as follows:

Dated January 3, 1995

Dear Ms. Vause:

This letter is being written at the direction of the Board of Directors, on behalf of the 244 tax paying real property owners at St. Regis.

The purpose of this letter is to state the objection of these owners to the rezoning request for the approximate 58 acres north of St. Regis.

Under the current zoning regulations, this property's R-20 allocation should provide reasonable use of this property by its owner. To increase the density by rezoning to R-10 will double the allowable residents for this tract. To approve this rezoning request, will greatly increase the burden of the already over-taxed water and sanitary sewer system of this portion of the island. In addition, it will also adversely impact the amount of traffic, pollution and noise, as well as the natural environment. Obviously, all of these factors will result in a negative impact on the surrounding property values.

It is the position of the 244 owners at St. Regis that the Board of Aldermen for the Town of North Topsail Beach clearly understand that they are opposed to the approval of this rezoning request for the reasons stated above.

Please take the necessary steps to ensure that this letter is read into the record at the meeting at which this rezoning request will be heard on behalf of the 244 tax paying owners at St. Regis.

FOR THE OWNERS OF ST. REGIS AND THE BOARD OF DIRECTORS,

Sincerely,
James B. Cranford, AMS, PCAM
Association Manager

Jean Young: Stated that she now lives in Virginia but bought into the St. Regis in 1986 and had a large investment in the property. Her primary objection was based on the water and sewer problems.

Neil Whitford: Asked if the Homeowners Association had met on the issue and Ms. Young stated that she did not know.

Jack Royman: Asked Mr. Whitford if he had read the Land Use Plan and the survey report regarding domestic water and the North Topsail Water and Sewer report.

Barbara Lee: Stated that she was the Property Manager for Topsail Reef. She stated that the rezone would add 500 more people to the area, which is already fragile. She asked if the Town would be able to provide the additional services. She stated that parking is already a problem in the area and that the beach is eroding badly in this area. Ms. Lee stated that water is a major problem and asked if any of these problems have been discussed.

Ellen Sullivan: Asked if the Building Permit determined water and sewer. She stated that 120 houses would not be built quickly and that it was not feasible to say that 500 more people would be living in the area by next summer. she also stated that R-10 is consistent with what is already in the area.

Peggy Friz: Stated that it concerned her that another governmental control would be considered with this request.

A motion was made by Alderman Hillyer and seconded by Alderman Tuman to close this part of the Public Hearing. Passed unanimously.

PUBLIC
HEARING -
PROPOSED
AMENDMENTS
TO ZONING
ORDINANCE AND
SUBDIVISION
REGULATIONS:

Otis Sizemore: Stated that he did not agree with changing "Other Yard Modifications" to disallow decks and steps in the side yard setbacks. He stated that if amended, people would not be allowed to replace steps and decks after storms.

After discussion, Mayor Bostic asked the Board of Aldermen if they wanted to continue the Public Hearing. He then stated that the issues would be voted on at the next meeting after some public discussion. He stated that the Amendments would be available at the Town Hall for public scrutiny.

A motion was made by Mayor Pro-Tem McGinn and seconded by Alderman Stackleather to close the Public Hearing. Passed unanimously.

RECESS: Mayor Bostic called a 5 minute recess at 7:30 p.m.

RECONVENE: Mayor Bostic called the meeting to order at 7:40 p.m. and declared a full quorum present.

INVOCATION: Rev. Richard Parker of Carroll Chapel United Methodist Church led in prayer.

APPROVAL OF AGENDA:

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

APPROVAL OF MINUTES:

A motion was made by Mayor Pro-Tem McGinn and seconded by Alderman Bass to approve the minutes of the Regular Board Meeting held December 1, 1994. Passed unanimously.

SEA DUNES COURT:

Town Manager Vause stated that John Parker of Parker & Associates had requested that the Town accept Sea Dunes Court into the Town street system. The final plat for Sea Dunes Subdivision was approved by the Board of Aldermen on August 5, 1993. Town Manager Vause stated that all required conditions had been made and she recommended the Board accept Sea Dunes Court as a town street.

A motion was made by Alderman Stackleather and seconded by Alderman Hillyer to accept Sea Dunes Court into the Town street system. Passed unanimously.

RESOLUTION AUTHORIZING PURCHASE/ CONTRACTING WITH TOWN OFFICIALS:

Town Manager Vause explained that N.C. General Statute 14-234 requires a town that contracts with or purchases from a member of the board to formally adopt a resolution authorizing such activities. She presented a general resolution covering the provisions of the general statute and a second resolution which specifically authorizes contracts/purchases from Atlantic Enterprises, Inc. and identifies Marty Bostic as owner of the company.

Alderman Stackleather: Asked if the Town would still accept bids and Town Manager Vause stated yes.

Mayor Pro-Tem McGinn: Stated that he was a firm believer in competitive bidding because it keeps the bidding process open to the public. Town Manager Vause stated that the resolution permitted the Board of Aldermen to know what work was awarded to Mayor Bostic but that all work would still be open for bids.

Attorney Coleman: Stated that the resolution did not provide preferential treatment to board members.

After discussion, the wording of the specific resolution was changed and the last paragraph read:

The Board of Aldermen hereby authorizes and approves the entering into of a contract or contracts between the Town of North Topsail Beach and Atlantic Enterprises, Inc. not to exceed the amount of \$15,000 for dune preservation projects within the town.

A motion was made by Alderman Bass and seconded by Alderman Hillyer to accept the specific resolution with the changes. Passed unanimously.

RESOLUTION AUTHORIZING PURCHASE/CONTRACTING
WITH TOWN OFFICIAL

WHEREAS, N.C. General Statute 14-234 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 Atlantic Enterprises, Inc., owned and operated by Marlow F. Bostic, Jr., Mayor of North Topsail Beach; and

NOW, THEREFORE, BE IT RESOLVED BY THE NORTH TOPSAIL BEACH BOARD OF ALDERMEN MEETING IN REGULAR SESSION THIS 5TH DAY OF JANUARY, 1995, THAT:

The Board of Aldermen hereby authorizes and approves the entering into of a contract or contracts between the Town of North Topsail Beach and Atlantic Enterprises, Inc. not to exceed the amount of \$15,000 for dune preservation projects within the town.

DULY ADOPTED THE 5TH DAY OF JANUARY, 1995.

RESOLUTION
DECLARING OLD
POLICE UNIFORMS
SURPLUS
PROPERTY:

Town Manager Vause provided a resolution to declare the white and navy police uniforms previously used by the Police Department as surplus property. She stated that once the uniforms were surplus and sold, the town could purchase additional uniforms if needed.

A motion was made by Alderman Hillyer and seconded by Alderman Tuman to approve the resolution declaring the old uniforms surplus property. Aldermen Hillyer, Tuman, Stackleather and Bass voted aye and Mayor Pro-Tem McGinn voted nay. Passed 4 to 1.

RESOLUTION AUTHORIZING THE DISPOSITION OF
CERTAIN PERSONAL PROPERTY BY PRIVATE SALE

WHEREAS, the Board of Aldermen of the Town of North Topsail Beach desires to dispose of certain surplus property of the Town;

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of North Topsail Beach that:

- (1) The following described property is hereby declared to be surplus to the needs of the town:

Police Uniforms:

31 long sleeve white shirts
36 short sleeve white shirts
45 navy blue pants

- (2) The Town Manager is authorized to dispose of the described property by private sale at a negotiated price.
- (3) The Town Clerk shall cause this resolution to be published in accordance with G.S. 160A-267.
- (4) The sale may be consummated not earlier than 10 days from the date of publication of this resolution.

DULY ADOPTED THE 5TH DAY OF JANUARY, 1995.

MANAGER'S
REPORT:

MANAGER'S REPORT
JANUARY, 1994

Listed below are activities for the month of December, 1994:

1. Dune Project:

November 30th a meeting was held with Ms. Ann Penta, Alderman Margaret Stackleather, Mr. Shep Moore (Agricultural Ext. Service) and Town Manager Vause to review proposed dune preservation project on Topsail Road. After reviewing the area, 15,000 beach grass plants and 2000 feet of sand fence were ordered for the project area. The initial project began at the northern end of Topsail Road and go south approximately 250 feet to the first crossover. Several volunteers gathered on Saturday, December 3rd. They planted 8,000 plants and about 250 feet of sand fence. The remaining plants and sand fence will be installed before the end of January, 1995.

2. 4-Town Meeting:

I attended the 4 Town Meeting held November 28th at the Camp Davis Restaurant. During the meeting officials from all towns decided to discuss future goals and concerns with their respective boards, have the 4 managers meet to discuss all goals and concerns then invite state representatives to our area to discuss future goals and concerns of our area. The managers meeting has been scheduled for January 3rd.

3. Meeting with Attorney:

December 19th, a meeting was held with the town attorney to discuss various issues.

4. Personnel:

Our new officer, Elvin Capestany (Cap) and our new building inspector, Jeff Holland, began work the end of November. Susan Daughtry and Jon Briggs attended a CAMA workshop and

an extended zoning course in Chapel Hill.

5. Christmas Decorations:

As you are aware, 2 of our deer decorations were stolen November 28th. December 12th 2 DOT employee found one of the deer. State regulations will not allow us to pay the reward to the individuals so a letter of appreciation will be sent to the individuals and their supervisor. The deer decorations are now being displayed at town hall.

6. Addressing System:

All letters have been mailed to property advising them of their new addresses and requirements for house numbering. Several letters have already been returned to the town because of incorrect addresses. If you know of anyone who did not receive their letter from the post office please have them contact us to verify we have their correct mailing address.

7. Newsletters:

The town newsletter was mailed to all residents/property owners December 28th.

8. Storm:

December 23rd and 24th we experienced a small north eastern storm. There was some damage to walk-ways and some beach erosion. Tires from the artificial reef established by Marine Fisheries washed up on the beach. Marine Fisheries has been contacted and they will make arrangement the first of January to remove these tires.

ATTORNEY'S
REPORT:

Attorney Coleman stated that she had attended a seminar on Public Personnel Law in Chapel Hill and that she had good news and actual movement on the donation of land from Ocean Sound Village. she stated that the deed process was progressing and suggested a resolution of appreciation to BB&T for their efforts once the Town received a clear deed.

ALDERMEN'S
REPORTS:

Alderman Hillyer: Nothing at this time.

Alderman Bass: Asked that the board members think about the rezone request and 4 dwellings per acre.

Alderman Tuman: Stated that at the meeting with ^{Two of} the Onslow County Commissioners on sales tax distribution, the Commissioners suggested that North Topsail Beach go after a one cent increase in the Occupancy Tax. Mayor Bostic stated that North Topsail Beach would receive approximately \$70,000 and if this was not enough support, the room tax within North Topsail Beach could be increased by three cents (in addition to Onslow County's three cents). He stated that the issue should be discussed with the other towns on the island.

Alderman Tuman stated that she does not feel that North Topsail Beach has equitable distribution of the sales tax and that the current system is not legal. She stated that the Board of Aldermen should decide what to do next.

Bill Rogers: stated that the Infrastructure Committee would pursue the issue. He asked to get a packet of information from the Town Hall and Alderman Tuman's comments on the suggestions from the County Commissioners.

Attorney Coleman: stated that an individual or group of citizens (not the board of Aldermen) could file a lawsuit but that the town could not contribute.

Alderman Tuman: Asked if the town could get an opinion from the Attorney General's office. Attorney Coleman stated yes but that she did not know what the Attorney General's position is on giving written opinions. She suggested that the Town Manager could write the Attorney General's office with help from others. *Board agreed by consensus to get*

Opinion from Atty Gen
Mayor Pro-Tem McGinn: Stated that he appreciated Alderman Tuman's remarks but had been told, by people that vote, that North Topsail Beach has \$1 million in savings, so why are they crying?

Attorney Coleman: Stated that the town should consider political ramifications with Onslow County.

Alderman Stackleather: Discussed the sandbag memorandum and stated that written comments had to be postmarked by January 6, 1995, and that she wished the town could have responded. It was the consensus of the board that Town Manager Vause should fax a letter against tightening of the rules on sandbags.

MAYOR'S
REPORT:

Mayor Bostic called for a Public Hearing at 6:30 p.m. prior to the Regular Meeting on February 2, 1995 to add a subsection under non-conforming. He stated that citizens could go by Town Hall to get a copy of the subsection. The subsection reads as follows:

SECTION 11.1 - NON-CONFORMING USES OF THE ZONING ORDINANCE

SUBSECTION (E): REPLACEMENT OR REPAIR OF ENCROACHING ATTACHMENTS TO DWELLINGS.

Nothing in the Zoning Ordinance shall prohibit the repair or rebuilding of any fire escapes, steps, outside stairways, balconies, sills, cornices, eaves, gutters, buttresses, ornamental features or similar items in existence at the time of the adoption of this amendment even though the rebuilding or repair requires continued encroachment into the required yard setbacks. However, any rebuilding or repair may not extend the encroachment beyond that encroachment of the original feature.

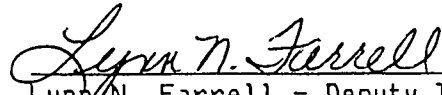
OPEN FORUM/
CITIZEN REQUEST:

Leland Newsome: Asked if the Corp of Engineers were going to push sand. Mayor Bostic stated that there was to be a dredging project, but the sand would be dedicated to the Galleon Bay area (about 200,000 cubic yards). Mr. Newsome asked if the Town has any emergency money to push sand for a house on Ocean Drive that was in jeopardy. Alderman Bass

discussed that possibly the town and the property owners could each pay a portion of the cost for pushing sand.

ADJOURNMENT:

A motion was made by Mayor Pro-Tem McGinn and seconded by Alderman Stackleather to adjourn the meeting at 9:00 p.m. Passed unanimously.


Lynn N. Farrell - Deputy Town Clerk

NORTH TOPSAIL BEACH
BOARD OF ALDERMEN
EMERGENCY MEETING
FEBRUARY 2, 1995

PRESENT:

Mayor Marlow F. Bostic, Jr., Mayor Pro-Tem Sam McGinn, Aldermen Wilbur Bass, Sue Tuman, Margaret Stackleather, Peter Hillyer, Attorney Lynn Coleman, Town Manager Ann Vause, and Deputy Town Clerk Lynn Farrell.

Mayor Bostic called the meeting to order at 5:45 p.m. and declared a full quorum present.

A motion was made by Alderman Tuman and seconded by Alderman McGinn to go into closed session to talk with the Attorney regarding possible litigation. Passed unanimously.

Mayor Bostic called the meeting back to order at 5:55 p.m.

A motion was made by Alderman Tuman and seconded by Alderman Bass to go into regular session. Passed unanimously.

Mayor Bostic stated that the Board was having technical problems. He stated that this caused a hardship on both sides of the issue. He asked that anyone that had planned to speak to raise their hands and also that non-residents raise their hands. He stated that the Board of Aldermen had to appoint a Board of Adjustment out of the remaining citizens. He stated that he needed volunteers to sit on the Board of Adjustment tonight.

Dominick Butch of Quadrant Surveying, Inc., P.A. stated that he did not want the Board of Aldermen to act quickly on his behalf. He stated that he would be glad to come back with his petition if the Board of Aldermen needed more time to appoint a Board of Adjustment.

A motion was made by Alderman Hillyer and seconded by Alderman Stackleather to cancel the evenings actions, seek candidates, appoint a Board of Adjustment and hear this petitioner's request for a variance as soon as possible. Passed unanimously.

Alderman Hillyer: Stated that he preferred to have a standing Board of Adjustment.

Mr. Lock: Asked if members have to be residents of North Topsail Beach and was told yes.


Dominick Butch: Stated that he would like to see members from all across town to be appointed.

Mayor Bostic: Asked if the Board of Aldermen wanted to set a date for a Special Meeting to appoint members to the Board of Adjustment. The Board of Aldermen agreed by consensus to set February 10, 1995 at 7:00 p.m. as the date for the Special Meeting.

Mayor Bostic: Stated that he personally apologized for the situation. He stated that he was made aware of the problem at 4:55 p.m. and that the Town Manager was made aware of the problem at 4:45 p.m.

ADJOURNMENT:

A motion was made by Alderman Stackleather and seconded by Alderman Hillyer to adjourn the meeting at 6:15 p.m. Passed unanimously.


Lynn N. Farrell - Deputy Town Clerk

TOWN OF NORTH TOPSAIL BEACH
PUBLIC HEARING/REGULAR BOARD MEETING
FEBRUARY 2, 1995

PRESENT: Mayor Marlow F. Bostic, Jr., Mayor Pro-Tem Sam McGinn, Aldermen Wilbur Bass, Sue Tuman, Margaret Stackleather, Peter Hillyer, Town Attorney Lynn Coleman, Town Manager Ann Vause, and Deputy Town Clerk Lynn Farrell.

PUBLIC HEARING -
AMENDMENT TO THE
NON-CONFORMING
USES OF THE

ZONING ORDINANCE: The Public Hearing for citizen input on an amendment to the Non-Conforming Uses of the Zoning Ordinance to allow replacement or repair of encroaching attachments to dwellings was called to order at 6:35 p.m. and a full quorum was declared. Approximately 17 citizens were present.

Otis Sizemore: Stated that he was in favor of the amendment specially concerning stairs and decks. He stated that his own deck encroaches 3 feet and is the only means of entering his dwelling. He also stated that he saw the need for control over the situation.

After receiving no other comments, a motion was made by Alderman Tuman and seconded by Alderman Bass to close the Public Hearing. Passed unanimously.

RECONVENE: Mayor Bostic called the Regular Meeting to order at 7:00 and again declared a full quorum present.

INVOCATION: Mr. Jim Ryder from the Christian Family Center led in prayer.

APPROVAL
of AGENDA:

- After discussion, two items were added to the agenda:
 - B1. - Vote on amendment to Non-Conforming Uses of the Zoning Ordinance
 - L - Discussion and possible action for nominations for Board of Adjustment

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

APPROVAL
OF MINUTES:

A motion was made by Alderman Hillyer and seconded by Alderman Bass to approve the minutes of the Regular Board Meeting held January 5, 1995 with minor changes. Passed unanimously.

DABSTEC
REPORT:

The Dune and Beach Stabilization and Education Committee has submitted a budget for FY 1995-96 to the Town. We plan to continue our successful summer educational programs and expand the scope of the spring and fall programs for residents. We have already received a commitment from Jean Beasley to continue her Turtle programs, including an

increased number of nest analyses, and opportunities for people to participate in sitting with nests that are due to hatch.

The American Beach Grass Dune Planting project on the beach between 4th and 2nd Avenues continues to look great, with daily inspection trips to the site by committee members and some of the Aldermen. If these inspections can help the grass grow, it should be shoulder high by the Fourth of July.

REZONE REQUEST -
PROPERTY LOCATED
BETWEEN THE ST.
REGIS AND MARINE
DRIVE:

Neil Whitford: Representing the Hunter Heath Trust, stated that the details of the request were presented at the Public hearing last month. He stated that the area is between much denser areas and would include duplexes. He stated that he knew that density was the major concern and that the maximum density for R-10 is 4 living units per acre. He stated that he would not object to an amendment to the Zoning Ordinance limiting it to 4 living units per acre. He stated that 30 acres were buildable minus streets, open spaces and setbacks. He stated that the Planning Board had recommended approval of the request and asked that the Board of Aldermen give great deference to that decision.

Ginny Hillyer: Stated that she was concerned about Mr. Whitford's interpretation of dwelling units. Would this mean one duplex building on a 20,000 sq. ft. lot and Mr. Whitford stated yes. She stated that the north end had too much density and that she felt that R-20 was reasonable and acceptable and requested that the Board not rezone the area.

Barbara Lee: Stated that the Board of Aldermen must consider the infrastructure before allowing more density.

Doris Naumann: Stated that there are problems in the infrastructure and that the County can no longer be blamed for the problems. She stated that the Board of Aldermen must take responsibility for new owners as well as long term owners.

Alderman McGinn: stated that he had walked all over the property and that it was tough to tell a man what he can do with his property. He stated that he wanted the Board of Aldermen to study the request further and not vote tonight. He stated that if one started at the Scotch Bonnet and went to the inlet, that out of 100 living units, 50 to 1 were condos. He stated that this was the last high property in town and he would like to preserve it for single-family. He stated that he had a call threatening to have the Town Hall moved if the request was not granted and that the Hunter Heath Trust had helped the town for years. He stated that the Board of Aldermen should consider other rezone possibilities.

Alderman Stackleather: Stated that it was hard on retirees to maintain large yards and that they should work to find a compromise with the Hunter Heath Trust.

Alderman Tuman: Stated that she did not feel that the Ordinance is clear on dwelling units.

Attorney Coleman: Stated that the Board of Aldermen could put restrictions on the lots once they were rezoned such as 4 dwelling units per acre. she stated that it was the Town's job to enforce the Ordinance when building permits are issued or on subdivision plats.

Alderman Bass: Stated that he did not agree with the Attorney that the Ordinances limit density.

Alderman Hillyer: Stated that there is much development going on SR 1568. He stated that 10-12 subdivisions are planned. He stated that the north end is narrow and that there are approximately 1500 dwellings on the north end. He stated that it was debatable that there could be 8 dwelling units per acre and that the petitioner had agreed to restrictions. He stated that the north end was built in haste by developers who wanted to make money and that the water situation is at limit. He stated that fire is a real issue. He stated that SR 1568 looks great but is a narrow entrance and exit and a potential bottleneck. He stated that he would base his decision on what he thinks is best for the Town and is against the rezone from R-20 to R-10. He also stated that if there can be a compromise, he would be willing to look at the situation.

Alderman Tuman: Stated that the limitations between the Ordinances was a grave concern. She stated that there may be a lot of lots on the north end that are unbuildable under this interpretation of the R-10 zoning, but the people that own them are under the impression that they can build duplexes.

Neil Whitford: Stated that if the Board of Aldermen approved the rezone request there would be other reviews such as the subdivision process which goes back to the Zoning Officer and Building Inspector for review.

Alderman Bass: Stated that he would like to ask the Building Inspector how it would be handled if the property owner came in to build.

Attorney Coleman: Stated that it would not be ethical to tie the Building Inspector down to a hypothetical situation.

Ginny Hillyer: Stated that once you rezone, the damage is done.

Lee Haynes: Stated that even if all lots were zoned R-10, some owners would build single-family homes.

Aldermen McGinn: Stated that he would like to put this item off and spend more time to consider any other possible zoning.

Ginny Hillyer: Asked what kind of grand plan does the developer have in determining which lots will be duplex and which will be single-family and Neil Whitford stated that there was no grand plan. He stated that subdivision review would determine single-family and duplex.

Alderman Bass: Asked what leverage the Town would have once the tract was rezoned to say single-family or duplex and Mr. Whitford stated none.

Attorney Coleman: Stated that the Board of Aldermen could rezone the tract to R-10 with the stipulation that duplexes can only be built on 20,000 sq. ft. lots.

A motion was made by Alderman Tuman and seconded by Alderman Stackleather to allow the rezone request from R-20 to R-10 with the restriction that a duplex must be built on 20,000 sq. ft. or greater and only single-family dwellings would be allowed on 10,000 sq. ft. or more. The motion passed 4 to 1 with Alderman Hillyer voting nay.

ONSLOW
COUNTY E911
COMMITTEE:

After discussion, Mayor Bostic nominated Bill Poe as representative from the Town on the Onslow County E911 Committee.

A motion was made by Alderman Tuman and seconded by Alderman Stackleather to appoint Bill Poe as the representative from North Topsail Beach on the Onslow County E911 Committee. Passed unanimously.

ZONING ORDINANCE
CLARIFICATION:

Alderman Hillyer stated that there are contradictions in the Zoning Ordinance. He suggested that the Zoning Ordinance should be clarified and brought up to date and that he would act a liaison between the Board and whoever would agree to head up this committee.

Alderman Tuman stated that she agreed with Alderman Hillyer and that it was time the Zoning Ordinance was corrected.

A motion was made by Alderman Tuman and seconded by Alderman Bass to appoint Alderman Hillyer to head up the correction and clarification committee. Passed unanimously.

AMENDMENT -
NON-CONFORMING
USES OF THE

ZONING ORDINANCE: After discussion, it was the consensus of the Board of Aldermen to place this item on the agenda for the March meeting.

AGREEMENT WITH
US CUSTOMS IN
FEDERAL EQUITABLE
SHARING PROGRAM:

Town Manager Vause stated that Chief McGrath had requested that the Board consider a Federal Equitable Sharing Agreement with the US Customs whereby the Town would be eligible to possibly obtain a percentage of seized equipment

and funds resulting from a case if the North Topsail Beach Police assisted US Customs with the case.

A motion was made by Alderman Stackleather and seconded by Alderman McGinn to approve the agreement with US Customs. Passed unanimously.

RESOLUTION
OPPOSING
EASEMENT FEES:

Aldermen Hillyer, Tuman and Stackleather voiced opposition to the resolution and it was consensus of the board to table the issue to a later date.

PLANNING BOARD
APPOINTMENTS:

Town Manager Vause stated that Mr. David Monroe had resigned from the Planning Board effective March 1, 1995 and also that Ms. Linda Knowles' term had expired April 2, 1994.

A motion was made by Alderman Bass and seconded by Alderman Hillyer to appoint Bill Rogers to fill David Monroe's unexpired term (until 4/7/97). Motion passed with a 3 to 2 vote with Aldermen McGinn and Stackleather voting nay.

A motion was made by Alderman Stackleather and seconded by Alderman Hillyer to reappoint Linda Knowles for a three year term (until 4/7/97). Motion passed with a 4 to 1 vote with Alderman McGinn voting nay.

LIMITED BEACH
ACCESS FOR
BULLDOZERS:

Mayor Bostic advised the Board of Aldermen that there was limited access areas for heavy equipment such as bulldozers to get on the beach. He stated that there was a problem now and that the problem would only get worse. Alderman Tuman stated that the Board of Aldermen should think about the problem and that possibly the Fire and Rescue Department could make a survey to bring back to the Board regarding possible sites for beach access for heavy equipment.

LEASE - COPIER
EQUIPMENT:

Town Manager Vause discussed the problems with the current copier and suggested that the Town authorize a lease contract with Copypro for 36 months at a cost of \$541.00 per month for a new copier.

A motion was made by Alderman Tuman and seconded by Alderman Hillyer to authorize a lease of copier equipment from CopyPro with review of the contract by the Town Attorney. Passed unanimously.

WYNDY DUNES
FINAL PLAT:

John Parker stated that the letter of credit was on the way and had been verified by the bank.

A motion was made by Alderman McGinn and seconded by Alderman Hillyer to approve the final plat for Wyndy Dunes Subdivision. Passed unanimously.

EMERALD DUNES
FINAL PLAT:

Mr. John Parker stated that money was being held in escrow for this subdivision.

A motion was made by Alderman Stackleather and seconded by Alderman Tuman to approve the final plat for Emerald Dunes Subdivision. Passed unanimously.

CRYSTAL SHORES II
FINAL PLAT:

Mr. John Parker stated that the developer was not in a hurry for this approval and there was no bond. He stated he would come back before the Board with this request at a later date.

PUBLIC HEARING
DATE FOR REZONE
REQUEST - VILLA
CAPRIANI TRACT:

The Board of Aldermen scheduled a Public Hearing prior to next month's meeting on March 2, 1995 at 6:00 p.m. to receive citizen input on a request to rezone property on the Villa Capriani Tract located behind the parking lot/tennis courts of Villa Capriani from RA(Rural Agricultural) to CU-R8 (Conditional Use Residential 8,000 sq. ft.).

BOARD OF
ADJUSTMENT
NOMINATIONS:

Town Manager Vause received eight nominations for members of the Board of Adjustment: Clara Bass, Doris Naumann, Lee Haynes, Barbara Haynes, Marlyn Mallette, Ann Penta, Otis Sizemore and Ginny Hillyer. Ballots were distributed to each Alderman for voting.

Mayor Pro-Tem McGinn departed from the meeting at 9:27 p.m.

The results of the voting were:

Clara Bass appointed for a three year term
Ann Penta appointed for a three year term
Lee Haynes appointed for a two year term
Doris Naumann appointed for a two year term
Ginny Hillyer appointed for a one year term
Marlyn Mallette appointed as alternate for a 3 year term

A motion was made by Alderman Bass and seconded by Alderman Tuman to appoint Alderman Hillyer as alternate member of the Board of Adjustment for a three year term. Passed unanimously.

MANAGER'S REPORT: Listed below are activities for the month of January, 1995:

1. Addressing System:

All residents/property owners have been notified by letter of their new address. There have been minor problems that are being addressed by Susan. Mr. Ken Nunn, Sneads Ferry Postmaster, advises there has been some confusion in mail delivery but this should be corrected when the mail delivery originates from the Sneads Ferry office within the next 30 to 60 days.

The towns new address will be 3883 Island Drive, North Topsail Beach 28460. We are in the process of changing the towns official address. This should be completed within the next 30-60 days.

2. Personnel:

Ronda Maberry, Police Records Clerk, has submitted her resignation, effective February 8. We wish her well in her future endeavors. Within the next few days the

Police Chief will advertise this position.

3. School Attended:

Lynn and I attended a 3 day update conference with clerks. This annual update provides us with new information and changes that affect the clerks (and managers) duties. The classes were very informative.

4. Budget for Fiscal Year 1995-96:

Preliminary work on the budget for Fiscal Year 1995-96 has begun. Please advise us if you have any items for consideration in the budget.

5. Meetings:

Several meetings were held this month (regular board meeting, beautification chairman, computer software representative, attorney, staff meetings, etc.)

6. Codification of Ordinances:

Corrections to the code of ordinances codified by Municipal Code Corporation. We have had several conversations and they plan to provide us with a draft copy of the ordinances by April, 1995. Once the draft is received and reviewed we will request a workshop with the Board of Aldermen to review the document.

ATTORNEY'S
REPORT:

Stated that she had attended an Annexation workshop which was very informative.

ALDERMEN'S
REPORT:

Alderman Bass asked the Town Attorney about the deed for the Town Hall site and Attorney Coleman told him that it was progressing. He asked if the town could proceed with engineers and architects and Attorney Coleman replied yes.

A motion was made by Alderman Stackleather and seconded by Alderman Tuman to authorize the Town Manager to enter into contracts with engineers or architects concerning the new town Hall. Passed unanimously.

A motion was made by Alderman Tuman and seconded by Alderman Stackleather to authorize the Town Manager to improve the site. Passed unanimously.

MAYOR'S REPORT:

Mayor Bostic stated that limited beach access for bulldozers was a serious matter and asked that the Board think about possibilities. He also stated that the Beautification Committee was asking for volunteers to help with the

landscape projects and anyone interested could sign up at town Hall.

OPEN FORUM/

CITIZEN REQUEST: Ann Penta stated that every Saturday in February residents can have their voter registration cards redone from 10-12 noon at the south end fire station.

ADJOURNMENT:

A motion was made by Alderman Stackleather and seconded by Alderman Bass to adjourn the meeting at 9:55 p.m. Passed unanimously.


Lynn N. Farrell - Deputy Town Clerk

TOWN OF NORTH TOPSAIL BEACH
BOARD OF ALDERMEN SPECIAL MEETING
FEBRUARY 20, 1995

PRESENT: Mayor Marlow F. Bostic, Jr., Mayor Pro-Tem Sam McGinn, Aldermen Peter Hillyer, Margaret Stackleather, Wilbur Bass, Town Manager Ann Vause and Deputy Town Clerk Lynn Farrell. Alderman Tuman was absent.

CALL TO ORDER: Mayor Bostic called the meeting to order at 2:00 p.m. and declared a quorum present.

REQUEST FOR
BUDGET
AMENDMENT:

Town Manager Vause explained that the amendment would be for payment for a 4 wheel drive vehicle for the Inspections Department - \$7500.00 for a 1986 Chevrolet S-10 Blazer 4 X 4 and \$12,000.00 for a 1991 Ford Explorer 4 X 4.


Mayor Bostic stated that he did not feel that a 4 wheel drive vehicle was needed by the inspections Department and Town Manager Vause stated that Susan and Jeff felt that 4 wheel drive was needed.

Alderman Hillyer stated that if the Inspections Department needed to use a 4 wheel drive vehicle they could borrow one from another department.

Mayor Bostic stated that he felt they should go with a newer vehicle for warranty purposes without 4 wheel drive.

After discussion, Mayor Bostic directed the Town Manager to get information for the March or April meeting on a new or near-new car with low mileage instead of a truck or 4 wheel drive vehicle. The general consensus of the Board is to get a new vehicle. Mayor Bostic stated that if a vehicle had to be orderd, order one with positive traction rear end.

ADJOURNMENT: A motion was made by Alderman Hillyer and seconded by Mayor Pro-Tem McGinn to adjourn the meeting at 2:20 p.m. Passed unanimously.


Lynn N. Farrell - Deputy Town Clerk

TOWN OF NORTH TOPSAIL BEACH
 BOARD OF ALDERMEN
 REGULAR MEETING
 MARCH 2, 1995.

PRESENT: Mayor Marlow F. Bostic, Jr., Mayor Pro-Tem Sam McGinn, Aldermen Sue Tuman, Bill Bass, Peter Hillyer, Attorney Lynn Coleman, Town Manager Ann Vause, and Town Clerk Lynn Farrell. Alderman Margaret Stackleather was absent.

CALL TO ORDER: Mayor Bostic called the meeting to order at 7:05 p.m. and declared a quorum present.

INVOCATION: Mayor Bostic asked that everyone observe a moment of silence.

APPROVAL OF AGENDA: Town Manager Vause asked that the following items be added to the agenda:
 (f) Discussion and possible action regarding Topsail Avenue.
 (g) Public Hearing date for possible amendment to the Zoning Ordinance.

A motion was made by Mayor Pro-Tem McGinn and seconded by Alderman Tuman to approve the agenda with the stated additions. Passed unanimously.

ISO FIRE RATING: Mayor Bostic announced that as of April 1, 1995, the Town of North Topsail Beach's ISO rating would be a "6". He stated that this would mean savings to homeowners of \$150 to \$250 per year on insurance. He stated that the north end of town had gone from a "10" to a "6" in two years. He stated that he would like to thank good fire fighters and good employees and past and present board members.

Alderman Hillyer: Stated that he was very pleased with the Fire Marshal and the Assistant Fire Marshal who did all the forms and so forth during the inspection.

Alderman Bass: Stated that he had talked with his personal insurance agent and his savings would be approximately \$119.00.

Alderman Tuman: Stated that her savings would be approximately \$116.00. She also stated that the savings were due to the hard work and perseverance of the employees and volunteers.

Mayor Pro-Tem McGinn: Stated that Thomas Best and Bill Poe should be commended for their good work.

Mable Early: Stated that she feels very good as a citizen for the rates to come down and thanked the employees and volunteers.

APPROVAL OF MINUTES: A motion was made by Alderman Hillyer and seconded by Alderman Bass to approve the minutes of the Regular Board

Meeting held February 2, 1995 with the correction of Mr. Otis Sizemore's name. Passed unanimously.

A motion was made by Alderman tuman and seconded by Alderman Bass to approve the minutes of the Board of Adjustment meeting held February 2, 1995. Passed unanimously.

A motion was made by Alderman Bass and seconded by Mayor Pro-Tem McGinn to approve the minutes of the Special Board Meeting held February 20, 1995. Passed unanimously.

DABSTEC REPORT: Ms. Ann Penta stated that she had nothing to report at this time.

BEAUTIFICATION
REPORT:

The Beautification Committee's monthly meetings are held on the fourth Friday of each month at the southside firehouse, from 10:00 am to 12:00 noon. The public is welcomed.

Our objectives for 1995 include the following:

a) our yearly tour of the Island, assessing the overall condition of the Island. b) Initiating a volunteer maintenance landscape pilot program. c) Encouraging the Board of Realtors to set standards for their clients by encouraging them to keep their properties neat, clean, and free of litter d) notify the Building Inspector, Jeff Holland, of any blatant violations of the Nuisance Ordinances.

The Beautification Committee would like to be included on any ordinance workshops that deal with our specific objectives and goals such as weed and litter control and saving vegetation.

On February 7 our Committee toured the Island with our town manager and building inspector taking photos and identifying areas of concern. Jeff is presently working on resolving some of these specific concerns. Please feel free to examine the photos taken by this committee of problems of concern and can be found in this album.

In reference to our Volunteer Pilot Program for landscape maintenance, we have 17 volunteers at this time. We appreciate their willingness to help. However, if we are going to be successful in this venture, we need at least 19 more volunteers that will cover the months of February through October.

On June 7th our Committee sent a letter to the Board of Realtors seeking their cooperation as previously mentioned.

The "Yard of the Month Awards" will resume in April.

Certificates of Appreciation will be sent to the following for their assistance in Landscape and Property Enhancement; Village of Stump Sound, Heron Cay, Calinda Cay, Topsail Dunes, Villa Capriani, St. Moritz, the St. Regis Resort, and Bermuda Landing.

Our Committee will assist the Town of North Topsail Beach in organizing a special event that will honor the volunteers of this town who help to make our community a better place in which to live.

Our next monthly meeting will be on March 24. Thank you.

WORKSHOP -
NEW TOWN HALL:

After discussion the Board scheduled a workshop with the Board of Aldermen and John Parker of Parker and Associates for Tuesday, March 14, 1995 at 5:30 p.m. at the south end fire station. This workshop will be for discussion by the Board concerning what they want in a town hall (type of structure, one story, two stories, etc.). The public is invited.

BEACH ACCESS FOR
HEAVY EQUIPMENT:

Town Manager Vause stated that Thomas Best had reviewed possible areas for contractors to access the beach to bulldoze sand for property owners. Areas to be considered are Gray Street, Ocean Drive and Chestnut Street, Jeffrey's Property on SR 1568, Onslow County Access #3, and town property Bay Court.

Mayor Pro-Tem McGinn: Stated that he would like to see an access at 10th Avenue. He stated that there was an emergency access at 2nd Avenue but it was blocked now with road paving material and sandfence.

Alderman Bass: Stated that he thought this would be satisfactory, and that Gerald could cut the sandfence at 2nd Avenue.

Mayor Pro-Tem McGinn: Stated that 10th Avenue was a dedicated beach access, but there was no crossover. He stated that a trailer could be parked on 10th Avenue to unload a bulldozer.

Mayor Bostic: Stated that the main issue is that all Board Members are aware of the problem.

ORDINANCE
AMENDING

ZONING ORDINANCE: Town Manager Vause stated that on February 2, 1995 the Board of Aldermen held a public hearing to receive citizen input on an amendment to the Zoning Ordinance which would allow replacement or repair of existing encroachments into the required yard setbacks.

A motion was made by Mayor Pro-Tem McGinn and seconded by Alderman Bass to adopt the following Amendment to the Zoning Ordinance. Passed unanimously.

AN ORDINANCE AMENDING CHAPTER 11.1 - NON-CONFORMING USES, SUBSECTION (E) - REPLACEMENT OR REPAIR OF ENCROACHING ATTACHMENTS TO DWELLINGS OF THE TOWN OF NORTH TOPSAIL BEACH ZONING ORDINANCE

SECTION 1: the North Topsail Beach Zoning Ordinance,

Chapter 11.1 - Non-Conforming Uses, Subsection (E) - Replacement or repair of encroaching attachments to dwellings is amended to read as follows:

"Nothing in the Zoning Ordinance shall prohibit the repair or rebuilding of any fire escapes, steps, outside stairways, balconies, sills, cornices, eaves, gutters, buttresses, ornamental features or similar items in existence at the time of the adoption of this amendment even though the rebuilding or repair requires continued encroachment into the required yard setbacks. However, any rebuilding or repair may not extend the encroachment beyond that encroachment of the original feature.

SECTION 2: All laws and clauses in conflict with this amendment are hereby repealed.

SECTION 3: This amendment shall be effective immediately upon adoption.

DULY ADOPTED THE 2ND DAY OF MARCH, 1995.

ORDINANCE
AMENDING
ORDINANCE -
SOLID WASTE:

Town Manager Vause stated that the Inspections Department and the Fire Department have encountered problems with debris accumulation and burning of improper materials on construction sites.

Alderman Tuman: Asked if there would be any check of property after construction is over to assure that all debris is gone even with a container there and was told that the Building Inspector could check after receiving complaints from citizens.

Ann Penta: Stated that the containers need covers to prevent debris from blowing out.

Mayor Bostic: Stated that the Building Inspector could check after receiving complaints from citizens.

A motion was made by Alderman Tuman and seconded by Mayor Pro-Tem McGinn to adopt the following amendment to the Ordinance Chapter 18 - Solid Waste. Passed unanimously.

AN ORDINANCE AMENDING TOWN OF NORTH TOPSAIL BEACH ORDINANCE
CHAPTER 18 - SOLID
WASTE

SECTION 1: Chapter 18 - Solid Waste Ordinance of the Town of North Topsail Beach is hereby amended by adding the following section:

Section 18-2 Construction Debris Container Requirements:

The contractor/builder is required to provide the following on all remodeling or new construction sites:

- a. A waste disposal container, minimum size 8 X 8 X 4 for materials such as treated lumber, roofing material, cans, glass, etc. which can not be burned.
- b. A 55 gallon drum or barrel for materials which can be burned. Use of this barrel will require a burn permit approved by the Fire Marshal.

SECTION 2: The contractor/builder is responsible for the cost of the container rental/ownership and disposal. Proof of rental or ownership is to be provided to the North Topsail Beach Inspection Department prior to the issuance of permits.

SECTION 3: The appropriate container must be on the remodeling or new construction site within 3 days of the issuance of the permit for remodeling or new construction.

SECTION 4: All ordinances or ordinance amendments in conflict with this ordinance amendment are hereby repealed.

SECTION 5: This ordinance amendment shall be effective immediately upon adoption.

DULY ADOPTED THE 2ND DAY OF MARCH, 1995.

SR 1583 -
TOPSAIL ROAD:

Town Manager Vause stated that the town had received a letter from Mr. Billy Dixon, NC Department of Transportation, requesting the town to consider including SR 1583 (Topsail Road) as an addition to the town system.

Alderman Hillyer: Asked if there was any downside to the Town accepting the road and Town Manager stated no.

Mayor Pro-Tem McGinn: Stated that the road floods out between 11th and 9th Avenues. He stated that the Town Manager should ask Mr. Dixon if DOT could cut a ditch or swale to correct the flooding.

Town Manager Vause: Stated that there would be no where for the water to go under the CAMA regulations.

Mable Early: Asked if there would be any changes made to the road if the town adopted it. She also asked if the road would be widened.

Alderman Bass: Stated that there was no room to widen the road and Mayor Bostic stated that there were some encroachments on the right of way.

Bill Rogers: Asked if the state was offering any trade-off for the town taking the road and Town Manager Vause stated no, DOT would repair the road, but the town would pay for the repairs with Powell Bill funds.

Alderman Hillyer: Asked if the town would do a better job of maintaining the road and Mayor Bostic stated yes, if the town maintained the dunes in that area.

Mayor Pro-Tem McGinn: Stated that he would like to think more on the issue.

It was the consensus of the Board to table this issue until the Regular Meeting in April, 1995.

BUDGET
AMENDMENT -
DUNE
PRESERVATION
FUNDS:

Town Manager Vause stated that during the 1993-94 Fiscal year the Board requested that 3 cents of the tax rate be set aside for dune preservation. She stated that the Board requested the unexpended portion of these funds be brought forward into the next fiscal year. When the Fiscal Year 1993-94 Budget was completed and audited there was \$67,731.00 remaining in the Dune Preservation Fund. The following budget Amendment provides for these funds to be brought into the current fiscal year.

Alderman Bass: Stated that the town should try a little harder to look for equipment to work on the dunes.

A motion was made by Alderman Tuman and seconded by Alderman Hillyer to adopt the following budget amendment:

AN ORDINANCE AMENDING THE TOWN OF NORTH TOPSAIL BEACH
BUDGET ORDINANCE FOR FISCAL YEAR 1994-1995

BE IT ORDAINED BY THE TOWN OF NORTH TOPSAIL BEACH BOARD OF ALDERMEN MEETING IN REGULAR SESSION THIS 2ND DAY OF MARCH 1995, THAT THE BUDGET ORDINANCE FOR FISCAL YEAR 1994-1995 ADOPTED JUNE 18, 1994, AMENDED SEPTEMBER 3, 1994, AMENDED DECEMBER 1, 1994 BE AMENDED AS FOLLOWS:

GENERAL FUND:

Governing Body	21,850.00
Administration	103,210.00
Elections	-0-
Community Development	84,375.00
Public Buildings	127,800.00
Police Department	388,213.00
DWI Grant - Police	4,690.00
Public Works	99,180.00
Utilities	18,000.00
Street Improvements (Powell Bill)	28,000.00
Sanitation	26,000.00

Recreation	7,500.00
Non-Departmental	36,482.00
Fire Department	119,800.00
Contingency	15,000.00
Beach Renourishment/Dune Stabiliz.	66,380.00
Fund Balance Allocation	
Dune Preservation '93-94	<u>67,731.00</u> *

TOTAL OVERALL BUDGET 1,214,211.00

GENERAL FUND:

Taxes Budget Year 1994	575,295.00
Prior Year Taxes 1993/1994	29,000.00
Prior Year Taxes 1992/1993	13,500.00
Prior Year Taxes 1991/1992	13,000.00
Prior Year Taxes 1990/1991	9,000.00
Prior Year Taxes 1989/1990	4,500.00
Inventory Tax Reimbursement	26,000.00
Tax Penalties/Interest	10,800.00
Notes Payable FCB - Police Cars	38,915.00
Privilege License	2,900.00
Cable Franchise	5,500.00
Interest - Investments	58,000.00
Miscellaneous	10,000.00
Miscellaneous Permits	900.00
Utilities Franchise Tax	53,100.00
Intangible Property Tax	21,000.00
Beer & Wine Tax	4,000.00
Powell Bill Allocation	28,000.00
Local Option Sales Tax	108,800.00
DWI Grant - Police	4,690.00
Building Permits	10,000.00
Mechanical Permits	2,500.00
Electrical Permits	6,000.00
Plumbing Permits	2,000.00
Homeowners Recovery Fund	100.00
Inspection Fees	100.00
CAMA Permits Local	4,000.00
CAMA Permits Reimb. - State	3,000.00
Tax Refunds - Sales	1,500.00
Tax Refunds - Gasoline	4,000.00
Other State Revenues	1,000.00
Beach Driving Permits	2,000.00
Officers Fees & Violations	2,000.00
Appropriated Fund Balance	25,000.00
Beach Renourishment/Dune Stab	<u>134,111.00</u> *

TOTAL OVERALL BUDGET 1,214,211.00

DULY ADOPTED THE 2nd DAY OF March, 1995.

VACANCY -
PLANNING BOARD:

Town Manager Vause stated that Mrs. Linda Knowles resigned from the Planning Board on February 9, 1995 and that her term was to expire April 7, 1997. She also stated that Mr. Homer Prince's term on the Planning Board expires April 2, 1995.

A motion was made by Mayor Pro-Tem McGinn and seconded by Alderman Hillyer to nominate Otis Sizemore to replace Ms. Linda Knowles, with term to expire April 7, 1997. Passed unanimously.

Alderman Hillyer: Stated that the Board should appoint someone to replace Mr. Prince on the Planning Board.

Alderman Tuman nominated Patsy Jordan, Alderman Bass nominated Geraldean Walker to replace Mr. Homer Prince. The vote was 2 to 2 with Mayor Bostic breaking the tie by voting for Geraldean Walker. Geraldean Walker will replace Mr. Homer Prince and her term will be April 2, 1995 to April 2, 1998.

RESOLUTION -
PARK AND
RECREATION
TRUST FUND:

Town Manager Vause stated that the Onslow County Parks and Recreation Advisory Committee is requesting the Board consider adoption of a resolution supporting full funding of the Park & Recreation Trust Fund. She stated the resolution is for one year for grants distributed by the state.

A motion was made by Alderman Hillyer and seconded by Alderman Tuman to approve the following resolution:

RESOLUTION SUPPORTING THE FUNDING OF THE PARK & RECREATION
TRUST FUND

WHEREAS, the 1991 session of the General Assembly enacted a bill that increased the excise tax on land transfers by one dollar per thousand; and

WHEREAS, 85 percent of the revenues from this increase on excise tax went into the general fund of the State; and

WHEREAS, the 1994 General Assembly passed legislation previously supported by the Town of North Topsail Beach that establishes a Park and Recreation Trust Fund for North Carolina designed to allocate such revenues for state and local parks.

WHEREAS, local governments in North Carolina need almost one billion dollars to meet national standards in providing land and facilities for leisure opportunities for citizens and visitors; and

WHEREAS, in 1994 79 grant requests from local governments were received totaling \$2,438,419 and only \$200,000 was available, thereby further demonstrating the need for such a program.

WHEREAS, funding from the Federal Land and Water Conservation Fund, which was a major source of support for State and Local Parks Systems for the last 27 years has

decreased considerably since 1979; and

WHEREAS, the North Carolina Recreation and Park Society has requested support for funding the Park and Recreation Fund and Natural Heritage Trust Fund from revenues associated with 1991 increase on land transfer for use by local and state park systems.

NOW, THEREFORE BE IT RESOLVED, that the North Topsail Beach Board of Aldermen do call on members of the General Assembly to dedicate revenues generated by the increase of the land transfer tax which was approved by the 1991 General Assembly to the Park and Recreation Trust Fund and Natural Heritage Trust Fund during the 1995 session.

The clerk is directed to send a copy of this resolution to each of the members of the General Assembly representing the people of North Topsail Beach and the North Carolina Recreation and Park Society.

DULY ADOPTED THE 2ND DAY OF MARCH, 1995.

TOPSAIL AVENUE: Town Manager Vause stated that Topsail Avenue was located soundside beyond the south end fire station. She stated that of the 400 feet of street, the town owned 135.61 feet. She stated that the other property owners had agreed to get quotes on bringing the street up to date and had asked if the town would participate in the cost and also get bids on the entire project.

The Board of Aldermen directed the Town Manger to get quotes and to come back to the Board in April, 1995 with possible action at that time.

PUBLIC HEARING
DATE -

AMENDMENTS TO

ZONING ORDINANCE: Attorney Lynn Coleman stated that she, Susan Daughtry - CAMA/Zoning Administrator, and Town Manager Vause had a meeting and that Susan feels it would make her job easier to amend the Zoning Ordinance and they were requesting a public hearing date for citizen input on two (2) amendments to the Zoning Ordinance:

- 1) To allow additional non-conforming use in situations where a project has been begun but one or more phases was not completed prior to the passage of the Zoning Ordinance.
- 2) To allow building setbacks inconsistent with existing setbacks within a zone in situations where a plat recorded prior to the passage of the Zoning Ordinance, allows setbacks not in accordance with current zoning requirements.

Alderman Hillyer: Asked if Susan had any idea of frequency and Susan stated that the 2nd issue would come up on approximately 200 lots.

alderman Tuman: Stated that the Board certainly needed to

hear citizen input on these issues.

The Board scheduled a public hearing at 6:00 p.m. on April 6, 1995 prior to the Regular Board Meeting for :

- 1) Rezone Request for Villa Capriani Tract.
- 2) Amendments to the Zoning Ordinance.

MANAGER'S
REPORT:

ATTORNEY'S
REPORT:

Attorney Coleman stated that she was still working on the deed for the land for the new town hall. She also stated that she would be attending the N.C. Municipal Attorney's Conference in March.

Mayor Pro-Tem McGinn: Stated that the attorney had been working on the deed for seven months. He asked that if the town started construction in 30 to 60 days, would there be any problems and Attorney Coleman stated that the deed has a reverter clause, but that the deed is already recorded to the town. Mayor Pro-Tem McGinn stated that he was very concerned and would not want any problems after construction begins. He stated that he appreciated what the attorney had done but that he wants it settled before construction begins.

ALDERMEN'S
REPORTS:

Alderman Hillyer: Stated that he had nothing to report at this time.

Alderman Bass: Stated that he had nothing to report at this time.

Alderman Tuman: Stated she would get information from the Institute of Government to evaluate the Town Manager if the Board agreed. It was the consensus of the Board for Alderman Tuman to get information from the Institute to evaluate the Town Manager.

Alderman Tuman also stated that there was an article in the Topsail Voice about Shellquest, which would be on March 16, 1995 at 7:00 p.m. at Dixon High School. She stated the League of Women Voters is sponsoring presentation of this group and that flyers had been given out during tonight's meeting.

Mayor Pro-Tem McGinn: Stated that he had nothing to report at this time.

MAYOR'S REPORT:

Mayor Bostic stated that the ISO rating for North Topsail Beach will be "6" as of April 1, 1995. He stated this would save citizens in town several hundred thousand dollars. He stated that Mr. & Mrs. Logan had a video on Topsail Island at the Greater Topsail Chamber of Commerce mixer and that the video would be in retail stores on the island.

OPEN FORUM/

CITIZENS REQUEST: Doris Naumann: Stated that the Shellquest Program is the only one of its type in the country and urged everyone to attend.

Clara Bass: Thanked Town Manager Vause for the good job that she is doing as town manager.

Espy Sullivan: Stated that he would like to thank Town Manager Vause for the street light on Reeves Street.

Hank Malinowski: Asked about North Topsail Water and Sewer rates. Mayor Bostic stated that a public hearing was scheduled on April 19, 1995 at 7:00 p.m. at the south end fire station. Alderman Tuman explained that North Topsail Water and Sewer was a private company and not affiliated with the Town of North Topsail Beach.

Bill Roger: Stated that he thanked the Board for appointment to the Planning Board. He stated he would like for the Planning Board to plan for the future. He stated that there had been some reluctance on the part of the Planning Board in the past on this issue. He stated that it would be beneficial if the Board of Aldermen would make a statement as to what the Planning Board should be doing. Town Manager Vause stated that once the budget process is over, town staff will have scheduled meetings to discuss goals, etc. for the town over the next five years, and these ideas would be brought to the Board of Aldermen for approval. Mr. Rogers stated that she was saying that the Planning Board should not do this and Town Manager Vause stated that town staff could bring ideas to the Board of Aldermen and the Board of Aldermen could decide if these ideas should go to the Planning Board.


Alderman Hillyer: Stated that the Planning Board should have the opportunity to express themselves and not consider themselves a rubber stamp for the Board of Aldermen.

Otis Sizemore: Stated that he agreed with Alderman Hillyer and thinks that the town should have a 5 or 10 year plan. He stated that he thinks this is the province of the Planning board to do this.

Mayor Bostic: Stated that Mayor Vance Kee had called trying to schedule a 4 town meeting for March 21, 1995. He stated that the North Topsail Beach Board of Adjustment meeting was already scheduled for March 21, 1995.

ADJOURNMENT:

A motion was made by Alderman Bass and seconded by Mayor Pro-Tem McGinn to adjourn the meeting at 8:45 p.m. Passed unanimously.


Lynn Farrell - Town Clerk/Finance Officer

TOWN OF NORTH TOPSAIL BEACH
SPECIAL BOARD MEETING
MARCH 14, 1995

PRESENT: Mayor Marlow F. Bostic, Jr., Aldermen Peter Hillyer, Bill Bass, Sue Tuman, Margaret Stackleather, Town Manager Ann Vause, town Clerk Lynn Farrell, Building Inspector Jeff Holland, and John Parker of Parker and Associates. Mayor Pro-Tem McGinn was absent.

CALL TO ORDER: Mayor Bostic called the meeting to order at 5:38 p.m. and declared a quorum present. Mayor Bostic announced that Mayor Pro-Tem McGinn had a new granddaughter, Hannah, born at 10:30 on Friday. He stated that the baby was very ill and on life support and asked that everyone remember her in their prayers.

Discussion on proposed town hall:

John Parker: Stated that he had a meeting with Town Manager Vause and Building Inspector Holland to develop conceptual drawings and needed questions answered for architectural fees to be determined. He stated that he needed a dollar amount for the total project.

Alderman Tuman: Asked if they shouldn't decide on the type of building, etc. first before deciding on how much to spend.

Mayor Bostic: Asked if Mr. Parker had worked on any town hall projects lately and Mr. Parker Stated Holly Ridge and Maysville. He stated the Holly Ridge project started out as a quarter million dollar project but they changed designs and ended up spending approximately \$100,000.

Alderman Bass: Stated that he favored a two story building as opposed to a one story, and that it would not cost more and that there were definite advantages for two stories. He stated that a two story building would fit into the overall theme of the beach, but would need a stairway and elevator.

Mayor Bostic: Asked for suggestions for the meeting room.

Alderman Hillyer: Stated that the meeting room should be large enough for meetings but not for large community functions.

Alderman Tuman: Stated that she felt that the meeting room on the drawing done by Mr. Holland was adequate, but that it would be funded by taxpayers and taxpayers should be able to use the room for functions.

Mr. Parker: Stated that with a two story building there could be overflow grass parking. the maximum parking would be approximately 100 cars.

It was the consensus of the Board that the meeting room as drawn was sufficient.

Mayor Bostic: Suggested that the kitchen on the first floor should be outside the footprint of the building.

It was the consensus of the Board that the structure should be two stories.

After discussion it was the consensus of the board to do the landscaping as a separate project.

After discussion it was consensus of the Board for the exterior of the building to be wood siding, possibly Cypress or juniper, and that the building should have a split hip roof. The Board decided that super heavy duty roofing shingles such as architectural shingles be used.

Mayor Bostic: Stated that he would like to see a covered entryway or porch (wooden).

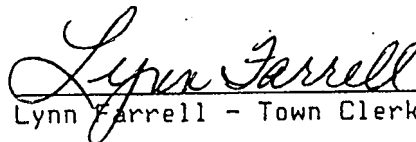
Town Manager Vause: Asked the Board whether they would like to finance the new town hall or pay cash. It was the unanimous consensus of the Board to pay cash for the new town Hall but they also directed Town Manager Vause to investigate a loan.

When asked, Mr. Parker stated that an approximate time frame would be 13 months.

It was the consensus of the Board to take an aggressive attitude toward the construction of the town hall.

ADJOURNMENT:

A motion was made by Alderman Stackleather and seconded by Alderman Bass to adjourn the meeting at 8:10 p.m. Passed unanimously.



Lynn Farrell - Town Clerk/Finance Officer

MARCH, 1995
MANAGER'S REPORT

Listed below are activities for the month of February, 1995:

1. Addressing System:

As you know, we have been experiencing problems with the Department of Motor Vehicles. When our citizens request a new license with "North Topsail Beach" they are told this is not possible because we have a Sneads Ferry zip code. Several staff members have been trying to correct this problem. Assistant Chief Matthews advised me Wednesday, February 22nd that the problem had been corrected. Ms. Charlotte Massengill, attorney for DMV contacted all programmers and local agencies. She advised them they were to change their programs and officially recognize the Town of North Topsail Beach. If any additional problems are encountered we are to contact Ms. Massengill.

2. Town Hall:

Parker & Associates has been selected as the engineering firm for the town hall project. After the Board of Aldermen meet and decide what they want in a town hall we will proceed with other aspects such as architectural services, Local Government Commission approval on finance, etc. Hopefully, we will begin to see something tangible on this project within the next 30 to 60 days.

3. Mosquito Control:

The staff has held 2 meetings on the initiation of the mosquito control project and we hope to have a presentation for the Board of Aldermen within the next 2 months.

4. Budget - Fiscal Year 1995-96:

Work has begun on next fiscal years budget. If things proceed as planned we will present a proposed budget to the Board of Aldermen at their April meeting and request a public hearing in May for citizens input. After the public hearing, work sessions will be scheduled with the board to review and finalize the budget for the next fiscal year.

5. New River Inlet Road:

The northern most portion of New River Inlet Road was in need of repair. We were asked to review and determine if this 300' of New River Inlet Road was on the town street system or a part of the DOT system. After investigation, we found that this section of road was accepted into the N.C. Department of Transportation system April 20, 1990. DOT has fixed the pot holes in this area and will be asked to include this area in their fall resurfacing program.

6. Severe Weather Awareness Week:

Governor Hunt has proclaimed the week of March 5th through 11th as "Severe Weather Awareness Week". The main focus of the week will be a state wide tornado drill on Wednesday, March 8th. Onslow County procedures during an actual tornado situation will be as follows: 1) set off all the disaster sirens in the county; 2) request local radio and television stations to announce this information and provide general information about what actions to take; 3) central dispatch will dispatch emergency services personnel to areas where they are needed; 4) the Emergency Operations Center in the Agricultural Building will be activated if circumstances warrant.

All town staff, particularly Police & Fire, have been advised of this information from Onslow County.

7. Personnel:

Congratulations to Thomas & Hester Best! Samantha Taylor Best was born February 11th. Mrs. Dartha Campbell was employed February 20th as Police Records Clerk. She is replacing Ms. Rhonda Maberry who resigned February 8th.

TOWN OF NORTH TOPSAIL BEACH
BOARD OF ALDERMEN
PUBLIC HEARING/REGULAR MEETING
APRIL 6, 1995

PRESENT:

Mayor Marlow F. Bostic, Jr., Mayor Pro-Tem Sam McGinn, Aldermen Sue Tuman, Bill Bass, Peter Hillyer, Margaret Stackleather, Attorney Lynn Coleman, Town Manager Ann Vause and Town Clerk Lynn Farrell.

CALL TO
ORDER:

Mayor Bostic called the Public Hearing to order at 6:00 p.m. and declared a full quorum present. Approximately 11 citizens were present.

1. Request by Island Development Group to rezone 25.3 acres of property located off NCSR 1568, across from Villa Capriani from RA (Rural Agricultural) to CU-R8 (Conditional Use Residential 8,000).

John Parker: Stated that he was there on behalf of Island Development Group and the rezone request had been submitted in November, 1994 and heard by the Planning Board in December, 1994. He stated that, in essence, he was requesting the rezone to R-20 with certain conditions, but that the North Topsail Beach Ordinances did not allow CU-R20. He was requesting R8 with conditions. He stated that the six voluntary conditions were 1)Uses were restricted to what is allowed in R-20 2)Only R-20 lot sizes and dimensions 3)The lots must have an average of 15,000 sq. ft of high ground 4)That upon infrastructure development, a berm would be constructed with a height of at least 12" and upon individual lot development the berm must have a continuous line. The intent of the berm is to impede stormwater run off. 5) That living vegetation with a diameter of 3" would not be removed unnecessarily 6)Buildings would be set back not less than 40' from mean high water. He stated that the reason for placing the conditions was to protect the area and make the rezone more palatable to the town.

Mayor Pro-Tem McGinn: Asked about R-8 (8,000 sq. ft.) as opposed to R-20 (20,000 sq. ft.). Mr. Parker explained that the under the ordinance there was no Conditional Use R-20. Mayor Pro-Tem McGinn stated that he had driven over the entire property and that it was absolutely beautiful. He asked that if public streets were put in would people be able to see the water and Mr. Parker stated yes, that the ordinance stated that.

Alderman Hillyer: Stated that he was going to ask why Mr. Parker didn't just go for an R-20 but realized that Mr. Parker had gone a step farther to put conditions on the zone.

There were no comments from the public.

A motion was made by Alderman Hillyer and seconded by Mayor Pro-Tem McGinn to close this Public Hearing. Passed unanimously.

2. Zoning Ordinance Amendments:

- 1. 11.5 Completion of Non-conforming projects;
- 2. 11.6 Situations where recorded plat shows setbacks inconsistent with setbacks in Zoning Ordinance.

Keith Fountain: Stated that he was an attorney from Jacksonville, representing the citizens of the Summertime Development. He stated that the property owners were planning to build in the near future and that this problem had come to Mr. Chewing's attention on Tuesday and had caused him distress. He stated that if 11.6 was not approved there would be a private deed restriction of 10' on one side and 8' on one side, and that all three owners could not build. He stated that on the owner's behalf this should be approved.

William Parr: Stated that there is no difference in the Onslow County Ordinance and the town's ordinance and the fault is not the town's.

Attorney Fountain: Stated that when the plat was recorded it complied with the County Zoning Ordinance and that the setbacks are different from Onslow County Ordinance to North Topsail Beach Ordinance.

CAMA/Zoning Administrator Susan Daughtry: Stated that she did not know what the ordinance was when the plat was recorded but that the County had approved the subdivision plat.

Clifton Halso: Stated that in Ocean Ridge, the setback was 5' from piling to piling on the side setbacks.

Alderman Tuman: Stated that this situation cannot occur again, only on existing subdivisions.

John Parker: Stated that this situation could occur again on an area newly platted if changes were made in the Zoning Ordinance.

Attorney Coleman: Stated that the safeguard is that the amendment is worded "the Zoning Administrator may allow deviations".

Alderman Tuman: Asked if there was any way this could be written to limit this to existing subdivisions.

Attorney Coleman: Stated that would not cure Susan's problems in the future if the town made zoning changes.

Mayor Pro-Tem McGinn: Stated that he would not want to stop anyone from building but that he was a firm believer in following the setbacks and would want to enforce the setbacks. He stated that he would not want to see this area like Ocean Isle.

Attorney Fountain: Stated that the safeguard was written in regarding eaves. He stated that eaves have to be within the footprint.

Alderman Hillyer: Stated that these properties were purchased in good faith. He asked if the properties were purchased prior to incorporation of the town, and stated that there was some responsibility on the part of the owners. Attorney Fountain stated that Mr. Chewing bought after incorporation but that no one was aware of this problem, that everyone was going along with recorded plats approved by Onslow County.

John Parker: Stated that when Onslow County was enforcing their zoning they had unique zoning and you could modify side yard setbacks, etc. under special use permits.

Mayor Pro-Tem McGinn: Stated that one of the most beneficial aspects was that property owners must consider was spending time with Susan regarding zoning requirements and that there would come a time when Onslow County would not be involved in building in North Topsail Beach.

Alderman Tuman: Stated that as Amendment 11.6 stands now, she did not feel comfortable with the uncertainty. She stated that she wanted the amendment to be clear.

A motion was made by Alderman Hillyer and seconded by Alderman Bass to close this Public Hearing. Passed unanimously.

RECESS: Mayor Bostic called for a ten minute recess before beginning the Regular Meeting.

RECONVENE: Mayor Bostic called the Regular Meeting to order at 7:10 p.m. and again declared a full quorum present.

INVOCATION: Mayor Bostic asked that everyone bow their heads in a moment of silent prayer.

APPROVAL OF AGENDA: After discussion, a motion was made by Alderman Bass and seconded by Alderman Hillyer to approve the agenda with the following additions:

10-m - Neuse River COG - Cherry Point Resolution

10-n - Contract for John Carraway - Auditor

Motion passed unanimously.

APPROVAL OF MINUTES: Alderman Tuman stated that the word swall should be spelled "swale". Alderman Tuman asked if a decision had been made on an access for heavy equipment. A motion was made by Alderman Tuman and seconded by Mayor Pro-Tem McGinn to add 9-e - Access for heavy equipment to the agenda. Passed unanimously.

A motion was made by Alderman Hillyer and seconded by Alderman Bass to approve the minutes of the Regular Board Meeting held March 2, 1995 with the correction. Passed unanimously.

A motion was made by Alderman Stackleather and seconded by Alderman Bass to approve the minutes of the Special Board

Meeting held March 14, 1995. Passed unanimously.

DABSTEC REPORT: DABSTEC met on Friday, March 10 for the purpose of planning programs for the coming year. We have contacted Karen Sheppard from the Aquarium at Pine Knoll Shores. She was pleased to hear from us, and is eager to work with us this year. They will be working on the summer calendar sometime during the end of April, and we will be in touch at that time.

Jean Beasley is looking forward to working with DABSTEC again this year, and Spencer Rogers of Sea Grant will be returning for a program on May 31. The Coast Guard will also be doing a presentation early in the season. We have contacted several people regarding presentations on shore birds and an astronomy program we are planning to call "Star Party". Hopefully, we will be able to find a dark beach on which to gather. There will be another program on Topsail Island shells, in which residents may bring their shell and sharks' teeth collections. In addition to our usual "commercials" on the dunes and littering, Bill Poe has agreed to do a presentation on water safety.

We're very excited about this year's program, and we hope all of you will attend some - or all - of them. It will be time well spent.

The beach grass on the experimental dune planting project on Topsail Drive near 2nd Avenue is greening up very nicely - probably due to all the attention it gets from several very concerned residents.

Speaking of beach grass, as a result of the notice in the town Newsletter that the Town would pay half the cost of beach grass and sand fencing requested by oceanfront property owners, 30 bundles of American Beach Grass and 19 rolls of sand fencing have been ordered and delivered. This shows the concern of the residents, not only for themselves, but for their neighbors as well.

Summer is fast approaching, and we still have some of the same concerns we had last year - the lack of enforcement of the dunes ordinance. As we have said many times, we have difficulty understanding this problem. The ordinance is in place, the signs are posted all over town...but the ordinance is not being enforced. Why is there a feeling in the police department that the ordinance is not enforceable? We have an idea that if there were a police presence ON THE BEACH, violations of the dunes ordinance would soon stop. The Chief has told us many times that the officer has to see the violation in order to ticket the violator, or the complainant has to be willing to go to court. There are people willing to go to court, but we need to have the police cooperation.

The second concern is that in our report to the Board of Aldermen dated March 3, 1994, we asked the town Attorney to look into the legality of an ordinance that would specify the responsibilities of oceanfront property owners concerning the pushing up of sand, keeping in mind the danger to the Town from a breach in the dunes. It has been

one year since we first made the request, and we have not yet had an answer.

The other problem concerning the beach which needs to be enforced is the leash law. Dogs are still running loose. Owners who have their dogs on leashes allow them to soil the beach and just leave the mess on the sand. A resident told me the other day that she will stop objecting to this just as soon as dogs pay taxes. At the risk of repeating ourselves, we believe that a police presence on the beach would help to alleviate this problem. We would not be discouraging tourists if we enforce the leash ordinance or have a pooper scooper law in place. According to many letters in the Topsail Voice, visitors are appalled by the number of dogs soiling the beaches.

In summary, we are well on the way to having another interesting and informative summer educational program. However, we feel that we continue to have a serious problem with lack of cooperation from the Town Police, concerning both the dune ordinance violations and dogs on the beach. This Board created DABSTEC to work on the stabilization and preservation of the beach. the education part evolved from the need to let people know about the purpose and importance of the dunes. The problems we have faced from the beginning are real and must be addressed by the Board. If the Board is uncomfortable about addressing these problems and wants us to "fold our tents like the Arabs and silently steal away", let us know. But be prepared, we're not going to go away...we're here for the duration, however long that may be.

BEAUTIFICATION
COMMITTEE:

No report.

CROSSOVER
COMMITTEE
REPORT:

On the agenda for the March 16th meeting of the Beach Access Committee was the item of CAMA grants for 1995-96.

I would like to share some information contained in a letter of March 22nd from Roger Schecter, NC Dept. of Environment, Health and Natural Resources, Div. of Coastal Management.

1. Funding will be available for Public Beach and Waterfront Access projects for fiscal year 1995-96.
2. DCM intends to allocate \$200,000 to \$250,000 in federal funds for one-year projects beginning in September 1995.
3. As much as \$400,000 in state funds may also be available.
4. The primary objective of the public access program is to provide pedestrian access to public beaches and waters in the 20 coastal counties.
5. Most projects are designed to be "neighborhood access areas"...these provide public parking (typically for

6

up to 25 cars), walkways and trash receptacles. Some areas may also include a pier or dune crossover to the beach.

6. The CRC has established the following general priorities for evaluating project proposals:
(DCM letter)#3 - Construction/acquisition of new neighborhood ocean access areas;
#4 - Construction/acquisition of new neighborhood estuarine access areas;
#5 - Reconstruction/relocation of storm-damaged public access facilities;
#6 - Acquisition of unbuildable lots.
7. Several other factors will be considered by DCM in review - first all public access facilities must be accessible to people in wheelchairs. (Exceptions are authorized under rare circumstances).
8. Other factors that raise project priority include:
 - a. Communities with high access demand and limited public access opportunities;
 - b. Communities which have not previously received grant assistance;
 - c. Projects proposing multiple funding sources (in addition to DCM);
 - d. the existence of donated land which is "unbuildable" due to regulations or physical limitations;
 - e. the project is identified in a local waterfront access plan. (LUP pages 61 & 66).

This committee has prepared an inventory on existing accesses, an "informal" listing on possible "unbuildable" lots that might be acquired and a cost projection on a typical handi-capped ramp dune crossover.

The deadline for submitting a pre-application is April 21, 1995. A pre-application serves as formal notice of a town's intent to apply for assistance. DCM states that this procedure of pre-application submittal and approval process is to avoid time and money being spent on a project that may not be funded.

the match requirement - if this town were fortunate to be awarded a grant - would be 25% of the total project cost (based on 1,033 pop.)

We ask the Board to consider applying for a grant this year. With the arguments of the facts stated above and the very apparent need for local/neighborhood accesses in this town - we hope the Board will agree to at least give it a try.

If you do vote favorably to submit, we ask that you appoint Town Manager Ann Vause as the "Principle Responsible Person" for submitting and signing the paperwork involved.

A motion was made by Alderman Stackleather and seconded by Alderman Hillyer to apply for a Public Beach and Waterfront Access grant and have Town Manager Vause as the responsible

person for submitting and signing the necessary paperwork. Passed unanimously.

TOPSAIL ROAD:

Town Manager Vause explained that the town had received a letter from the NC Department of Transportation requesting that the town consider accepting SR 1583, Topsail Road, into the town street system. She stated that the Board may wish to decline acceptance of this street at this time and advise the Department of Transportation the town would strongly consider accepting this street next year if DOT would upgrade this street to alleviate the erosion problems.

A motion was made by Mayor Pro-Tem McGinn and seconded by Alderman Stackleather to decline acceptance of Topsail Road into the town street system at this time and to consider it again next year if DOT upgrades this street to alleviate the erosion problems. Passed unanimously.

TOPSAIL AVENUE:

Town Manager Vause stated that per the Board's instructions, cost estimates on opening, clearing, and rocking Topsail Avenue had been obtained from three contractors. The project would cost approximately \$4500.00 and a survey to determine exact right-of-way would cost approximately \$300.

Alderman Stackleather: Asked if it is to the town's advantage to clear this street.

Leland Newsome: Stated that there are two properties beyond the town's property and this would be the only access for those property owners.

Mayor Pro-Tem McGinn: Stated that it was a bad idea for the town to take public funds to clear this road. He stated that the area was all forest and trees and that he would like to see the issue tabled until owners there decide to build.

Leland Newsome: Stated that people who own property do not have access to their property. He stated that one property owner wants to build on property beyond the town's property.

Mayor Pro-Tem McGinn: Stated that he still did not think the town should use public funds for this purpose.

Alderman Tuman: Stated that there is a difference because the town owns property on Topsail Avenue and that all these people are asking is that the town do its share, as a property owner, to open the road.

Alderman Bass: Stated that the town is not furnishing a road for a property owner wanting to build, but that the town would only be paying for the portion of the road in front of the town's property.

Leland Newsome: Stated that the Yows own property across the street from the town property.

Alderman Bass: Stated that the town would not be willing to pay for the entire portion of road in front of town property and that the owners (Yows) across the street would have to

pay their portion also.

A motion was made by Mayor Pro-Tem McGinn and seconded by Alderman Stackleather to table the issue of opening Topsail Avenue to a later date.

Alderman Tuman: Stated she would like to see a decision made. She said that the Yows had not been contacted and hopefully they would be willing to pay their portion.

Mayor Bostic: Asked Mr. Newsome if he would contact the Yows and Mr. Newsome said yes.

Mayor Pro-Tem McGinn: Stated that property owners should put their own road in if the developer failed to do so.

Alderman Tuman: Stated that she feels the town, as a property owner on this road, should pay their share of the cost.

Alderman Bass: Stated that if the town owns property on this road, the town should pay their portion.

Alderman Hillyer: Stated that he agreed with Alderman Bass.

Mayor Pro-Tem McGinn: Stated that he still thought it was wrong and that the town was setting a terrible precedence.

Again the motion was made by Mayor Pro-Tem McGinn and seconded by Alderman Stackleather to table the issue to a later date. The vote was three to two with Aldermen Hillyer, Bass and Tuman voting nay. The motion failed.

A motion was made by Alderman Tuman and seconded by Alderman Hillyer to table the issue to the next meeting so that Mr. Newsome could contact the Yows about paying their portion of the cost. The vote was four to one with Mayor Pro-Tem voting nay. The motion passed.

ZONING
ORDINANCE:

Presented by Alderman Hillyer: Zoning Ordinance Optimizing Team

Progress has been made.

The original and still valid zoning ordinance used by this town was officially accepted by North Topsail Beach's Board of Aldermen on May 2, 1990.

The ordinance was pieced together from the ordinance used by several counties.

Since that time, the ordinance has been computerized and amended in certain areas, but is still essentially what the Board passed about five years ago.

The Zoning Ordinance Optimizing Team is taking these actions in this order:

1. Reading the original ordinance against what is now in

our ordinance books. Making whatever corrections (ie., grammar, spelling, word use) seem necessary and attempting to work out compromises where there are contradictory regulations.

- 2. Making sure that all amendments legally adopted are represented in the ordinance in use today. Making sure nothing has been left out.
- 3. Whenever possible, placing the same or similar subjects in a more logical order. One should not, for example, have to hunt here and there and here again through the ordinances to find what the law is with regard to a Board of Adjustment.

The team working on the ordinances expects to have a workshop with Susan Daughtry, CAMA coordinator, and Jeff Holland, building inspector, to work out many details. These are the people that use the ordinance the most and who know it best, particularly those sections which tend to cause problems because they are contradictory or unclear.

Once all the suggested changes, corrections and so on have been made, the revised ordinance will be presented to the Board of Aldermen for comment and approval.

The final step will be a public hearing on the revisions.

Let me repeat that the idea behind this effort is to make the laws we use for zoning clear and helpful. There is no underlying agenda for growth, conservation or whatever.

SOLID WASTE AMENDMENT:

Town Manager Ann Vause stated that at the March 2, 1995 meeting the Board approved an amendment to the Solid Waste Ordinance which would require contractors/builders provide a waste disposal container for construction sites. She stated that paragraph 2 of the amendment was incorrect The corrected amendment is as follows:

AN ORDINANCE AMENDING THE TOWN OF NORTH TOPSAIL BEACH ORDINANCE CHAPTER 18 - SOLID WASTE

SECTION 1: Chapter 18 - Solid Waste Ordinance of the Town of North Topsail Beach is hereby amended by deleting the following paragraph of Section 18-2 Construction Debris Container Requirements:

- b. A 55 gallon drum or barrel for materials which can be burned. Use of this barrel will require a burn permit approved by the Fire Marshal.

SECTION 2: All laws and clauses in conflict with this amendment are hereby repealed.

SECTION 3: This amendment shall be effective immediately upon adoption.

DULY ADOPTED THE 6TH DAY OF APRIL, 1995.

A motion was made by Alderman Hillyer and seconded by Alderman Bass to adopt the above Amendment to the Solid Waste Ordinance. Passed unanimously.

HEAVY EQUIPMENT
ACCESS:

Mayor Bostic: Stated that there was a need for a heavy equipment access in the Galleon Bay area.

Ginny Hillyer: Stated that the town would not want to jeopardize getting a handicapped ramp and parking through a grant with a heavy equipment access.

Mayor Bostic: Asked where the possible access would be at Ocean Drive and Chestnut Street and Fire Marshal Best said the possible location was where the house had been moved and that the lot will not be buildable and possibly the town could obtain the lot.

Mayor Bostic stated that he originally brought this matter to the Board because access is very limited for heavy equipment. It was the consensus of the Board to consider the possible areas as accesses for heavy equipment.

PROPOSED BUDGET
FY 1995-96:

Town Manager Vause stated that each member of the Board had been given a copy of the proposed budget for FY 1995-96 for review and consideration. She stated that copies of the proposed budget were available at Town Hall for citizens to pick up and review. She requested the Board schedule a public hearing for May 4, 1995 to receive citizen input on the proposed budget. The Board of Aldermen scheduled a public hearing for May 4, 1995 at 6:00 p.m. prior to the Regular Meeting at the south end fire station to receive citizen input on the proposed budget.

Alderman Tuman: Stated that she was very pleased with the Town Manager's explanations in the proposed budget and that the budget was easy to understand.

WORKSHOP FOR
CURB-SIDE

PICKUP OF REFUSE: Town Manager Vause requested that the Board schedule a workshop to review specifications and provide direction on whether or not to request proposals for curb side pick-up. It was consensus of the Board to allow Town Manager Vause to solicit bids for curb side pick-up.

Alderman Hillyer: Stated that he did not recall discussion on this issue and Town Manager Vause explained that this has been going on since 1990 and that there is now a major problem with refuse.

Mayor Bostic: Stated that citizens could pick up copies of the specifications at Town Hall.

RECYCLING
GRANT:

Town Manager Vause explained the recycling grant proposal and asked for authorization to apply for the grant. She stated that the town's share of the grant would be \$6,000 in cash plus a portion of Gerald and Greg's salary.

A motion was made by Alderman Tuman and seconded by Alderman Stackleather to authorize town Manager Vause to apply for the Recycling Grant. Passed unanimously.

CODE OF ORDINANCES:

Town Manager Vause requested the Board schedule a workshop with the town attorney to review the draft of the code of ordinances. The Board scheduled a workshop for Monday, March 24, 1995 at 4:00 p.m. at the south end fire station to review the draft of the code of ordinances.

PROJECT GRADUATION:

Town Manager Vause stated that Mrs. Audrey Jordan requested that the Town of North Topsail beach consider donating funds for Dixon High School Project Graduation.

Mayor Pro-Tem McGinn: Stated that he felt this project was a most worthwhile one.

A motion was made by Alderman Stackleather and seconded by Mayor Pro-Tem McGinn to donate \$100 to Dixon High School Project Graduation. Passed unanimously.

RESOLUTION - MOSQUITO CONTROL MONIES:

Town Manager Vause stated that Mayor Vance Kee, Surf City, had requested that the Board consider adopting a resolution to the State opposing the removal of mosquito control monies from the State budget.

RESOLUTION BY THE BOARD OF ALDERMEN OF THE TOWN OF NORTH TOPSAIL BEACH, NORTH CAROLINA URGING THE STATE OF NORTH CAROLINA TO CONTINUE TO FUND MOSQUITO CONTROL PROGRAMS

WHEREAS, the Governor of North Carolina has proposed to delete funds for mosquito control programs; and

WHEREAS, the town of North Topsail beach, North Carolina is a coastal municipality with a large mosquito population; and

WHEREAS, the Town of North Topsail Beach is in the process of establishing a mosquito control program and deletion of available revenue for mosquito control would have a negative impact on the Town of North Topsail beach; and

WHEREAS, the Center for Disease Control considers mosquitoes a public health problem because of the diseases transmitted by mosquitoes.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Aldermen of the Town of North Topsail Beach, North Carolina, strongly urges the State of North Carolina to continue monetary support of mosquito control efforts through distribution of funds to north Carolina counties.

DULY ADOPTED THE 6TH DAY OF APRIL, 1995.

A motion was made by Alderman Hillyer and seconded by

Alderman Stackleather to adopt the above resolution. Passed unanimously.

PLANNING
BOARD
REAPPOINTMENT/
APPOINTMENT:

Town Manager Vause explained that Mr. Jack Royman's term of office on the Planning Board expires May 2, 1995. The only names remaining in the files for applicants are Patsy Jordan, William Gill, Harold Naumann and Raymond Kalm.

A motion was made by Alderman Stackleather and seconded by Alderman Tuman to reappoint Jack Royman. Passed unanimously.

BUDGET
AMENDMENT:

Town Manager Vause requested that the Board consider an amendment for the following:

- a. Funds required to pay professional services for the remainder of Fiscal Year 1994-95;
- b. Funds required to pay rental for town hall/police mobile units for remainder of Fiscal Year 1994-95;
- c. Funds required to pay the sanitation contractor for dumpsters at town hall for the remainder of Fiscal Year 1994-95.

She stated that these funds (\$12,000) would come from the Contingency Fund leaving \$3000 in the contingency fund for the remainder of this fiscal year.

She also requested \$12,000 be appropriated from the fund balance for the purchase of a vehicle for the inspections department.

A motion was made by Alderman Tuman and seconded by Alderman Hillyer to approve Budget Amendment #4. Passed unanimously.

See attached Budget Amendment #4.

DWI GRANT
APPLICATION:

Town Manager Vause stated that the Board had been provided with a copy of a Resolution For Highway Safety Project Grant.

APPLICATION FOR HIGHWAY SAFETY PROJECT CONTRACT
DWI GRANT

WHEREAS, the Town of North Topsail Beach Police Department herein called the "Applicant" has thoroughly considered the problem, addressed in the application entitled "North Topsail Beach Against Drunk Drivers" and has reviewed the project described in the application; and

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

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF ALDERMEN IN OPEN MEETING ASSEMBLED IN THE TOWN OF NORTH TOPSAIL BEACH, NORTH CAROLINA THIS 6TH DAY OF APRIL, 1995 AS FOLLOWS:

1. That the project referenced above is in the best interest of the Applicant and the general public;
2. That Gunnar Matthews be authorized to file, in behalf of the Applicant, an application in the form prescribed by the Governor's Highway Safety Program for federal funding in the amount of \$10,000.00 to be made to the applicant to assist in defraying the cost of the project described in the contract application;
3. That the Applicant has formally appropriated the cash contribution of -0- as required by the project;
4. That the Project Director designated in the application form shall furnish or make arrangement for other appropriate persons to furnish such information, data, documents and reports pertaining to the project, if approved, as may be required by the Governor's Highway Safety Program;
5. That certified copies of this resolution be included as part of the application referenced above;
6. That this resolution shall take effect immediately upon its adoption.

DULY ADOPTED THE 6TH DAY OF APRIL, 1995.

A motion was made by Alderman Tuman and seconded by Mayor Pro-Tem McGinn to adopt the above resolution. Passed unanimously.

SURPLUS
EQUIPMENT:

Town Manager Vause stated that the town has a 4X8 utility trailer that was purchased in 1990. The trailer is unusable. She stated that however, two or three individuals have approached the staff and requested permission to purchase this trailer.

RESOLUTION AUTHORIZING THE DISPOSITION OF CERTAIN PERSONAL PROPERTY BY PRIVATE SALE

WHEREAS, the Board of Aldermen of the Town of North Topsail Beach desires to dispose of certain surplus property of the Town;

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of North Topsail Beach that:

1. The following described property is hereby

declared to be surplus to the needs of the Town:

4X8 Utility Trailer

- 2. The Town Manager is authorized to dispose of the described property by private sale at a negotiated price.
- 3. The Town Clerk shall cause this resolution to be published in accordance with G.S. 160A-267.
- 4. The sale may be consummated not earlier than 10 days from the date of publication.

DULY ADOPTED THE 6TH DAY OF APRIL, 1995.

A motion was made by Mayor Pro-Tem McGinn and seconded by Alderman Tuman to adopt the above resolution. Passed unanimously.

PUBLIC HEARING -
REZONE REQUEST:

Town Manager Vause requested that the Board schedule a public hearing to receive citizen input on a request from the Sea Dunes Village Corp. to rezone 3.1 acres of property located off NCSR 1568, across from the Villa Capriani from RA (Rural Agricultural) to CU-R8 (Conditional Use Residential 8,000).

The Board scheduled the public hearing for May 4, 1995 at 6:00 p.m. prior to the Regular Meeting at the south end fire station.

SALES TAX
DISTRIBUTION:

Alderman Hillyer stated that he and Alderman Bass had written a letter to the Attorney General's Office as private citizens to ask for an opinion on Onslow County's sales tax distribution. They received an answer and were told that as private citizens they were not entitled to the requested opinion. However, if the North Topsail beach Board wanted an opinion, the Attorney General's office would be glad to supply one. Copies of the correspondence are filed in town records under "Sales Tax Distribution".

A motion was made by Alderman Hillyer and seconded by Alderman Bass that the Board should ask for an opinion from the Attorney General's office on the sales tax distribution method used by Onslow County. Passed unanimously.

NEUSE RIVER
COG:

The Neuse River Council of Governments requested that all County and City Managers/Administrators/Clerks adopt the following resolution:

RESOLUTION

BY the Town of North Topsail Beach

WHEREAS, decisions of the Base Realignment and Closure Commission (BRAC) in 1993 were founded in and based on military value, return on investment, and economic impact on

communities; and

WHEREAS, those decisions transferred F/A-18 aircraft from Naval Air Station Cecil Field to Marine Corps Air Station (MCAS) Cherry Point; and

WHEREAS, the decisions of BRAC '93 and the Secretary of Defense (SECDEF) recommendations and conclusions based on the aforementioned criteria were:

MCAS Cherry Point has higher "Military Value"

MCAS Cherry Point selection would alleviate concerns regarding future environmental and land use problems

MCAS Cherry Point selection dovetails with and enhances joint Navy/Marine Corps doctrine of employment of Navy/Marine Corps aircraft carriers

Naval Air Station Oceana has a lower military value; and

WHEREAS, those decisions are now being challenged for political reasons not associated with the objective criteria established for the BRAC decisions; and

WHEREAS, the BRAC and SECDEF recommendations clearly establish the greater military value of MCAS Cherry Point; and

WHEREAS, the environmental and land use problems of such a transfer are minimized by the transfer of F/A-18 aircraft to MCAS Cherry Point as opposed to Naval Air Station Oceana, thus enhancing future return on investment; and

WHEREAS, the remaining objective criteria "Economic Impact" constitutes the only reason politics has entered into the decision-making process; and

WHEREAS, Eastern North Carolina's economy would be far more positively affected by the transfer of F/a-18 aircraft to MCAS Cherry Point than would the economy of Eastern Virginia due to the extreme lack of industry in Eastern North Carolina; and

WHEREAS, the positive effects on local economics would be greater for the same reason.

NOW, BE IT THEREFORE RESOLVED, that the Congressional delegates representing our jurisdictions as appropriate be requested to utilize the auspices of their respective offices in every way conceivable to ensure the assignment of F/A-18 squadrons to MCAS Cherry Point.

ADOPTED THIS 6TH DAY OF APRIL, 1995.

A motion was made by Alderman Tuman and seconded by Alderman Stackleather to adopt the above resolution. Passed unanimously.

AUDITOR
CONTRACT:

Town Manager Vause requested that the Board consider approving the contract for Mr. John Carraway to audit the Town records for the FY 1994-95.

A motion was made by Mayor Pro-Tem McGinn and seconded by Alderman Bass to approve the contract for Mr. John Carraway to audit town records for the FY 1994-95. Passed unanimously.

MANAGER'S
REPORT:

Listed below are activities for the month of March, 1995:

The month of March was a very busy one. Fourteen various meetings were held or attended. Among them were Onslow County Steering Committee update, disaster seminar at Surf City, 4 town meetings, meetings with staff, citizens, etc. Some meetings such as Hurricane Exercise at Surf City, Shellquest, etc. were attended by some board members and town staff.

Some personnel attended update classes on training, accident investigation and CAMA. Officer Dena Giesing and reserve officer Lena Pontillo resigned. Officer Louis DeNoia will be reclassified from auxiliary to full time officer effective April 5, 1995.

The Town was advised by our insurance carrier (Risk management Services) that funds were available to municipalities for reimbursement cost on body armor for police officers (vest). Officer Branson reviewed our cost and prepared a request for reimbursement. I am pleased to advise that the town has been reimbursed \$1,316.00 for this equipment cost.

A major portion of the month was spent on preparation of the proposed budget for Fiscal Year 1995-96. As well as, preparing specifications for curb side pick-up.

Citizens participation in the purchase of beach grass and sand fence has been very encouraging. Lynn is currently checking with the Agricultural Extension Service on the possible purchase of sea oats for dune projects. We will keep you advised on this subject.

North Carolina Department of Transportation has advised their spring resurfacing projects will start in the near future. North Topsail Beach projects scheduled to be included in this resurfacing project are: a) construction of a turn lane at the intersection of Highway 210 and S.R. 1568; b) resurfacing of River Road/River Road Extension; c) resurfacing of approximately 300 feet on New River Inlet Road (from the Beach Club to Oyster Lane/Port Drive).

We have requested the Department of Transportation include the resurfacing of Ocean Drive in their fall resurfacing project. They will advise if this is possible.

The contractor has been contacted to pave Reeves Street Extension which was opened late last fall. We should be

hearing from them within the next 2-3 weeks.

Several request have been received from citizens concerning paving, resurfacing, rocking, etc. of some town streets. This is being reviewed and will be addressed as soon as possible.

Jones Onslow Electric Corporation is installing additional streets light throughout the town for the protection of citizens and visitors.

Plans are underway for the preparation of another town newsletter. We hope to have one prepared and distributed to the citizens by the end of July, 1995.

The staff is actively working on a recommendation for our mosquito control program. We hope to present our recommendation to the Board in May 1995.

The Town contracted engineer, John Parker, is reviewing architectural firms for the town hall project. Hopefully, during the month of May a report will be made to the Board.

ATTORNEY'S
REPORT:

Attorney Coleman stated that she had a discussion with Charles Lanier and she can not work on getting a clear deed to the new town hall property until an architect draws plans and submits them to Ocean Sound Village architects. She also stated that towns do not require a motion before declaring property surplus.

ALDERMEN'S
REPORTS:

Alderman Hillyer: Nothing to report at this time.

Alderman Bass: Nothing to report at this time.

Alderman Tuman: Stated that Topsail Island Spring Fling would take place on April 28, 29 and 30, 1995 and encouraged everyone to attend. She also stated that the Board owes the Town Manager an evaluation. Mayor Pro-Tem McGinn stated they should congratulate Town Manager Vause on a job well done.

Alderman Stackleather: Nothing to report at this time.

Mayor Pro-Tem McGinn: Stated that Bill Poe's father had passed away and that citizens could send cards to the Town Hall.

MAYOR'S
REPORT:

Mayor Bostic asked if the problem with DMV over North Topsail Beach designation had been corrected and was told yes by a citizen who had gotten his license changed recently. Mayor Bostic stated that the North Topsail Beach Rescue Squad would be having their annual rummage and bake sale on May 27, 1995. He introduced Dan Wells, Chief of the Rescue Squad and stated that the squad was collecting rummage. He stated that the Rescue Squad would be having a spaghetti dinner at 5:00 p.m. on May 27 also.

OPEN FORUM/

CITIZENS REQUEST: Bill Rogers: Stated that the water problem near Mayor Pro-Tem McGinn's house could be corrected by grading lots differently or driving a dry well in the low spot, but that they might need DOT's permission.

ADJOURNMENT:

A motion was made by Mayor Pro-Tem McGinn and seconded by Alderman Hillyer to adjourn the meeting at 9:05 p.m. Passed unanimously.


Lynn Farrell - Town Clerk

TOWN OF NORTH TOPSAIL BEACH
BOARD OF ALDERMEN
SPECIAL MEETING/WORKSHOP
APRIL 24, 1995

PRESENT: Mayor Marlow F. Bostic, Jr., Mayor Pro-Tem McGinn, Aldermen Hillyer, Bass, Stackleather, and Tuman, Attorney Coleman, Town Manager Vause and Town Clerk Farrell.

CALL TO ORDER: Mayor Bostic called the meeting to order at 4:00 p.m. and declared a full quorum present. Mayor Bostic stated the purpose of the workshop was to review the code of ordinances.

Mayor Bostic: Stated that he had attended the meeting on Saturday with Charlie Rose and that the Town of North Topsail Beach would be joining a coalition with towns on the coast to the South Carolina line. Volunteers from the various towns would form this coalition. He stated that proposals had been made to do away with federal money used to maintain minor inlets in 1996-97 except for 3 in North Carolina. He encouraged property owners from out of state to write their representatives regarding this issue. He stated that maintenance dredging of the ICW would continue but no renourishment projects.

CODE OF ORDINANCES: After discussion the Board agreed that Town Manager Vause and Town Attorney Coleman should overlook the entire code and organize the code of ordinances and bring back to the Board for approval.

ADJOURNMENT: A motion was made by Alderman Bass and seconded by Mayor Pro-Tem McGinn to adjourn the meeting at 5:53 p.m. Passed unanimously.

Lynn Farrell - Town Clerk

TOWN OF NORTH TOPSAIL BEACH
BOARD OF ALDERMEN
PUBLIC HEARINGS/REGULAR MEETING
MAY 4, 1995

PRESENT: Mayor Marlow F. Bostic, Jr., Mayor Pro-Tem Sam McPinn,
Aldermen Bill Bass, Sue Tuman, Peter Hillyer and Margaret
Stackleather, Town Manager Ann Vause, Town Attorney Lynn
Coleman and Town Clerk Lynn Farrell.

PUBLIC HEARING -
REZONE REQUEST:

Mayor Bostic called the Public Hearing to order at 6:05 p.m.
and declared a full quorum present. There were
approximately nine citizens present. John Parker, of Parker
& Associates, was present to represent Sea Dunes Village
Corp. and to request a rezone of 3.1 acres, located off NCSR
1568, across from Villa Capriani, from RA (Rural
Agricultural) to CU-R8 (Conditional Use Residential 8,000).

John Parker: Stated that there were six conditions placed on
this property by the developer. The six conditions are as
follows:

- 1) The uses would be restricted to the uses allowed in R-
20.
- 2) The minimum lot dimensions would be as required in R-
20.
- 3) The lots must have at least 15,000 sq. ft. of high
ground.
- 4) Requires construction of a 3' earthen berm around the
waterward perimeter of the property. The berm must be
continuous and is enforceable under the zoning
ordinance.
- 5) Living vegetation of 3' in diameter cannot be removed
unnecessarily.
- 6) The setbacks must be 40' from mean high water.

Ginny Hillyer: Asked how many lots there would be at the
water's edge and how many docks and piers could be built.
Mr. Parker stated that there was no exact number but he
projected 5 lots on the 3.1 acre area. He stated that there
would be approximately 50 to 60 houses on the 25.3 acres and
possibly 10 to 15 piers. Mrs. Hillyer then asked how many
piers and boats did Mr. Parker anticipate from the highrise
bridge to this area and Mr. Parker stated maybe as many as
80. Mrs. Hillyer asked if this did not seem like a lot of
boat traffic on fragile ORW waters.

There were no further comments from citizens.

A motion was made by Alderman Hillyer and seconded by
Alderman Stackleather to close this public hearing. Passed
unanimously.

PUBLIC HEARING -
PROPOSED BUDGET
FY 1995-96:

Town Manager Vause: Stated that there was no proposed tax
increase in the budget for 1995-96 and very little capital
expenditures.

Bill O'Donnell: Presented a written statement to the mayor and aldermen as follows:

Best organized and presented budget since town formed - compliment & tanks to Ann.

Pleased about no tax increase after significant increases in past - though wish we would manage on less than \$1,744,128.

Pleased about limited capital outlay.

Disappointed that Town Hall paid for in full from fund balance.

- misguided attempt to apply home economics to municipal fiscal decisions.
- total tax burden on early taxpayers who subsidize free ride for years for new citizens.
- better to pay as you go so those who benefit pay the cost
- interest expense would be negated by increase property evaluation through growth
- van analogy
- excessive accumulation of funds for dune protection repeats this folly.

Disappointed raises still based solely on employment and longevity not MERIT

- merit-based raises would reward outstanding employees and motivate others
- two outstanding employees: Ann Vause & Gunnar Matthews

Please scrutinize significant increase in expenditures in inspections department.

Trash proposal:

- Pleased there will not be forced participation
- Suggest - option of 1 or 2 pickups year round - different households/different needs
- consider coupon system, would encourage recycling
- Question new clerical position to collect fees - consider year fee added to tax bill
- Suggest fully user-funded program without town subsidy.
- Suggest use of current container site as long as possible.
- curbside currently available for those who want it.

Thank you for your time and consideration of these ideas.

Ann Penta: Stated that this was the best budget she has ever seen and that she, as a citizen, had no problem with it at all.

Leland Newsome: Stated that this is the best budget he's seen and that it takes care of things you wouldn't normally think of and that it is an excellent budget.

A motion was made by Alderman Bass and seconded by Alderman Hillyer to close the public hearing. Passed unanimously.

RECONVENE: Mayor Bostic called the regular meeting to order at 7:10 p.m. and declared a full quorum present.

INVOCATION: Pastor Dallas Hacking of the Christian Family Center led in prayer.

APPROVAL OF AGENDA: A motion was made by Alderman Stackleather and seconded by Mayor Pro-Tem McGinn to approve the agenda as presented. Passed unanimously.

APPROVAL OF MINUTES: Alderman Tuman stated that "no comments from the public" should be added to the minutes of the April 6, 1995 public hearing. Alderman Bass stated that a typographical error on the next to the last page (rom to from) should be corrected. A motion was made by Mayor Pro-Tem McGinn and seconded by Alderman Stackleather to approve the minutes of the April 6, 1995 Public Hearing/Regular Meeting with the corrections. Passed unanimously.

Alderman Bass stated that a correction should be made to the minutes of the April 24, 1995 Special Meeting/Workshop under the Code of Ordinances section. "Overlook" should be changed to "look over". A motion was made by Mayor Pro-Tem McGinn and seconded by Alderman Hillyer to approve the minutes of the April 24, 1995 Special Meeting/Workshop with the corrections. Passed unanimously.

DABSTEC REPORT: Ann Penta stated that DABSTEC Programs had been scheduled for May through August and that the schedule should be out soon. She stated that the Police Department and DABSTEC were finally working as a team and that she had received calls from citizens pleased to see the Police on the beach again. She stated that she would like to thank the Police Department.

BEAUTIFICATION REPORT: Pat Dempsey stated that Mr. & Mrs. Pellehach received the April Yard of the Month award and that Mr. & Mrs. Bollinger received the May Yard of the Month award. She stated that she would like to give special thanks to volunteers Bill Bass, Pat & Jack Trout, Marie and George Whitener, Sue and Dan Tuman and her husband Jack Dempsey. She stated that she had met with DOT to survey the landscape project and DOT had agreed to replace 3 trees that had been damaged.

BUDGET AMENDMENT - DWI GRANT: Town Manager Vause stated that the town had received the requested DWI Grant in the amount of \$10,000.00. The budget amendment is recommended to incorporate the portion of the grant that will be used in this fiscal year (\$5086.00) into our accounting records.

A motion was made by Alderman Bass and seconded by Mayor Pro-Tem McGinn to adopt Budget Amendment #5. Passed

REZONE REQUEST -
ISLAND
DEVELOPMENT
GROUP:

Town Manager Vause stated that during the April 6th meeting, a public hearing was held to receive citizens input on the rezoning request from Island Development Group to rezone 25.3 acres located off NCSR 1568 across from Villa Capriani from RA (Rural Agricultural) to CU-R8 (Conditional Use Residential 8,000).

John Parker: Representing Island Development Group, stated that this property was the most restrictively controlled property in town because of conditions placed on the property by the developer. He stated that the North Topsail Beach Planning Board had recommended the rezone on this property unanimously.

Mayor Pro-Tem McGinn: Asked if there would be a public beach access on the soundside and Mr. Parker stated yes.

A motion was made by Mayor Pro-Tem McGinn and seconded by Alderman Stackleather to approve the rezone of 25.3 acres located off NCSR 1568 across from Villa Capriani from RA (Rural Agricultural) to CU-R8 (Conditional Use Residential 8,000). Passed unanimously.

ZONING
ORDINANCE
AMENDMENTS:

Town Manager Vause stated that the amendments add 2 new sections to the Zoning Ordinance. The first section (11.5) pertains to Completion of Non-Conforming projects. The second section (11.6) pertains to Situations Where Recorded Plat Shows Setbacks Inconsistent with Setbacks in the Zoning Ordinance. She stated that a public hearing to receive citizens input was held during the April meeting.

Attorney Coleman: Stated that the amendments should be corrected to read "initial zoning ordinance of the Town of North Topsail Beach".

A motion was made by Alderman Stackleather and seconded by Alderman Bass to approve both amendments with the corrections. Passed unanimously.

PLANNING
BOARD
APPOINTMENT:

Town Manager Vause stated that Mr. Donald Omans had resigned from the Planning Board effective May 1, 1995. She stated that there was a limited number of applications and the only names remaining on file were Patsy Jordan, Harold Naumann, William Gill and Raymond Kalm.

Alderman Tuman: Stated that she nominated Patsy Jordan for the Planning Board vacancy.

A motion was made by Alderman Hillyer and seconded by Alderman Tuman to appoint Patsy Jordan to replace Don Omans and that her term would expire 5/7/96. Passed unanimously.

LAND DONATION: Town Manager Vause stated that she had received a letter from Mr. James Hutcheson concerning donating property on the ocean side of 10th Avenue. She asked the Board to advise whether they would be interested in accepting the donation of this property.

Attorney Coleman: Stated that there was no problem with the donation.

A motion was made by Mayor Pro-Tem McGinn and seconded by Alderman Hillyer to accept the donation. Passed unanimously.

MOSQUITO/
PUBLIC WORKS
FACILITY:

Town Manager Vause stated that the Board had discussed keeping the Gray Street property and constructing a Vector Control Building with plans for a Public Works addition. She stated that Tarheel Building Systems submitted an excellent bid of \$37,916.00 for a 40 X 60 pre-fab, pre-engineered metal building. She stated that the Board would need to authorize additional funds of \$24,850.00 for the project.

Leland Newsome: Asked which way the doors would face and Building Inspector Holland told him north.

Alderman Tuman: Stated that extensive work had been done by the staff on this project.

A motion was made by Alderman Tuman and seconded by Mayor Pro-Tem McGinn to approve the allocation of funds in the amount of \$24,850.00 for the Mosquito/Public Works facility. Passed unanimously.

Susan Daughtry read Greg Prather's report on the Vector Control project to the Board.

Alderman Stackleather: Asked if fire ants could be included and Alderman tuman told her yes, that she needed to call Town Hall.

Otis Sizemore: Asked if the wetlands would be treated also and Gerald Vigus stated yes if they checked and found larvae in the area.

Ginny Hillyer: Asked if the pond on River Road had been treated and Gerald Vigus stated yes but that they had not found many larvae yet.

BUDGET
WORKSHOPS:

Town Manager Vause requested that the Board schedule dates for workshops to review the proposed budget for Fiscal year 1995-96. The Board scheduled May 11, 1995 at 1:00 p.m. at the south end fire station which would recess to May 16, 1995 at 1:00 p.m. at the south end fire station. This meeting would recess to May 18, 1995 at 1:00 p.m. at the south end fire station if necessary.

MANAGER'S
REPORT:

A large portion of the month of April was spent addressing various needs of the residents/tourists in North Topsail Beach. Many of our citizens are coming into the area to prepare their homes and grounds for the anticipated summer season. As a result, many are coming to the town hall to find out what has occurred during the past few months. Construction has begun with a bang. Susan and Jeff have been very busy addressing CAMA/Zoning and inspection/permit procedures. Also, they have been kept on the go inspecting construction and bulldozing sites. Gerald and Greg have been busy ensuring the beach and road ways are clear of trash/debris. They have been working with the Beautification Committee and have started the watering cycle on plants provided by DOT. Several meetings attended by the staff this month. Some of these were: Onslow County Steering Committee, Mosquito Control, lunch meeting with the County Manager, DWI Grant, Coast Guard Assistance Program, Chamber of Commerce, auditor, North Carolina Museum of History at the Topsail Beach Arsenal Building, Board of Aldermen, Planning Board, Congressman Charlie Rose, Ms. Zoe Brunner on crossovers, CAMA officials, etc. Some board members attended various meetings as well. We are actively pursuing additional auxiliary police officers for the Town. During April, Ms. Rose Marie Scott (Dallas) and Mr. John Portifield were employed.

John Parker is actively working on the selection of an architect for our town hall project. Hopefully, we will be able to address this issue with the board at their June meeting.

Because of the large influx of residents/tourists Waste Industries has been requested to place 5 additional dumpsters at town hall. One reoccurring problem is large items such as mattresses, discarded furniture, wood, etc. being placed in the household garbage containers. We have had to advise individuals that this type of material cannot be placed in the dumpsters because it limits the space for household refuse and the contractor (as well as the County) will not allow this type of material in the containers.

We are having difficulty in securing a contractor for small paving jobs. As a result, the DOT has been requested to consider including the paving of streets (5th/12th Avenues, Reeves Street Ext.) in their fall paving contract. In the near future we plan to discuss the placement of rock on bird Lane with a contractor.

Alderman Stackleather: Asked that if the town implemented curbside pickup, would a trash truck pick up large items and Town Manager Vause stated yes.

Mayor Pro-Tem McGinn: Asked why an architect for the town hall project had not been hired. Town Manager Vause stated that she had received a proposed contract from an architect that day. She stated that the architect said we could be in the town hall six months after construction begins.

ATTORNEY'S
REPORT:

Attorney Coleman stated that DABSTEC had requested information on beachfront owners being required to keep up the dunes and this would be on the agenda at a later date.

ALDERMEN'S
REPORTS:

Mayor Pro-Tem McGinn: Stated that he had nothing to report at this time.

Alderman Stackleather: Asked if North Topsail Beach was hosting the next 4-Town meeting and Mayor Bostic stated yes. A Special Meeting was scheduled for June 5, 1995 at 7:00 p.m. at a restaurant to be announced. Mayor Bostic stated that Town Manager Vause should check with Glen Gore and Art Pasquantonio to see if their restaurants would be open by that date, and that the other towns should be notified.

Alderman Tuman: Reminded that the Rescue Squad Rummage Sale and Bake Sale would be held on May 27, 1995. She stated that spaghetti dinners would be served from noon until 7:00 p.m. and asked that everyone support the volunteers.

Alderman Bass: Stated that he had nothing to report at this time.

Alderman Hillyer: Stated that he had nothing to report at this time.

Mayor Pro-Tem McGinn: Asked to be excused at 8:15 p.m. due to the fact that his wife had been ill and he needed to check on her.

MAYOR'S
REPORT:

Mayor Bostic stated that he would like to compliment Town Manager Vause on the information that she gives to the board and that this board was more informed than most. Mayor Bostic stated that overnight, complaints had gone to compliments concerning the Police Department.

OPEN FORUM/
CITIZENS
REQUEST:

Otis Sizemore: Stated that the Spring Fling Committee had estimated that there were between 6 and 7 thousand people in attendance. He stated that there was 2 to 3 hundred people for the street dance. He thanked the Board and the employees of the Police and Fire Departments for their support.

ADJOURNMENT:

A motion was made by Alderman Stackleather and seconded by Alderman Hillyer to adjourn the meeting at 8:20 p.m. Passed unanimously.

Lynn Farrell - Town Clerk

TOWN OF NORTH TOPSAIL BEACH
SPECIAL MEETING/WORKSHOP
MAY 11, 1995

PRESENT: Mayor Marlow F. Bostic, Jr., Mayor Pro-Tem Sam McGinn, Aldermen Peter Hillyer, Bill Bass, Sue Tuman, Margaret Stackleather, Town Manager Vause, and Town Clerk Lynn Farrell.

CALL TO ORDER: Mayor Bostic called the meeting to order at 1:05 p.m. and declared a full quorum present.

BUDGET - FY 1995-96: Mayor Bostic discussed replacing the 1958 model pumper fire truck to maintain the "6" ISO rating. He stated that the town needed a 1250 gallon per minute pumper.

Mayor Pro-Tem McGinn stated that he was not pleased with paying cash for the town hall project. He stated that some part of the project should be financed. Town Manager Vause stated that the town could pay cash for the architect and engineer fees and finance the construction.

It was the consensus of the Board to get a new pumper truck this year and to check on financing for the town hall construction.

A discussion was held concerning police cars being taken home by officers living off the island. A decision was made to discuss this issue at a later date.

Alderman Stackleather stated that major decisions should come before the Board and Alderman Hillyer stated that he was opposed to such restrictions, that the Town Manager should be able to make those decisions.

Mayor Bostic stated that his personal opinion was that the town should use the dune preservation funds for stabilizing the dunes and that crossovers should be paid for from another source. Alderman Bass and Alderman Stackleather stated that they thought the town should purchase a bulldozer and do a town-wide push. Mayor Bostic stated that if the town purchased a bulldozer, additional personnel should be hired to operate the bulldozer as part-time employees with no benefits who would run low-tide around the clock during the bulldozing season. Mayor Pro-Tem McGinn stated that the private sector should handle the bulldozing and that the town should stay out of the bulldozing business. Mayor Bostic stated that the Town Manager should get some informal quotes from contractors about bulldozing.

Alderman Tuman stated that there were no provisions in the budget for an increase for the Town Manager.

Mayor Bostic stated that 5 dumpsters should be moved from the town hall site to the back parking area of the north end fire station for the north end residents.

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RECESS:

Mayor Bostic called a recess at 3:00 p.m. until May 16, 1995
at 1:00 p.m. at the south end fire station.

Lynn Farrell - Town Clerk

TOWN OF NORTH TOPSAIL BEACH
SPECIAL MEETING/WORKSHOP
MAY 16, 1995

PRESENT: Mayor Marlow F. Bostic, Jr., Aldermen Peter Hillyer, Sue Tuman, Bill Bass and Margaret Stackleather, Town Manager Ann Vause and Town Clerk Lynn Farrell. Mayor Pro-Tem McGinn was absent.

RECONVENE: Mayor Bostic reconvened the meeting from May 11, 1995 at 1:00 p.m. and declared a quorum present.

Town Manager Vause explained that the budget would now show \$66,000.00 appropriated for the town hall (Architect and Engineer fees) and not \$570,000.00. She stated that she would come back to the Board for an amendment for the new fire truck.

A discussion was held about making sudden decisions. Alderman Tuman stressed that it was important to think all decisions through.

Town Manager Vause stated that she had applied for a frontend loader through surplus exactly like the one Topsail Beach received. Mayor Bostic stated that in his opinion, a frontend loader was a waste of manpower.

Alderman Hillyer stated that he had no criticism of the budget and complimented the Town Manager on what she had done regarding employee benefits.

Alderman Tuman stated that there was no provision for an increase for the Town Manager in the budget and the Board should decide on an increase. The Board decided to give Town Manager Vause a 10% increase and the same benefits as the other employees stated in the budget.

ADJOURNMENT: A motion was made by Alderman Bass and seconded by Alderman Stackleather to adjourn the meeting at 3:00 p.m. Passed unanimously.

Lynn Farrell - Town Clerk

TOWN OF NORTH TOPSAIL BEACH
REGULAR BOARD MEETING
JUNE 1, 1995

PRESENT: Mayor Marlow F. Bostic, Jr., Mayor Pro-Tem Sam McGinn, Aldermen Bill Bass, Sue Tuman, Margaret Stackleather, Peter Hillyer, Town Attorney Lynn Coleman, Town Manager Ann Vause, and Town Clerk Lynn Farrell.

CALL TO ORDER: Mayor Bostic called the meeting to order at 7:05 p.m. and declared a full quorum present.

INVOCATION: Mr. Arthur Pollock, Deacon of Surf City Baptist Church, led in prayer.

APPROVAL OF AGENDA: Alderman Bass asked that discussion and possible action regarding a Master Plan for the town be added as item 12-g to the agenda.

A motion was made by Alderman Tuman and seconded by Alderman Hillyer to approve the agenda with the addition. Passed unanimously.

APPROVAL OF MINUTES: A motion was made by Alderman Hillyer and seconded by Alderman Bass to approve the Minutes of the May 4, 1995 meeting with corrections (April 34 was changed to April 24, and Mr. & Mrs. Pelehach's name was corrected, the word treated was changed to checked regarding the Mosquito/Public Works facility, and the name of employee Gunnar Matthews was added to the Mayor's Report). Passed unanimously.

A motion was made by Alderman Stackleather and seconded by Alderman Bass to approve the Minutes of the May 11, 1995 Special Meeting as presented. Passed unanimously.

A motion was made by Alderman Bass and seconded by Alderman Hillyer to approve the Minutes of the May 16, 1995 Special Meeting as presented. Passed unanimously.

CHAMBER OF COMMERCE: Jeanne Nociti of the Greater Topsail Chamber of Commerce gave an update on the Chamber of Commerce and asked the Board to do whatever it could to help with creative ideas, manpower and funding.

TOPSAIL BEACH ECONOMIC DEVELOPMENT COUNCIL: Mr. Bill Morrison and Ms. Brenda Sellers gave a presentation for the Topsail Beach Economic Development Council and asked the Board for volunteers. The Board decided for Alderman Hillyer to be on the committee that will hire the Executive Director for the Council.

DABSTEC REPORT: Ann Penta had no report at this time.

BEAUTIFICATION
REPORT:

No report was given at this time.

CROSSOVER

COMMITTEE REPORT: Mrs. Ginny Hillyer, Chairman, submitted a proposal for a grant for beach access and reported that the application had passed the first round and looks promising for funding. The Beach Access Feasibility Study Grant Application also passed the first round. She stated that there would be a meeting at the south end fire station on Saturday, June 3, 1995 at 10:45 a.m. to work on the final application. The Crossover Committee requested that the Board consider adopting a resolution supporting the application for construction of three (3) beach access sites for the Town of North Topsail Beach. Upon adoption of the resolution, the Board would agree to appropriate 25% of the project cost for the grant in the Fiscal Year 1995-96 Budget.

A motion was made by Alderman Tuman and seconded by Alderman Hillyer to adopt the resolution. Passed unanimously.

RESOLUTION SUPPORTING THE APPLICATION FOR CONSTRUCTION OF
THREE (3) BEACH ACCESS SITES FOR THE TOWN OF NORTH TOPSAIL
BEACH

WHEREAS, on April 20, 1995, the North Topsail Beach Crossover Committee submitted an application for construction of three (3) public beach access sites for the benefit of North Topsail Beach citizens and tourists; and

WHEREAS, May 16, 1995, the town received notification from the State of North Carolina that our project has been selected for future consideration for funding; and

WHEREAS, a final application for the project must be submitted no later than June 9, 1995; and

NOW, THEREFORE, BE IT RESOLVED BY THE NORTH TOPSAIL BEACH BOARD OF ALDERMEN MEETING IN REGULAR SESSION THIS 1ST DAY OF JUNE, 1995, THAT:

Permission and approval for the Crossover Committee to file a final grant application for this project is granted.

BE IT FURTHER RESOLVED THAT:

The Board of Aldermen agree to appropriate 25% of the project cost for this grant, if approved, in the Fiscal Year 1995-96 Budget.

DULY ADOPTED THIS 1ST DAY OF JUNE, 1995.

Town Manager Vause stated that if the grant was approved, she would come back to the Board with a Budget Amendment for the 25% cost.

REZONE REQUEST -
SEA DUNES
VILLAGE:

Town Manager Vause explained that Sea Dunes Village Corporation had requested a rezone of 3.1 acres of property

located off NCSR 1568 across from the Villa Capriani from RA (Rural Agricultural) to CU-R8 (Conditional Use Residential 8,000).

A motion was made by Mayor Pro-Tem McGinn and seconded by Alderman Stackleather to approve the rezone request. Passed unanimously.

ENGINEERING/
ARCHITECT
CONTRACTS -
TOWN HALL:

Town Manager Vause advised that the Board had copies of the contracts from the engineering firm of Parker & Associates and the architectural firm of Burnette. She stated that once these contracts were approved and Mr. Burnette completed his architectural drawings a meeting would be scheduled for the Board to review the drawings. Attorney Lynn Coleman advised that if the Board approved the contracts, the contracts would be subject to her review.

A motion was made by Mayor Pro-Tem McGinn and seconded by Alderman Bass to approve the contracts pending review by the Town Attorney. Passed unanimously.

BUDGET
ORDINANCE -
FY 1995-96:

THE TOWN OF NORTH TOPSAIL BEACH
BUDGET ORDINANCE FOR FISCAL YEAR 1995-1996

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

Section 1. The following amounts are hereby appropriated in the General Fund for the operation of the town government and its activities for the Fiscal year beginning July 1, 1995 and ending June 30, 1996 in accordance with the chart of accounts heretofore established for this Town:

<u>GENERAL FUND:</u>	
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)	31,000.00
Sanitation	30,000.00
Recreation	2,000.00
Non-Departmental	-0-
Fire Department	171,572.00
Committees	7,500.00
DABSTEC	69,100.00
Contingency	<u>23,208.00</u>

TOTAL OVERALL BUDGET 1,286,815.00

Section 2. It is established that the following revenues will be available in the General Fund beginning July 1, 1995 and ending June 30, 1996:

GENERAL FUND:

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 - 1995	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 Bal Appropriated	<u>98,500.00</u>

TOTAL OVERALL BUDGET 1,286,815.00

Section 3. There is hereby levied a tax at the rate of twenty-nine cents (.29) per one hundred (\$100) valuation of property as listed for taxes as of January 1, 1995, (three cents of the .29 cent tax rate is to be set aside for revenues) for the purpose of raising the revenues as "Current Year's Property Taxes" and "Beach Renourishment/Dune Stabilization Funds" in Section 2 of this ordinance.

This rate is based on an estimated total valuation of property for the purposes of taxation of 242,455,037 and an estimated rate of collection of 95%. The estimated rate of collection is based on the Fiscal Year 1994-1995 collection rate of 95%.

Section 4. The Budget Officer is hereby authorized to transfer appropriations as contained herein under the following conditions:

- a. He may transfer amounts between objects of expenditure within a department without limitation and without a report being required.
- b. He may transfer amounts up to \$1,000.00 between departments, including contingency appropriations, within the same fund. He must make an official report on such transfers at the next regular meeting of the Board of Aldermen.
- c. He may not transfer any amounts between funds, except as approved by the Budget Ordinance as amended.

Section 5. the Budget Officer may make cash advances between funds for period not to exceed 60 days without reporting to the Governing Board. Any advances that extend beyond 60 days must be approved by the Board. Any advances extending beyond June 30 must also be approved by the Board regardless of the number of days the advance is outstanding.

Section 6. Copies of this Budget Ordinance shall be furnished to the Clerk, to the Governing Board, and to the Budget Officer of this Town to be kept on file by them for their direction in the disbursement of funds.

DULY ADOPTED THE 1ST DAY OF JUNE, 1995.

A motion was made by Alderman Stackleather and seconded by Alderman Tuman to adopt the Budget Ordinance for the Fiscal Year 1995-1996. Passed unanimously.

AMENDMENT -
PRIVILEGE
ORDINANCE:

Town Manager Vause explained that the current fee being charged by North Topsail Beach for electrical, plumbing and heating/air conditioning contractors is the maximum amount allowable under N.C. State Statutes. She stated that the amendment to the Privilege License Ordinance provides for changing the fees for electrical, plumbing, heating/air conditioning contractors from \$50.00 to \$10.00.

After discussion a motion was made by Mayor Pro-Tem McGinn and seconded by Alderman Stackleather to table this matter until a later date. Passed unanimously.

RESOLUTION -
ONSLOW COUNTY
MULTI-PURPOSE
COMPLEX:

Town Manager Vause stated that Mr. Anthony Padgett, Onslow County Commissioner, is requesting the Board consider adopting a resolution supporting the Onslow County Multi-purpose Complex Feasibility Economic Impact Study.

blanket endorsement since North Topsail Beach was not included in the committee.

Alderman Bass - Stated that he did not feel he could go along with the resolution. Alderman Hillyer and Alderman Stackleather also stated they could not endorse the resolution.

Mayor Bostic solicited a motion to adopt the resolution but none was made.

AMENDMENT -
ZONING ORDINANCE
"SIGNS":

Town Manager Vause stated that the Inspections Department is requesting a public hearing to receive citizens input on Sign Regulations to help with the re-writing of this section of the ordinance.

The Board scheduled a public hearing at 6:30 p.m. on July 6, 1995 prior to the Regular Meeting at the south end fire station.

AMENDMENT -
PERMIT &
INSPECTION FEES:

Town Manager Vause explained that the existing Permit Fee Schedule was adopted in 1990 and is outdated and causes difficulty in determining appropriate fees for inspection services. She stated that the proposed Permit Fee Schedule is an upgraded version which allows for more simplified calculation.

A motion was made by Alderman Hillyer and seconded by Alderman Bass to adopt the Amendment to the Permit and Inspection Fees. Passed unanimously.

See attached Amendment.

ORDINANCE -
SOLID WASTE:

Town Manager Vause stated that the Solid Waste Ordinance was the first step in determining whether or not the Board wished to initiate curb-side refuse pick-up. She stated that bids from 2 solid waste contractors had been received May 17 and are being reviewed. She stated that if the Board adopted the Solid Waste Ordinance, recommendation for awarding the bid could occur at the July meeting.

Alderman Stackleather - asked if large items and yard debris had been addressed and Town Manager Vause stated yes.

Mayor Bostic - Stated that he did not like to see trash containers on the side of the road and that containers could be there for days.

Alderman Hillyer - stated that if the Ordinance was approved, homeowners could participate, get their own contractor, or haul off their own trash.

Barbara Lee - Stated that she did not think the homeowner should have the option of hauling their own trash off.

Otis Sizemore - stated that he felt that every housing unit should be required to participate.

Town Manager Vause - explained that some homeowners already have private contracts and if required to participate with the town contract, the town would have to buy out the private contracts.

Mayor Bostic - Stated he wanted the containers picked up from the house and carried back to the house.

Alderman Tuman - stated that it should be put in the contract that the contractor would pick the containers up from the house and roll them back to the house.

A motion was made by Alderman Tuman and seconded by Mayor Pro-Tem McGinn to adopt the Solid Waste Ordinance. Passed unanimously.

See attached Ordinance.

MASTER PLAN:

Alderman Hillyer - Stated that when a new Planning Board member made a plea for a Master Plan and the Planning Board wanted to know if the Board of Aldermen wanted to pursue this idea. Alderman Hillyer stated that he did not like the term "Master Plan" but preferred "strategic plan" for the town over the next 10 to 20 years. He stated that this would be a tremendous job and wondered if we had the dedicated people to tackle this.

Mayor Pro-Tem McGinn - Stated that we have a town board and a competent town manager and that he had spoken to three members of the Planning Board who are opposed to this idea. He stated that he too, was opposed.

Alderman Stackleather - Stated that she was opposed to anything that would cause Planning board members to resign.

Alderman Tuman - Stated that she agreed with Alderman Hillyer and does not like the term "Master Plan". She stated that the Board could set up a joint workshop, public included, to find out what is being addressed by the staff and get ideas, etc. She stated that she did not feel that this should be dumped on the Planning Board.

Mr. Wilkerson - Stated that he was a mayor in New Jersey and the law required a Master Plan and an update every six years. He stated that the Town would have to hire a professional planner and commit some resources.

John Parker - Stated that the State mandates a Land Use Plan and that most towns eliminate a Master Plan when they have a Land Use Plan.

Attorney Lynn Coleman - Stated that the Planning board could appoint a committee among themselves or from the outside for this type of project.

Bill Rogers - Stated that he had asked that a liaison be

Aldermen.

Alderman Bass and Alderman Tuman both stated that they could not commit themselves.

It was the consensus of the Board to refer this issue back to the Planning Board and that a majority of the Planning Board would have to approve any issues decided upon.

ATTORNEY'S REPORT:

Attorney Lynn Coleman stated she would not be at the July meeting, and that she had not reviewed the Solid Waste Ordinance and needed to review it.

ALDERMEN'S REPORTS:

Alderman Bass - Stated that he would like to ask for a Special Meeting regarding annexing across the bridge. He stated that Sneads Ferry was circulating a petition to incorporate. He stated that if North Topsail Beach wanted to grow they must act now.

The Board scheduled a Special Meeting for June 5, 1995 at 12:00 noon at the Scotch Bonnet Pier Restaurant to discuss possibly adding to the town's incorporated area. Mayor Bostic stated he would also like to discuss the new pumper truck for the Fire Department and speed limits at this meeting.

MAYOR'S REPORT:

Mayor Bostic invited the public to go to 2nd Avenue and look at the dune project that had been planted and fenced by the Town. He stated that it was doing very well and that people had stopped crossing the dunes in that area.

Alderman Tuman - Stated that she and Ann Penta had been taking pictures up and down the beach before and after storms to show what the fencing and planting can do.

Mayor Bostic stated he would like input from citizens regarding the frontal dunes.

OPEN FORUM/

CITIZENS REQUEST: Mayor Bostic stated that trash dumpsters had been placed at the north end fire station for the residents at the north end. He stated that he supported this effort and that the area is policed to keep rodents and trash down. He stated that once curb-side is initiated, these dumpsters would be eliminated.

Larry Muse - Stated he felt like a second-class citizen with the dumpsters 50 feet from his back yard. He asked if anyone on the Board would like the dumpsters in their back yard. He stated that he had problems with the siren and water run-off and that the dumpsters was the final straw.

Jerry _____ - Stated that if he stood on his back deck he only saw dumpsters.

Lenore Muse - Stated that the siren is so loud, it's

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Ray Sides - Stated that the crashing sounds were annoying with contractors throwing in sinks, aluminum windows, etc.

It was the consensus of the Board to move the dumpsters back to the Town Hall site.

Mr. Altbaum - Stated that the leash law was in effect but he had not seen any signs and Mayor Bostic stated that Real Estate Companies and Homeowners Associations could filter the information down to their clients. Mr. Altbaum asked if there were trash receptacles on the beach and was told yes and that Onslow County furnished ones for the parks.

ADJOURNMENT:

A motion was made by Mayor Pro-Tem McGinn and seconded by Alderman Bass to adjourn the meeting at 10:10 p.m. Passed unanimously.

Lynn Farrell - Town Clerk

AN ORDINANCE AMENDING CHAPTER 5 -
 BUILDINGS AND BUILDING REGULATIONS
 ARTICLE II. ADMINISTRATION & ENFORCEMENT
 SECTION 5-28 PERMIT & INSPECTION FEES

SECTION 1: Chapter 5 - Buildings and Building Regulations, Article II. Administration & Enforcement, Section 5-28 Permit & Inspection Fees is hereby amended by adding the following fee schedule:

	<u>Residential</u>	<u>Warehouse or open storage Commercial 50%</u>
<u>Building</u>	.09 PSF for 1st 1,000 sf .05 PSF over 1,000 sf	.20 PSF for 1st 1,000 sf plus .10 PSF over 1,000 sf
<u>Electrical</u>	\$30.00 plus .05 PSF	.08 PSF for 1st 1,000 sf plus .04 PSF over 1,000 sf
<u>Plumbing</u>	\$30.00 plus .04 PSF	.08 PSF for 1st 1,000 sf plus .04 PSF over 1,000 sf
<u>Mechanical</u>	\$30.00 plus .04 PSF	.08 PSF for 1st 1,000 sf plus .04 PSF over 1,000 sf
<u>Renovations</u>	\$30.00/trade plus .04 PSF	\$30.00 per trade plus \$6.00 per 1,000 contract value
<u>Change Outs</u>	\$30.00 per unit - Over 400 amps add .15 per amp	\$30.00 per unit Over 400 amps add .15 per amp
<u>PIER, DECK, PORCH, GARAGE & UTILITY BUILDINGS</u>		
<u>Building</u>	\$30.00 plus .04 PSF	\$30.00 plus .04 PSF
<u>Electrical</u>	\$30.00 plus .02 PSF	\$30.00 plus .02 PSF
<u>Plumbing</u>	\$30.00 plus .02 PSF	\$30.00 plus .02 PSF
<u>Mechanical</u>	\$30.00 plus .02 PSF	\$30.00 plus .02 PSF

<u>Refrigeration</u>	\$50.00 for 1st 12,000 BTUs plus \$15.00 for each additional 12,000 BTUs
<u>Building Sprinkler</u>	Must be ISO approved. \$50.00 per system
<u>Yard Sprinkler</u>	\$30.00 per system

MANUFACTURED HOMES

Singlewide:	\$100.00
Doublewide:	\$150.00
Triplewide:	\$200.00
Modular:	\$250.00
Insurance Confirmation	\$ 30.00
Annual Parking Fee:	\$ 5.00 per space
Minimum Fee:	\$ 30.00
Zoning Permit:	\$ 10.00
Minimum Fee:	\$ 30.00
Miscellaneous:	\$ 30.00

Storage Buildings: \$ 30.00
Must be blocked and tied down. Not allowed as habitable space.

Daycare: \$ 30.00
Licensing and related inspections.

Signs: \$ 30.00
Illuminated signs require Electrical Permit.

Re-Inspections Fee: \$ 15.00
All permittees are entitled to the required inspection plus one return trip to verify correction of code violation.

Working without a Permit: 1) Twice the basic permit fee
2) Minimum \$30.00 additional

Refunds: 75% refunds on unexpired Building Permits may be authorized by the Building Inspector or Town Manager upon request of the owner.

Estimated values shall be based on Building Valuation data published by Southern Building.

Section 2: All laws and clauses in conflict with this ordinance amendment are hereby repealed.

Section 3: This ordinance amendment shall be effective July 1, 1995.

DULY ADOPTED THE 1st DAY OF June, 1995.

AN ORDINANCE AMENDING CHAPTER 18 - SOLID WASTE
TOWN OF NORTH TOPSAIL BEACH

SECTION 1: Chapter 18 - Solid Waste Ordinance - Town of North Topsail Beach is amended to read as follows:

Chapter 13 - Solid Waste Management

Sections:

- 13-1 Definitions
- 13-2 Refuse Required To Be Deposited In Approved Containers
- 13-3 Burning or Burying Garbage and Refuse Regulated
- 13-4 Accumulation of Garbage and Refuse Prohibited
- 13-5 Containers Required
- 13-6 Pre-collection Practices
- 13-7 Location of Containers
- 13-8 Unlawful to Displace Containers
- 13-9 Special Or Bulk Collections Regulated
- 13-10 Use of Dumpster Containers; Private Contracts for Disposal
- 13-11 Charges or Fees
- 13-12 Littering

Section 13-1 Definitions:

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Building material scraps means scrap building material from the construction, reconstruction, remodeling or repair of a building, walkway, driveway, sign and other structure, including but not limited to, excavated earth, tree stumps, rocks, gravel, bricks, plaster, concrete, lumber or any other similar material used in construction or the containers or wrappings therefore.

Garbage means all putrescible wastes, including animal and vegetable matter, animal offal and carcasses, and recognizable industrial by products, but excluding sewage and human wastes.

Refuse means all non-putrescible wastes.

Solid Waste means garbage, refuse, rubbish, trash, and other discarded solid materials, including solid waste materials resulting from homes, business, industrial, commercial, and agricultural operations, and from community activities, but does not include solids or dissolved materials in domestic sewage or other significant pollutants in water resources, such as salt, dissolved or suspended solids in industrial waste water effluent, dissolved materials in irrigation return flows or other common water pollutants.

Tree trimmings means tree limbs, leaves, shrubbery trimmings and cuttings and all other trimmings from the natural growth of trees, shrubbery, weeds, plants or grass.

page 2 - Solid Waste Management Ordinance

Litter means any rubbish, waste material, cans, refuse, garbage, trash, debris, dead animals or discarded materials of every kind and description.

Section 13-2 Refuse Required to Be Deposited in Approved Containers:

It shall be unlawful for any person to throw, place or deposit any garbage or refuse of any kind on any public or private property except in approved containers or as otherwise provided in this chapter.

Section 13-3 Burning or Burying Garbage and Refuse Regulated:

It shall be unlawful to burn or set fire to or bury any garbage for the purpose of disposal. In addition, it shall be unlawful to burn any refuse for the purpose of disposal unless a permit therefore has been granted by the Fire Marshal.

Section 13-4 Accumulation of Garbage and Refuse Prohibited:

All garbage and refuse shall be collected and placed in containers as required by this chapter. It shall be unlawful for any person to permit garbage or refuse to accumulate or remain on any premises longer than is reasonably necessary to remove and deposit same in approved containers required herein.

Section 13-5 Containers Required:

(a) All occupants of each premises, against which a charge for the collection and disposal of garbage and rubbish is levied in accordance with the provisions of this chapter, shall be provided a container by the town or by the contractor providing solid waste disposal services in accordance with a contract with the town. The occupants of such premises shall be required to deposit all garbage and refuse existing at such premises in the containers so provided, subject to the terms and conditions of this chapter. All containers so provided shall be kept in a reasonably clean manner.

(b) All occupants of each premises not wishing to participate with town collection services provided are required to contract with a solid waste disposal service.

(c) Owners or agents of owners with rental property-properties shall participate with the town solid waste program or participate with a solid waste contractor for solid waste disposal services.

Section 13-6 Pre-collection Practices:

All garbage and refuse shall have the liquid drained therefrom and shall be wrapped in paper or other like material before it is placed in the container for collection. No ashes or cinders shall be deposited in any container until they are cold. Insofar as is possible, all garbage shall be bagged in plastic bags and placed in the containers.

page 3 - Solid Waste Management Ordinance

Section 13-7 Location of Containers:

Containers shall be placed adjacent to the street or sidewalk on the days when garbage is to be collected.

Section 13-8 Unlawful to Displace Containers:

It shall be unlawful for any person to damage or otherwise interfere with garbage containers or their contents, or to take, carry away, or steal any container with the intent or effect of depriving the owner and/or designated user the use and benefit of said container for any period of time.

Section 13-9 Special or Bulk Collections Regulated:

(a) No trash, tree limbs, shrubbery, cuttings, leaves or any other refuse will be collected by the town except on designated collection days.

(b) No collection shall be made from vacant lots nor shall any large rocks, tree trunks, tree stumps, tree limbs of more than eight (8) feet in length or other heavy objects be collected by the town. No waste building materials or lot clearings shall be collected by the town from houses or other structures under construction or recently completed.

Section 13-10 Use of Dumpster Containers - Private Contracts for Disposal:

(a) Service locations requiring more than two (2) garbage containers as described in Section 13-5 shall be provided a dumpster container for their exclusive use. Service locations requiring dumpster containers may choose to allow the town to collect solid waste under the provisions of this chapter or they may choose to contract directly with a firm authorized to perform solid waste collection service within the town. On or before July 15th of each year, service locations choosing to decline solid waste dumpster service as provided by the town for the next Fiscal Year (July 1st through June 30th) shall notify the town, in writing, of their intention to contract privately for disposal of said waste. Failure to notify the town of intentions to contract privately for disposal services shall be deemed an acceptance of town sponsored service in accordance with applicable fee schedules for the entire fiscal year.

(b) Contractors/builders are required to provide the following on all remodeling or new construction sites:

- (1) A waste disposal container, minimum size 8 X 8 X 4 for materials such as treated lumber, roofing material, cans, glass, etc. which can not be burned.
- (2) The contractor/builder is responsible for the cost of the container rental/ownership and disposal. Proof of rental or ownership is to be provided to the North Topsail Beach Inspection Department prior to the issuance of permits.
- (3) The appropriate container must be on the remodeling or new construction site within 3 days of the issuance of the permit for remodeling or new construction.

Section 13-11 Charges or Fees:

For the service of collecting and disposing of garbage and rubbish, the owner or occupant of each premises shall be charged such rates as may be established, from time to time, by the Board of Aldermen. Such charges shall be considered a debt to the town from the owner or occupant of the premises which uses the service. No owner or occupant of premises within the town shall be exempt from the collection and disposal service provided by the town except in accordance with the provisions of Section 13-5 (b) and (c).

Section 13-12 - Littering:

(a) No person shall intentionally or recklessly throw, scatter, spill or place or intentionally or recklessly cause to be thrown, spilled, scattered or placed, or otherwise dispose of any litter upon any public property within the town or in the waters of the Atlantic Ocean or the waters contiguous to or within the boundaries of the town, including but not limited to any public highway, public park, beach, campground, forest land, recreational area, road, street or alley except:

- (1) When such property is designated by the town for the disposal of garbage and refuse, and such person is authorized to use such designated property for that purpose; or
- (2) Into a litter receptacle in such a manner that the litter will not be carried away or deposited by the elements upon any part of such public property or waters.

(b) The offender shall also be subject to a civil debt of fifty dollars (\$50.00) per day in addition to other penalties. No such civil penalty shall be assessed until the person alleged to be in violation has been notified of the violation. Each day of the continuing violation shall constitute a separate violation.

SECTION 2: All laws and clauses in conflict with this ordinance amendment are hereby repealed.

SECTION 3: This ordinance amendment shall be effective upon adoption and the finalization of contract and billing procedures required to provide said services.

DULY ADOPTED THE 1 DAY OF June, 1995.

TOWN OF NORTH TOPSAIL BEACH
BOARD OF ALDERMEN
SPECIAL MEETING
JUNE 5, 1995

PRESENT: Mayor Marlow F. Bostic, Jr., Mayor Pro-Tem McGinn, Aldermen Peter Hillyer, Sue Tuman, Bill Bass and Margaret Stackleather, Town Attorney Lynn Coleman, Town Manager Ann Vause, and Town Clerk Lynn Farrell.

CALL TO ORDER: Mayor Bostic called the meeting to order at 12:15 p.m. and declared a full quorum present. He noted that there was a large number of citizens present.

Alderman Hillyer - Stated that this Board has never discussed annexation, that this Special Meeting was scheduled to discuss annexation in general terms, not to annex Sneads Ferry. He stated that he objected to the meeting under camouflage and stated that the Jacksonville Daily News had stated that the meeting was scheduled to discuss annexing Sneads Ferry.

Mayor Bostic - Stated that this is a workshop, not a public hearing, but public comments would be heard.

Alderman Bass - Stated that he may have gotten this issue mixed up. He stated that he gave his own personal opinion to the press, not the Board's opinion. He stated that he understood that within two years all topless bars must be out of Jacksonville and that he did not want them on the beach and that North Topsail Beach had ordinances to prevent this. He stated that he did not say that North Topsail Beach was going to annex Sneads Ferry, but that he would like to have a portion of the road coming into North Topsail Beach.

Mayor Bostic - Stated that the headlines in the Jacksonville Daily news was incorrect regarding annexing Sneads Ferry.

Alderman Tuman - Stated that she was personally opposed to involuntary annexation and that even in a voluntary situation you should hear the pros and cons in terms of North Topsail Beach. she stated that she did not like the idea of annexing without a vote.

Mayor Pro-Tem McGinn - Stated that he came to the meeting to discuss the possibility of annexation and that he was for annexation but not all the way to Four Corners. He stated that North Topsail Beach had fine services and that the North Topsail Beach Police was frequently in Sneads Ferry and North Shore. He stated that he was a conservative and hated to pay taxes and was against the incorporation of North Topsail Beach. He stated that he did not go along with more bureaucracy but was for less government. He stated that he was for taking in North Shore and that North Topsail Beach could offer more services than the area has now.

Alderman Stackleather - Stated that the Board had not discussed annexation and that North Topsail beach could not possibly go all the way to Four Corners. She stated that the Board had not talked with the Town Attorney and was at the meeting to ask questions.

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Alderman Hillyer - Stated that his feelings were similar to Alderman Tuman's and that he was opposed to imposing North Topsail Beach on people who do not want it. He stated that he did not want to be party to annexation unless benefits to North Topsail Beach would be extraordinary. He stated that he did not like North Topsail Beach being viewed as a vulture and that North Topsail Beach had been incorporated for 5 1/2 years, the people have respect and \$1 million dollars in the bank. He stated that he did not want the Town to reach out and take in part of a mainland. He stated that he smelled something fishy and that he did not like it. He stated that this all came from somewhere. He stated that he was opposed to annexation because it would change the character of North Topsail Beach and that the Town needed annexation like it needed a hurricane.

Mayor Bostic - Stated that this was not the first step in annexing wherever. He stated that the workshop was an opportunity for the Board of Aldermen to obtain information from the Town Attorney and not an underhanded approach. Mayor Bostic stated that he was disappointed in the Daily News' coverage of the issue.

Herman Alberti - Stated that he was from Holly Ridge and his only concern was that this meeting was called as a workshop and why was a public meeting called and that maybe the fault was the Daily News'. He questioned why the Board called a meeting at the Scotch Bonnet Restaurant and why was the public led to believe this meeting was a public hearing. Mayor Bostic stated that the Board had held meetings at the Scotch Bonnet before. Mr. Alberti stated that he did not understand why six people had to meet at the Scotch Bonnet for a workshop and Mayor Bostic stated that he liked the atmosphere at the Scotch Bonnet and that the Board held meetings there periodically. Mayor Bostic stated that there was nothing hidden and that the Board was meeting with the Town Attorney in a workshop atmosphere and that no action was anticipated.

Linda Snyder - Stated that she was acting chairperson for the Sneads Ferry Awareness Group and she had been hearing heavy rumors and that is North Topsail Beach was talking annexation, it could go no way other than Sneads Ferry. She stated her group was working on the problem of adult businesses.

John Henderson - Stated Sneads Ferry had started talking incorporation the same time as North Topsail Beach and had necessary petitions signed by registered voters but voters had voted down incorporation. He stated that he had heard rumors that an individual on the Board of Aldermen was for annexation and that the individual was Alderman Sue Tuman and offered her an apology.

Ginny Hillyer - Stated that she was at the Board of Alderman meeting on Thursday, June 1, 1995. She stated that she left early and was surprised when Alderman Hillyer told her about this scheduled meeting and that she wondered why it was not on the agenda. She stated that the meeting did not seem kosher and asked why the Board could not have directed Attorney Coleman to gather information and give it to the Board at their next meeting.

Mayor Bostic - Stated that a Board member was going out of town tomorrow and that is why the meeting was scheduled quickly and that all legal guidelines had been followed. He stated that all meetings had to be held in public.

Toni Sturm - Stated that a town did not have to be incorporated to fight adult businesses and that a town did not have to be incorporated to reduce the insurance rates.

Lionel Yow - Stated that he represented the owners of North Shore and that they would resist any annexation. He stated that they would be better off with anyone across the waterway and that North Topsail Beach needed people who live in the town and know its problems.

Mitchell Parker - Stated that he was Captain of the Turkey Creek Volunteer Fire Department and that volunteer departments are dependent on public donations. He stated that he had mutual aid agreements and these agreements work both ways. He stated that for North Topsail Beach to say that it could provide extra protection for people across the bridge was incorrect because services already exist.

Ray Speas - Stated that he was from Sneads Ferry and was opposed to annexation and that he was speaking for all 75 property owners in New River Plantation.

Dan Giles - Stated that he was from Sneads Ferry and asked if the Board was going to discuss which areas they were interested in annexing and what services would be offered.

Mayor Bostic - Stated no they would not discuss these issues. He stated that his personal opinion was that he would like to have the Food Lion in the corporate limits but this was an information gathering workshop today and that no decisions would be made regarding annexation.

George Weitner - Stated that he was a resident of North Topsail Beach and was opposed to take-overs. He asked why North Topsail would want to share what it has with anyone else.

Junior Thomas - Chadwick Acres, asked if annexation could be taken off the workshop agenda.

David Boyles - Sneads Ferry, asked if anyone had defended the idea of one governing body for the entire area.

Herman Alberti - Stated that as far as annexation goes, the people will have comments but no vote and that he was at the meeting because he represented property owners on Hwy 210 across the bridge.

Mayor Bostic - Stated that he felt everyone was aware that they would have no vote regarding annexation.

Janet York - Stated that if the majority of the people in Sneads Ferry was gainst annexation and North Topsail Beach was such a good neighbor, why would the Board want to pursue the issue.

Mayor Bostic - Stated that the Board was entitled to find out what would be advantageous for the town. He stated that there was no move started by the town regarding annexation.

Nancy Taylor - New River Plantation, stated that it seemed that the Board had decided which way it could go and that minds could be changed.

Alderman Hillyer - Stated that there were not 5 or 6 people on the Board who support this issue and that the Board had just started discussing the issue and was looking at pros and cons and that he was concerned about where the push was coming from.

Nancy Taylor - Stated that she was concerned that a few people could decide the fate for people in Sneads Ferry.

Robert Hoffman - Stated that one alderman was against taxes and more government but it seemed okay for someone else's taxes to go up but not his own.

Mayor Bostic closed the floor to public comment at 1:05 p.m.

RECESS: Mayor Bostic called a recess at 1:05 p.m.

RECONVENE: Mayor Bostic called the meeting back to order at 1:30 p.m.

ADDITION TO
TOWN LIMITS:

Mayor Bostic - Asked the Town Attorney if she was familiar with annexation laws and able to give the Board information. Attorney Coleman stated yes and any information she did not know she would get back to the Board at a later date.

Mayor Bostic - Asked if North Topsail Beach could annex an area with their voluntary assistance and was told absolutely. He asked if an area was annexed within another fire district do you have to reimburse them and Attorney Coleman stated that the town would have to assume a portion of their debt comparable with the area annexed or contract with them to provide services. Mayor Bostic asked if the town could satellite annex an area not touching its boundaries involuntarily and Attorney Coleman stated yes under certain circumstances, but she could not think of any area outside of town that North Topsail Beach could satellite annex.

Mayor Bostic asked if the town could annex a subdivision adjoining the town's limits and Attorney Coleman stated yes but that there were standards that the town would have to comply with. She stated that the area could not be in another city, the borders have to meet and that roads and waterways could be considered contiguous borders. She stated that a certain percentage had to be residential and a percentage of the lots had to be 2 acres or less.

Alderman Hillyer asked that if you were the annexee, would it be hard to get out of the annexation and Attorney Coleman stated yes unless you could prove that the standards were not met.

Mayor Bostic asked what services would have to be provided and

Attorney Coleman stated that police and solid waste pickup were immediate and when annexation was complete water/sewer, fire and street maintenance would have to be provided.

Attorney Coleman - Stated that for an annexation process, the Town would adopt a Resolution of Consideration, identifying the area, one year before adopting a Resolution of Intent. After the Resolution of Consideration an annexation report of the area considered would have to be done by the Town with a detailed map, plan for providing services, and this must be done before the Resolution of Intent. the Resolution of Intent would be adopted one year later saying that the Town was starting or giving notice of intent to consider the area and give the date of the public hearing. Notice of the public hearing would have to be sent to all property owners and published. After the public hearing the annexation report would be submitted to the Department of Justice. If everything went smoothly, the process would take up to 18 months.

Alderman Tuman - Stated that the benefits to the town would not be recognized until after the Resolution of Consideration was adopted and Attorney Coleman stated that she was correct.

Mayor Bostic - Asked if the value to the town could be figured any other way and Attorney Coleman stated that an annexation report could be done at any time by the staff to determine benefits to the town.

Alderman Bass - Stated that if the town did not annex, there is a certain area outside the limits, the extra-territorial jurisdiction, of two miles. He stated that if this Board did not decide to annex, they could go 2 miles out in every direction and have planning and zoning authority.

Alderman Tuman - Stated that the building inspector for the town would have to inspect the 2 mile area and there would be no taxing in the ETJ, but it would protect the town from undesirable growth.

Attorney Coleman - stated that the town would only have to provide planning and zoning and fire inspections in the ETJ.

Alderman Stackleather - Stated that the Board should have the 2 mile ETJ to protect itself.

Attorney Coleman - Stated that procedures have to be followed to establish the ETJ similar to an annexation report.

Mayor Bostic - Asked about a voluntary annexation and Attorney Coleman stated that 100% of the property owners in the area annexed would have to petition and if it looked suspicious, the court could say no.

Herman Alberti - Stated that there was two ways to proceed with annexation, the desire of the Board or a petition of the area to be annexed. He asked which way the Board would go and Mayor Bostic stated that he was not prepared to put this before the Board.

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George Weitner - Asked if any other towns were interested in annexing this area and Mayor Bostic stated that Sneads Ferry had talked of incorporation.

Angie Mercer-Sinnott - Asked if undeveloped land could count and Attorney Coleman stated yes it could, but that the court would decide but if building permits had been issued it would make a difference.

Toni Sturm - Asked if the town could establish an ETJ or was there a process and Attorney Coleman stated there was a process which includes a public hearing.

Mrs. Snyder - Stated that in an ETJ there would be no taxes, no services, just planning and zoning but could the area incorporate later and Attorney Coleman stated only if the town released the area. Mrs. Snyder asked if the Town could annex the ETJ later and Attorney Coleman stated yes.

FIRE DEPARTMENT -
PUMPER TRUCK:

Mayor Bostic stated that at the Budget Workshop the Board discussed buying a new truck to replace the old one.

Alderman Hillyer - Stated that it made sense to proceed.

Alderman Bass - Stated that he was ready to proceed but that the equipment could be purchased separately instead of a package deal.

Alderman Tuman - Stated that she would defer to the staff regarding the equipment. she said her only concern was the quickness of the decision to buy when the budget message stated that the town would concentrate on the town hall, and that she worried about the Fund Balance.

Mayor Pro-Tem McGinn - Stated that he was worried about the fund Balance also. He stated he would like to see the town publish an ad and try to find a used truck before going out for bids.

Alderman Stackleather - Stated that she felt the truck was needed, but suggested that the truck could be purchased now and the equipment later.

Mayor Bostic - Asked Thomas Best if the specifications were similar to the last truck purchased and Thomas stated yes with additional compartments and a hydraulic ladder lift.

Alderman Hillyer - Stated that he feels that the Fire Marshal and Asst. Fire Marshal were professionals and have selected the equipment best for the truck.

Town Manager Vause - Stated that the specs were ready and if the Board was ready to go out for bids then the bidding process could be started.

A motion was made by Mayor Pro-Tem McGinn and seconded by Alderman Stackleather to solicit bids for the new pumper truck and equipment meeting the specs prepared by Thomas Best and Bill Poe. Passed unanimously.

SPEED LIMITS:

Mayor Bostic stated that since the new portion of SR 1568 was opened he had received numerous comments about raising the speed limit from 35 mph to 45 mph and that the speed limits on Topsail Road and Hwy 210 near Oceanridge that should be reduced.

Alderman Tuman - Stated that if the speed limit on SR 1568 is 35 mph then people go 45 mph. She stated that she did not agree with changing the speed limit. she stated that the speed limit on Hwy 210 should be changed to 45 mph.

Ann Penta - Stated that 90% of the people going to work are Marines and they go 90 mph and that she feels the speed limit should remain 35 mph on SR 1568.

Mayor Bostic - Stated that he had talked with DOT engineers about the possibility of an apron on the side of SR 1568 for bikers and joggers. He stated that it may mean an expense to the town but would be the least expensive way of getting people out of the roadway.

A motion was made by Alderman Tuman and seconded by Alderman Hillyer to reduce the speed limit on Topsail Road from 35 mph to 20 mph. Passed unanimously.

A motion was made by Alderman Bass and seconded by Alderman Tuman to reduce the speed limit on Ocean Drive from 35 mph to 20 mph. Passed unanimously.

A motion was made by Alderman Stackleather and seconded by Alderman Tuman to reduce the speed limit on Hwy 210 from Oceanridge to the bridge from 55 mph to 45 mph. Passed unanimously.

A motion was made by Mayor Pro-Tem and seconded by Alderman Stackleather to increase the speed limit on SR 1568 from the intersection with Hwy 210 to Galleon Bay but not including Shipwatch from 35 mph to 45 mph. Passed 4 to 1 with Alderman Tuman voting nay.

A motion was made by Alderman Tuman and seconded by Alderman Hillyer to reduce the speed limit on New River Inlet Road from Topsail Reef to the end of River Road from 35 mph to 25 mph. Passed unanimously.

A motion was made by Alderman Bass and seconded by Alderman Stackleather to install a speed regulation sign on River Road. Passed unanimously.

ADJOURNMENT:

A motion was made by Mayor Pro-Tem McGinn and seconded by Alderman Stackleather to adjourn the meeting at 3:10 p.m. Passed unanimously.

Lynn Farrell - Town Clerk

TOWN OF NORTH TOPSAIL BEACH
PUBLIC HEARING/REGULAR BOARD MEETING
JULY 6, 1995

PRESENT: Mayor Marlow F. Bostic, Jr., Mayor Pro-Tem Sam McGinn, Aldermen Bill Bass, Sue Tuman, Peter Hillyer, Margaret Stackleather, Town Manager Ann Vause, and Town Clerk Lynn Farrell. Town Attorney Lynn Coleman was absent. There were approximately 15 to 20 citizens present.

CALL TO ORDER: Mayor Bostic called the Public Hearing to order at 6:30 p.m. and declared a full quorum present.

PUBLIC HEARING: Jeff Holland, Building Inspector, explained that he and Susan Daughtry, CAMA/Zoning Administrator, had reviewed the sign provision of the North Topsail Beach Zoning Ordinance and were presenting recommendations for amending certain sections of the ordinance.

AN ORDINANCE AMENDING SECTION 2.91, SECTION 15.4, SECTION 15.6 AND SECTION 15.7 OF THE NORTH TOPSAIL BEACH ZONING ORDINANCE

SECTION 1: The North Topsail Beach Zoning Ordinance Section 2 Definitions is hereby amended by adding the following sentence to Sub-section 2.91 "Sign":

"Including licensed or unlicensed vehicles or trailers".

SECTION 2: The North Topsail Beach Zoning Ordinance Section 15 Signs is hereby amended as follows:

Change paragraph 2 Section 15.2 to read as follows: "Zoning approval is required for the erection of all signs. The Zoning Enforcement Officer or their designated agent shall have the authority to order the removal or modification of any new sign which does not meet these requirements according to the following procedures:"

Change Sub-section A of Section 15.2 to read as follows: "A. The owner of the sign, the occupant of the premises on which the sign or structure is located, or the person or firm maintaining the same shall upon written notification by certified or registered mail from the zoning enforcement officer or their designated agent, within ten (10) days of receipt, remove or modify the sign or structure, in a manner approved by the zoning enforcement officer or designated agent."

Change Sub-section B of Section 15.2 to read as follows: "B. If such order has not been complied with within ten (10) days, the zoning enforcement officer or designated agent shall

remove the sign at a cost of fifty (\$50) dollars to the owner or lessor of the sign. The Town will hold such sign for not more than thirty (30) days."

Delete Sub-section C of Section 15.2 - Under "General Requirements".

Delete Sub-section 15.4 D - Under "Signs Permitted in Residential Districts."

Delete Sub-section 15.6 - "Shopping Center Signs."

Change Sub-section 1 of Section 15.7 Temporary Signs, paragraph A to read as follows: "1. In all residential districts, ten (10) square feet for a single lot. In cases of 3 or more contiguous lots a maximum of 32 square feet."

Change Sub-section 2 of Section 15.6 Temporary Signs, paragraph A to read as follows: "2. In all other districts such signs shall be limited to one (1) square foot of area for each five (5) feet of lineal feet of advertised property which abuts a public street: provided, however, no such sign shall exceed sixty (60) square feet."

Change Sub-section 1 of Section 15.7 Temporary Signs, paragraph B to read as follows: "1. In all residential districts, ten (10) square feet for a single lot. In cases of 3 or more contiguous lots a maximum of 32 square feet."

Change Sub-section 2 of Section 15.7 Temporary Signs, paragraph B to read as follows: "2. In all other districts, sixty (60) square feet or one (1) square foot of sign area for each five (5) lineal feet of property abutting a public street, whichever is greater."

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

SECTION 4: This ordinance amendment shall be effective immediately upon adoption.

DULY ADOPTED THE _____ DAY OF _____, 1995.

Ginny Hillyer: Stated that this has long been needed and that she hoped the Board would adopt the amendment.

Bernard Allen: Asked if this amendment applied to signs at private homes, such as name signs and was told no.

After discussion, the Board added "Signs are to be removed if sold, leased or rented" to Sub-section 1 of Section 15.7 Temporary Signs.

*This Ord
was adopted on
3 Apr 95
see page 72+73*

A motion was made by Alderman Bass and seconded by Alderman Hillyer to close the Public Hearing at 7:00 p.m. Passed unanimously.

RECESS: Mayor Bostic called a 10 minute recess.

RECONVENE: Mayor Bostic called the Regular Meeting to order at 7:10 p.m. and again declared a full quorum present.

INVOCATION: Mayor Bostic asked that everyone bow their heads in a moment of silent prayer.

APPROVAL OF
AGENDA:

Mayor Bostic asked if there was anyone to address the Board whose names were not on tonight's agenda. He then added the names of Dan Giles and Mr. Potts to address the Board.

A motion was made by Alderman Hillyer and seconded by Alderman Stackleather to approve the agenda with the addition of the two names to address the Board. Passed unanimously.

APPROVAL OF
MINUTES:

Alderman Tuman stated that on page 3 of the June 1, 1995 minutes, under the Engineering/Architect contracts, the word advised should be changed to asked and the word "contracts" would be subject to her review, should be changed to "approval" would be subject to her review.

A motion was made by Mayor Pro-Tem McGinn and seconded by Alderman Tuman to approve the minutes of the Regular Board Meeting held June 1, 1995 with the stated corrections. Passed unanimously.

Alderman Tuman stated that on page 2 of the June 5, 1995 minutes, the spelling of Linda Snyder's name should be corrected to Schneider.

A motion was made by Alderman Bass and seconded by Alderman Stackleather to approve the minutes of the Special Meeting held June 5, 1995 with the stated correction. Passed unanimously.

REQUEST TO
ADDRESS THE
BOARD:

Toni Sturm: Stated that she was interim councilwoman for the proposed Town of Sneads Ferry. She asked that the Town of North Topsail Beach leave Sneads Ferry alone, that they were forcing Sneads Ferry to begin incorporation. She stated that at a Special Meeting last month the Board was talking annexation and that Extra-territorial Jurisdiction was on tonight's agenda. She stated that the General Statutes state one (1) mile ETJ and that would split North Shore Country Club. She stated there would be no financial benefit to extending one mile. Ms. Sturm stated that the Town of North Topsail Beach could not adopt an ordinance to establish ETJ without first holding a public hearing on the issue. She stated that the Legislature was still in session

and there was still a chance to have Sneads Ferry's borders recognized.

Bob Hoffman: Stated that he represented North Shore Country Club and that he was opposed to annexation or Extra-territorial Jurisdiction. He stated that some board members had said they were opposed to more government and more taxes and some members of the board had stated that they had no knowledge of talk of annexation. He stated that it would be a conflict of interest because some board members had family and friends who owned property in Sneads Ferry. He stated that annexation would strictly be a land grab for tax revenue only. He stated that Sunset Beach on the island wanted to secede from Sunset Beach on the mainland because the mainland was controlling their destiny.

George Earley: Stated that he was the Interim Mayor of Sneads Ferry and read from a printed memo as follows:

From: George Earley
To: North Topsail Beach Council Meeting
July 6, 1995

The quite little town of Sneads Ferry wants to stay the quite little town and keep its name and heritage. We don't want to be a part of North Topsail Beach. We don't want annexation or incorporation, please just leave us alone.

The first we heard of this was when North Topsail Beach was holding a public meeting with their lawyer present to explain what they had to do to annex Sneads Ferry. That started Sneads Ferry to work on incorporation. After we started Chadwick Shores, North Shores Country Club, and winery Road wanted to be included in Sneads Ferry' Charter.

I defend your right to do what you are doing but why do you want us when we don't want to be a part of your town.

PLEASE LEAVE US ALONE!!!!

Signed, George W. Earley

Lionel Yow: Stated that he represented property owners at North Shore country Club and that he was not here to tell North Topsail Beach what they could or could not do. He stated that incorporation was used when people with the same needs and wants form together with a governing body. He stated the concerns of the people of North Topsail Beach were the same, a commonality of interest. He stated that to move to the mainland and take in North Topsail Shores would be to raise more revenue for North Topsail Beach. He stated that North Topsail Beach's dunes were not the responsibility of North Topsail Shores. He stated there would be an "us versus them" situation. He stated there was no commonality of interest across the waterway. He stated that covenants in North Shore Country Club would prohibit adult businesses. Mr. Yow stated that he was a property owner on both sides of

the waterway and that he could not understand why the town would want the Food Lion except for more revenue.

Mr. Potts: Stated that he was president of the North Shore Country Club HOA and in earlier letters to the Mayor and Board of Aldermen had listed reasons why annexation is not a good idea. He stated that North Shore Country Club will expand and the balance between the voting populations would be one-sided. Mr. Potts stated thank you for your interest, but no thank you.

Dan Giles: Stated that he would hold his questions until he heard more of the Board's statements.

TOWN HALL
SKETCHES:

Mr. John Parker of Parker & Associates stated that a new site plan, based on the ideas from the board, had been prepared. He stated that the footprint was smaller because of the 2 story building. Alderman Stackleather asked how many parking spaces there would be and Mr. Parker told her about 30 with overflow parking on the grass.

Mr. Ken Burnette stated that he was grateful to be a part of the new town hall project. He presented the new floor plan with the two floors. He stated that the meeting room was 25 X 51 with the Police Department on the right side. He stated that there would be an elevator and stairs to the second floor. He stated that the second floor held a lobby, conference rooms, etc.

Alderman Tuman asked what happened to the kitchen on the first floor and Mr. Burnette stated that the room was needed for the handicapped bathrooms.

Alderman Stackleather stated that the town had groups that need a kitchen.

Mr. Burnette stated that if the board wanted a kitchen, one would be added but would have to go out the back.

Mayor Pro-Tem McGinn recommended taking one of the police offices and using it for a kitchen.

Alderman Tuman stated that the town was building the town hall for long-term use. She stated that maybe later the town would have a community building but that enlarging the town hall would cost money.

Mayor Bostic asked if the kitchen could be added outside the footprint and was told yes.

Alderman Hillyer stated that the kitchen should be close to the meeting room and could be built on the side.

Mayor Pro-Tem McGinn stated that it would cost \$10,000 to put the kitchen on the back.

Alderman Stackleather stated that the town hall had to have a kitchen.

Mr. Burnette stated that a kitchen could be added on the side of the meeting room, about 12 X 17.

Mayor Bostic asked if it was the consensus of the board to convert the porch on the side of the meeting room into a kitchen with a stoop. Mayor Pro-Tem McGinn stated no, that the police department did not need 6 offices. Mayor Bostic stated that it was a 4 to 1 consensus.

Mr. Burnette stated that he needed approval that he was heading in the right direction.

A motion was made by Alderman Hillyer and seconded by Alderman Bass to approve the plans with the addition of a kitchen. Passed unanimously.

**SOLID WASTE
BID/CONTRACT:**

Town Manager Vause explained that two bids were received for solid waste management. Waste Management - \$163,034.25, alternate Bid - \$151,243.00; Waste Industries - \$138,400.00, Alternate Bid - \$109,566.00. She explained that Waste Management bid of \$163,034.25 included only residential customers with pick-ups on Monday & Thursday. Their alternate bid of \$151,243.00 includes residential customers with pick-ups on Monday & Thursday. Waste Management currently has the majority of commercial/multi-family customers. They were advised that if an individual or business has a contract with someone for removal of solid waste the town would not buy out that contract and insist that they deal with the town. Waste Industries bid of \$138,400.00 includes only residential customers. Their trucks would canvass the town on Monday/Thursday for household refuse and Wednesday for yard debris and bulk items. Waste Industries alternate bid of \$109,566.00 includes only residential customers and their trucks would canvass the south portion of town on Mondays and Thursdays and the northern portion of town on Tuesdays and Fridays for household refuse. Wednesday they would pick up yard debris and bulk items as necessary. Town Manager Vause stated that our bid specifications required that contracts place the carts 30' from the road side or to the residence, whichever is closer. In addition, Gerald and Greg canvass the town on a daily basis and could take a cart back to a residence if necessary. Town Manager Vause stated that she recommended that the Board enter into a three year contract with Waste Industries for solid waste management, for their alternate bid of \$109,566.00. The bid amount includes all fees except landfill tipping fees (estimated to be \$35,000 per year) which are to be paid by the town. She stated that the contract had been reviewed by the town attorney and she had found no difficulty with it as written.

Alderman Tuman asked if there would be additional fees for taking the carts back to the residences and was told no.

Mayor Pro-Tem McGinn asked why the alternate bid was different and Dallas Goodwin of Waste Industries replied that it would save the town and Waste Industries money

because trucks would be in the town four days a week, and that missed carts could be picked up.

A motion was made by Mayor Pro-Tem McGinn and seconded by alderman Bass to enter into a contract with Waste Industries for \$109,566.00 subject to review by Attorney Coleman. Passed unanimously.

PRIVILEGE
LICENSE
AMENDMENT:

Town Manager Vause explained that she had presented the board with a copy of N.C. City & County Privilege License Tax Book and copies of the privilege license ordinances from Topsail Beach, Surf City and Holly Ridge. She recommended the following amendment to the Privilege License Ordinance:

After discussion, the board changed the miscellaneous fee to \$15.00 and the electrical and plumbing contractors to \$25.00.

A motion was made by Alderman Stackleather and seconded by Alderman Tuman to adopt the Privilege License amendment with the stated changes. Passed unanimously.

PERSONNEL
ORDINANCE
AMENDMENT:

Town Manager Vause explained that the Fiscal Year 1995-96 Budget, approved by the Board, contained some additional benefits for employees (401k, longevity, and retirement). The following ordinance amendment incorporates these changes into the Town Personnel Ordinance:

AN ORDINANCE AMENDING THE NORTH TOPSAIL BEACH PERSONNEL POLICY

SECTION 1: Article VI - Fringe Benefits, Section 4 - Retirement Benefits of the North Topsail Beach Personnel Policy is hereby amended to read as follows:

"The town and employees contribute to the cost of the retirement plan which employees are required to join. In addition to the 4.8% (general employees) and 4.32% (police employees) contribution the town is required to pay the town will contribute, dependent upon service with the town, the following percentage of employees 6% retirement cost: 0-2 years of service - 2%, 2-5 years of service - 4%, 5 years and above service 6%. Information about benefits and the system are available in printed brochures circulated to the employees. The retirement benefit for the town is administered as a part of the North Carolina Local government Employees Retirement System.

SECTION 2: Article VI. Fringe Benefits of the North Topsail Beach Personnel Policy is hereby amended by adding the following sections:

Section 5. 401(k):

The town will contribute the following percentage to a 401(k) account for all employees as follows: 0-2 years of service 2%, 2-5 years of service 3%, 5 years and above 5%. The contribution will be based on annual wages. As required by state law, the town will contribute 5% of their annual salary for all police officers.

Section 6. Longevity:

During December of each year an employee shall receive a longevity payment from the town. the payment shall be calculated on the employee's annual salary and shall be based on the following service requirements: 0-2 years of service .5%, 2-5 years of service 1%, 5-10 years of service 1.5%, 10 years and above 2%.

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

SECTION 4: This amendment shall be effective with the Fiscal Year 1995-96 Budget adopted by the Board of Aldermen June 1, 1995.

DULY ADOPTED THE 6th DAY OF July, 1995.

A motion was made by Alderman Stackleather and seconded by Alderman Tuman to adopt the stated amendment to the North Topsail Beach Personnel Policy. Passed unanimously.

EXTRA-TERRITORIAL
JURISDICTION:

A motion was made by Alderman Bass and seconded by Alderman Stackleather to have the Town Manager and the Town Attorney look into and provide additional information and benefit to the town at a later date. Passed 4 to 1 with Alderman Tuman voting nay.

Alderman Tuman stated that she was concerned over how much the board keeps giving the Town Manager to do and asked whether employees should even be doing this.

Ginny Hillyer stated that Alderman Bass' motion asked the Town Manager to decide the benefits to the town and this was not appropriate.

Alderman Hillyer stated that he should not have voted aye on this issue. He stated that he did not know anything a month ago about annexation or ETJ. He stated that it's okay to study and understand it but that he was opposed to annexation or ETJ. He stated that the motion should have been that the Town Attorney should make a study.

A motion was made by Alderman Hillyer and seconded by Alderman Tuman that the Town Attorney be given the job of studying and analyzing ETJ and report to the board what is possible under the General Statutes.

Mayor Pro-Tem McGinn asked if Town Manager Vause could talk to the attorney, that this was the most sensitive issue to come before the board and the people deserve to know our intent.

Ann Penta asked why the town was doing this. She stated that the residents want to know who thought this up and that the residents do not want this.

Bill Rogers stated that he agreed that the Town Manager was overloaded. He stated that this should be done by the Planning Board.

Alderman Hillyer restated his motion to ask the Town Attorney to study the laws governing ETJ and report to the board what we can or cannot do to exercise that right. Motion was seconded by Aldermen Bass. Passed unanimously.

ROGER'S BAY
CROSSOVER:

Town Manager Vause stated that during the summer of 1994 Hunter Heath Trust built a crossover on the ocean side of Highway 210, across from Roger's Bay campground. Hunter Heath Trust and the Town of North Topsail Beach executed a document granting the town an easement for this property and crossover. She stated that she could not find where the board actually accepted the crossover for maintenance.

A motion was made by Alderman Bass and seconded by Alderman Stackleather to accept the Roger's Bay Crossover. Passed unanimously.

TOPSAIL ISLAND
SPRING FLING
COMMITTEE:

Town Manager Vause stated that a letter from Mr. Lionell Midgett, Chairperson of the Spring Fling Committee, had been received requesting the board allocate \$500 for the 1996 Spring Fling celebration.

Alderman Tuman stated that Surf City and Topsail Beach recoup money from Accommodations Tax and the Chamber deserves the donation and should be remembered next budget year.

No motion for action was made.

OCEAN SOUND
VILLAGE:

Town Manager Vause stated that the developers of the Ocean Sound Village Subdivision requested the town accept Oceanview Lane and Soundview Lane into the town street system. She stated that Mr. John Parker has certified that the streets are constructed according to town specifications and meet the requirements of the subdivision ordinance. She stated that Jeff Holland had inspected the walk and advised that it meets town specifications.

Mayor Pro-Tem McGinn asked Mr. Parker if he was not letting the public use the crosswalks and Mr. Parker stated that the public was allowed to use the crosswalks but was not allowed to park on private property.

Mayor Bostic stated that it was his personal opinion that property owners should put up the no-parking signs, not the police department.

A motion was made by Alderman Stackleather and seconded by Alderman Hillyer to accept Oceanview Lane and Soundview Lane into the town street system and the walkway. Passed unanimously.

JEFFERSON
SHORES
SUBDIVISION:

Town Manager Vause stated that it was unusual for the board to be requested to review a preliminary and final plat of a subdivision on the same night but it is being requested because the original preliminary plat had been revised from 12 lots to 6 lots and the revision provides for all lots to be straight street to ocean lots.

Ginny Hillyer stated that there was a need for an access at the southend of the St. Regis and if only one was to be constructed, it should be at the St. Regis. Mr. Parker stated that is where the access would be.

Mr. Parker stated that the property owner requested not to be required to put in the fire hydrant or build the walkway. He stated that the sewer taps have been reserved for this property and can not be reallocated elsewhere.

Mayor Pro-Tem McGinn asked how many lots there would be and Mr. Parker stated 6.

Susan Daughtry stated that there was a need for an easement in this area. She stated that the owners are giving two and the Planning Board recommended approval with the fire hydrant and easements.

Alderman Hillyer stated that the owners should give what they originally agreed to.

Ginny Hillyer asked if there was some way that railings could be installed and a ramp crossover.

Mr. Parker stated yes, natural sand or wooden walkway.

A motion was made by Alderman Stackleather and seconded by Alderman Hillyer to approve the revised preliminary plat with two 8' easements and a fire hydrant. Passed unanimously.

A motion was made by Alderman Stackleather and seconded by Alderman Tuman to approve the final plat with two 8' easements and a fire hydrant. Passed unanimously.

BEACH DRIVING
PERMITS:

Mayor Pro-Tem McGinn stated that he thought sport fishermen should be allowed back on the beach. He stated that he had talked with Surf City and Topsail Beach and they have had no problems. He stated that the money made off the permits

could be put into the dune fund. He stated that \$25 was a reasonable fee for property owners that live on the entire island. He stated that commercial fishermen could be charged more and that the program could be properly policed.

Alderman Stackleather stated that she was surprised that Topsail Beach allows fishermen and that she did not want to be contrary and not allow the fishermen on the beach.

Alderman Tuman stated that break-ins on the beach were reduced last year and that beach driving requires much closer watch by the police. She stated that trash on the beach was also a problem. She stated that the money brought in by the permits would not cover the damage done to the beach and that she would like to see it remain the way it is.

Alderman Bass stated a lot of fishermen have asked why we stopped the beach driving. He stated that he felt the town should allow the fishermen back on the beach. He stated that there aren't many people on the beach in the fall.

Alderman Hillyer stated that he would remind the board that it was a unanimous vote that stopped it before. He stated that it was easy for burglars, trash was a problem and that it was hard to enforce. He stated he was opposed to it because it hurts the beach, it is difficult to enforce and he wants to keep it like it is now.

Cora Neeland stated that she hoped the board would not allow vehicles on the beach, that she feels safer now.

Ginny Hillyer stated that in Mayor Pro-Tem McGinn's neighborhood, there are houses that are in spitting distance of the tide and that the beach has gotten more narrow. She stated that it would be a big mistake to allow driving on the beach again.

Ann Penta stated that she agreed with Ginny and Ms. Neeland. she stated that the town voted unanimously to not allow vehicles on the beach. she asked that the board not change the policy.

Bill Rogers stated that he did not want to see vehicles back on the beach. He stated that people who want to drive on the beach do not represent the majority of the residents.

Doris Naumann stated that there is not as much litter on the beach now. She stated that she too was opposed to vehicles on the beach.

Mayor Pro-Tem McGinn stated that fishermen are not allowed on the beach after dark and that Surf City and Topsail Beach have had no problems to speak of.

Alderman Hillyer stated that the point is damage to the beach and that it is not because they don't want anyone to have fun.

Alderman Bass stated you can't keep commercial fishermen off the beach. He stated that driving on the beach, if properly done, does not damage the beach.

Alderman Stackleather stated that this is an issue that comes up every year. She stated that it is discriminating to let commercial fishermen on the beach but not sport fishermen.

Alderman Tuman stated that the board was not saying that they can't fish, just that they can not drive on the beach. She stated that it was best for the town as a whole not to allow driving on the beach.

Cora Neeland asked if this issue had to come up every year. She asked why can't the board decide once and for all, and maybe survey the home owners on the beach about the issue.

Ann Penta stated that it was a shame that the Board of Aldermen want this because they have friends who want to drive on the beach. She stated that she felt the board did not care what the residents want.

Ginny Hillyer stated that when all the members were elected to public office they took an oath to function in the best interest of the town, not to hear a few voices.

Mr. Altbaum stated that the fishermen can use Onslow Beach to drive on asked why they had to have the whole beach.

Bill Rogers stated that he had fished since he was five years old and that at high tide, if there's no way out, the fishermen will go over the dunes.

Alderman Stackleather suggested that they ask the opinion of the Chief of Police. Interim Chief Matthews stated that north of Salty's Pier there is no beach at high tide. Oceanridge and the area near the Mainsail is the same. He stated that joyriding had also been a problem in the past.

Mayor Pro-Tem McGinn stated that there wouldn't be a problem for fishermen to enter at the inlet and go as far south as Paradise Pier.

MOSQUITO
CONTROL GRANT:

Town Manager Vause added this item. She stated that the board must adopt a resolution designating an official to sign the necessary papers and to otherwise represent the board in connection with Mosquito Control.

RESOLUTION BY THE NORTH TOPSAIL BEACH BOARD OF ALDERMEN
DESIGNATING OFFICIAL TO SIGN NECESSARY PAPERWORK AND TO
OTHERWISE REPRESENT THE BOARD IN CONNECTION WITH MOSQUITO
CONTROL

Upon motion of Alderman Stackleather, seconded by Alderman Bass, it is hereby ordered that Ann Vause - Town Manager as agent for the Town of North Topsail Beach is hereby authorized and empowered to sign and execute all papers and

documents necessary in connection with the request made to the Division of Environmental Health, North Carolina Department of Environment, Health and Natural Resources, for aid in the control of mosquitoes. She is further authorized and required to carry out all agreements stipulated in the project application submitted by us to the Division of Environmental Health, North Carolina Department of Environment, Health, and Natural Resources, and to perform other acts that are proper and necessary in connection with the operation of this project. Acts of said person in behalf of the Town of North Topsail Beach are in all respects validated, approved and confirmed.

DULY ADOPTED THE 6TH DAY OF JULY, 1995.

The undersigned Lynn Farrell, Clerk of the Board of Aldermen of the Town of North Topsail Beach hereby certifies that the foregoing is a true copy of the resolution of the Board of Aldermen at a meeting held on the 6th day of July, 1995.

MANAGER'S REPORT:

Listed below are activities for the month of June, 1995:

1. PERSONNEL:

Mr. Elvin Capestany resigned, effective June 27th, to accept a position with the Onslow County Sheriff's Department. Auxiliary officer John Porterfield has been employed to replace Mr. Capestany.

2. STREETS:

The N.C. Dept. of Transportation has placed rock on Bird Lane, 5th, 12th & 23rd Avenues. They plan to pave Reeves Street Extension within the next few weeks.

We have been advised their construction crews will be here during July to resurface River Road, the northern 300' of New River Inlet Road, correct the water ponding problem near Onslow County Access # 2 and construct the turn lane at Highway 210 & SR 1568. In addition, they have agreed to resurface Ocean Drive. We are not certain whether this will be done in their spring or fall resurfacing projects.

3. SPEED LIMITS:

A letter was sent to N.C. DOT requesting speed limits changes and authorization to use the apron of their road for construction of a bike path as requested by the Board of Aldermen at their June 5th meeting. A DOT official has responded that the speed limit issue is being reviewed and they will advise us if changes can be made. The official requested more information on the construction of a bike path. A meeting will be arranged with them to discuss this issue.

4. CONFERENCE FOR HURRICANE RECOVERY OPERATIONS:

We have been notified that a conference for hurricane recovery operations has been scheduled for public officials on July 11th at Beaufort County Community College,

Washington, North Carolina. Please advise whether or not you wish to attend this conference.

5. FRONT END LOADER:

The town requested, and is receiving, a front end loader from the Federal Surplus Program. The equipment retails for about \$125,000. However, the town cost will be \$15,000. We hope to use this equipment, until we can acquire a bulldozer, to help with the dune protection plan being drafted for the board's review. Arrangements are being made to transport this equipment from Raleigh to North Topsail Beach. We hope to have the equipment within the next 15 days.

6. MOSQUITO/PUBLIC WORKS FACILITY:

Construction has begun on the mosquito/public works facility. We hope to have the building on site by the 15th of July. Greg is in the process of preparing a mosquito spraying program. The spraying equipment has been received and chemicals have been ordered. He said he hopes to start spraying within the next 2-3 weeks. In the meantime, he is putting briquettes in the larva beds and spraying from a backpack.

7. EMERGENCY PREPAREDNESS PROGRAM:

The staff is actively working on a Emergency Preparedness Program for North Topsail Beach. Although we have the County Emergency Preparedness Coordinator we felt that a guideline needed to be developed for North Topsail Beach. The guideline will enable the staff to know who is responsible for what function. We hope to have our guideline finalized and ready for review by the Board of Aldermen in early September.

8. NEWSLETTER:

The next addition of our town newsletter is being prepared. We plan to send it out by the end of July.

ALDERMEN'S
REPORT:

Alderman Hillyer - No report at this time.

Alderman Tuman - Stated that her vacation was nice but it was good to be home.

Alderman Stackleather - Stated her vacation was great. She suggested a resolution to Congress to advise that the town was upset because the inlet would no longer be dredged.

Mayor Bostic - Stated that it had been discussed to urge property owners to contact their representatives about this issue in the upcoming newsletter.

Mayor Pro-Tem McGinn - No report at this time.

MAYOR'S
REPORT:

Stated that he had taken a little trip with Alderman Hillyer and Alderman Bass and had discussed the "no passing" areas, especially on the highrise bridge. He stated that the Chief of Police could come back to the board at a later date with

recommendations.

Mayor Bostic stated that a front-end loader had been purchased by the town for \$0 but the transportation costs would be \$15,000. He stated the equipment was 11 years old but had only 36 hours on the equipment. He stated the equipment would be an asset to the town and that if the town kept the equipment for 18 months, the town could double their money on the equipment.

OPEN FORUM/

CITIZENS REQUEST: Marie Harris - Stated she was a property owner in Ocean City and wanted to know if Green Street was a town street. She stated that when she purchased her property, Green Street went all the way to the sound.

Susan Daughtry - Stated that when the Village of Stump Sound was platted Green Street was closed off. Mr. Newsome caught this and they gave a 20' easement for Ocean City and Village of Stump Sound use. She stated that there had been a discussion between Mr. Yow and Mr. Newsome.

Mayor Bostic - Stated that this had been done by the original North Topsail Beach Board.

Marie Harris - Stated that she realized that this Board did not do this but that the Village of Stump Sound was getting ready to build a house where the street was, Lot #32.

Mayor Bostic - Stated that this issue should be referred to the Town Attorney for further information.

ADJOURNMENT:

A motion was made by Mayor Pro-Tem McGinn and seconded by Alderman Hillyer to adjourn the meeting at 10:55 p.m. Passed unanimously.

Lynn Farrell (AV)
Lynn Farrell - Town Clerk

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TOWN OF NORTH TOPSAIL BEACH
REGULAR BOARD MEETING
AUGUST 3, 1995

PRESENT: Mayor Marlow F. Bostic, Jr., Mayor Pro-Tem Sam McGinn, Aldermen Bill Bass, Sue Tuman, Margaret Stackleather, Peter Hillyer, Town Attorney Lynn Coleman, Town Manager Ann Vause and Town Clerk Lynn Farrell.

CALL TO ORDER: Mayor Bostic called the meeting to order at 7:05 p.m. and declared a full quorum present.

INVOCATION: Mayor Bostic asked that everyone bow their heads in a moment of silent prayer.

APPROVAL OF AGENDA: Alderman Tuman asked that items (d) Discussion and possible adoption of a resolution on inlet dredging and coast guard station and (e) Discussion regarding town ordinances on parking and trespassing be added to the agenda.

A motion was made by Alderman Hillyer and seconded by Alderman Stackleather to add the items above to the agenda. Passes unanimously.

APPROVAL OF MINUTES: After discussion, a typographical error was noted and a correction was made "Alderman Hillyer restated his motion to ask the Town Attorney to study the laws governing ETJ and report to the board what we can or cannot do to exercise that right."

A motion was made by Alderman Bass and seconded by Alderman Hillyer to approve the minutes of the July 6, 1995 Public Hearing/Regular Board Meeting with the corrections. Passed unanimously.

REQUEST TO ADDRESS THE BOARD:

Citizen Ann Penta:

My name is ann Penta. I am speaking to the North Topsail Beach Board tonight concerning your recent activity on the potential annexation of Sneads Ferry. I personally had strong feelings against our Town taking any such action.

This is the way I felt. I also believed that many if not most others who have a real interest in our Town felt this way also. In order to confirm that others shared my feelings, I chose to prepare a petition to be presented to this Board and set out to survey our community. I am here tonight to present the results of this petition and survey.

These are the results:

1. The petition that I prepared for which I was seeking people to sign said:

Petition Against Annexation

Several NTB officials have talked of annexing part or all of Sneads Ferry.

I do not support this land grabbing action. We should remain strictly an island community and let Sneads Ferry run its own community.

2. Of the 304 people who were contacted, 297 signed this petition. Of those that signed not one person thought the language was too strong and should have been more soft. In fact many, I repeat, many of those who signed had the same strong feelings opposed to annexation as I have. The people who signed can be identified as: residents, long-term renters and owners of NTB property - in short those who have an on-going and real interest in our community.

In conclusion, I respectfully submit to you these petition results. these results I believe say a great deal on this subject. If you doubt the integrity of any of these signatures, feel free to contact any of the individuals whose names appear on this petition.

Thank you.

See attached petition.

Alderman Bass - Asked where Ms. Penta got the idea that North Topsail Beach was going to annex all or part of Sneads Ferry. He stated that the area that had been discussed was the Turkey Creek area. Ms. Penta stated that other areas had been discussed. Alderman Bass stated that since he had started the issue, he would like to know where the idea came from regarding Sneads Ferry.

Linda Knowles - Stated that she felt that when she crossed the highrise bridge that she was in Sneads Ferry.

George Weitner - Stated that he thought this was a dead issue and Mayor Bostic stated that it was a dead issue.

Ginny Hillyer - Stated that she felt the same as Linda Knowles.

Mayor Pro-Tem McGinn - Stated that he felt that Rep. Grady did a dis-service to small municipalities such as North Topsail Beach because he did not consult the Board of Aldermen.

Alderman Tuman - stated the overwhleming majority of people in the the town were against annexation and Rep. Grady did what he thought best for the Town of North Topsail Beach and Sneads Ferry.

Alderman Hillyer - Stated that this issue can come back up in 1996. He stated that now that the board knew there was no support for annexing, this probably would not change in a year.

Alderman Stackleather - Stated that legislators were running the town's business and did not let the board get the information that they were seeking.

George Weitner - Stated that "popular support be damned." The Board of Aldermen can vote to annex without the people's support and that it was up to the board and that power should not be taken away from the Board of Aldermen.

Alderman Hillyer - Stated to Mr. Weitner that he did not understand Mr. Weitner's logic. Mr. Weitner asked if the Board needed the people's support to annex and Mayor Bostic replied no.

Alderman Tuman - stated that one would hope that when the people elect the board, they ask questions and are careful how they vote.

BEAUTIFICATION
COMMITTEE
REPORT:

No report was given.

Alderman Tuman - Stated that the August Yard of the Month Award had been presented to Oscar and Margaret Stackleather.

CROSSOVER
COMMITTEE
REPORT:

See attached report.

DABSTEC
REPORT:

See attached report.

Mayor Pro-Tem McGinn - Asked if the Board would award the bid for the crossover projects or would the Crossover Committee ward the bid. Mayor Bostic stated that the figures had been before the board but the contractor names had not.

Ginny Hillyer - stated that only one bid was even close to the money that the town had to work with. She stated that the grant proposal had been increased by \$1800.00 because bill Rogers had used figures from last year and had not included a price increase for the materials.

Alderman Tuman - Asked when the town could expect to hear from the grant Mrs. Hillyer stated by October 1, 1995. Mrs. Hillyer stated that the board had authorized Town Manager Vause to sign all necessary paperwork and that the town manager was apprised of everything.

Alderman Bass - Asked if the crossovers were for the handicapped. He stated that one would be but the other was 6 inches less wide and that if the contractor had under bid the job he would not be paid more.

Mayor Pro-Tem McGinn - Stated that he had made a motion that no state or federal money would be spent on any crossover that was not equipped for handicapped people. He stated that he would restate the above again. Alderman Hillyer stated that if that motion was in the record, he would like to see it.

Mayor Bostic asked that the town staff research the minutes for the motion.

Ginny Hillyer - Stated that both of the projects were handicapped projects.

Alderman Tuman - Stated that she did not remember the motion but that the board could always change their vote. She also stated that the town was not building anything other than handicapped.

A motion was made by Alderman Hillyer and seconded by Alderman Tuman to write a letter of intent to Harry Smith of the Keystone Company, the contractor with the lowest bid. Passed unanimously.

Alderman Bass - Asked the board where the 25% from the town would come from. Town Manager Vause stated that the board had the option of using the Undesignated Fund Balance or the Dune Preservation Fund. Alderman Bass stated that a motion had been made in the past that no funds for crossovers would be taken out of the Dune Preservation Fund. Mayor Bostic stated that this would be discussed at a later date.

Otis Sizemore - Stated that the Planning Board sticks the developers feet to the fire and makes them build crossovers and does not accept money in lieu of crossovers.

AUXILLIARY
OFFICER:

Mayor bostic introduced the town's newest Reserve Officer, Mario Rosario and welcomed him aboard.

CLOSED
SESSION:

Town Manager Vause asked that the Closed Session be moved to the end of the agenda.

ZONING
ORDINANCE
AMENDMENT -
"SIGNS":

Jeff Holland, Building Inspector, stated that at a public hearing held July 6, 1995, citizen input was received on the proposed amendment. He stated that the wording "Signs are to be removed within 2 days of being sold, leased or rented" have been added to the last sentence of Sub-Section 1 of Section 15.7.

Mayor Pro-Tem McGinn - Asked if there were fees for signs and Mr. Holland stated there was no fee for small step-on signs. He stated that signs 10 sq. ft. have to have a permit and there is a charge for the permit.

A motion was made by Alderman Tuman and seconded by Mayor Pro-Tem McGinn to adopt the amendment to the Zoning Ordinance concerning signs with the changes and subject to review by the town attorney. Passed unanimously.

AN ORDINANCE AMENDING SECTION 2.91, SECTION 15.4, SECTION 15.6 & SECTION 15.7 OF THE NORTH TOPSAIL BEACH ZONING ORDINANCE

SECTION 1: The North Topsail beach Zoning Ordinance Section 2 Definitions is hereby amended by adding the following at the end of the sentence to Sub-Section 2.91 "Sign":

"Including licensed or unlicensed vehicles or trailers".

SECTION 2: The North Topsail Beach Zoning Ordinance Section 15 Signs is hereby amended as follows:

Change Paragraph 2 Section 15.2 to read as follows: "Zoning approval is required for the erection of all signs. The Zoning Enforcement Officer or their designated agent shall have the authority to order the removal or modification of any new sign which does not meet these requirements according to the following procedures:"

Change Sub-Section A of Section 15.2 to read as follows: "A. the owner of the sign, the occupant of the premises on which the sign or structure is located, or the person or firm maintaining the same shall upon written notification by certified or registered mail from the zoning enforcement officer or their designated agent, within ten (10) days of receipt, remove or modify the sign or structure, in a manner approved by the zoning enforcement officer or designated agent."

Change Sub-Section B of Section 15.2 to read as follows: "B. If such order has not been complied with within ten (10) days, the zoning enforcement officer or designated agent shall remove the sign at a cost of fifty (\$50) dollars to the owner or lessor of the sign. The Town will hold such sign for not more than thirty (30) days.

Delete Sub-Section C of Section 15.2 - Under "General Requirements".

Delete Sub-Section 15.4D - Under "Signs Permitted in Residential Districts".

Delete Sub-Section 15.6 - "Shopping Center Signs".

Change Sub-Section 1 of Section 15.7 Temporary Signs, Paragraph A to read as follows: "2. In all other districts such signs shall be limited to one (1) square foot of area for each five (5) feet of lineal feet of advertised property which abuts a public street: provided, however, no such sign shall exceed sixty (60) square feet.

Change Sub-Section 1 of Section 15.7 Temporary Signs, Paragraph B to read as follows: "1. In all residential districts, ten (10) square feet

for a single lot. In cases of 3 or more contiguous lots a maximum of 32 square feet."

Change Sub-Section 2 of Section 15.7 Temporary Signs, Paragraph B to read as follows: "2. In all other districts, sixty (60) square feet or one (1) square foot of sign area for each five (5) lineal feet of property abutting a public street, whichever is greater. In no instance, however, shall any such sign exceed one hundred (100) square feet in area."

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

SECTION 4: This ordinance amendment shall be effective immediately upon adoption.

DULY ADOPTED THE 3RD DAY OF AUGUST, 1995.

Otis Sizemore - Stated that small job signs are left after jobs are completed and that it is free advertising. Mr. Holland stated that these would be taken care of.

SPEED LIMIT
CHANGES:

Town Manager Vause explained that she had had a meeting with the Department of Transportation and Interim Chief Matthews to discuss speed limit changes recommended by the Board of Aldermen and the possibility of using the apron of the state roads for bike/jogger paths. She stated that DOT had recommended:

- a. Section of SR 1568 from NC 210 to Shipwatch Villas be increased from 35 MPH to 45 MPH;
- b. they agree that SR 1568 from Shipwatch Villas north to the intersection of Marine Drive - New River Inlet Road be posted as 35 MPH;
- c. Do not recommend the speed limit on New River Inlet Road (from Topsail Reef Condominiums) to end of River Road be reduced from 35 MPH to 25 MPH;
- d. Speed limit on NC 210 from Rogers Bay Campground to high rise bridge is consistent with DOT policy of posting a rural type road in a municipality at a safe and reasonable limit and they do not recommend it be reduced from 55 MPH to 45 MPH;
- e. Topsail Road is residential in nature and is already posted as 35 MPH not 45 MPH and they do not recommend it be reduced to 20 MPH;
- f. Since Ocean Drive is now a town street and not a DOT street they do not set the speed limit.

Town Manager Vause stated that Mr. Craig of DOT provided the town with information and guidelines for applying for a grant for a bike/jogger path under the DOT Bicycle TIP Process. Mr. Craig stated that the path is usually 4 foot in width and the cost is approximately \$10,000 per mile and the maximum amount DOT would provide under a grant was \$300,000. Town Manager Vause explained that

staff would apply for the grant in December and if unsuccessful, would review the amount of Powell Bill funds remaining and prepare a presentation for the board to review.

Linda Knowles - Asked if the town could get double yellow lines to prohibit passing on NC 210 and Town Manager Vause explained that two years ago the town had tried to get double yellow lines near the town hall on NC 210 but DOT would not provide them.

Alderman Hillyer - Stated that double yellow lines were needed on the highrise bridge.

Mayor Bostic - Stated that the board should adopt a resolution at the next meeting.

Alderman Tuman - Stated that SR 1568 (the 45 MPH area) should be the first place to review for a bike/jogger path.

Town Manger Vause - Stated that several options would be prepared for the board's review.

A motion was made by Mayor Pro-Tem McGinn and seconded by Alderman Tuman to accept DOT's recommendations on speed limits. Passed unanimously.

Doris Naumann - Asked the board if anything was going to be done about "no parking" on the ocean side of Topsail Road.

Mayor Bostic - Stated that DABSTEC could give recommendations on areas, especially Topsail Road, at the next meeting.

Dan Tuman - Stated that there was talk a couple of years ago about no parking ordinances. He stated that he thought the town took a strict view of no parking on private property.

ANNUAL CERTIFICATION OF FIREMEN:

Town Manager Vause explained that the Annual Certification of Firemen Report requires certification by the governing body. She requested that the Mayor be authorized to sign this report.

A motion was made by Alderman Tuman and seconded by Alderman Hillyer to authorize Mayor Bostic to sign the Annual Certification of Firemen Report. Passed unanimously.

FIRE TRUCK BIDS:

Town Manager Vause explained that per the board's request, bids were solicited for a commercial four door pumper fire truck and related equipment. She stated that on July 19, 1995 the following bids were received 1) Smeal Fire Apparatus \$155,371.95 (truck) \$32,839.46 (equipment); 2) Pierce Manufacturing \$161,635.00 (truck) \$36,378.50 (equipment); 3) J.L. Slagle \$169,202.00

(truck) \$32,480.52 (equipment); 4) Action Fire & Safety - no bid on truck, \$32,516.20 (equipment).

Town Manager Vause explained that she had met with Ray Hemby of First Citizens Bank and Fire Chief Thomas Best to discuss financing of the truck and related equipment. The bid advises that the truck will not be ready for delivery for 300 days from the date of order so the question is does the board desire to apply for and activate a loan now or wait until 2 or 3 months before delivery to apply for the loan. After discussion it was decided that the following options were available to the town: 1) Request a loan for the full amount now and begin payments now or in July, 1996. If the loan is activated now the town would be paying for a truck and equipment they have not received. 2) Request a pre-approved loan and activate it within 60 days of truck delivery date. This option appears to be the most desirable. The town can either award the bid for equipment, appropriate money from the unappropriated fund balance for payment and replace the funds once the loan has been activated or delete the equipment bid from the award and solicit bids prior to the arrival of the truck.

Town Manager Vause recommended the following:

1. Award the contract for the fire truck and related equipment to Smeal Fire Apparatus with a bid of \$188,211.41.
2. Apply for a pre-approved loan to be activated 60 days prior to truck delivery with the first payment becoming due in July, 1996 (Fiscal Year 1996-97 budget). Therefore the town would only be paying 2 months interest on the initial loan payment,
3. Appropriate funds from the un-designated fund balance for the equipment (\$32,839.46) and when the loan is activated transfer the equipment cost back to the un-designated fund balance.

Mayor Pro-Tem McGinn - Asked if there was a warranty bid included on the lowest bid and Fire Chief Best stated yeas, 12 months, 2 years on the chassis and transmission and 5 years on the body. Mayor Pro-Tem McGinn stated that a lot of towns required a 10 year warranty on this type of equipment.

Alderman Hillyer - Asked how long can you get warranties for and Mayor Pro-Tem McGinn stated 5 to 10 years.

Mayor Bostic - Stated that you have to pay for these warranties and asked Fire Chief Best if the warranties included were close to what the town got on the other truck and Fire Chief Best stated yes.

Alderman Bass - Stated that when the board first discussed the fire truck they agreed to wait on the truck until after they decided how the town hall would be paid for.

Mayor Pro-Tem McGinn - Stated that he remembered what Alderman Bass was talking about. He stated that he felt the board should hold off until they find out how much the town hall will cost.

Fire Chief Best - Stated that the Smeal bid was good for only 60 days and the other two bids were good for 45 days.

Melvin Altbaum - Stated that the town should get at least a 5 year warranty and talk to several different banks about financing to get the best interest rate.

Mayor Pro-Tem McGinn - Stated that Town Manager Vause had done a good job talking to the bank and that he would like to compliment Fire Chief Best for getting all the information together.

Mayor Bostic - Asked the board if they wanted to bring this issue back to the board next month and the board agreed to bring the issue back next month and directed Fire Chief Best to get warranty information and an extension of the bid prices to 90 days.

INLET DREDGING &
COAST GUARD
RESOLUTION:

Alderman Tuman presented a Resolution on Inlet Dredging and Coast Guard Station to the board for consideration.

RESOLUTION ON INLET DREDGING AND COAST GUARD STATION

WHEREAS, coastal areas rely heavily on commercial and recreational boating and fishing for their local economy; and

WHEREAS, the Coast Guard Station at Emerald Isle protects the interests of commercial and recreational boaters and fishermen alike, and

WHEREAS, the local municipalities depend on tourists from all over the United States to visit their area for recreational opportunities and without the maintenance and dredging of the New River Inlet, North Carolina and its interconnecting channel to the Intracoastal Waterway tourism and local economy would drop drastically, and

WHEREAS, without maintaining this inlet and channel boaters would have a serious safety concern which may impact the workload and responsibility of the Coast Guard; and

WHEREAS, if New River Inlet and the interconnecting channel are not maintained adequately, this could cause drastic economic impacts to the merchants and businesses in the Town of North Topsail Beach and the Sneads Ferry Community; and

WHEREAS, the failure to maintain an active Coast

Guard Station in Emerald Isle could jeopardize the safety and well being of boaters and fishermen who may find themselves in need of assistance.

NOW, THEREFORE, BE IT RESOLVED, that the North Topsail Beach Board of Aldermen does hereby oppose any reduction in maintenance and dredging activity for New River Inlet, North Carolina and its interconnecting Intracoastal Waterway channel and call on both the state and federal governments to support and continue such efforts by the U.S. Corps of Engineers or other agencies assigned to such tasks; and

BE IT FURTHER RESOLVED, that the North Topsail Beach Board of Aldermen does support the continued funding and existence of the Coast Guard Station at Emerald Isle for the protection of lives and property which may be at risk.

DULY ADOPTED THE 3RD DAY OF AUGUST, 1995.

A motion was made by Mayor Pro-Tem McGinn and seconded by Alderman Stackleather to adopt the Resolution On Inlet Dredging & Coast Guard Station. Passed unanimously.

PARKING AND
TRESPASSIN
ORDINANCE:

Alderman Tuman - Stated that after seeing several articles in the paper it was not clear where the town stands on parking.

Alderman Hillyer - Stated that he had read several articles and he did not understand what was happening.

Town Manager Vause - Stated that private property owners had contacted the town hall about problems with people parking on private property (vacant subdivision lots) and that she had no parking signs posted without bringing it before the board.

Alderman Tuman - Stated that it was the fault of the board that things had been done inconsistently in the past and that the policy should be clear and consistent. she stated that the board needed a workshop on the issue.

Dan Tuman - Stated that Attorney Dotson had written a No Parking Ordinance and that the Board had adopted the ordinance in the past.

Mayor Bostic - Scheduled a Special Meeting on September 7, 1995 at 1:00 p.m. at the south end fire station to discuss "No parking" ordinance and "no Parking areas and trespassing" and asked that Interim Chief Matthews and Attorney Coleman attend the meeting.

Listed below are some activities from the month of July, 1995:

1. REQUEST TO USE WATER WAGON:
Ron Perozzi, on behalf of Sneads Ferry Cub Scout Pack and Boy Scout Troop #739 is requesting permission to use the North Topsail Beach water wagon at the Shrimp Festival. The scouts will arrange for pick-up, clean-up and return of the water wagon. Further they guarantee the condition of all the equipment. Please advise if you have an objection to the scouts using this piece of equipment.
2. NCLM CONVENTION:
The town has received information concerning the North Carolina League of Municipalities Convention to be held in Durham October 15th-17th. Attached for your review is a copy of the information. Please advise me by September 1st whether or not you plan to attend this meeting.
3. CITIZENS QUESTION ON GREEN STREET ACCESS:
At your July meeting Mrs. Marie Harris questioned how a portion of Green Street with a public access, which she believed to be a public street, could be closed without notification to the property owners. In researching the minutes and conferring with the town attorney, we can find no evidence the portion of Green Street in question was a town street prior to the development of the Village of Stump Sound Subdivision. Therefore, the issue needs to be resolved between the Village of Stump Sound Homeowners Association and the Ocean City Homeowners Association. A letter will be sent to Mrs. Harris advising her of our findings.
4. DEPARTMENT OF TRANSPORTATION:
The NC Department of Transportation has removed trees at the intersection of Highway 210 and SR 1568 in preparation of the turn lane development.
5. HURRICANE AWARENESS MEETING:
A Hurricane Awareness Meeting was held July 18th at the south end fire station. Individuals from Emergency Management, Weather Service and Red Cross provided a very good presentation. Citizens need to be more aware of preparing for a storm or other disaster. Mr. Ed Goode, Red Cross Coordinator, will be providing the town with copies of a book entitled "Preparing Your Home For A Hurricane" for distribution to citizens. The books will be available at the town hall the 3rd week of August 1995. Remember August 20th -

26th is "HURRICANE AWARENESS WEEK". The staff Emergency Preparedness Committee report is being finalized. We plan to present this to the board for their consideration in September.

6. TOWN HALL:

The architect and engineer are preparing the final plans on the town hall for the Department of Insurance and Inspections Department review. They should be completed by the middle of August.

7. PUBLIC WORKS/MOSQUITO CONTROL BUILDING:

Great progress has been made on the public works/mosquito control building. It should be completed by the middle of August.

8. SUMMER NEWSLETTER:

Final editing of the summer newsletter should be completed by the end of next week. We are coordinating with a volunteer committee to stamp, sort and mail the newsletter. We hope to mail the newsletter by August 15th.

Alderman Tuman - Stated that they were setting a precedent in lending equipment outside of town. Alderman Hillyer said it was no precedent, they could refuse anyone, and he felt the town should loan the water wagon to the boy scouts.

A motion was made by Mayor Pro-Tem McGinn and seconded by Alderman Stackleather to allow Ron Perozzi and the Boy Scouts to use the water wagon during the Shrimp Festival for handwashing. Passed unanimously.

Alderman Bass - stated that he was not for spending tax dollars for golf tournaments during conventions.

Alderman Tuman - Stated that the conventions were very useful and provided much information. She stated that because some people abused these outings there was still merit to the events. She stated that the town manager definitely should go and also someone else on the board.

Mayor Pro-Tem McGinn - stated that he felt the town manager should go and that she should not have to eat at McDonald's.

Alderman Hillyer - Stated that it was misguided to condemn a conference because they provide sports events, etc. He stated that he felt the town manager should go.

A motion was made by Alderman Stackleather and seconded by Mayor Pro-Tem McGinn that the town manager and one other person should go to the North Carolina League of Municipalities Convention with the town paying full funds. Passed unanimously.

ATTORNEY'S REPORT:

Attorney Coleman stated that she was going to the Municipal Attorney's Convention in Atlantic Beach.

ALDERMAN'S REPORTS:

Mayor Pro-Tem McGinn - Stated that he would like to thank town employees for their work in this 100 degree weather and that Gerald and Greg should be commended for their work on the beach and spraying for mosquitos and also fire and police employees.

Alderman Stackleather - Stated that the Public Works trucks need air conditioning, especially the mosquito truck. She stated that she felt bord members should go to the NC Convention and that there should be a policy for volunteers to attend workshops.

Alderman Tuman - Asked that there be a workshop in October regarding the Manager's evaluation. She stated that the tentative date for the Onslow County Steering Committee presentation was September 14, 1995 at Coastal Carolin's Fine Arts Auditorium.

Alderman Bass - Stated that he would like to thank Gerald and Greg for the work that they had done.

Alderman Hillyer - stated he had no report at this time.

MAYOR'S REPORT:

Mayor Bostic - Stated that he wanted to compliment Gerald and Greg and Thomas and Bill and their water rescue efforts. He stated that the County had opened bids for extension of water lines coming across to Galleon Bay.

OPEN FORUM/
CITIZENS REQUEST:

Otis Sizemore - Stated that now is the time to begin thinking about paramedic services on Topsail Island. He stated that the board should start thinking about consolidation of services on the island especially paramedics and that it will require the cooperation of all municipalities on the island.

Linda Knowles - Stated that it was an old issue, but she was ashamed of the roadways in town and asked if the town could make better arrangements with DOT to mow more often. She stated that over the years, she would hate to have to pay for the work done by volunteers in the town and that the board should always allow volunteers to attend workshops.

Bill Stein - Stated that paramedics were needed in the summer on the beach because so many tourists had cardiac problems.

Otis Sizemore - Stated that people were throwing trash out of their cars at the beach accesses.

Melvin Altbaum - Stated that a child got hurt at the St. Regis and that rescue repsonded but no ambulance.

Bill Poe - Stated that in that case, resuce cancelled the ambulance because the parents refused treatment. He also stated that the fire personnel were first responders now. He stated that they were constantly reviewing programs and implementing new ideas.

Alderman Tuman - Stated that maybe the town should send a letter of thanks to the EMS unit in Sneads Ferry. Bill Poe stated that the letter should go to George Nettle - head of the Emergency Management Services.

CLOSED SESSION:

A motion was made by Mayor Pro-Tem McGinn and seconded by Alderman Hillyer to go into Closed Session to discuss real property acquisition. Passed unanimously.

REGULAR SESSION:

A motion was made by Alderman Stackleather and seconded by Alderman Hillyer to go out of Closed Session and into Regular Session. Passed unanimously.

Mayor Bostic - Stated that the board had authorized the Town Manager to continue her investigation into real property acquisition.

ADJOURNMENT:

A motion was made by Mayor Pro-Tem McGinn and seconded by Alderman Bass to adjourn the meeting at 10:02 p.m. Passed unanimously.

Lynn Farrell (A)

Lynn Farrell, Town Clerk

Board of Aldermen
Special Meeting/Workshop
September 7, 1995

PRESENT: Marlow F. Bostic, Jr., Mayor Pro-Tem Sam McGinn, Alderman Bill Bass, Margaret Stackleather, Susan B. Tuman, Town Manager Ann Vause and Deputy Town Clerk Susan Daughtry.

QUORUM: Mayor Bostic called the meeting to order at 1:10 p.m. and declared a quorum present.

NO PARKING
AREAS:

Town Manager Vause explained that an individual has requested "No Parking" signs be placed along Topsail Road. She advised Topsail Road was a state road and reviewed previous board minutes where no parking on Topsail Road and other areas was discussed. However, there is no indication the state was requested to place no parking signs on Topsail Road.

Report by Doris Naumann presented the following "No Parking" from DABSTEC as requested by the board:

1. Ocean Drive from South of Chestnut Street
2. Topsail Road from 18th Avenue North
3. Area around Mainsail Restaurant
4. Jenkins Way
5. Intersection of Highway 210 and 1568. Pictures that show illegal parking and areas people are crossing.

Alderman Stackleather discussed with board members the importance of dune education. Alderman Tuman discussed Section 10.5 "without the consent of the property owner, whose property is being traverse." A discussion was held on dunes and pathways being created all along the area across from Roger's Bay.

A discussion was held on Mr. Fredeen's property across from Roger's Bay. Mayor Bostic directed Chief Matthews to contact Mr. Fredeen and ask permission to enforce "No Parking" on his property.

Alderman Tuman questioned Attorney Coleman on ways to create ordinances that would be enforceable to keep people from walking across the dunes.

Mayor Bostic asked Ms. Penta if sand fence placement had shown any deterrent effect. She stated that the areas where the sand fence was used had helped somewhat. She also explained that people are constantly climbing over the fence and destroying it.

A discussion was held concerning the Jeffrey's tract. Mr. Jeffrey does not want any enforcement action on his property. He indicated that if any action was taken on the property he would barricade the area now used by the town for emergency vehicle access.

Ms. Penta stated to the board that when tickets were being written for parking on private property, she did not have a problem with people parking in the area of Jenkins Way, where she lives, as she does now when tickets are not being written.

The board held a general discussion on dune education.

Ms. Doris Naumann:

The people who are willing to obey the law are listening. There are people now who do not want to damage the beach and have been educated. Those people have listened. We need laws that are enforceable and we do not need to tie the hands of the police department. We need to stand behind the enforcement of the ordinances.

Mayor Bostic:

We need to keep people funneled into areas where there are crossovers. Need to enforce dune crossing. Town must decide whether it will enforce no parking on private property, if requested or agreed to by the private property owners.

Attorney Coleman stated that an ordinance could be written to disallow parking in areas that are not designated for parking and still allow for those who have permission from the property owner to park on their property.

Mayor Bostic asked the board if they wished to direct the Police Chief to contact property owners, enforce, and post properties to prohibit parking on such properties? Also, does the town want to pay for signs to be posted or have the property owner pay or have the owner reimburse the town for the signs?

We can direct the Police Chief to work with the dune committee to determine problem areas. Chief Matthews stated that signs were put up, they were enforcing the "No Parking" and "No Walking on the Dunes". Then they were told to stop and remove the signs.

Mayor Bostic discussed a previous meeting with DOT regarding the speed limits. We need to approach them again about Topsail Road. We can request sign be placed along the ocean side. Alderman Stackleather made a motion to direct the Town Manager to contact DOT about signs along Topsail Road and Jenkins Way. Chief Matthews questioned about putting the signs back along 1568. It is cheaper in the long run to regulate with signs. He also questioned who would pay for the signs. In the short period of time the signs were up, we brought in enough money to pay for the signs.

Board Members did not indicate any problem with the enforcement of "No Parking" in areas where permission was granted to enforce.

Alderman Bass and Mayor Pro-Tem McGinn did not want to put signs on private property. Alderman Tuman stated that she had no problem with signs on private property.

The Chief and Town Manager were directed to contact Mr. Fredeen about placing signs and enforcing no parking on his property, to work on the repairs to the sand fence along the Jeffrey's tract, place signs along the fence and use pilings on the adjacent property to restrict that property from being entered. Contact John Parker for any permissions needed along any property he manages. Use new backhoe to cut ditch to keep people out where necessary. Work with property owners, using their help to block the properties.

Alderman Bass stated that the signs should be along the road, not on private property. He agreed to cutting ditches to keep them off old road. He said we do not need signs on old 1568.

Ann Penta stated that she would be willing to pay for the sand fence if the town wants to put up more fence along Jenkins Way.

Aldermen Tuman and Stackleather were in favor of paying for the signs. Mayor Bostic stated he would rather pay for the signs, than have someone get a ticket because they did not know they could not park there.

Chief Matthews requested comments on motorhomes being parked on the road in front of homes. Signs would make property owners move these units. The Board agreed that they should not be allowed to park them along these areas.

Town Manager Vause requested a clarification of instructions regarding placement of signs off of the right of way, purchasing and installation. Is the Town to purchase and install signs and sand fence?

The Board directed the Manager and Chief to work on the Fredeen Property, the Jeffreys property and Jenkins Way. Other problems areas should be addressed on an individual basis.

Alderman Tuman requested the attorney look into Section 10.5 for purposes of reference.

ADJOURNMENT:

A motion was made by Alderman Stackleather and seconded by Alderman Bass to adjourn at 2:33 p.m. Passed unanimously.


Susan R. Daughtry - Deputy Town Clerk

REGULAR BOARD MEETING
SEPTEMBER 7, 1995

PRESENT: Mayor Marty Bostic, Mayor Pro-Tem Sam McGinn, Aldermen Susan Tuman, Bill Bass, and Margaret Stackleather, Town Manager Ann Vause and Deputy Town Clerk Susan Daughtry.

QUORUM: Mayor Bostic called the meeting to order at 7:12 p.m. and declared a quorum present.

INVOCATION: Mayor Bostic requested a moment of silence.

APPROVAL OF AGENDA: Mayor Pro-Tem McGinn requested an addition be made as B. under Old Business to allow sports fishermen permits for driving on the beach during daylight hours only starting October 1st. A motion was made by Alderman Stackleather and seconded by Mayor Pro-Tem McGinn to approve the agenda with the addition as requested. Passed Unanimously.

APPROVAL OF MINUTES: Alderman Tuman stated that the minutes of August 3, 1995 had an incorrect statement on the 2nd to last page. Alderman Tuman said the statement on the NCLM Convention was made by Alderman Stackleather not her. A motion was made by Alderman Tuman and seconded by Alderman Bass to approve the minutes of the Regular Board Meeting held August 3, 1995, with the stated correction. Passed unanimously.

Mayor Pro-Tem McGinn stated that he would like to make a motion that crosswalks be built by the Town, using town funds, unless they were handicapped crosswalks. Alderman Tuman stated that she did not feel that policy matters should be discussed and decisions made when one of the alderman was absent. Mayor Bostic stated that this matter can be added to a later agenda for discussion.

BEAUTIFICATION
COMMITTEE
REPORT:

Committee Chairman Mrs. Pat Dempsey gave the following report:

Since the resurgence of the Topsail Island Garden Club, the "Yard Beautification Awards" will be presented by the Garden Club rather than our town, as of this month.

The Club's President, Gwen Ward, informed me the Garden Club will present three awards each month, one each to the Towns of Topsail Beach, Surf City and North Topsail Beach.

Rather than duplicate services, our Beautification Committee feels it is appropriate that this special award be given to each worthy recipient by the Garden Club rather than the Town.

Also, Mr. Zandy, Engineer for the Department of Transportation informed me on August 25, 1995 that upon completion of the new turn lane at the corner of Highway 210 and Secondary Road 1568, special emphasis will be given to the landscape plantings in and around that specific area. All trees and bushes that had to be relocated and those that have died will be replaced. The gardens will be redone with appropriate plantings this fall.

This committee strongly recommends our town initiate a scheduled watering program to maintain all our landscape projects.

DABSTEC:

Education Committee Chairman Mrs. Doris Naumann gave the following report:

The program held on Wednesday, August 23 marked the end of the second year of our summer series of educational programs. We had an update on the Topsail Turtle Project that evening, and those in attendance were invited by Jean Beasley to participate in a nest analysis on the beach at Dolan and Sue Winslow's house. We are pleased to report that 927 residents and visitors attended this year's series of programs. Many were repeats from last year and many people sought me out after the programs and urged us to continue them next year. The cost to the town was negligible. We paid only \$172.00 to the Aquarium at Pine Knoll Shores for two visits from Jeff McDade, who was worth every penny and more. Everyone else who participated was delighted to appear free of charge. The cost of the flyers used to publicize the events was donated.

Our publicity was outstanding. Mary Yates at the Advertiser was extremely cooperative, as was the Topsail Voice. Radio Station 103.9's Elizabeth Northcott, let me call in my one-minute announcements and ran them until my friends were tired of hearing my voice. We are most grateful to them. I would like to thank Ann Penta who attended every program, setting up and taking down chairs, distributing literature, and most of all, lending her support and encouragement. Thanks also to my husband for his assistance and to Mary Lou Hoffman (who is not even a resident of North Topsail Beach) for all her assistance and willingness to step in when needed. Many thanks to two members of the Town staff, Greg from the Maintenance Department, and Assistant Fire Chief Bill Poe, who could be counted on when we needed them.

I think it is time for the Board to think about next year. I'm sorry to say that very few board members have attended any of these programs, but we have here a unique and valuable tool for informing the public about our island, and I truly believe an informed public will take better care of our resources. Surely we want to encourage the kind of people who enjoyed these programs to return to the Island. DABSTEC, therefore, recommends to the Board that an attempt be made to have the three towns on the Island jointly sponsor these summer programs and to hire a part-time person from May through August to plan and supervise. The programs could be included in area and state tourism brochures and would attract the "eco-tourist," the kind of people we have been seeing at the programs this year.

DABSTEC began this series last year with the goal of providing a way that people could learn about the ecology and fragility of an island environment such as ours. We believe we have achieved that goal, and we have proved that people are interested in learning and will attend educational programs if they are fun as well as educational.

Alderman Tuman commented on DABSTEC's recommendation of hiring a part-time person. Maybe the Town should attempt to get in touch with other towns and see if they are interested in working with us, or we could work on the project on our own. We could contact Coastal Carolina or UNC Wilmington. They might have a student with an independent project who would be willing to work on setting up these kinds of programs. We may be able to work with one of these schools in order to arrange some

way credit may be given for this type of service. How does the board feel about the town manager looking into this type of agreement? Alderman Stackleather stated that the board should start looking into this now in order to have the necessary arrangements finished by next year. Alderman Tuman volunteered to help the Town Manager work out the details. If all three (3) town's could work together it would be great, but if not we could still continue with our program.

EMPLOYEE
RECOGNITION:

Mayor Bostic announced that this was a very special occasion. He announced that there are four (4) employees with the town, who have now been employed for five (5) years. The following employees were recognized: Acting Police Chief Gunnar Matthews, Fire Marshal Thomas Best, Zoning/CAMA Administrator Susan Daughtry and Town Manager Ann Vause. The board thanked each employee for their service with the Town. Each employee was presented with a gift and a Five (5) Year North Topsail Beach Service Pin.

FIRE TRUCK
BIDS:

Alderman Stackleather discussed another truck she had seen. She said maybe the board should look into other trucks and investigate more thoroughly before any decision is made.

Alderman Tuman explained that the town went out for bids and bidders accepted and extended those bids. Those bidders will not wait forever and maintain the same cost. The Fire Marshal and his assistant looked into these trucks and have determined what our needs are. We need the equipment to help keep our low fire rating, which is very important to everyone. We do not need to jeopardize our rating. We could look forever and never find one that we think is inexpensive enough.

Roy Farley stated that he worked for Ford and would be happy to assist in getting prices on their vehicles. .

Alderman Bass stated somehow we have jumped the gun. When this was first mentioned we were going to take care of the town hall project and then discuss fire trucks. Then the fire truck issue jumped ahead of the town hall project. We still have town hall to get started and should keep going as we originally planned. We must consider the price of town hall before we get into anymore expenses. We do not want to get the bank account too low, because we may have problems later.

Mayor Pro-Tem McGinn said we need good equipment, but right now we are going to work on town hall. We are spending too much money on the offices and land where we are now. The cost of the fire truck is too much money to consider right now, at least until we see bids on town hall.

A general discussion was held on the fire truck bids received in July. At that time the board had decided to hold until October. The reasons for holding until October seemed to have been because the board had thought that bids would have been received on the Town Hall and a cost would have been established. However, at this time bids cannot be requested until an approval of the plans has been received from the Ocean Sound Village Corporation.

Mayor Bostic and Alderman Tuman discussed the time that has gone by and nothing has been done about this purchase. Alderman Tuman stated that it sounds like we really need the vehicle. By not having this truck we

are not able to meet our rating requirement on our own. Without mutual aide we could not meet the requirements. If we had our own truck, we would not have to depend on another area's vehicle.

Mayor Bostic stated that it was the consensus of the board to delay a decision on the fire truck until the bids on town hall are received and reviewed in order to have a better understanding of the Town's financial status.

BEACH
DRIVING
PERMITS:

Mayor Pro-Tem McGinn stated that he added this item to the agenda in order to discuss sports fishermen being allowed to drive on the beach. This has been discussed before and he stated that he saw no way any damage could be caused to the beach if the proper restrictions were imposed. We should draw up a set of rules that will work and allow driving during daylight hours only. The beach is for all people. Surf City and Topsail Beach allow beach driving and they have had no problems.

Roy Farley:

He explained that he lives at the north end. When I first moved here I fished all the time and was able to get on the beach. I have never seen a fishermen cause problems. It is usually the sunbathers. I am getting older and when I want to go fishing, I have to carry all my stuff and it takes several trips to get out on the beach. I should not have to do that when I have a 4-wheel drive vehicle.

Cecil L. Stevens, Jr (letter read by Roy Farley):

I am writing in response to the continued closure of the beach to vehicular traffic during the winter off season. I am quite aware of the need to keep the beach clear of any other than official traffic during the summer season and fully agree there should be no traffic during the Turtle Nesting Season. However, having lived here for the past 7 years and having enjoyed the beach to the fullest I find, when my ability to enjoy it has been restricted due to physical problems, I was REALLY dismayed to hear, a year and a half ago that even tho I purchase a servicable, 108,000 mile Subrau to help do some fishing and patrol the beach for winter shells that my enjoyment might be seen to be JOY RIDING to some sensitive folks. I'M Sorry, do I have to wear my Disabled marker around my neck. What is the problem with Adult, Responsible person using as much of our resources as we can when it damages nothing and no one? I therefore request that you reconsider the closure or the beach during the SLOW season. (typed verbatim as requested when presented)

Oscar Stackleather:

I do not see anything wrong with fishermen being allowed to drive on the beach and I think the board should reconsider.

Blair Gardener, President of the Topsail Island Fishing Club:

I heard the news that North Topsail Beach was going to close the beach to fishermen. It has already been closed because you cannot drive on it. We heard that you wanted to stop us from getting out at the inlet area, which was a big concern to us. We have a lot of members and are concerned about not being able to get to the trout path. If this occurred we could not participate in the Trout Tournament. We found out it was a rumor by talking to Ann and others at the town hall.

Alderman Tuman explained that the board and citizens only discussed

driving on the beach. The board is concerned about maintenance of Onslow County Park #3, but, we don't want it closed. We want to get the county to work on it and get it fixed so that cars will not be getting stuck. We have also discussed the construction of restroom facilities.

Alderman Stackleather explained that the Town has been discussing upgrading this facility with the county, but not about having it closed.

Blair Gardener:

I am in favor of keeping access open to these fishing areas. When we heard this last week, we didn't know what to do.

JC Parker:

Why restrict it at night? You are going to have serious trout fishermen that want to fish at night.

Alderman Bass explained that there would be joy riders at night which would be impossible for the police department to control.

Alderman Stackleather explained that break-ins are hard for the police officers to control at night. People say they are fishing but are carrying no equipment.

Otis Sizemore:

Let them still go on the inlet area, just restrict them from the beach.

Dan Tuman:

I walk the beach a lot. Most of the fishermen respect the beach. There are other who use this as an excuse to get on the beach. They use it for a raceway. Those kinds of people cause the problems.

Pat Dempsey:

I am in favor of surf fishing. One concern that I have is the erosion. Some people have had to install sand bladders. It is terrible and the people have lost all of the sand that was placed on the bags. What will become of these homes if people are allowed to drive around these areas? These are very dangerous areas and there is no beach to drive on. You must go and take a look at it to appreciate what I am saying. Vehicles would have a great deal of trouble getting around those bags even at low tide.

Robert Sandlin:

I have been an owner and taxpayer here for many years. I would like to remind everyone that the beach is public property, from the dunes to mean high water. You need to look at that. Those people have had an opportunity to move their homes. Other areas were destroyed from people walking over the dunes. According to the Attorney General's Rules, it is their god given right to use the beach and you cannot take that away from them.

Roy Farley:

I have been here for years and that portion of the beach has always been that way, it has always been a problem at high tide. It is the water causing the erosion, not the trucks. Your town vehicles are getting through at low tide and sometimes at high tide.

Doris Naumann:

It's not restricting anyone from using the beach. It is only restricting the use of vehicles.

Ann Penta:

This is not restricting anyone from being on the beach or using the beach, we are only asking them to keep the vehicles off. Go the length of the beach and see all the damage.

Lee Haynes:

I was on the beach with an ATV and had to turn around because I could not get the vehicle through at high tide. I could not keep the vehicle going.

Dan Tuman:

Several years ago the post was on the land, now it is in the water.

Melvin Shepard, of the Waterman's Association and also with The North Carolina Legislature's Research Commission for Water Issues:

In the places where vehicles are used they do not do any damage to the beach. If this is something that there are problems with on the beach, maybe it could be set up in zones. These guys are correct in saying maybe 60 to 70 percent of the trout fishing is after dark. I have worked with the turtle people and have seen where people have done donuts. Charge a bond on the permits. Everyone understands that there is more erosion than normal this year. Some kind of agreement should be worked on, because during the fall there is great puppy drum fishing.

Alderman Bass stated that he could understand how they feel about their right to be out there. There is a given right that people have to use the beach from the mean high water mark to the dune. If they will drive like reasonable people the beach will not be damaged. I have not seen from other areas which allow beach driving, how driving on the beach could cause erosion. There are certain places that you cannot drive, but there are places you can drive and be within 25 foot of the sand dune. During the last two weeks of north east winds, we have lost all our sand. After the storms maybe the sand will come back and we can have a beach to drive on.

Alderman Tuman said this issue came up two months ago. At that time, there were many people who came and spoke, who were not in favor of people driving on the beach. They argued very strongly about the issue. We asked the police chief about the crime problems. If someone is casing a home and has a rod on their truck they become a fisherman. We prohibited driving and decreased the crime problem. Some people have felt much safer because of no driving on the beach. We have to protect our beach and I am concerned about the beach being there. We have to protect all of the people. People drive unsafely and are endangering peoples lives day and night. I do think that the fishermen should be allowed, but it is not safe for the residents.

Alderman Stackleather said most of you know the fishermen were here long before the homes were built and if necessary it should be zoned for driving to be allowed.

Mayor Pro-Tem McGinn said he was for beach driving and he was sure the police department could handle and restrict it properly.

A motion was made by Mayor Pro-Tem McGinn and seconded by Alderman Stackleather to allow sport-fishermen back on the beach from October 1st to January 1st with severe restrictions.

Alderman Tuman said one alderman is missing for business reasons, not by choice. This item was added to the agenda and all those who had something to say about beach driving are not here to say it. If we are going to consider any decision on this the restrictions should be worked on first, and brought back to next months meeting to be voted on.

Mayor Pro-Tem McGinn said we can discuss this at ten more meetings, I want to vote now.

Alderman Tuman said she had not heard any restrictions with this motion, and even if we vote now, this may show up again on the next agenda.

The motion was amended by Mayor Pro-Tem McGinn and seconded by Alderman Stackleather to read as follows: "To allow sport-fisherman back on the beach from October 1st to January 1st with the following restrictions:

1. Driving will be allowed during day-light hours only;
2. Vehicle will not be allowed on the beach during extreme high tides;
3. A fee of \$30.00 will be charged on all vehicles for the season;
4. Vehicles are not to exceed 10 mph;
5. All applicants shall show driver's license and sign a form similar to forms used in Topsail and Surf City;
6. No driving will be allowed any further north than Topsail Reef;
7. Passes will be issued by the Town Clerk;
8. Permit shall be issued during normal working hours;
9. Permits will be issued for manufactured 4-wheel drive vehicles only; and
10. The Police Chief is authorized to close certain areas or the entire beach, if necessary.

Mayor Bostic called for a vote on the motion. The motion passed 3-1. Voting aye: Mayor Pro-Tem McGinn, Alderman Bass and Alderman Stackleather. Voting nay: Alderman Tuman.

CONTRACT

DEHNR:

Town Manager Vause advised the DEHNR contract is an annual contract. In the past some managers have been authorized to sign the contract, others have not. After a brief discussion, a motion was made by Mayor Pro-Tem McGinn and seconded by Alderman Bass to allow the Town Manager to sign the DEHNR contract. Passed unanimously.

ACCEPTANCE

WYNDY DUNES

WALKWAY:

Town Manager Vause explained that a request has been received from the developer for the acceptance of the walkway constructed on the Wyndy Dunes property. The access walk was required by the town and approved with the final plat. It has been checked by the building inspector. Is the town ready to accept maintenance and repair of this walkway?

Mayor Pro-Tem McGinn questioned whether or not this walkway stops short on private property. Mr. Parker explained the location in the subdivision, and that there is a public easement located along the concrete drive. A general discussion was held on public access easements and who the crossovers are actually constructed for.

Alderman Stackleather stated that the town needs signs marking all walkovers that the town has a responsibility for.

Otis Sizemore:

There is a necessity for a walkway in this area. Neighbors are allowed to use crosswalks, but he said he is concerned about the liability.

After the discussion, a motion was made by Alderman Stackleather and seconded by Alderman Tuman to accept the walkway. Passed unanimously.

STORM PREPAREDNESS
PLAN AND RE-ENTRY
PROCEDURES:

Town Manager Vause explained that the North Topsail Beach Storm Preparedness Plan is a parallel to the Town of Swansboro. The staff has been working on this for several months and hopefully this will eliminate the present problems with re-entry. Lynn checked with Emerald Isle, Swansboro, Atlantic Beach, Wrightsville, Beach, Surf City and Topsail Beach concerning re-entry procedures. Swansboro does not provide re-entry stickers. Emerald Isle provides one per owner, using a color coded system, given out annually with a newsletter. Atlantic Beach mails re-entry passes to tax payers during the first quarter of the year, one per owner/resident. Wrightsville Beach provide a re-entry pass during the month of January for a fee of \$1.00. If the resident does not purchase then until later in the year, they are charged a \$5.00 fee per pass. Surf City does not issue a separate pass, but uses a water bill for identification. Topsail Beach places an orange sticker on the stub of their July water bill. Topsail Island Managers want to look at an island wide re-entry procedure. We have provided a plan and a citizen information sheet for your review and approval. Re-entry stickers will only be used during an extreme emergency and for initial re-entry. The staff felt that citizen's were uninformed and needed more precise information. The information sheet, to be provided to citizens, explains the condition as determined by Emergency Management and advises what to do during each condition.

The plan has several different parts. It explains storms, why a plan is needed, coordination between other communities, duties to be handled by specific staff members, post-disaster team procedures, damage assessment team, utilities and disaster personnel phone numbers which are to be held by the Town Manager. If we have a major disaster we depend on Onslow County Emergency Management. This plan specifies duties so that everyone knows what to do.

Alderman Tuman stated that there is a typo on in the Roman numerals. It shows VI instead of IV in Section 2C3.

A motion was made by Alderman Tuman and seconded by Alderman Bass to adopt the Storm Preparedness Plan and Re-entry Procedures. Passed unanimously.

CODE OF
ORDINANCES:

Alderman Tuman asked if this had been reviewed and corrected as far as removal of typographical errors. Town Manager Vause stated that she and the Town Attorney had worked together on corrections.

Town Attorney Coleman commented that it had been rearranged and cleaned up. Town Manager Vause explained that what is being presented is a document that contains ordinances previously adopted by the board.

Alderman Tuman stated that once this has been adopted the board will still need to continue to work on revisions and amendments.

After a brief discussion, a motion was made by Alderman Tuman and seconded by Alderman Stackleather to adopt the draft code of ordinances as presented given that board will be reviewing them on an individual basis for corrections as needed. Passed unanimously.

REQUEST FOR
PUBLIC
HEARING:

A Public Hearing was scheduled for October 5, 1995 to begin at 6:00 p.m. prior to the regular board meeting to receive citizen input on a request to by J. C. Johnson, Jr. to rezone the property formerly known as the Barton College Tract from B-2 to Conditional Use R-8.

FINAL PLAT
CORMORANT
PLACE:

Mr. John Parker of Parker and Associates was present to represent the developers for Cormorant Place. Cormorant Place is zoned R-20 and will be four lots located between Salty's Pier and Goldsboro Lane. This is a minor subdivision and the plat has not been seen by this board until now. A Sketch Plan followed by the Final Plat was reviewed by the Planning Board. There will be a crosswalk constructed at the end of Goldsboro Lane. All four lots will be served by septic tanks. Permits were received by the town hall today. Lots will run from 1568 to the ocean. A fire hydrant will be placed at the turn on Goldsboro

Lane as was requested by the Fire Marshal, which is not shown on the final plat.

A motion was made by Alderman Tuman and seconded by Mayor Pro-Tem McGinn to approve the final plat for Cormorant Place. Passed unanimously.

MANAGERS
REPORT:

Listed below are some activities from the month of August, 1995:

1. PUBLIC HEARING - PROPOSED CHANGES TO LAND USE PLAN GUIDELINES:
The attached memo from Mr. Roger Schecter, Director of Dept. of Environmental Health and Natural Resources, advises that a public hearing will be held September 28th at the Sea Trail Plantation, Sunset Beach, NC to discuss proposed amendments to guidelines, to be effective December 1, 1995, for local governments in the preparation of local land use plans. The North Topsail Beach Land Use Plan is due to be updated in 1996. Does the board wish to designate an individual(s) to attend this public hearing for guidance in updating and preparing our 1996 Land Use Plan.

The second public hearing schedule for November 16th in Kill Devil Hills addresses certain types of water dependent structures and sets limits on the size of buildings that may be constructed in inlet hazard areas. These rules would be effective February 1, 1996. Arrangements will be made for Susan and Jeff to attend this important public hearing.

2. TOWN HALL UPDATE:
Friday August 4th Jeff and I met with John Parker and Ken Burnette to review the town hall plans. A set of the plans were sent to the NC Dept. of Insurance and Ocean-Sound Village Corporation for

their review. To date, we have not heard back from either organization. If plans go according to schedule we hope to have the specifications for bid ready in September so we can solicit bids. If this is possible, bids could be awarded by the board in late September or early October with construction starting possibly in November. We will keep the board updated on this issue.

3. SOLID WASTE UPDATE:

Response from property owners/residents to the survey contained in the July Newsletter about solid waste has been very good. Some residents are electing to remove the garbage themselves which is what we anticipated. They are being reminded that it will be their responsibility to remove all household garbage, yard debris and large bulk items. This will be monitored very closely to ensure the solid waste is being removed. The contract with Waste Industries reviewed by the Town Attorney has been sent to the company. A meeting to finalize the contract will be held within the next few days. The computer program for billing, previously paid for by the town, is being forwarded to us by Southern Software. There are some details to be worked out but, at this point it appears we will still be able to begin our curb side pick-up October 1st. We will advise the board if there is a delay in the start up date.

4. CROSSOVER/FEASIBILITY GRANT REQUEST:

We are still waiting for the final paper work from the State on the 2 crossover grant proposals that are to be funded. Last April we were advised that our grant request for a feasibility study on crossovers would not be funded unless the State of North Carolina budgeted contingency funds for this purpose. Friday August 25th,

Ms. Zoe Brunner advised me by telephone that the State has budgeted contingency money for this type of project and our request would be funded. Official, written notification will be received after October 1st.

5. DUNE PRESERVATION PROCEDURES:

The staff is working on dune preservation procedures for the boards consideration. We plan to have these finalized and presented to the board for their review at their October meeting.

6. HURRICANES:

As you know, there are a number of active storms in the Atlantic this year. We encountered a near miss with Hurricane Felix. However, this provided us an opportunity to see how our proposed emergency procedures would work. They appear to have worked well. All 4 managers (Holly Ridge, Surf City, Topsail Beach and North Topsail Beach) were in contact with one another to coordinate efforts and procedures. As you have been advised, the only problem area appeared to be in issuing re-entry passes. So many residents either did not know where their passes were, requested additional passes beyond the 2 permitted or wanted current passes issued voided because they had sold the vehicle with the sticker. The office staff was very busy but they handled each individual in a courteous, professional manner.

7. PUBLIC WORKS BUILDING:

Tarheel Builders has completed the public works building. The

electrical and plumbing contractors should be back to finalize their work within the next few days. Gerald and Greg are making preparations to finish the inside of the building during the winter months. The grading and fencing of the yard will be done when time and funds permit.

8. THANKS FOR YOUR PRAYERS:

I wish to thank everyone for their interest and prayers on behalf of my grandson Shaun. He is doing well. The cast are schedule to be removed the first week of October.

ATTORNEY'S
REPORT:

TOWN HALL PROJECT:

The problems we have can be solved shortly. The contracts are very detailed projects which are very hard to work on. We must review these contracts very carefully in order to be assured the town is protected as well as possible. We do not want to get into any situations that could be a problem or more costly. There are still several issues that must be worked out with the Architect on his contract. Mr. Parker is our only link to Ocean Sound Village Corp but he is trying to stay impartial because he works for both parties.

ALDERMAN'S
REPORT:

Alderman Stackleather announced that there is a Pancake Breakfast scheduled for Saturday, September 9th and invited everyone to come.

Alderman Tuman stated that once again she did not feel that when an alderman was missing the board should bring up issues which are not on the agenda.

Alderman Bass stated that some can put things on the agenda and it does not matter, while others can not..

MAYOR'S
REPORT:

Along with the Storm Preparedness Plan, one of the key things will be the books coming from the Red Cross. Two of the rental companies were very receptive and will get the information to vacationers. We do not want renters to leave unless they have too. One company did refund for PR purposes. The book addresses supplies and explains what to do. People living in this town and in Onslow County need to be prepared to survive without water and electricity for at least 72 hours. It will take Red Cross that long to set up.

PUBLIC
FORUM:

Jack Royman:

He asked Town Attorney Coleman's opinion on swimming pool signs which say "swim at own risk". Attorney Coleman stated they did not release liability even though they do deter lawsuits.

He asked Town Manager Vause if the town board had addressed Jet Ski speeding. The town manager said the staff is in the process of addressing this issue.

Otis Sizemore:

Surf City is now in the process of working on ways to slow down the jet skis. The Police Department does not have the time or equipment to chase. I would like to suggest the use of DCI for the Police Department. I would like to suggest working with other island towns.

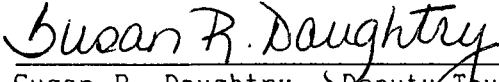
Interim Police Chief Matthews stated that the police are currently on DCI with sheriff's department. We are in Onslow County while they are in Pender.

Dan Tuman:

The same code we have been using is now the official code as of tonight. Now we can work on fixing the problems within the ordinances. A comment on new agenda item - I do not feel good about what the board has done. This community was not made aware that this board was going to address this issue. Evidently, the board did not intend to let the public know what was going to be done and you have sandbagged the public.

ADJOURNMENT:

A motion was made by Alderman Stackleather and seconded by Mayor Pro-Tem McGinn to adjourn the meeting at 10:25 p.m. Passed unanimously.


Susan R. Daughtry - Deputy Town Clerk

NORTH TOPSAIL BEACH BOARD OF ALDERMAN
PUBLIC HEARING/REGULAR BOARD MEETING
OCTOBER 5, 1995

PRESENT: Mayor Marlow F. Bostic, Jr., Aldermen Susan B. Tuman, Margaret Stackleather, Peter Hillyer and Wilbur M. Bass, Town Manager Ann Vause and Deputy Town Clerk Susan Daughtry.

CALL TO
ORDER: Mayor Bostic called the public hearing to order at 6:10 p.m. and declared a quorum was present.

PUBLIC HEARING
REZONING REQUEST
J.C. Johnson:

Mayor Bostic opened the public hearing at 6:00 p.m. and explained that a request had been submitted by Mr. J.C. Johnson, Jr. to rezone 4.66 acres located on NCSR 1568 on the Barton College Tract (area of the abandoned New River Inlet Pier) from B-2 (Marina Business) to CUR-8 (Conditional Use Residential - 8,000 s.f.).

Mr. Charles Riggs of Charles Riggs and Associates was present to represent the property owners in this request. He explained that this request was from J.C. Johnson, Jr. and Mr. Ed Walters. A review of the map drawn, shows that there is 4.66 acres on the old Barton College Tract which extends from the road to the intracoastal waterway. This property is adjoined on the east by Golden Acres which is zoned B-2 and on the west by the Galleon Bay Subdivision which is zoned R-10. The uses in the B-2 Zone are open to just about whatever you want in commercial uses. Mr. Riggs stated the uses allowed within the B-2 Zone. The restrictions for this zone does not limit the number of buildings, as is done in a residential zone. The setbacks in a B-2 are 20 feet in the front, eight (8) feet on the side and ten (10) feet in the rear. Lot size minimum is 8,000 square foot lots, with a minimum width of 50 feet. The applicant has requested a Conditional Use R-8 with the condition that there be no more than ten (10) dwelling units per acre. Mr. Riggs then explained that the R-8 zoning district allows for the construction of duplexes, tri-plexes, quadraplexes and other multi-family units. The B-2 is not limited to number of buildings per acre, whereas the requested zone would be to a total of 10 dwelling units on the entire parcel. This equates the R-20 zoning district which allows two (2) units per acre. Mr. Riggs stated that the applicant views this request as protection for the citizens of the town. Also rezoning would be consistent with the surrounding neighborhood. The Land Use Plan for North Topsail Beach shows this property as located within a Limited Transition Classification. To give you an idea, the town has approximately 50% of its property classified as Limited Transition. The purpose of the limited transition classification is to provide for development in some areas that will have some services, but are suitable for lower densities than those in other areas. It allows for three (3) units per acre or less. Our request takes this into consideration, because our proposed density would only equal two (2) units per acre.

Alderman Hillyer requested a definition on number of dwelling units. Does this request consider a duplex as two units? Mr. Riggs confirmed that his clients understood that this property would serve either five (5) duplex buildings or ten (10) single-family homes or some other equal variation. An 8,000 square foot lot would be required for each single-family structure and a 16,000 square foot for each duplex.

Mr Riggs read from the rezoning application answers to questions 5a through 5d pertaining to questions supporting the petition. He stated that sewer and water issues are not a part of this application but would be discussed at the subdivision stage.

He stated that rezoning should be based on the merits of the community and the compatibility with the neighborhood. Ms. Daughtry has also mentioned in her statement that there is a great deal of 404 and Coastal wetlands on the property. We have met with CAMA and the Corp and are aware that we must meet all of their regulations. This change will make the property more restrictive and compatible with surrounding areas. This will bring the zoning into compliance with the Land Use Plan.

Citizen Otis Sizemore: I am a member of the Planning Board. During review of this request, we did have concerns about sewer. Installation of septic tanks would be stretching the limits of the property. He stated to the planning board that they would go with sewer. Septic tanks are subject to failure. The property across the street is to remain B-2 and is now for sale. What will happen to required easements? This should be provided before it is sold. The number of units were originally to be four (4), then they requested ten (10).

Citizen Bill Parr: It seems that this request is consistent with what the town wants and would continue to provide orderly growth. But the rezoning of this property should not be concerned with whether or not they will use septic tanks. This zoning would be more restrictive than commercial. I am in favor of this rezoning. I do not think sewer is a reason to hold up a rezoning.

Developer Ed Walters: We will try to address all of these questions. Land has been set aside for the walkway to the ocean. This easement will be located on the left side of the property. As far as septic, we plan to use sewer when available. We want this rezone so that we can proceed but now we do not even have a subdivision, which we must go through that before we can sell lots. The number of units will be approximately ten (10), but will really be determined by the wetlands. We are not even sure we can get ten (10), just a number we picked to get rezoning. The lots will be determined by the lay of land, the uplands, and not total size of acres.

Alderman Sue Tuman: Are your plans not to fill any wetlands, to only build on the upland portion of the property.

Developer Ed Walters: We do have plans to fill some wetlands. We want to do the fill based on an overall plan. We do not intend to do the work in piece mill. We know that we will be restricted to either 5 duplexes or 4 duplexes and 2 single families or some plan like that. Our intent at this time is to place four (4) lots across the front and four (4) lots in the back.

Alderman Peter Hillyer: Why did you choose Conditional Use R-8?

Charles Riggs: This is the only zone available by the Town that we can use conditions. We would like to add more restrictions to our request. 1) an easement will be retained on the left side of the oceanfront lot for the subdivision, 2) the use of sewer, instead of septic tanks, and 3) the use of Onslow County water.

Alderman Bill Bass: The map shows 404 wetlands on the side. What is considered 404 wetlands on this property?

Mr. Riggs explained that this map was drawn before Ms. Marta Boris from the Corp of Engineers had delineated the wetlands. There is a fifty-five (55) foot wide strip of uplands extending out towards the end.

Alderman Bill Bass: There is only a narrow path going to the back of the property without water standing on it.

Mr. Riggs stated that all wetlands will be considered at the time of subdivision preparation.

Alderman Peter Hillyer: There was a great deal of brush left in wetlands which is considered to be fill. I also understand that work was being done on a building located on the back of the property which was stopped because of no permits had been issued.

Mr. Riggs stated that Ms. Daughtry has talked to Ms Boris today and we are aware that this must be cleaned up.

Alderman Sue Tuman: I am very concerned about filling wetlands, especially in area that is classified as ORW.

Mr. Riggs stated that the town's concern about fill was understood, and they will only request what CAMA and the Corp consider to be fair. Permits have not yet been applied for. The fill is also why we have only requested ten (10) units. At this point cannot commit to the number of lots.

Alderman Margaret Stackleather: This request could drop back to 5 duplexes and leave wetlands as they exist.

Mr. Riggs stated they do not want to decide on what will be built yet.

A motion was made by Alderman Tuman and seconded by Alderman Stackleather to close the public hearing at 6:35 p.m. Passed unanimously.

RECESS: Mayor Bostic called a recess at 6:35 p.m.

RECONVENE: Mayor Bostic called the Regular Meeting to order at 7:05 p.m. and declared a quorum present.

INVOCATION: Mayor Bostic requested a moment of silent prayer before going forward with the meeting.

APPROVAL OF AGENDA: Alderman Tuman requested an addition under New Business as Subsection D. To appoint a voting delegate for NC League of Municipalities Convention in Raleigh.

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

APPROVAL OF MINUTES: Special Meeting of September 7, 1995: Alderman Tuman requested Page 3, Paragraph 6 be changed as follows: "Chief Matthews requested comments on motorhomes being parked on the road in front of homes." A motion was made by Alderman Hillyer and seconded by Alderman Tuman to approve the

minutes of the Special Meeting of September 7, 1995 with corrections. Passed unanimously.

Regular Meeting of September 7, 1995: Alderman Stackleather requested correction of a typo on Page 8, paragraph 1 change "responsible" to "responsibility". Alderman Tuman explained that the Beautification Report was shown in the minutes as presented but there was a correction to the original report. There will be two "Yard Beautification Awards" for each town. On page 10 Item 5 of the Managers Report should be reviewed at their next meeting in place of October meeting. A motion was made by Alderman Bass and seconded by Alderman Hillyer to approve the minutes for the Regular Meeting of September 7, 1995 with corrections/comments as stated. Passed unanimously.

RESOLUTION/
CONTRACT- BB&T-
401K:

Town Manager Vause explained that originally we had proposed and were approved by the Board for a percentage of wages for each employee to be paid to 401K based on longevity. After the first payment was made, BB&T contacted us advising that percentage participation was not allowed any longer and apologized for not advising us. We are allowed to provide a straight amount for all employees. With approval of this new contract we can get this matter corrected.

Alderman Stackleather discussed the graduated scale on long term employees for state retirement.

Alderman Tuman explained that this 401K will now go across the board and not in increments. We must consider next year how this can be changed.

A motion was made by Alderman Tuman and seconded by Alderman Hillyer to authorize the town manager to sign the new contract and for the town board to adopt the resolution to allow BB&T to service our 401K for employees. Passed unanimously.

THE SUPPLEMENTAL RETIREMENT INCOME PLAN
OF NORTH CAROLINA
RESOLUTION

WHEREAS, the State of North Carolina, by action of the 1984 General Assembly, has adopted the Supplemental Retirement Income Plan of North Carolina pursuant to which the State of North Carolina, its departments, agencies and instrumentalities are authorized to provide a supplemental retirement income plan to conform with Section 401(k) of the Internal Revenue Code of 1954 as amended or the Internal Revenue Code of 1986 as each may apply; and

WHEREAS, the governing body of this unit realizes the necessity of providing its employees with the benefits of the Supplemental Retirement Income Plan of North Carolina.

NOW, THEREFORE, be it resolved by the North Topsail Beach Board of Aldermen meeting in regular session this 5th day of October, 1995, that:

1. That the Town of North Topsail Beach hereby elects to participate in the Supplemental Retirement Income Plan of North Carolina for law enforcement officers and the general employees.

2. That the Town of North Topsail Beach hereby agrees to comply with all the provisions of the plan and the operating procedures of the Administrator of the plan.
3. That the Town of North Topsail Beach is hereby ordered and directed to make application to the Board of Trustees of the Supplemental Retirement Income Plan of North Carolina for the enrollment of this unit and its employees in said plan.

DULY ADOPTED THE 5TH DAY OF OCTOBER, 1995.

SKETCH DESIGN FOR
EMERALD COVE:

Mr. John Parker, of Parker and Associates was present to represent the developer of the proposed Emerald Cove Subdivision. This property is located on the soundside across from the Villa Capriani on the previously rezoned tract.

Mr. Parker explained to the board that the Subdivision Regulations do not require the Board of Alderman review the sketch design for a new subdivision. According to the ordinance, the Preliminary is not required to come before the board, but the town's policy requires approval by the town board.

The comments from the Planning Board have brought me here. During the Planning Board meeting we discussed several issues in depth. The first of these issues is making this project a gated, controlled community and the second is the fact that the end tract of this property which belongs to the Sea Dunes Village Corp property is landlocked by this tract. The Planning Board's discussion of these items was not favorable towards these issues. It is necessary to resolve these issues before we submit a Preliminary Plat. It is very important that we address these matter with you ahead of time. The developer will spend a great deal of money on preparation of the plat and if we come before you and it is turned down then time and money has been wasted.

An additional matter which is intertwined with the others involves a public access easement. We would like to request a variance from your public access requirements. Knowing how strongly the town feels about the accesses, I cannot argue the point too strongly.

He requested comments from the board regarding a private development, a possible a variance from the 10-foot public access easement requirement and the landlocked portion of the tract at the southern end of the property.

Members of the Planning Board were not in favor of a secured community and stated they would not give a favorable recommendation if that were the proposal. It is not the intent of the developer to control the access to this to make this a controlled group of snobs. This is a unique piece of property because of the access and could be controlled easily. It is my understanding that during the peak season they will have a security gate and security guard. The request for the variance is related to the question of how to control a private community with a public access easement within its boundary. If gated, it could still allow pedestrian traffic.

Alderman Tuman asked if the developer is agreeable to the idea of pedestrian access.

Mr. Parker stated that if the board were to deny the variance request, then the developer would have to provide an easement. A pedestrian access throughout the street system could be provided. The intent is provide a sense of security for the owners.

The developer intends to build a boat ramp on the end for the use of the owners. A fee in lieu of land dedication would then be offered in order to meet the requirement. We would have to provide an easement but it would remain unimproved by the developer, unless the town wanted to build. This meets your requirements.

Alderman Bass asked about the locked gate. Mr. Parker explained that during the off season they would use an electric gate control to keep people from driving in and out. The police department would be provided with cards or security codes. Generally it is difficult for them to patrol these areas as much as other areas. They may actually have a full time security person who would be hired to come in.

Citizen Ginny Hillyer: Immediacy of police is not as necessary as for fire protection. What about electrical failures during storms? Can the gates be lifted during storms when the power is out? Mr. Parker answered that they could.

Citizen Linda Knowles: This is one of the few areas that is accessible by boat. Only the 54 people in the subdivision would be able to use the water.

Mr. Parker explained that these accesses are for the people in the neighborhood. The Villa Capriani people have no access to the water now, because this is private property.

General discussion of emergency vehicle boat access. Mr. Parker stated that there is a standard language on plats for these areas to be useable by emergency services.

Alderman Tuman, Bass and Hillyer stated that they were not against the idea of a gated community, but each felt the need to provide the access easement for future use. Mr. Parker stated that the use of the boat ramp by emergency services can be protected through the covenants for the property.

General discussion of the existing easement. Citizen Ginny Hillyer stated although these walkways may not be working at this time, alterations to the plan can be made to make them more useful in the future. A T on the end could make them useable by families, instead of a walkway that just stops on the end.

Citizen Dan Tuman stated that he felt it was very important to reserve these easements. We may not find a use for them now, but we should consider what could be useful in the future.

Alderman Stackleather stated that these walkways should be marked so that public would know where they are.

Fire Marshal Best stated that he had comments to discuss with Mr. Parker regarding the drive and would like to be able to use the boat ramp.

Comments regarding the landlocked parcel belonging to Sea Dunes Development Corp indicated that the board did not consider this a town

problem, but a private property owner problem. This was confirmed by Attorney Coleman.

UPDATE ON TOWN
HALL PROJECT:

Town Manager Vause gave the following update on the status of the Town Hall project.

Listed below for your information is an update on the status of the town hall project:

1. Engineering:

The engineering contract with Parker & Associates has been signed by both parties. John Parker is in the process of filing applications for driveway permit, CAMA, etc. He has been coordinating with Mr. Ken Burnette on the bid specifications, documents, etc.

John advised he sent 3 copies of the proposed plans to Ocean Sound Village Corporation individuals (engineer, vice-president and one other individual). To date, the only response from them is that they require the heating/air conditioning units to be in a fenced area and if an outside refuse container will be on site for the towns use it needs to be in a fenced area. Also, they want to review the bid package and bids once they are received. John said he saw no problem with this since the submitted bids would be valid for 30 days and they would have ample time to review the documents and respond to the town in writing.

John indicated he had a concern about the time frame on site preparation. In the coastal area you have 2 "dry seasons" for site preparation for construction. One is in the fall of the year and the other is in the spring. If details are not finalized and bids advertised within the next short while we may not be able to start site preparation or construction until the spring of 96'.

2. Architect:

Mr. Burnette's contract has not been signed by the Town or Mr. Burnette. A meeting was held Tuesday, October 2nd to discuss this issue and to receive an update on the project. The meeting was attended by Attorney Coleman, Engineer John Parker, Architect Ken Burnette, North Topsail Beach Building Inspector Jeff Holland and Town Manager Ann Vause. Attorney Coleman reviewed sections of the contract she had questions about. Each section in question was discussed. Mr. Burnette advised he would not be able to change some sections of the contract with approval from his insurance carrier and attorney. Attorney Coleman advised she would revise the contract according to items discussed at the meeting and fax Mr. Burnette a copy for his insurance carrier and attorney to review. The fax was sent to Mr. Burnette Wednesday, October 3rd.

Mr. Burnette advised he was meeting with the N.C. Dept. of Insurance Monday, October 9th to discuss the plans and specifications for our project. He said he is reworking the piling layout because of the size piling required. Once the plans and specifications have been approved by the Department of Insurance a final review will be made and then we should be ready to bid the project within 2 weeks of that date. Bid documents for the project have been prepared. Once his contract is completed

and signed he is prepared to advertise for bids on the project. Once advertised, we need to allow the bidders 4 weeks to prepare and submit their bids. The written confirmation that they have reviewed and approved the bid documents and release the town from the deed restrictions should be received from Ocean Sound Village Corporation prior to the bid award.

3. Time Frame on Project: (provided all documents are finalized)
- a. Architect and his insurance carrier/attorney to review revised contract - approximately 2 weeks;
 - b. After contract finalized bids would be advertised - hopefully, by end of October 95';
 - c. Bid information available to contractors for 4 weeks - until second week of November 95';
 - d. Approval of bids/bid award - hopefully, end of November 95;
 - e. Once bids awarded it will take approximately 30-45 days to get the site ready - end of December 95';
 - f. Target date for the beginning of construction - January 96';
 - g. Completion date on project - July or August 96'.

Mr. Parker discussed consideration of an incentive to deliver by a certain date for the contractors. It costs, but a cash incentive moves projects along and are usually delivered on a certain date. You can consider this option at a later date. At the same time, you can charge liquidated damages if they run over the agreed upon date, which is just the reverse.

NC LEAGUE OF
MUNICIPALITIES
VOTING DELEGATE:

Alderman Tuman explained to the board that on the 16th and 17th of October, she, Mayor Bostic and Town Manager Vause will be attending the League Convention in Raleigh. A motion was made by Alderman Tuman and seconded by Alderman Stackleather to appoint the Mayor as the voting delegate for the NC League Convention. Passed unanimously. A motion was made by Alderman Stackleather and seconded by Alderman Hillyer for Alderman Tuman to act as alternate if necessary. Passed unanimously.

MANAGER'S
REPORT:

Listed below are some activities from the month of September, 1995:

1. SOLID WASTE PROGRAM:
The curb side garbage pick-up program has begun. Last Thursday and Friday carts were delivered to property owners who indicated they wanted to participate in the towns program. Within the next few days our list should be complete and additional carts will be delivered to residents. One major problem we encountered was residences without house numbers. All property owners/residents are encouraged to place their house number in the proper location. This will not only help during an emergency but, will also enable the refuse collectors to identify the proper address.

Once all carts have been delivered, the containers at the town hall location will be removed. The recycling container will be relocated to the public works building on Gray Street.

2. PUBLIC WORKS BUILDING:
With the exception of a few minor details, all aspects of the public works building have been completed. Gerald and Greg will

be relocating to that facility within the next week.

3. DOT/CAMA MEETING SEPTEMBER 12TH:

The CAMA permit issued to the Department of Transportation during the relocation of SR 1568 required they provide the town with 2 beach access sites. To date this has not been done. A meeting was held September 12th with officials from the Department of Transportation and Coastal Area Management to discuss this issue. The end result was that the town will provide the Department of Transportation with some information on possible sites. The Department of Transportation will review the sites and schedule another meeting with the town to discuss the issue further. We will keep you advised as issues develop.

4. AUDITOR:

Mr. John Carraway and his staff have been conducting their annual audit of town records. The audit should be completed and presented to the board at their November 2nd meeting.

5. DUNE PROTECTION/PRESERVATION PLAN:

We are still working on a dune protection plan. Hopefully, we will be able to present the board with a draft of the proposal by the November 2nd meeting.

6. MUNICIPAL CODE BOOKS:

Our municipal code books have come in and once they are reviewed you will receive a copy.

7. COASTAL MUNICIPALITIES CONFERENCE:

On Thursday October 26, the Police Chief and I will be attending the Coastal Municipalities Conference. Anyone who wishes to attend should notify me immediately. Reservations should be made no later than tomorrow.

8. BEACH ACCESS STUDY GRANT:

Contract on Beach Access Study Grant has been received. It will be presented to the board in November.

ALDERMAN'S
REPORT:

Alderman Tuman:

1. Very important public meeting on Monday October 9th to discuss environmental issues. The Hog Farm spills indicate there are many programs needed to protect everyone.
2. Ms. Sandy Mattox of the Pender County Cooperative Extension will be here on November 3rd to explain how to plant dune grass.
3. Operation Onslow is ready to make its final report. I assume everyone has gotten an invitation, which would have been mailed to your home address. It is scheduled for October 12th and is open to all elected officials. The first portion of the meeting will be a presentation which will be followed by a question and answer section. There is a task force working on school system for the quality of life and infrastructure.
4. The exhibit for North Topsail Beach at the Assembly Building is getting more space. We will be redoing the photo exhibit and any suggestions would be appreciated.

Alderman Stackleather announced the Pancake Breakfast on Saturday, October 7th at 9:30 a.m.

MAYOR'S REPORT: Mayor Bostic announced that the county has begun construction on the water pipe, referred to as the Galleon Bay loop. He invited everyone to take a look at it the next time they are in the area.

PUBLIC FORUM: Citizen Linda Knowles: Maybe the additional water will also help on the south end of town as well as the north. Stated that she was very disappointed that beach driving has started again and hopes that her neighbors will not be robbed again. Felt that approval of such an item when it was not on the agenda was inappropriate. She is also disappointed that there are still problems in the Rogers Bay Campground which were not resolved. Structures built with no building permits and never issued occupancy are still there. What is happening with the FEMA regulations? The road side are horrible, the bridge is horrible. The roadsides in other towns are kept clean and mowed. There are many cat problems in town and we will be working on a project to get cats neutered. Any donations will be accepted.

Citizen Melvin Altbaum: I have been walking the beach in many areas and there are no dunes. What is the town going to do? We discussed changing the speed limit, nothing has been done.

Town Manager Vause explained that she has forwarded to DOT the town's wishes and they are making considerations. They will be giving us their recommendations.

Mayor Bostic explained that at this time, nothing can happen with the dunes. Beach bulldozing is only allowed from November 15th until May 1st. Town Manager Vause explained that the town is working on procedures to use the new equipment. We will encourage the private owners to work on their dunes. no work until november 15.

Citizen Clara Bass: Is it not possible for the town to buy a lawn mower and hire someone to mow instead of waiting for DOT?

Town Manager Vause explained that from her conversations with DOT, they realize that the town is not happy. They carry the contract for the mowing. We may have to get a separate contract agreement to do the work. The town may be able to pay a mowing contract with powell bill monies. Mayor Bostic stated it may be possible for the town to the contract and they would have to pay us to do the work.

Citizen Otis Sizemore: Many visitors may think town is responsible and not DOT, and then wonder why we aren't doing anything,

A motion was made by Alderman Hillyer and seconded by Alderman Bass to adjourn at 9:25 p.m. Passed unanimously.

Susan R. Daughtry
Susan R. Daughtry, Deputy Town Clerk

BOARD OF ALDERMEN
PUBLIC HEARING
10-30-95

PRESENT: Mayor Marlow F. Bostic, Jr., Aldermen Margaret Stackleather, Susan B. Tuman and Wilbur M. Bass, Town Manager Ann Vause, Building Inspector Jeff Holland and Deputy Town Clerk Susan Daughtry.

CALL TO ORDER: Mayor Bostic called the meeting to order at 6:05 p.m. and declared a quorum present. There were 77 people present.

PUBLIC HEARING
PROPOSED ZONING
AMENDMENTS:

Mayor Bostic announced that this Public Hearing was scheduled to discuss proposed amendment to Section 16 Mobile Home Parks and Section 18 Travel Trailer Parks of the Zoning Ordinance. He introduced Building Inspector Jeff Holland.

SECTION 16: Building Inspector Holland explained that the first section which changes have been proposed to is Section 16 dealing with manufactured homes. A proposal to amend the definition of a manufactured home, which is located in Section 2. The proposed amendment will bring Section 2.64 the definition for Manufactured Home into compliance with the North Carolina Building Code definition. The present definitions break manufactured homes into classes. This is no longer done this way and it is basically an update.

Most of this section regarding manufactured homes will stay the same. The major changes that are proposed are based on discussion with the planning board regarding older manufactured homes being brought into the town.

At this time, the building code requires manufactured homes be rated Hurricane Zone 2 Exposure D. A law has been created based on a classification which is not even being produced, but allowed for homes to be substituted if constructed before a certain date. This means that older homes would be allowed. It puts the town into a situation that it will have to allow older homes, but a new home would not be allowed if not properly rated.

The proposed amendment would allowed placement of a home which is not older than five (5) years. It requires it to be set up with a FEMA approved design. It also requires skirting and flood vents. All non-conforming units will be made to conform to the skirting requirement within one year.

An addition is to exclude a manufactured home which has been elevated on pilings. It would not be appropriate to underpin these units when they are ten (10) feet in the air. These will be sheathed with a cover over bottom portion of home.

SECTION 18: This section deals with Travel Trailer Parks. Most of the verbiage is in line with original. We have added a new section, "Section 18.4 Placement and Restrictions". This will require certification showing that the RV is moveable and carries a current license and registration.

Alderman Stackleather asked how this would affect the vacation vehicles that have never been moved. Inspector Holland explained that he supplied the board with a Package dated March 23, 1993 from Ernie Darby. This letter references the part of the Flood Damage Prevention Ordinance that we have been trying to enforce.

Recreational vehicle will not be allowed to stay in one place for longer than 180 days, without being moved off of the property to be assured it is mobile. The reasoning behind this requirement is that the town is up for recertification with FEMA this year. They will be in the town doing an overall inspection to see that we have been conforming and enforcing their regulations.

Lillian Fossgreen of Rogers Bay stated that she owns a Park Model in Rogers Bay. It is underpinned and FEMA has nothing to do with that. The town has nothing to do with that. We have constitutional rights and our units and rooms are covered by the grandfather law.

Building Inspector Holland explained that FEMA protects and covers the entire town. All structural additions that are permitted are covered by the Flood Damage Prevention Ordinance. The ordinance does make allowances for Recreational vehicle. This request stems from years of trying to get enforcement in the campgrounds. Storage boxes will be allowed with a slight difference in what was originally being allowed.

Recreational Vehicle not larger than 320 square feet has been included. This is the cut off between a Mobile Home and an RV. They must be towable by a light duty truck, not allowing for units will require special towing permits from DOT. The Flood Damage Prevention Ordinance states that an RV must be designed to be self-propelled and is to be used for camping, travel or seasonal use. The non-conforming uses be prohibited and any structure other than those listed shall be removed within 90 days. All landscaping which prohibits free movement shall be removed within 90 days. There are a number of units in place now with the tongues removed and on blocks. Any park model which does not conform will submit a plan for removal and the items required in that plan are listed. This is to be approved and updated annually.

Some of these so-called park models require a special DOT permit for removal and are towable only by same type of unit that would pull a manufactured home.

Alderman Tuman asked why these require a special permit. Is it because of weight, size or what reason? Building Inspector Holland explained that it was because of the width.

Inspector Holland gave a video presentation which showed what kinds of problems are presently existing in the campgrounds.

In the Scotch Bonnet Park, a camper with no wheels setting on 6 cinder blocks. There is no way this one could be removed if necessary. Screen porches attached to campers, unanchored decks, one that has recently been built without a permit, located on top of a fire hydrant.

In Surf City Campground the units are now being placed end to end. It would be extremely difficult to evacuate if all of the owners were not there.

In Rogers Bay, the video was taken showing an overview of a new section that had not been approved, and no permits were obtained before any replacement or construction took place. There are many so-called park models with tongues removed and underpinned, as well as unanchored decks. The ordinance calls for 15 feet per RV unit which does not exist in some areas. The video also showed an existing room was open when the first video was taken and is now being enclosed into living space. It showed one with a full garden in front of it where it cannot be removed, a room which was built a year or two ago which was supposed to be a screened in porch, it has storm doors and windows. A deck that we put a stop work order on several months ago, the additional decks you see were not there at that time. Units that are landlocked. The video also showed some of the types of screened in units being brought in.

At the end of the video presentation Inspector Holland explained that this shows a portion of the problems we are having trying to enforce the ordinances that we have in place. In the packet of material submitted to the board there is a copy of a letter from former Inspectors Bill McElwee and Jon Briggs addressing these same issues. The town has never had problems with anchored decks, but there is a great deal of difficulty keeping a handle on them. We would have to camp there to keep up with it. When FEMA comes for the recertification visit they will hold us to the fire for it. The problems continue and we are trying to bring it back to being a campground.

Mr. Lonnie Smith, owner of Surf City Campground: If this is what you intend to do then I will be forced to put a cable across the property, which I will point out is private property. Jeff has been good about trying to work with us, but what you have here is not legal. I can keep my peoples names and addresses, but I cannot give them to you that would be a violation of the Privacy Act. Keeping logs of when they are moved and moving them every 180 days is not reasonable. I did not get a copy of that letter from the first building inspector. Whether or not the vehicles are licensed is not my responsibility. When does flood insurance determine what kind of vehicle can be used to remove an RV? Who will make these inspections?

Inspector Holland stated the campground owner will be responsible for the inspection.

Mr. Smith continued. Unless you looking for a specific person, I don't think I can indulge and give you names. The limitations on decks I can understand, it is foolish but I understand. These people are being penalized because they want to stay in a park model. They do not want to stay in town to hurt anyone, they just want to stay at the beach and want you to be fair to them. When the campgrounds are gone business will close. These people are fishing and helping the area's economy. By cutting out a persons use of the grandfather clause is cutting out their rights. There are some that do need to be condemned and taken out. I can remove the ones with my tractor that was parallel when necessary. You would be depriving me of revenue if you require me to remove them and do not allow them. You need to change the wording a little about ways to determine if road worthy. I don't work for the state and that is not my responsibility.

Inspector Holland said there are some problems with allowing the use of the grandfather clause. In most cases there are no records of when they were built. Every day new additions are being turned into heated space

and we have to find a way to enforce and protect the homeowner's flood insurance.

Citizen Linda Knowles read from FEMA's newest publication. This town has different zones, from R-20 to MHR to campgrounds. When I built my house I had to conform and I did all those things I was supposed to do, and I expect others to follow the rules. These are not the town's rules and not the state's rules, these are federal. If we do not follow these rules they will cancel my flood insurance. I cannot live here without flood insurance. The publication read by Mrs. Knowles stated that RV's placed in zones A1-30 shall be located there fewer than 180 days, be fully licensed and towable. That includes Rogers Bay. It cannot be considered a campground if mobile homes are being set up. RV's must be on wheels and hooked up by quick disconnects, with no permanently attached additions. Any community who participates in the program must comply with all regulations in order to be eligible for federal flood insurance. These units have been moved around and anything before the date of that campground should be null and void. Rooms were constructed with no c/o's issued.

Kenneth Kirkman, Attorney for Island Camp: He stated that he was not going to attempt to tell the town what to do or not do. I have talked with your attorney and the notice given on this meeting was not sufficient, although she indicated that she had not properly reviewed it. It did not explain what the zoning change was. Since the original paperwork was distributed, an additional amendment has been added. I just wanted to raise this issue for the record. There are many owners in Rogers Bay who are not here. We want to make sure that notice gets to all owners. Beyond the procedural issue, this amendment is not clear and is ambiguous. It is not clear as to who does what. It talks about a log and about a concept, permits required and then states all permits shall be in park names. You have some real drafting issues that you need to have your attorney look at. You have the authority already and you need to look at the implications of this proposal. Need to adopt ordinances that are consistent with federal governments. The lady read from FEMA Regulations, which you already have in ordinance, what is the purpose? Why make the owners move every 180 days. I do not think you are gaining anything. As the owners indicates you will be no better than before. What are you trying to achieve? Do what you have to do to bring the campground into compliance with FEMA, but remember some were permitted, some were not. Look at the implications, after having represented three towns in the past, judges do not want to hear things that there are not reasons for. Get your town board and your planning board together to work with those involved, in order to work out a solution. This would help those who will be most affected. This will cause a major impact. All should be told about it. Enforcement is the issue.

Lillian Foswick of Rogers Bay stated that she built her screen porch in 1983. It has been there ever since then and we will not tear it down. We have not added on to it. Many do not like the campground, but we have put our money here and we want to come here and enjoy the beach. We are not trying to break laws. I love my porch.

Citizen Linda Knowles: The attorney mentioned something about purpose. The purpose of a campground is not permanency. A campground is a temporary place. You pull in your camper, stay for a few days and go home. Landscaping and other things are permanent and should be in a manufactured home park. Changes should be required in order for them to

come into compliance. If not, when FEMA comes we will be put on probation until they are brought into compliance. If they are not brought into compliance in the time allotted, they will cancel our fire insurance.

Norman Huber of Rogers Bay: Asked what is the height restrictions in this city. If you pass the law that we have to tear down all that does not comply, then you should make other building comply with the height limitation.

Flora Santos of Rogers Bay: The grandfather clause will not count anymore, if you take it away.

M.B. Grayton of Rogers Bay: Federal insurance comes from people everywhere. We own here and pay taxes which fix these houses on the beach. Everyone has to pay for it but cannot get it.

Jack Groyman of Rogers Bay: If the campground can work with you and say we go along with this. Let us keep our grandfathered buildings. Don't make us pull them out every 180 days. What do we need to do that for? Right now I would be able to because I have a newer unit, but 15 years down the road I may not be able to. Let's work together and find an answer.

Pansy Brigman of Rogers Bay: I do not have a screen porch, but I would love to have one. How can you be so concerned about the campground when you are allowing bulldozing of dunes and letting wetlands be filled. You need to be worrying about something that will affect us if we are flooded. You need to look at those things more than what is being put in the campground.

Mike Rochelle of Rogers Bay: I was hoping to get enough information to understand what was going on before I said anything. This all seems to be very political. They are only concerned about who can get insurance. In my opinion for homeowner's to get 5% discount, we must comply. We have to meet their guidelines, but we don't benefit.

Inspector Holland explained that the 5% discount is not the problem. If the town does not make all properties comply with their regulations, the town could be kicked out of the program and no one will be able to get flood insurance.

Mike Rochelle of Rogers Bay: It sounds like we have to comply so they can get insurance. We can't get insurance and we have the least amount of money invested and much animosity. They are upset with us because we can share the same privileges.

Citizen Ginny Hillyer: I was a member of the first Planning Board of North Topsail Beach. I can tell that the staff did a good job. When I was on the Planning Board, we tried to tackle the section on travel trailer parks and we made some suggested changes. We tried to add wording to prohibit anything other than temporary structures. This is not a problem that just came about. Several groups have tried to work on these issues. If Rogers Bay had intended on having a permanent living facility, they should have come before the board for a permanent situation, through rezoning or even subdivision approval. If looked at for what it is, it is temporary living. I do not live directly on beach, and I do not want to lose my insurance. That insurance takes care of the town hall if it is destroyed as well as homes. I cannot

afford an RV. If they had been up front and explained that they wanted to be permanent, we could have worked with them to help them meet subdivision regulations. Now we have to look at the problem so that the rights of the home owners are protected.

Citizen John McMillan: River Road I have never run anyone off my property who wanted fish. People urinate and defecate and abuse the beach. The town doing the best they can to protect the interest of the citizen. There were not as many rules before incorporation. We know you are upset because you may have to make changes. I do not have a second home or a camper. This town got together for a better form of government and everything will eventually get in line. Ms Hillyer spoke about trying to fix this section of the ordinance for years. The attorney said we just started. All we are doing is trying to make a better place to live. Any violations of law should be corrected.

Citizen Marian Harkins: I was on the board when interests in the campground were first being sold. I was questioned and then questioned the manager and attorney about the property being subdivided. I was assured that was impossible and only an interest to a campground was being sold and a subdivision was not done. To my knowledge no one was sold a specific lot. We want to protect our flood insurance. There are many regulations that do not affect everyone but are adopted as a whole. There are some that live here and work here and need the insurance so that we can have our homes. I would like to see the amendment passed and enforced.

Citizen Lee Haynes: I don't live here but I have a home here. These campers must be able to be moved.

Sally Merritt of Rogers Bay: The reason we want to keep our screen porches is because of the mosquitos.

Sandy Houser of Rogers Bay: A travel trailer can have insurance through car insurance. The tongue has been removed, but is there and can be easily be put back on. The screen enclosures can be removed within 45 minutes. We love it here. We are from New York and don't want to pull out. We request some leeway to owners. We-were deeded and sold property. Someone was misinformed.

Virginia Hilton of Rogers Bay: If you pass this ordinance and we have to move them, where do we move them and how often would it have to be done.

Inspector Holland explained that they would be required to move in order to prove they were road worthy.

J.R. Watkins of Rogers Bay: The video of the fence was mine. The fence is removable. There are flowers there, not a garden. I can run over a flower bed whenever i want to, I do it all the time at home. We were told the porches were grandfathered, told we could keep them. If you go by these rules think of the lawsuits.

Inspector Holland explained that maybe this one is removable but on another row there are some that cannot be removed. The purpose is to keep decks from growing into covered porches and screened in porches from turning into rooms.

Von Worley of Rogers Bay: Someone said we did not have to have insurance, but we do. Our insurance only covers the unit when it is hooked up. We pay taxes in Onslow County just like the other owners.

D. Housal of Rogers Bay: How long has this discount been 5%? There are other things required to get a building permit. If we can build a deck why can it not be a screened in porch.

Alderman Bass asked Mr. Housal what size lot did he bought when he purchased his rights to a lot? Mr. Housal replied that his lot was 50 X 60. Alderman Bass explained that there is a CAMA rule stating that on ORW land you cannot cover more than 25% of the lot with a roof.

Citizen Linda Knowles: FEMA been around since 1968 and I am asking everyone to keep in mind that these are federal laws. The only thing a town can do is strengthen the laws but they must at least conform. If not, then the town in violation. FEMA is also the ones who come in and help during a disaster. What happens if the town is on probation or out of the program? Will they still help?

Inspector Holland stated that he does know that the adjoining community was removed from the program.

Mary Watson of Rogers Bay: I own 2 lots does that mean we can put a porch on because we do not cover 25% of the lot.

Inspector Holland answered no.

Von Worley of Rogers Bay: I have built over 1500 homes. A deck could be built with a porch, then put screen on top.

Joe Royal of Rogers Bay: On level ground we could build a deck that no one would have a problem with. We can get Corky to look at and approve the RVs as road worthy. We can get together and help live in peace and harmony. The units with the tongues off could be put on and brought into compliance. Let the existing rooms stay and we can work agreements not to add on.

Alderman Stackleather stated the screen units can be purchased that will attach to the awnings.

Mary Watson of Rogers Bay: We built our deck so that the water will penetrate.

Patsy Worley of Rogers Bay: Our cars must be taken in once a year and inspected. Could we pay someone once a year to come in and do inspections on the RVs?

Colby Doss of Rogers Bay: I am a resident of this county. I have two campers and there are no inspections required. I have been a licensed inspector for many years. The Florida rooms are removable.

Sandy Housal of Rogers Bay: Are the snap down screened rooms allowable

Building Inspector Holland answered yes.

Citizen Linda Knowles: When is FEMA coming to do our in inspection and how often do they come?

Building Inspector Holland explained that they come every five years for recertification. They will be here next year, probably in March or April.

Citizen Linda Knowles: We must look into the situation of a disaster. What happens if we have no insurance?

H.S. Ward of Rogers Bay: Someone mentioned about the tongues being removed. Mine was removed because of the distance it must be located from the road. My unit will just fit on the lot with it removed.

Flora Santos of Rogers Bay: All of the rooms have been there for years. Let us keep them. We'll do whatever we need to do to keep them.

Citizen Linda Knowles: What about the buffering requirement that is in the zoning ordinance regarding the distance from the highway.

Building Inspector Holland explained that this subdivision was already existing before the incorporation of the town.

Citizen Ginny Hillyer: Are there setback restrictions on travel trailer parks or have they gone astray? The lots should have to be a fairly good size to meet setbacks.

Inspector Holland explained that the only restriction is to keep 15 feet between them.

Frank Rochelle of Rogers Bay: Is there any room for compromise? Does this have to be followed to the letter? Some of these things don't sound sensible, like having to move every 6 months. I think the campers were not given enough notice that this was going to be discussed or you would have had more people here.

Inspector Holland answered that some of these issues could be possibly be amended. We can work out a compromise. It must be understood that we have to do something to satisfy everyone.

Alderman Stackleather asked if FEMA had considered that these are deeded lots.

Inspector Holland explained that these are not deeded lots. These people have a deeded interest in the campground, with an exclusive right to use a specific site. These rights are registered and recorded. Yes, FEMA is aware of this type of arrangement.

Alderman Stackleather stated that it was her personal opinion to allow the older structures to remain and to remove the new ones.

Inspector Holland stated that when we videoed in March, there were 28, since that time some more were added or enlarged.

Bob Marley of Rogers Bay: Asked Inspector Holland how long he has been an inspector. You should be able to tell if the wood is new or old.

Inspector Holland explained that during his time with the town, he has noticed some alterations and additions. They are no longer using new wood, some have been built with old wood and the campers claim they were there originally.

Alderman Bass stated that if no permits have been issued the structures were built illegally and should be removed.

Citizen Marian Harkins: Permits would have been required by the count
Someone could check the county records.

Citizen Linda Knowles: Those structures which were moved from one location to another should also be removed.

Colby Doss of Rogers Bay: So the ones built prior to 1990 could stay?

Alderman Bass stated that any built without a permit were illegal.

Citizen Linda Knowles: When we had a storm and our walkway was washed away, we had to get a permit to build it back. Everyone should have to get a permit.

ADJOURNMENT: A motion was made by Alderman Sue Tuman and seconded by Alderman Stackleather to close the public hearing a 7:48 p.m. Passed unanimously.

Susan R. Daughtry
Susan R. Daughtry - Deputy Town Clerk

BOARD OF ALDERMAN
REGULAR MEETING
NOVEMBER 2, 1995

- PRESENT: Mayor Marlow F. Bostic, Jr., Mayor Pro-Tem Sam McGinn, Aldermen Susan B. Tuman, Wilbur Bass, Margaret Stackleather and Peter Hillyer, Town Manager Ann Vause and Deputy Town Clerk Susan Daughtry
- CALL TO ORDER: Mayor Bostic called the meeting to order at 7:00 p.m. and declared a quorum present.
- INVOCATION: Chaplin Van Dickens of Camp Lejeune led in prayer.
- ANNOUNCEMENT: Town Manager Ann Vause stated that she was pleased to announce that Gunnar Matthews has been promoted to Police Chief and Danny Salese to Assistant Chief.
- APPROVAL OF AGENDA: Public hearing minutes of October 30, 1995 were removed from the agenda. A motion was made by Alderman Hillyer and seconded by Alderman Tuman to approve the agenda with corrections. Passed unanimously.
- APPROVAL OF MINUTES: Alderman Stackleather requested correction of a typo on page 6 para 6. A motion was made by Alderman Hillyer and seconded by Alderman Bass to approved the minutes of the regular meeting of October 5, 1995 with the necessary corrections. Passed unanimously.
- OPERATION TOPCAT: Citizen Linda Knowles requested an opportunity to address the board in regards to a new project to be known as Operation Topcat. The project committee requested financial support for this project. Operation Topcat will be responsible for the spaying and neutering of the stray cat population, which has greatly gotten out of control. Donations will be accepted and a meeting was held on October 10th and the next meeting is scheduled for November 14th, anyone wishing to volunteer is welcome to join. The plan is to neuter or spay wild cats on the island, and we need assistance in order to located the cats. Anyone who has any stray cat problem is urged to contact Lois Smith 328-1900 ext. 2041. A veterinarian from Raleigh will be available at the beginning of March, will come down to perform the surgeries with eight (8) or nine (9) students from the vet school, who will assist. The cost will be \$9 to \$11 per cat. Decorated jars will be placed throughout the town for donations. All cats will be up for adoption after the surgery. Anyone who has cages or kennels and would like to donate them for use will be greatly appreciated. Any cages donated will be marked in order to return them after their use. Our main request to the town is for a building to use for the actual surgeries. We would like to request either the use of the fire station or the public works building. Alderman Tuman explained that the building would only be used for the pre-operation and actual operation. It would be helpful if the town could order and pay the cost of the rabies vaccine. Mrs. Knowles also requested that this project be included in upcoming budget. This will be an on-going job. It has already be done on nine (9) different occasions in Ockracoke, doing 30 to 40 cats at a time. Now they have a better control of the stray cat population there. We would like to thank Jeff Holland for putting us in contact with the vet.

Mrs. Knowles stated that there were six (6) people present at first meeting. There will be alot of work and the cats must taken care of after the operation. Onslow County will give us alot of cages and we will borrow cages from individuals, but we do need volunteers. Alder Tuman explained the collection of the cats will begin 36 hours before the operations are scheduled to begin.

We will be discussing with surrounding towns for support in the project. The vet will not be charging for this service. The only payment he will receive is a vacation at the beach. All other expenses occur in supplies. Mrs. Knowles explained that presently there are five kittens available for adoption now, and any cats up for adoption will be fixed. We would love to have more people.

CHRISTMAS
DECORATIONS:

Mrs. Linda Knowles explained that it was time for the decorations to be put up for the holidays. She requested volunteers contact Mrs. Pat Dempsey.

NEW OFFICERS
INTRODUCTION:

Auxiliary Officer Kim Hanes and Sean Hayes were sworn in on Monday, October 30th. Mayor Bostic welcomed them to the force. All police officers were present and were introduced to the citizens.

OLD BUSINESS
REZONING REQUEST
J.C. JOHNSON:

Mayor Bostic explained that this request is for the 4.66 acres located on 1568 formerly known as the Barton College Tract (location of the old New River inlet Pier)

Mayor Pro-Tem McGinn discussed the location of the required public easement. Mr. Riggs explained that this would normally be addressed at the subdivision stage, but the easement is to be provided on the northeastern side of the property. The owners are asking for approval of a Conditional Use R-8 Zoning District with the conditions being 1) there will be no more than 10 dwelling unit; 2) no septic tanks; and 3) a beach access to town specifications will be provided.

Mayor Pro-Tem McGinn stated that there is a need to take care of the people by building a handicapped ramp. Mr. Walters stated that he does not know what kind of access it will be at this point, but we will be using it ourselves so I am sure it will be built nice for our use. Mayor Pro-Tem McGinn stated that if they will build a walkway the town will maintain it.

Mr. Walters explained that this is just a rezoning request and we will still have to go through a subdivision request before we can do anything. All we are asking for at this time is to get the property rezoned, then we can work on the other details.

A motion was made by Mayor Pro-Tem McGinn and seconded by Alderman Stackleather to approve the rezoning of 4.66 acres for Mr. J.C. Johnson from B-2 to CUR-8 with the conditions of no more than 10 dwelling unit no septic tanks will be installed on the property and the construction of a dedicated beach access. Motion did not pass 2-3. Voting Naye: Aldermen Bass, Hillyer and Tuman. Voting Aye: Mayor Pro-Tem McGinn and Alderman Stackleather.

DOT ROAD SIDE
MAINTENANCE:

During your October 5th meeting you requested I check with the Department of Transportation concerning the town maintaining road sides. Mr. Donnie Huffman, DOT District Engineer, has advised the following:

- a. DOT would authorize an agreement for the town to maintain road sides;
- b. DOT would require the road sides be cut a minimum of 7 times per year;
- c. DOT would pay the town \$1700 a year for this service (the same amount now paid the contractor by DOT);
- d. The town is to invoice DOT for this service during the month of November each year.

The town would need the following to maintain road sides:

- a. 2 additional individuals in the public works department. These individuals would mow the road sides, use weed-eater when necessary, maintain flower beds, this includes establishing watering schedule for plants provided under DOT Beautification Grant;
- b. Additional funds would be required in this years fiscal year budget for personnel cost and the purchase of additional equipment such as a pick-up truck, industrial mower, weed-eater, etc. The state guidelines on the use of powell bill funds allows the town to charge a portion of this cost to the powell bill fund line item. However, funds received for Fiscal Year 1995-96 are already committed for road projects. We would not be able to charge these expenses to the powell bill fund until Fiscal Year 1996-97.

If the board elects to authorize the agreement with DOT, an agreement and resolution will be prepared and presented for their consideration at the January 1996 meeting. Also, cost for personnel and equipment would be prepared and a request for additional funds in the 1995-96 budget would be presented.

General discussion of the current public works equipment. The GMC Blue pick-up is no longer in use, the small Ford Ranger pick-up is all that actually belongs to Public Works. The other pick-up being used belongs to the Police Department. Federal surplus and cannot be turned over to Public Works for a year and in order to do this it requires approval. An area town transferred a vehicle from one department to another without following the proper procedure and the vehicle was taken back.

General discussion of additional employees requested. Town Manager Vause explained that the additional employees can be used for several different projects which are now being discussed.

Alderman Tuman stated that she is aware that numerous people from the town are concerned about the state of the roadside. A good job is not being done and some of the trees planted this year have been cut down by the contractor. This does tie into other item on agenda. Obviously we do not need a full time employee to mow but in the winter we will need someone for dune preservation.

Mayor Pro-Tem McGinn stated that he did not think the town should spend money to clean the highways when the State DOT will do it from tax dollars from the state. This work can be supervised by the highway department. There are too many other things we can spend our money on.

Alderman Bass stated that some of this is true, but other than what is being done by the public works department along the rails of the bridge

and around the flower beds, not alot is actually being done. Any grass that is covering the bushes they leave, along the street they get too close to the mailboxes, they leave streaks a foot or foot and a half wide, and leave the whole block between 14th and 15th Avenue. I c that area myself, that is why they do it cheaper. They don't take care of their equipment and do a sloppy job. If we can use powell bill money then we can get some help with the expense.

Town Manager Vause explained that we can get approximately \$1700/year from the Department of Transportation which is what they pay for 7 mowings per year.

General discussion of liability and possibly offending the Department of Transportation by criticizing their efforts. There was also discussion regarding the supplementing of the work being done by DOT and the possibility of using prisoners along the roadside for clean-up.

Mayor Bostic directed the Town Manager to research the cost of doing the work ourselves, to include costs of equipment and salaries, as well as private contractors. Alderman Tuman stated that this can also be accompanied by beach renourishment program.

CONCEALED WEAPONS
ON TOWN PROPERTIES
ORDINANCE:

Town Manager Vause explained the law allowing individuals to carry concealed weapons is effective December 1, 1995. A copy of the information received from the N.C. League of Municipalities on this law has been attached for your review.

To protect the town and prevent someone from coming on municipal property with a concealed weapon the attached ordinance has been prepared for your consideration.

Chief Matthews explained that there are questions regarding the posting of the signs. Some additional wording is necessary in order to clear up some issues regarding parking lots. County Beach Accesses are controlled by the County and the Sheriff's Department will be handling those areas.

Citizen Joe McMillan complained about the ordinance and stated that is not what is needed by the town and does not fit the needs of the town. If you need this for the buildings then ahead and pass an ordinance for buildings but the other areas stated should be considered more carefully.

Alderman Tuman asked if the location of the signs is to be determined by police chief. Chief Matthews answered that the exact location has not yet been determined.

Attorney Lynn Coleman stated that some corrections are necessary. If logically read together there are some problems with the wording. It is anticipated that every park and every building within limits wil' receive a sign. I do not think ordinance considered giving the chief authority to place the signs. The board should give direction. The verbiage is unclear as to whether parking lots are included, so what it did was assume that you have as much authority as you think you can get until proven that you can't.

Chief Matthews explained that the law goes into effect on December 1st. The training will probably be done at the community college. CCCC has not yet been approved and we do not know when this will occur.

Attorney Coleman stated that a violation of this ordinance would be a Class 2 Misdemeanor.

A motion was made by Alderman Tuman and seconded by Alderman Stackleather to pass the ordinance with the stipulation that the Town Attorney will come to the next town meeting with the necessary amendments as agreed by the Town Manager and the Police Chief. Passed 3-2 Voting Aye: Alderman Hillyer, Tuman and Stackleather. Voting Naye: Aldermen Bass and McGinn.

AN ORDINANCE PERMITTING THE POSTING OF SIGNS PROHIBITING
THE CARRYING OF CONCEALED WEAPONS ON CERTAIN
TOWN OF NORTH TOPSAIL BEACH MUNICIPAL PROPERTY

WHEREAS, Chapter 398 of the 1995 Session Laws made changes to the laws governing concealed weapons by establishing a system that will allow private citizens to obtain permits to carry concealed handguns;

WHEREAS, this change will significantly increase the number of individuals who may legally carry concealed handguns;

WHEREAS, it is necessary to restrict the carrying of concealed handguns on certain town property in order to protect the health and safety of municipal employees and the community at large;

WHEREAS, N.C.G.S. 14-415.23 authorizes municipalities to adopt ordinances to permit the posting of a prohibition against carrying a concealed handgun, in accordance with N.C.G.S. 14-415.11(c), on local government buildings, their appurtenant premises, and parks; and

WHEREAS, it is the intent of this ordinance to direct the posting of municipal property such that, pursuant to N.C.G.S. 14-415.11(c), the carrying of concealed handguns on the posted premises will constitute a violation of N.C.G.S. Chapter 14, Article 54B.

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Town of North Topsail Beach, North Carolina that:

Section 1. Posting of Signs Required. The Police Chief is hereby authorized and instructed to post conspicuous signage at appropriate locations on or within each municipal park and each building or portion of a building owned, leased as lessee, operated, occupied, managed or controlled by the Town indicating that carrying a concealed handgun is prohibited therein.

Section 2. Location of Signs. Signs on buildings shall be visibly posted on the exterior of each entrance by which the general public can access the building. The Police Chief shall exercise discretion in determine the number and appropriate location of signs to be placed on or within appurtenant premises and municipal parks. Nothing contained in Sections 1 or 2 herein shall authorize the posting of any outdoor area, such as a parking lot, exclusive of municipal parks, nor shall the carrying of a concealed weapon with the appropriate permit be prohibited in any outdoor area, with the

exclusion of municipal parks.

Section 3. Severability; Conflict of Laws. If this ordinance application thereof to any person or circumstance is held invalid such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to that end the provisions of this ordinance are declared to be severable. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4. Effective Date. This ordinance shall be effective on and after December 1, 1995.

DULY ADOPTED THE 2nd DAY OF NOVEMBER, 1995.

AUDIT PRESENTATION
94/95 FISCAL YEAR
BUDGET:

Mr. John Carraway reviewed and presented the Audit for Fiscal Year 94/95. He advised the town was in excellent financial condition. Copies of the Audit are available for review at the Town Hall.

Town Manager Vause requested the Board contract with Mr. Carraway as auditor for Fiscal Year 95/96. A motion was made by Mayor Pro-Tem McGinn and seconded by Alderman Bass to contract with Mr. Carraway for next year's 1995-96 audit. Passed unanimously.

BEACH ACCESS
STUDY GRANT:

The first of 3 approved grant proposals has been received from the Dep of Environment, Health and Natural Resources. The other 2 grant agreements for crossovers at Bay Court and Oyster Lane should be here within the next 4 weeks.

This grant authorizes the preparation of a beach access study. Once the agreement has been approved, service proposals will be requested from planners who wish to prepare the study. The Crossover Committee and I plan to interview planners during the month of December.

A budget amendment to incorporate the towns share of the grant cost and a request for authorization to sign a contract with the planner will be presented to the board during their January 1996 meeting.

A motion was made by Mayor Pro-Tem McGinn and seconded by Alderman Stackleather to approve the resolution and approve the Mayor and Clerk to sign the resolution. Passed unanimously.

NOMINATION FOR
WHITE OAK RIVER
WATER SHED ADVISORY
COMMISSION:

After a lengthy discussion of the White Oak River Water Shed Program, A motion was made by Alderman Tuman and seconded by Alderman Bass to recommend Planning Board Member Bill Rogers to the county as representative for the area to participate in the committee. Passed unanimously.

TOURISM:

Town Manager Vause explained that Mrs. Jean Nociti, Topsail Island Chamber of Commerce Director, has advised that the method of referring individuals to the North Carolina area could possibly be changed. She said the directorship of the N.C. Travel & Tourism has changed and the

new director has proposed a contract with a promotional organization in Florida.

The chamber feels this would not be a beneficial change for North Carolina since individuals calling 1-800-VISIT-NC would reach someone in Florida who would not know the local rental agents, real estate companies or local businesses. In addition, they would not be familiar with the area and could not effectively answer questions about North Carolina.

Mrs. Nociti is requesting the board send a letter to Governor Hunt asking that he delay signing this contract until further information can be obtained and evaluated to see what the impact would be on North Carolina Tourism, particularly in the Topsail Island area.

Town Manager Vause stated that she had been notified by Jean yesterday that the Governor has refused to sign the contract, but they are considering other methods that the chamber is still not fond of.

A consensus of the board gave Town Manager Vause direction to prepare a letter as soon as possible.

BUDGET AMENDMENT:

Under the asset and forfeiture law the police department has received, and will receive additional, funds from U.S. Customs for their assistance in a past case.

The attached budget amendment is to incorporate funds received (\$674.00) and anticipated funds (\$9,000) into the current years budget. The \$674.00 is a payment from US Customs to officers for off duty hours working with them on the case. The anticipated \$9,000.00 can only be spent for police equipment.

A motion was made by Alderman Tuman and seconded by Alderman Stackleather to adopt the budget amendment after correction of the typo. 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 2ND DAY OF NOVEMBER, 1995, THAT THE BUDGET ORDINANCE FOR FISCAL YEAR 1995-1996 ADOPTED JUNE 1, 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)	31,000.00
Sanitation	30,000.00
Recreation	2,000.00
Non-Departmental	-0-
Fire Department	171,572.00

Committees	7,500.00
DABSTEC	69,100.00
Contingency	<u>23,208.00</u>
	1,286,815.00
TOTAL GENERAL FUND EXPENDITURE BUDGET	<u>1,296,489.00</u>

POLICE ASSET ACCOUNT EXPENDITURES:

Police Asset/Service Account	9,674.00
TOTAL BUDGET	<u>1,306,253.00</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 Bal Appropriated	<u>98,500.00</u>

TOTAL GENERAL FUND REVENUE BUDGET	<u>1,286,815.00</u>
	<u>1,296,489.00</u>

POLICE ASSET ACCOUNT FUND

Treasurer Payroll Expense	674.00
Police Asset Fund - Customs	<u>9,000.00</u>
	9,674.00
TOTAL BUDGET	<u>1,296,489.00</u>
	<u>1,306,253.00</u>

DULY ADOPTED THE 2ND DAY OF NOVEMBER, 1995.

DUNE PROTECTION
AND RESTORATION
PROCEDURE;

The following dune protection/restoration procedures are presented for your consideration:

- a. Employ or contract with an individual to operate the front end loader equipment to plug holes in the existing dunes;
- b. The first year use employee or contractor to push X number of miles of sand to begin restoration of dune system;
- c. The second year contract for services under the Community Work Program for individuals to plant beach grass and fertilize the number of miles pushed the first year;
- d. During subsequent years continue to push additional miles of sand to build a dune system and continue to plant beach grass.

If the board elects to use its own personnel I believe the individuals recommended for the public works department road side maintenance work could be used. The major difference in using personnel and contracting would be the number of hours worked per day. If we contract with someone to operate the equipment they would be available all day for this purpose. If we use town personnel they would be doing this work in addition to other duties which means they may only be available a portion of the day.

I believe by using this process we can effectively build a dune system over a period of time. However, it will take a number of years to complete the work and build a dune protection system.

A workshop was scheduled for Monday November 13th at 4:00 p.m. to further discuss this matter.

MANAGER'S REPORT: Town Manager Vause advised that the first advertisement for bids on town hall appeared in today's paper.

On the personnel side, Ms. Barbara Howell has been employed on a temporary basis in the Town Hall. Mr. Gerald Vigus, Public Works has resigned effective November 15th.

Construction on fire hydrants. An award for bids has been accepted at a cost of \$365.00 per hydrant. The board has budgeted \$1800.00 for this installation and the contract will be awarded to R&W Construction. These costs are in line with past installations.

ALDERMAN'S REPORT: Alderman Stackleather stated that she was glad the amendments to the Zoning Ordinance on the Campground section had been removed from the agenda. The Town Officials should work closely with them and put together some kind of a compromise. There will be a pancake breakfast sponsored by the mature citizens on Saturday, November 4th at 9:30 a.m.

Alderman Tuman explained that a copy of the Operation Onslow plan did not get into the Topsail Voice, but a copy is available at Town Hall and the Library. It discusses reducing taxes by bringing in industry. Sandy Mattox, Agricultural Extension Representative will be here on November 3rd to discuss beach grasses and plantings. Everyone is encouraged to come. She requested some consideration for the use of town facilities for Operation Topcat. A place is greatly needed for one day in March. Nags Head Meeting brought up alot of interesting information concerning coastal municipalities. As a group, we have a much better leverage toward state government.

Consensus approved using the Public Works building for Operation Topcat. Alderman Bass stated he was not in agreement that bringing in industry to the County would be something that would reduce taxes, it usually costs the tax payers pay more.

Alderman Tuman stated that it would create an increase in order to provide water and sewer, but Onslow County is one of the poorest counties in the state. The connection seems to be the fact that we do not have industry, better jobs, a better quality of life.

MAYOR'S REPORT:

Many ordinances stop at the high tide mark. I noticed that Nags Head, in addition to house numbers, have mile posts. I also noticed beach accesses. Our citizens should be encouraged to take a look at theirs. We have better access facilities, theirs are larger but we have more individual accesses.

PUBLIC FORUM:

Citizen Joe OConnell: Campground issue should be moved on as soon as possible. You can work on compromises, but cannot feel responsible for them being sold certain ideas. I can see where some of these concerns are. Let's put ourselves in compliance with the rules.

Citizen Jack Royman: In reference to hydrants, there are past practices whereby contractors can control bids. If there is only one bid made then you have nothing to choose from.

Town Manager Vause explained that bidding is now under control so that those type of situations will not happen. We requested bids from 3 contractors he is th only one that would come this far for such a sma' job.

MOTION TO
ADJOURN:

A motion was made by Alderman Bass and seconded by Alderman Hillyer to adjourn at 9:35 p.m. Passed unanimously.

Susan R. Daughtry
Susan R. Daughtry - Deputy Town Clerk

TOWN OF NORTH TOPSAIL BEACH
SPECIAL BOARD MEETING
NOVEMBER 13, 1995

PRESENT: Mayor Marty Bostic, Mayor Pro-Tem Sam McGinn, Aldermen Margaret Stackleather, Sue Tuman, Bill Bass and Peter Hillyer. Town Manager Ann Vause and Deputy Town Clerk Susan Daughtry.

QUORUM: Mayor Bostic called the meeting to order at 4:00 p.m., at the south end fire station and declared a quorum present.

DUNE RESTORATION PROGRAM:

Mayor Bostic advised the special meeting was called to discuss the development of a dune restoration program. Town Manager Vause reviewed the information concerning dune protection/restoration procedures provided at the board at their November 2nd meeting. The board discussed how to protect the dunes, the need to prioritize what needs to be done and where, plugging the holes, building a secondary dune to protect the primary dune. After a general discussion, the board agreed that the project would be coordinated between Susan Daughtry - CAMA/Zoning Administrator, Janet Russell - CAMA official and Ann Vause. Mayor Pro-Tem McGinn suggested the town use Bill Bass as the equipment operator. After further discussion, the following was decided by the board: 1) holes in the dunes are to be plugged; b) Susan is to indicate where the equipment is needed to begin pushing up sand; c) the town will contract with Bill Bass for the present time; d) a maintenance schedule will be set up; e) installation of a roping system at the access on Jenkins Way provided last year for contractors to use for equipment access for bulldozing projects; f) the town manager will monitor the situation and if she feels it would be more beneficial for an employee to do the work a proposal will be prepared for the board's review at a later date.

The board discussed obtaining fertilizer and having it available for citizens. They decided if the town does purchase the fertilizer and pays 1/2 the cost, same as they do on beach grass and sand fence, they would provide one bag for a 50'-60' lot per property owner. The possibility of purchasing the fertilizer, where to store it, etc. will be handled by the town manager.

Aspects of a long range dune restoration project such as a area for dune plant cultivation, the town pushing up sand and charging individuals X number of dollars per lineal foot, assessment of program, etc. were discussed. Mr. Bill Parr offered for the town to use a 5,000 sq. ft. lot he owns for a sea oats bed.

Town Manager Vause advised the program would be initiated within the next few days and she would keep the board advised of the progress.

ADJOURNMENT:

A motion was made by Mayor Pro-Tem McGinn and seconded by Alderman Stackleather and adjourn the meeting at 5:21 p.m. Passed unanimously.

Susan R. Daughtry

Susan R. Daughtry - Deputy Town Clerk

TOWN OF NORTH TOPSAIL BEACH
BID OPENING
DECEMBER 7, 1995

PRESENT: Mayor Pro-Tem Sam McGinn, Alderman Sue Tuman, Architect Ken Burnette, Engineer John Parker and Town Manager Ann Vause.

BID

OPENING: At 3:00 p.m., Mr. Ken Burnette advised the bidders that upon the advice of the Town Attorney the bids for town hall construction would not be open today. Bids will be re-advertised and a new bid opening date would be scheduled. He thanked the bidders for attending and advised them that they could either leave their bids with him or collect their bids and resubmit them at the next bid opening. All bidders elected to collect their bids at this time.

The bid opening was closed at 3:05 p.m.



Ann Vause - Town Manager

BOARD OF ALDERMAN
REGULAR MONTHLY MEETING
December 7, 1995

PRESENT: Mayor Marlow F. Bostic, Jr., Mayor Pro-Tem Sam McGinn, Aldermen Margaret Stackleather, Susan B. Tuman, Wilbur Bass and Peter Hillyer, Aldermen elect Barbara Haynes and Jack Royman, Town Attorney Lynn Coleman, Town Manager Ann Vause and Deputy Town Clerk Susan Daughtry.

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

INVOCATION: Mayor Bostic called for a moment of silence.

APPROVAL OF AGENDA: A motion was made by Mayor Pro-Tem McGinn and seconded by Alderman Hillyer to approve the agenda with the following changes: 1) Addition of Section 5e. Bid Opening December 7, 1995; and 2) Deletion of Section 6b. Request for reconsideration of rezoning request by Mr. Sonny Johnson - Barton College Tract. Passed unanimously.

APPROVAL OF MINUTES: A motion was made by Mayor Pro-Tem McGinn and seconded by Alderman Hillyer to approve the minutes of October 30, 1995 with the following correction: Page 7 - Joe McMillan not John OConnell. Passed unanimously.

A motion was made by Alderman Hillyer and seconded by Alderman Stackleather to approve the minutes of November 2, 1995 with the following changes: 1) Page 1, Operation Topcat, line 12, remove "on a Wednesday, Thursday and Friday afternoon"; and 2) Page 10, Public Forum, change name "OConnell" to "McMillan". Passed unanimously.

A motion was made by Alderman Bass and seconded by Alderman Stackleather to approve the minutes of November 13, 1995 with the following change: Page 1, Dune Restoration Program, Line 14 change b) to read as follows "Susan is to indicate where to begin pushing sand". Passed unanimously.

A motion was made by Alderman Bass and seconded by Alderman Hillyer to approve the minutes of November 30, 1995. Passed unanimously.

After a brief discussion of why the bids were not opened, a motion was made by Alderman Tuman and seconded by Alderman Bass to approve the minutes of December 7, 1995 Bid Opening. Passed unanimously.

BEACH ACCESS STUDY GRANT: Town Manager Vause explained that on Monday, December 4th the Crossover Committee interviewed potential planners for the town's Beach Access Study Grant.

After interviewing the potential planners and discussion by the Crossover Committee, we recommend Century/Von Oesen Consulting Engineers be recommended to DEHNR as planner in charge for our project. Century Von/Oesen has extensive experience in this field of work and has been assisting municipalities/counties since the early 1970's.

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A motion was made by Alderman Stackleather and seconded by Alderman Hillyer to recommend Century/Von Oesen based on the information provided. Passed unanimously.

RECESS: A motion was made by Alderman Bass and seconded by Mayor Pro-Tem McGinn to recess at 7:20 p.m. Passed unanimously.

RECONVENE: Mayor Bostic called the meeting back to order at 7:30 p.m.

OATH OF OFFICE

NEW BOARD

MEMBERS: Mayor Marlow F. Bostic, Jr. and Alderman Barbara Haynes and John "Jack" Royman were sworn in by Mr. Ed Cole, Onslow County Clerk of Court.

Mr. Cole thanked the board for inviting him and stated that it is always a pleasure coming to the beach.

SELECTION OF

MAYOR PRO-TEM: Alderman Tuman nominated Alderman Peter Hillyer. Alderman Bass nominated Alderman Barbara Haynes. A motion was made by Alderman Royman and seconded by Alderman Tuman to close the nominations. Passed unanimously.

By a show of hands, Alderman Hillyer received (3) three votes, Alderman Haynes received (2) two votes. Alderman Hillyer was appointed Mayor Pro-Tem.

SELECTION OF MEETING PLACE,

DATE AND TIME: A motion was made by Alderman Hillyer and seconded by Alderman Tuman for the meeting place, date and time to remain as has been in the past (North Topsail Beach South End Fire Station, the first Thursday of each month and 7:00 p.m.). Passed unanimously.

RESOLUTION OF

APPRECIATION: A motion was made by Mayor Pro-Tem Hillyer and seconded by Alderman Tuman to approve the resolutions of appreciation for Mr. McGinn and Mrs. Stackleather. Passed Unanimously.

RESOLUTION OF APPRECIATION FOR MR. SAM MCGINN

WHEREAS, in a municipal election held in November 1991 Mr. Sam McGinn was elected to the North Topsail Beach Board of Aldermen; and

WHEREAS, his fellow board members held him in high regard and choose to appoint him as Mayor Pro-Tem; and

WHEREAS, during his term of office as Mayor Pro-Tem for North Topsail Beach he has demonstrated his sincere concern for the town and the well being of its citizenry; and

WHEREAS, during his term he strived to provide desired services while demonstrating concern for the financial stability of the town;

NOW, THEREFORE, BE IT RESOLVED BY THE NORTH TOPSAIL BEACH BOARD OF ALDERMEN MEETING IN REGULAR SESSION THIS 7TH DAY OF DECEMBER 1995 THAT:

The Board of Aldermen wish to express their appreciation to Mr. Sam McGinn for his willingness to work with other board members to fairly address the concerns of the Town of North Topsail Beach and its citizens and in unity say "Thank you for a job well done!".

DULY ADOPTED THE 7TH DAY OF DECEMBER, 1995.

Mayor Bostic presented the certificate to Mr. Sam McGinn.

RESOLUTION OF APPRECIATION FOR
MRS. MARGARET STACKLEATHER

WHEREAS, Margaret Stackleather is concerned about the Town of North Topsail Beach and its citizens and demonstrated her concern by volunteering for appointment to the planning board; and

WHEREAS, the citizens showed their faith in her abilities by electing her to the Board of Aldermen during the 1991 election; and

WHEREAS, during her tenure as alderman she not only worked for the betterment of town services, but continued to work to advance the town and the needs of its citizenry by participating with a committee appointed to develop a program to provide access to the beach for all citizens and visitors alike;

NOW, THEREFORE, BE IT RESOLVED BY THE NORTH TOPSAIL BEACH BOARD OF ALDERMEN MEETING IN REGULAR SESSION THIS 7TH DAY OF DECEMBER 1995 THAT:

The Board of Aldermen wish to express their appreciation to Mrs. Margaret Stackleather for her hard work and efforts to promote the town and her willingness to work with other board members to fairly address the concerns of the Town of North Topsail Beach and its citizens and in unity say "Thank you for a job well done!".

DULY ADOPTED THE 7TH DAY OF DECEMBER, 1995.

Mayor Bostic presented the certificate to Mrs. Margaret Stackleather.

CORPORATE

RESOLUTION: A motion was made by Alderman Tuman and seconded by Alderman Royman to authorize Mayor Bostic, Mayor Pro-Tem Hillyer, Alderman Bass and Deputy Town Clerk Susan Daughtry to sign checks. Passed unanimously.

SPECIAL

MEETING DATE: After a brief discussion, consensus of the board was to compile an itemized list of issues for discussion and then schedule a special meeting.

ADJOURNMENT: A motion was made by Alderman Bass and seconded by Alderman Royman to adjourn at 7:50 p.m. Passed unanimously.

Susan R. Daughtry
Susan R. Daughtry, Deputy Town Clerk

TOWN OF NORTH TOPSAIL BEACH
BID OPENING
DECEMBER 19, 1995

PRESENT:

Alderman Sue Tuman, Alderman Bill Bass, Architects Ken Burnette and Mr. Rogers, Building Inspector Jeff Holland, Engineer John Parker and Town Manager Ann Vause.

BIDS:

AT 3:00 p.m., at the south end fire station, Architect Burnette announced the last call for bids. At 3:01 p.m., he stated bids were closed. He asked the bidders present if they had received the 3 addendum and if anyone was denied the right to bids. All bidders present advised they had the addendum and had not been denied the right to bid. The following bids were opened:

<u>BIDDER</u>	<u>BID BOND</u>	<u>BID AMOUNT</u>
<u>GENERAL CONSTRUCTION CONTRACT - SINGLE PRIME BIDS:</u>		
Irving Brown Const. Inc.	Check for 5% of bid	\$700,500.00
Richard A. Jordan Assoc.	Check for 5% of bid	\$718,900.00
<u>MULTI-PRIME BIDS:</u>		
<u>CONSTRUCTION:</u>		
Wm. Morris Const. Co.	5% bid bond	\$799,500.00
<u>MECHANICAL:</u>		
Central Heating & A/C of Kinston	5% bid bond	\$ 54,470.00
Humphrey Heating, Inc.	5% bid bond	\$ 39,965.00
<u>PLUMBING:</u>		
James L. Cayton Assoc.	5% bid bond	\$ 62,520.00
<u>ELECTRICAL:</u>		
Southerland Electric Co.	5% bid bond	\$ 88,920.00

Mr. Burnette advised the apparent low bidder was Irving Brown Construction, Inc. He stated bids would be reviewed and a recommendation presented to the Board of Aldermen at a special meeting scheduled for Thursday, December 21st at 5:00 p.m.

ADJOURNMENT:

No further business was conducted and the bid opening was closed at 3:10 p.m.



Ann Vause - Town Manager

BOARD OF ALDERMEN
SPECIAL MEETING
DECEMBER 21, 1995

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

QUORUM: Mayor Bostic called the meeting to order at 5:15 p.m., at the south end fire station, and declared a quorum present.

TOWN HALL

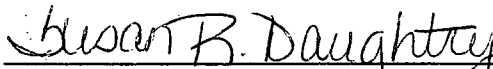
BIDS: Architect Ken Burnette discussed the single-prime and multi-prime bids received December 19th. He explained that a single prime bid is one submitted by a general contractor who would be responsible for the entire project. Multi-prime bids are submitted by individual contractors for specific items. When determining the total amount of the bids you use the single-prime contractor bid price and compare it to the multi-prime contractor plus individual contractors (plumbing, electrical, mechanical, etc.) to determine the total bid price. After reviewing the bids he recommended the board award the bid to Brown Construction Company for their bid of \$700,500.00.

A general discussion was held on the contractors, previous jobs they have completed, construction superintendent who would be on the job site, why Jon Briggs (Topsail Beach Inspector) would be inspector on this project, required written reports from contractor during construction, liability of contractor and his insurance company if the project is not completed in a timely fashion, and type of siding to be used on the building.

Mr. John Parker reviewed the status on the removal of the reverter clause in the deed presented to the town by Ocean Sound Village Corp. He said he was advised this afternoon that the matter was finished and the documents to remove the reverter clause have been sent to Florida. This information should be back within a few days. However, he advised if they wish to award the contract they should do so with the condition that until the signed document is received from Ocean Sound Village the town will not execute the contract with the contractor.

Further discussion was held on this issue and the total funds spent on the town hall project to date (\$33,000.00 - Architect, Engineer & Attorney fees). After the discussion, a motion was made by Alderman Bass and seconded by Mayor Pro-Tem Hillyer to award the construction contract for the town hall project to Brown Construction Company for their low bid of \$700,500.00 contingent that the contract not be executed by the town until the signed document releasing the town from the reverter clause in the deed has been received from Ocean Sound Village Corporation. Passed unanimously.

ADJOURNMENT: No further discussion was held. A motion was made by Mayor Pro-Tem Hillyer and seconded by Alderman Haynes to adjourn the meeting at 5:55 p.m. Passed unanimously.


Susan R. Daughtry - Deputy Town Clerk