

TOWN OF NORTH TOPSAIL BEACH  
REGULAR BOARD MEETING  
JANUARY 7, 1993

PRESENT: Mayor Marlow Bostic, Jr., Aldermen Sam McGinn and Peter Hillyer, Town Manager Charles Hedgepeth, Town Attorney Marshall Dotson and Town Clerk Ann Vause. Mayor Pro-Tem Stella Tripp, Aldermen Margaret Stackleather and Marian Harkins were absent.

CONVOCATION: Mayor Bostic advised a quorum was not present therefore, the meeting would be rescheduled for Thursday, January 21, 1993.

ADJOURNMENT: The meeting adjourned at 7:15 p.m.



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Ann Vause - Town Clerk

TOWN OF NORTH TOPSAIL BEACH  
REGULAR BOARD MEETING  
JANUARY 21, 1993

PRESENT: Mayor Marlow Bostic, Jr., Mayor Pro-Tem Stella Tripp, Aldermen Sam McGinn, Margaret Stackleather, Marian Harkins and Peter Hillyer, Town Manager Charles Hedgepeth, Town Attorney Marshall Dotson and Town Clerk Ann Vause. Note: Alderman Harkins was approximately 15 minutes late for the meeting.

INVOCATION: Captain Larry Hummer, Navy Chaplin - Camp LeJeune, led in prayer.

CONVOCATION: Mayor Bostic called the meeting to order at 7:00 p.m., at the North Topsail Beach Fire Department, and declared a quorum present.

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

MINUTES: A motion was made by Mayor Pro-Tem Tripp and seconded by Alderman Hillyer to approve the minutes of the Regular Board Meeting held December 3, 1992, as written. Passed unanimously.

PAYMENT TO MCKIM & CREED: Town Manager Hedgepeth said this request has been ongoing for over eight (8) months. The work was authorized by the Town therefore, it is part of the contract with McKim & Creed. The \$4,046.00 owed McKim & Creed is an obligation and he said he feels it should be paid. Mayor Pro-Tem Tripp questioned as to how this additional work was authorized. She questioned who authorized that this additional work be performed. Town Manager Hedgepeth responded he could only assume work was authorized by the Town Manager. The \$4,046.00 resulted from McKim & Creed performing additional work on the North End Fire Station as authorized by the Town so this additional expenditure came under the terms of an existing contract with McKim & Creed. Mayor Pro-Tem Tripp also asked about who gave permission for this additional work to be performed. Town Manager Hedgepeth did not know but the Town has assumed obligation to pay McKim & Creed and recommended to the Board that the \$4,046.00 be paid. After a general discussion on this item and who authorized the extra work, a motion was made by Alderman McGinn and seconded by Alderman Hillyer to pay McKim and Creed \$4,046.00 owed for revisions to plan on the North End Fire Station. Voting aye: Aldermen McGinn, Hillyer, Stackleather. Voting nay: Mayor Pro-Tem Tripp.

AUTHORIZATION TO PURCHASE SAND BAGS:

Town Manager Hedgepeth said the general thought was for the Town to purchase sand bags and have them on hand when needed by individuals. If an individual contracted with a contractor for this type of work the Town having the bags would save a number of days in responding to structures endangered. A discussion was held on storage capability, price of the bags, length of time it takes an individual

to receive bags when purchased privately. Citizens asked questions about shelf life of bags, reasonable number to store, and advised they thought the Town needed more information before making a decision. After the discussion, the Board requested the Town Manager investigate this matter further and bring information back to the February 4th, Board meeting.

BEACH & DUNE  
RENOURISHMENT:

Mayor Pro-Tem Tripp reviewed her conversation with three congressmen concerning North Topsail Beach's problems and they

advised additional information would be sent to her. She advised she also discussed the possibility of Federal funds for this type of project, as well as, a Town Hall facility. The Board discussed what could be done and the fact that a renourishment program would not be a permanent solution, dredging by the Army Corps of Engineers, purchasing of sand for dune renourishment and what the N.C. General Statutes say as far as allowing sand bags on the beach. Attorney Dotson reviewed the provision that allows the Town to assess property owners for beach renourishment.

Some citizens spoke against the possible assessment procedures and said they thought dune renourishment was the responsibility of the property owners. Also, some felt that beach bulldozing should be outlawed because it causes more erosion.

After the discussion, the Board directed the Planning Board and the Existing Committee on Renourishment to hold a workshop on this issue and report back to them.

BUDGET  
AMENDMENT:

Town Manager Hedgepeth reviewed the proposed budget amendment which transfers funds from the contingency fund to Community Development, Police and Public Works Departments. He explained why each adjustment is necessary and advised that emergency funds would still exist, if needed. After a discussion on the amendment, a motion was made by Mayor Pro-Tem Tripp and seconded by Alderman McGinn to approve the budget amendment as requested by the Town Manager. After further discussion and comments from citizens opposing the amendment, the Board voted as follows: aye - Mayor Pro-tem Tripp, Aldermen McGinn and Hillyer; nay - Aldermen Harkins and Stackleather. The motion passed 3 to 2.

AN ORDINANCE AMENDING THE TOWN OF NORTH TOPSAIL BEACH  
BUDGET ORDINANCE FOR FISCAL YEAR 1992-93

BE IT ORDAINED BY THE TOWN OF NORTH TOPSAIL BEACH BOARD OF ALDERMEN MEETING IN REGULAR SESSION THIS 7TH DAY OF JANUARY, 1993, THAT THE BUDGET ORDINANCE FOR FISCAL YEAR 1992-93 ADOPTED JUNE 23, 1992, AMENDED OCTOBER 1, 1992, IS HEREBY AMENDED AS FOLLOWS:

REVENUES:

Current Year's Property Taxes (1992)	496,059.00
Prior Year's Property Taxes (1991)	5,000.00
Prior Year's Property Taxes (1990)	24,000.00
Prior Year's Property Taxes (1989)	8,000.00
Inventory Tax Reimbursements	10,000.00
Tax Penalties/Interest	7,500.00
Privilege License	700.00
Cable Franchise	4,400.00
Interest - Investments	40,000.00
Miscellaneous Revenues	2,854.00
Miscellaneous Permits	250.00
Utility Franchise Tax	20,000.00
Intangible Property Tax	15,000.00
Beer & Wine Tax	2,000.00
Powell Bill Allocation	39,000.00
Local Option Sales Tax	41,600.00
Building Permits	5,000.00
Mechanical Permits	350.00
Electrical Permits	2,500.00
Plumbing Permits	1,000.00
No Permit Fees	150.00
CAMA Permits	1,500.00
Tax Refunds	1,500.00
Seat Belt Grant - Police	8,000.00
Tax Refunds - Gasoline	2,500.00
Other State Revenues	500.00
Officer's Fees & Violations	1,500.00
Appropriated Fund Balance	453,174.00
TOTAL	1,194,837.00

EXPENDITURES:

Governing Body	17,019.00
Administration	104,653.00
Community Development	57,851.00
Public Buildings	493,560.00
Police	225,868.00
Public Works	59,329.00
Utilities	14,685.00
Powell Bill Funds	39,000.00
Sanitation	30,000.00
Non-Departmental	46,195.00
Fire	97,980.00
Contingency	8,697.00
TOTAL	1,194,837.00

DULY ADOPTED THE 21st DAY OF JANUARY, 1993.

LAND USE PLAN/  
REVISED ZONING  
ORDINANCE:

Town Manager Hedgepeth presented the Board with a copy of the proposed revised Zoning Ordinance and said this ordinance was more reflective of the Town needs. He invited the Board to consider a workshop with the Planning Board of this matter and said it would be a lengthy process.

The Board discussed possible dates for the workshop on this Ordinance and the proposed Land Use Plan.

Several citizens spoke against the Board having a workshop that would not allow public participation.

After discussion, the Board called for workshops on the Land Use Plan and the proposed Zoning Ordinance revisions for Monday, January 25, 1993, at 7:00 p.m., and Thursday, January 28, 1993, at 7:00 p.m., at the North Topsail Beach Fire Department Building.

A motion was made by Mayor Pro-Tem Tripp and seconded by Alderman Stackleather to have the Board review the Land Use

Plan and Proposed Revised Zoning Ordinance without public participation. Voting aye: Mayor Pro-Tem Tripp, Aldermen Stackleather and Harkins. Voting nay: Aldermen Hillyer and McGinn. Motion passed 3 to 2.

SALES TAX  
RESOLUTION:

Town Manager Hedgepeth reviewed the proposed resolution concerning sales tax and explained what other Towns in the county, except Jacksonville, have done. He advised he had a meeting Friday, January 22nd, with managers from other towns and would like to present this resolution in conjunction with other towns. After a brief discussion, a motion was made by Mayor Pro-Tem Tripp and seconded by Alderman Harkins to adopt the following Resolution Concerning Distribution Method of Sales Tax Funds by Onslow County Commissioners: Passed unanimously.

RESOLUTION CONCERNING DISTRIBUTION METHOD OF SALES TAX FUNDS  
BY ONSLOW COUNTY COMMISSIONERS

WHEREAS, the Town of North Topsail Beach has a permanent population of only 786 people or one half of one percent of the total County population, and;

WHEREAS, the Town of North Topsail Beach experiences seasonal populations in excess of 10,000 people, and; WHEREAS, the Town of North Topsail Beach provides municipal services for some 2500 property owners, and;

WHEREAS, the value of tax purposes of real and personal property within the Town is currently 233,831,745 representing 10% of the total Onslow County tax value, and;

WHEREAS, the Town of North Topsail Beach returns to the County revenues far in excess of any amount determined on a per capita basis.

NOW, THEREFORE, BE IT RESOLVED by the North Topsail Beach Board of Aldermen meeting in regular session this 7th day of January, 1993, that:

The present formula used by Onslow County for the distribution of sales tax revenues is unfair to the citizens and taxpayers of the Town of North Topsail Beach and unfair to the citizens and taxpayers of the Towns of Surf City, Holly Ridge, Richlands and

That a revised formula should be developed for the distribution of sales tax revenues that recognizes the seasonal nature of the Town's population and the high value for tax purposes of real and personal property within the Town.

BE IT FURTHER RESOLVED THAT:

Negotiations between the Town of North Topsail Beach and Onslow County should be immediately opened to address

the inequities of the present distribution formula and to develop a fair and equitable formula for distribution of such funds.

That the Town of North Topsail Beach joins with the Towns of Surf City, Holly Ridge, Richlands and Swansboro in making this request.

DULY ADOPTED THE 21ST DAY OF JANUARY, 1993.

PLANNING BOARD

RECOMMENDATIONS:

Town Manager Hedgepeth reviewed the Planning Board's recommendations on a new Town Hall, policy for inclusion of streets into the Town maintenance system and the construction of a Hatteras Ramp for access to the beach by emergency vehicles at Gray Street and made the following statements:

Hatteras Ramp:

He said if the Town wanted the access at Gray Street they would need to redesign the ocean side of the ramp. After a general discussion on this matter, Mr. Hedgepeth stated the data on this was over a year old and he suggested we look at it again and report back to the Board. The Board agreed.

Policy on Streets:

He explained what has been done on certain streets and why. However, the Town does not have a set standard. He agreed that River Road should be accepted before the policy on streets is adopted because of the traffic load created by the County Access Area and our need to maintain this road at an acceptable level. After a general discussion, no action was taken by the Board.

Town Hall:

He reviewed the number of square footage of building needed to house the Administrative, Police and Public Works Departments. He suggested the Board set in motion the process of making contact with appropriate firms to design this building so we will be ready if Federal funds become available. After a general discussion on available property, Federal Flood Insurance, and type of facility needed, the Board requested the Town Manager explore drawings from other Towns that are available.

MANAGER'S  
REPORT:

Project Updates:

1 The plans for the North End Fire Station have been

approved by the North Carolina Department of Insurance. I am awaiting bid documents. Bids will be requested as soon as possible. Plans are available in the Town Hall for inspection.

2. Fire hydrants have been installed along Highway 210.
3. Phase 2 of our street improvement programs is nearing completion. Carver, 23rd Avenue, and 24 Avenue have received base material as have 2nd, 3rd, 4th, 6th and 7th Avenues. DOT has yet to finish in detail these last five Avenues.
4. I am actively engaged in conversation with representatives of BB&T about a possible property acquisition for a Town Hall location.

#### Budget Amendment:

1. The Town Clerk has provided information on this subject. As a summary, what is being proposed is as follows:

There is no indication or even suggestion of unwise or excessive expenditures. There is indication that the original budget did not provide sufficient funds in certain areas. There is indication that certain expenditures were unanticipated or there existed insufficient history of expenditure required to more accurately project what might be needed. A new position is created in the Public Works Department. The present employee receives a pay increase of about 8% to \$15,700. With two positions in this area, the Town can continue to maximize direct service to individuals and the community at large. Public Works can continue to provide a significant percentage of all the Town's vehicular maintenance requirements. With approval, we can prepare for future responsibilities in the areas of street maintenance and dune renourishment.

I can only suggest to you that the proposed amendments be approved. All is being proposed within the dollar amounts contained in the original budget. We draw from contingency funds. The recent Audit report establishes the sound financial status of the Town.

#### Growth and Development:

1. I will present to you a revised Zoning Ordinance for the Town. You must decide how to approach consideration of this subject. I can only suggest that you expedite review and move as quickly as possible toward adoption of a new ordinance. The old one is suspect in certain key areas.
2. The Land Use Plan is ready for review and action. In my opinion the public participation phase is over. It is now time for the elected officials of the town to adopt a plan consistent at least with the minimum requirements of the Coastal Area Management Act.

#### Other Matters;

1. Holly Ridge, Richlands, Swansboro and Surf City have responded (staff response) to the request to approach the

- officials will be requested to approve a resolution in favor of opening negotiations with the County.
2. A somewhat spontaneous beach clean up was successfully accomplished on December 5th.
  3. I wish to personally and professionally thank Bill and Clara Bass for their hours spent picking up litter along Highway 210. Individual efforts like this would result in our having the cleanest town in the State.
  4. Christmas decorations in the Town Hall were lent to us by Frannie's Flowers and Gifts. Thank you.
  5. The Audit report was most favorable.
  6. We have two police cars experiencing serious mechanical problems. They are simply worn out. I plan to replace with new Bronco type vehicles during January using existing funds in line item 10-500-74.
  7. Collections by the Inspection Department were relatively high due to numerous electrical inspections primarily at Topsail Reef.
  8. I find that the Town did all that was possible during the recent high tides. We expedited, advised and otherwise acted to exercise options available.
  9. We will receive 1,000 or so christmas trees from Duplin County. Onslow County Parks and Recreation will sponsor a program for collecting trees and assist the Town in placing such along the ocean from as a dune renourishment effort. The Town will announce that trees can be deposited at the main container site.

ALDERMEN'S REPORTS:

Mayor Pro-Tem Tripp said Mrs. Ginny Hillyer worked a lot of hours on the Land Use Plan but, she wanted the first workshop to be just for the Board to review the plan then have a second workshop for public input and finally a third workshop for the Board to review information/input received.

COMMUNITY PARTNERSHIP:

Mrs. Clara Bass, Chairman of Community Partnership, advised a pancake breakfast was scheduled for February 6th, at 10:00 a.m., at the North Topsail Beach Fire Department Building. Anyone wanting to help with this breakfast should be at the fire station by 9:00 a.m. Also, a trip to Camp LeJeune has been scheduled for February 15th.

MAYOR'S REPORT:

Hopefully, we are getting into a Community Watch Program. He reviewed problems that occurred a few days ago.

ADJOURNMENT:

A motion was made by Alderman Stackleather and seconded by Alderman McGinn to adjourn the meeting at 9:51 p.m.

Ann Vause  
Ann Vause, Town Clerk, CMC



TOWN OF NORTH TOPSAIL BEACH  
BOARD OF ALDERMEN WORKSHOP  
JANUARY 25, 1993

PRESENT: Mayor Marlow Bostic, Jr., Mayor Pro-Tem Stella Tripp, Aldermen Sam McGinn, Margaret Stackleather, Marian Harkins and Peter Hillyer, Attorney Marshall Dotson, Town Manager Charles Hedgepeth, and Deputy Town Clerk Susan Daughtry. Town Clerk Ann Vause were absent.

CONVOCATION: Mayor Bostic called the meeting to order at 7:00 p.m., at the North Topsail Beach Fire Department Building, and declared a quorum present.

WORKSHOP -  
LUP: Mayor Bostic advised this was the first workshop for this Board of Aldermen on the proposed Land Use Plan for North Topsail Beach.

The Board reviewed and discussed the first few pages of the Policy Statement section of the proposed plan.

RECESS: A motion was made by Alderman Harkins and seconded by Alderman McGinn to recess the workshop until Thursday, January 28, 1993, at 7:00 p.m., at the North Topsail Beach Fire Department.

  
Susan Daughtry - Deputy Town Clerk

TOWN OF NORTH TOPSAIL BEACH  
BOARD OF ALDERMEN WORKSHOP  
JANUARY 28, 1993

PRESENT: Mayor Marlow Bostic, Jr., Mayor Pro-Tem Stella Tripp, Aldermen Sam McGinn, Margaret Stackleather, Marian Harkins and Peter Hillyer, Attorney Marshall Dotson, Town Manager Charles Hedgepeth, and Deputy Town Clerk Susan Daughtry. Town Clerk Ann Vause were absent.

CONVOCATION: Mayor Bostic called the meeting to order at 7:05 p.m., at the North Topsail Beach Fire Department Building, and declared a quorum present.

WORKSHOP -  
LUP: Mayor Bostic advised this was a continuation of the workshop held on January 25, 1993 for the Board of Aldermen on the proposed Land Use Plan for North Topsail Beach.

The Board reviewed and discussed pages 54 - 78 of the Policy Statement section of the proposed plan.

RECESS: A motion was made by Alderman McGinn and seconded by Alderman Hillyer to recess the workshop until Thursday, February 4, 1993, immediately following the Regular Meeting, at the North Topsail Beach Fire Department.

  
Susan Daughtry Deputy Town Clerk

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TOWN OF NORTH TOPSAIL BEACH  
REGULAR BOARD MEETING  
FEBRUARY 4, 1993

PRESENT: Mayor Marlow Bostic, Jr., Mayor Pro-Tem Stella Tripp, Aldermen Sam McGinn, Margaret Stackleather, Marian Harkins and Peter Hillyer, Town Manager Charles Hedgepeth, Town Attorney Marshall Dotson and Town Clerk Ann Vause.

CONVOCATION: Mayor Bostic called the meeting to order at 7:00 p.m., at the North Topsail Beach Fire Department, and declared a quorum present.

INVOCATION: Mayor Bostic requested everyone observe a moment of silent prayer.

AGENDA APPROVAL: Mayor Pro-Tem Tripp requested a Resolution Authorizing Wire Transfers with First Citizens Bank and Contract Awards for Fire Station be added to the agenda under old business. A motion was made by Alderman Harkins and seconded by Mayor Pro-Tem Tripp to approve the agenda as presented, with Resolution on Wire Transfers - First Citizens Bank and Contract Awards on Fire Station being added to old business. Passed unanimously.

MINUTES: A motion was made by Alderman Harkins and seconded by Mayor Pro-Tem Tripp to approve the minutes of Regular Board Meeting held January 7, 1993, as written. Passed unanimously.

Alderman Hillyer requested the last paragraph on page 3 dealing with the planned workshop be changed from: "workshop on the Land Use Plan and Zoning Ordinance Revisions" to "workshop on the Land Use Plan". Mayor Pro-Tem Tripp requested an explanation for her voting no on payment to McKim and Creed be added to the minutes. After a brief discussion on reviewing the tape of this meeting, the Board decided to delay approval of these minutes until the March Regular Meeting.

A motion was made by Alderman Harkins and seconded by Alderman Stackleather to approve the minutes of the Land Use Plan Workshop held January 25, 1993, as written. Passed unanimously.

A motion was made by Mayor Pro-Tem Tripp and seconded by Alderman Harkins to approve the minutes of the Continued Land Use Plan Workshop held January 28, 1993, as written. Passed unanimously.

TOWN HALL

LOCATION/DESIGN: Town Manager Hedgepeth advised he had plans prepared for Holly Ridge and Cedar Point Town Halls for the Board to review. The Holly Ridge plans call for approximately 5,000 square feet of space and would cost and estimated \$80.00 to \$90.00 per square foot to build. The Cedar Point plans call for a basic design of a metal building and would cost and estimated \$58.00 square foot to build. He said Holly Ridge elected to revise the plans and build a smaller building using the basic design of the

build a 1/2 million dollar Town Hall.

RESOLUTION -  
FIRST CITIZENS:

Town Manager Hedgepeth reviewed the necessity for a corporate resolution on wire transfers and requested the Board adopt the resolution. After a brief discussion, a motion was made by Alderman Harkins and seconded by Mayor Pro-Tem Tripp to adopt the following corporate resolution: passed unanimously.

CERTIFIED CORPORATE RESOLUTION FOR  
WIRE TRANSFER AGREEMENT

I hereby certify that I am the Town Clerk of North Topsail Beach, a corporation organized and existing under the laws of the State of North Carolina and I hereby certify that the following is a true and complete copy of certain resolutions adopted by the Board of Directors of said corporation according to law, at a meeting duly called and held on the 4th day of February, 1993, at which a quorum was present and acting throughout, and such resolutions have not been rescinded or amended and are in full force and effect:

RESOLVED, that the President, Treasurer or any Vice President or Assistant Treasurer be and each is hereby authorized to enter into a wire transfer agreement with First Citizens Bank & Trust Company ("Bank") in the form of the First Citizens Bank & Trust Company Money Transfer Authorization and Agreement which is the Bank's form for such agreement and which is incorporated herein by reference, with such changes and additions thereto as the officer executing said agreement may deem appropriate; and

RESOLVED FURTHER, that Bank is authorized and directed to make wire transfers and other money transfers in accordance with the terms of said wire transfer agreement upon the instruction, written or oral (including telephonic), of any of the Authorized Representatives listed on Schedule A and as amended from time to time to the Money Transfer Authorization and Agreement or any person reasonably and in good faith believed by a representative of the Bank to be such individual; and

RESOLVED FURTHER, that the foregoing resolutions shall continue and remain in full force and effect until written notice of revocation or amendment thereof has been duly received by the Corporate Finance Department of Bank.

There is no provision in the Charter or Bylaws of this corporation, or in any instrument to which this corporation is a party, limiting the power of the Board of Directors to adopt the above resolutions or to authorize the execution of said wire transfer agreement, and these resolutions are in conformity with all applicable provisions of the Charter and Bylaws.

ADOPTED THE 4TH DAY OF FEBRUARY, 1993.

BID AWARD -  
NORTH END FIRE  
STATION:

Town Manager Hedgepeth reviewed the bids received February 4, 1993, and advised the Town had good participation from bidders except for the plumbing component. After reviewing bids received, he recommended the bids be awarded as follows: Contract I - General Construction, Wilcox Construction, Incorporated for their bid of \$149,468.00; Contract II - Mechanical, Climate Control Heating & Cooling Company, Incorporated for their bid of \$12,750.00; Contract IV - Electrical, Harris Electric Company of Wilmington for their bid of \$18,690.00. He advised only one bid was received for Contract III - Plumbing and that this portion of the project was to be re-advertised and bids would be opened February 16, 1993. After a brief discussion, the Board awarded the bids as follows:

Contract I - General Construction:

A motion was made by Alderman Harkins and seconded by Alderman Stackleather to award Contract I - General Construction to Wilcox Construction, Incorporated for their low bid of \$149,468.00. After the Board discussed the small amount of difference between the low bidder and next contractor, the motion to award the bid to Wilcox Construction, Incorporated passed unanimously.

Contract II - Mechanical:

A motion was made by Alderman McGinn and seconded by Alderman Harkins to award Contract II - Mechanical to Climate Control Heating & Cooling Company, Incorporated for their low bid of \$12,750.00. Passed unanimously.

Contract IV - Electrical:

A motion was made by Alderman Harkins and seconded by Mayor Pro-Tem Tripp to award Contract IV - Electrical to Harris Electric Company of Wilmington for their low bid of \$18,690.00. Passed unanimously.

NON-SMOKING  
REQUIREMENT:

Attorney Dotson reviewed a request for him to prepare a no smoking ordinance or policy for North Topsail Beach and advised after review he presented the Board with a Smoking Policy similar to Jacksonville's. After a discussion on the dangers of second hand smoke, how the policy would affect Town employees and comments against permitting smoking in Town buildings by some citizens a motion was made by Alderman Harkins and seconded by Alderman McGinn to adopt the following smoking policy for the Town of North Topsail Beach: Passed unanimously.

SMOKING POLICY

Purpose:

To establish a policy to provide employees and visitors with an example of preventive health behavior, to maintain as clean and healthful an environment as possible, to reduce the discomfort of employees and visitors whose tolerance for

non-smokers who come into contact with second hand smoke or sidestream smoke.

Applicability:

This policy applies to all employees and visitors who utilize the office areas, meeting rooms and other locations in the Town of North Topsail Beach.

Departments/Divisions Affected:

All departments and divisions.

Definitions:

A. Smoking:

Carrying or possessing any lighted tobacco product including cigars, cigarettes and pipes.

B. Public:

Visitors, vendors and others not considered Town employees.

Policy:

A. Smoking in any form is prohibited in the town of North Topsail Beach buildings and facilities in the following areas:

- restrooms
- shared offices
- waiting areas
- counter areas and hallways
- lounge and break areas
- enclosed areas of fire stations including sleeping areas
- conference and meeting rooms

B. Smoking is prohibited in Town vehicles where unsafe, and where inappropriate due to the function of the vehicle.

1. Smoking is allowed in other Town vehicles if all occupants agree.
2. If occupants smoke, they are expected to empty ashtrays and ventilate the vehicle for subsequent occupants.

C. Smoking is permitted in private offices provided the occupant purchases at his/her own expense a room purifier that meets Town specifications.

Smoking is prohibited in private offices when the occupant is dealing fact-to-face with a member of the public or another employee.

Smoking Permitted:

Smoking is permitted:

- outdoors
- in Town vehicles, if all agree, and where legal, safe and appropriate
- in Chambers and lobby and meeting rooms during after hours meetings and events
- in private offices under the conditions of this policy

Violation of Policy:

A. Repeated violations of the policy on smoking will be considered in performance evaluations and may subject

the employee to disciplinary action.

- B. An employee who makes a formal complaint regarding smoking or rules governing smoking shall not be subject to disciplinary action or termination for filing the complaint.

NOTE: This policy will become effective February 5, 1993. No disciplinary actions will occur before that date in order to allow employees sufficient time to adapt to the policy prior to enforcement.

MANAGERS  
REPORT:

- A. North End Fire Station:  
Our consulting engineer and I decided to postpone the bid opening from Thursday, January 28th to Thursday, February 4th. This decision was made necessary by the number of requests for bid documentation received and by the necessity for developing a notification of changes in the original plans. All interested parties were notified and all interested parties were supplied information on the changes. We have received a request for in excess of 30 sets of the plans. Therefore, we anticipate a goodly numbers of bids to perform the work.

I will meet with officials of 1st Citizens Bank during the morning of February 4th to close the loan for the tanker and pumper.

- B. Sales Tax Distribution Formula:  
On Friday, January 22nd, I meet with the managers of Swansboro, Holly Ridge and Richlands to discuss how best to present the resolutions calling for change in the present distribution formula used by Onslow County. Each community, including Surf City, now has passed such a resolution calling for change. At present, a meeting of mayors and managers will be scheduled for the week of January 25th. A presentation to the County Commissions is at present scheduled for February 1st during the regular meeting of the County Commissioners. I will update you on this matter during our regular meeting in February.

- C. Special Weather Statement:  
On January 25th we received from Onslow County Emergency Management a special weather statement calling for the possibility of a strong northeast storm developing over the 26th and 27th. I advised DOT, Onslow County Water Department, North Topsail Water and Sewer, all Town staff and made a copy of the statement available to residents of the north end of Town including St. Regis management and Topsail Reef management. By the time you read this we will know the consequences.

- D. Revised Zoning Ordinance:  
Once the Land Use Plan debate has been concluded, I trust that you will see fit to move toward developing a revised Zoning Ordinance. I remain convinced that a joint Aldermen/Planning Board review of this revisions would be wise. I continue to review what has been

proposed in the copy of this revision that you already have. I would like to share the following thoughts with you:

1. I now believe that the R-5 District (Resort Residential) is over used and should be restricted in area of application.
2. That perhaps we should restrict taller building to a lesser area of the Town perhaps concentration such in five of the six commercial districts proposed in the revision; excluding the most northerly commercial area.
3. That we should be very careful if any property heretofore permitable for a use is made unusable for any purpose. The Con-D is the area of concern. In the light of recent court rulings, to take all uses from a property that could obtain a permit from the Corps or Division of Coastal Management might be unwise. Reduction in density as a result of a zoning revision does not concern me, but prohibition of any use does. We should seek a legal opinion from the Town's attorney.

D. Other Matters:

1. We have made contact with a carrier of medical/dental insurance that could result in a savings. We will explore the possibilities offered in the context of FY 93-94 Budget discussions.
2. We will surface the FY 93-94 Budget in the now too distant future.
3. In excess of 400 Christmas trees have been placed on the beach front/dunes. We have more. We deliver.
4. Police vehicles are being replaced as directed. Crown Victoria's cost around \$6,000 less than Bronco's.
5. A managers/mayors (Surf City, Topsail Beach and North Topsail Beach) dinner meeting was scheduled for the 26th. However, because of complications beyond our Town's control and the pending storm, this meeting was postponed.
6. Bill McElwee was recently certified Level 3 for mechanical. His status at present is Level 3 for fire, plumbing, building and mechanical; probationary Level 2 for electrical.

ALDERMEN'S  
REPORTS:

Alderman Stackleather:

Meeting with the County Commissioners on sales tax distribution is a serious issue and each Alderman needs to meet with the County Commissioners as liaisons.

MAYORS REPORT:

If sales tax was distributed on a ad valorem basis the Town would have received approximately \$330,000, but, since it is distributed on per capita basis the Town received only \$29,000. North Topsail Beach's position is that we supported the County long enough and we are due our fair share. During our conversations with the County it appears they are willing to weigh options however, Jacksonville stands to lose a large amount. A citizens said she felt it was time for a change and



perhaps we need to send letters to our County Commissioners about this issue.

Town Manager Hedgepeth advised the County Commissioners have the option to change distribution method each year. If a special arrangement is worked out it would require Legislative approval.

OPEN FORUM/

CITIZEN REQUEST:

Barbara Lee:

Last year the Legislature passed a bill allowing Pender County to divide sales tax on a 50-50 basis. This opens the door for other counties to request the same legislation.

Clara Bass:

A pancake breakfast will be held Saturday, February 6, 1993, 10:00 a.m., North Topsail Beach Fire Department.

ADJOURNMENT:

A motion was made by Alderman McGinn and seconded by Alderman Harkins to adjourn the meeting at 8:13 p.m. Passed unanimously.



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Ann Vause - Town Clerk

TOWN OF NORTH TOPSAIL BEACH  
CONTINUED WORKSHOP  
FEBRUARY 4, 1993

PRESENT: Mayor Marlow Bostic, Jr., Mayor Pro-Tem Stella Tripp, Aldermen Sam McGinn, Margaret Stackleather, Marian Harkins and Peter Hillyer, Town Manager Charles Hedgepeth, Town Attorney Marshall Dotson and Town Clerk Ann Vause.

CONVOCATION: Mayor Bostic called the meeting to order and declared a quorum present. He said this was a continuation of the workshop on the Land Use Plan held January 25th, and January 28th, 1993.

WORKSHOP - LAND  
USE PLAN: The Board discussed density of area under the proposed Land Use Plan and how it shows on the Town map.

After the discussion, Mayor Bostic recessed the workshop until Monday, February 15, 1993, at 7:00 p.m., at the North Topsail Beach Fire Department.

RECESS: The workshop was recessed at 9:45 p.m.




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Ann Vause - Town Clerk

TOWN OF NORTH TOPSAIL BEACH  
CONTINUED WORKSHOP  
FEBRUARY 15, 1993

- PRESENT: Mayor Marlow Bostic, Jr., Aldermen Sam McGinn, Margaret Stackleather, Marian Harkins and Peter Hillyer, Town Attorney Marshall Dotson, Town Manager Charles Hedgepeth and Deputy Town Clerk Susan Daughtry. Mayor Pro-Tem Stella Tripp was absent.
- LUP WORKSHOP: Mr. Hedgepeth presented to the Board what he identified as a compromise position for developing policy statements in the Land Use Plan. This compromise approach would use the original land use plan with certain very specific changes in language.
- The land classification map was also discussed. The area between 2nd Avenue and State Road 1568 will be included in the limited transition category.
- The meeting lasted approximately 2 hours and there was general discussion in depth of the Land Use Plan, Policies and issues.
- ADJOURNMENT: A motion was made by Alderman Stackleather and seconded by Alderman McGinn to adjourn the meeting at 9:00 p.m. Passed unanimously.

  
Susan Daughtry Deputy Town Clerk

TOWN OF NORTH TOPSAIL BEACH  
 SPECIAL MEETING  
 FEBRUARY 23, 1993

PRESENT: Mayor Marlow Bostic, Jr., Mayor Pro-Tem Stella Tripp, Aldermen Sam McGinn, Margaret Stackleather, Marian Harkins and Peter Hillyer, Town Attorney Marshall Dotson, Town Manager Charles Hedgepeth and Town Clerk Ann Vause.

BID AWARD: Mayor Bostic advised four (4) bids were received February 16, 1993, for Contract III - Plumbing, North End Fire Station. He said the apparent low bidder was DBS Plumbing Company with a bid of \$15,200.00.

A motion was made by Alderman Harkins and seconded by Alderman Stackleather to award the bid for Contract III - Plumbing, North End Fire Station to DBS Plumbing Company for their low bid of \$15,200.00. After a brief discussion on whether or not the low bidder had to be accepted and what the lowest responsible bidder was, the motion passed unanimously.

LUP WORKSHOP Town Manager Hedgepeth summarized the relationship between original proposed Land Use Plan, the revised plan and the compromise plan for the approximate thirty (30) citizens present. He also explained how COBRA was established, identified areas that needed additional study, Federal Flood Insurance areas and problems obtaining insurance from private companies and some pro's and con's on the use of net buildable areas. The land classification map was also reviewed.

Town Manager Hedgepeth said the first proposed Land Use Plan went to far, the second was consistent with State requirements and the third was sensitive to circumstances and was not as strict as the first document.

Mayor Pro-Tem Tripp suggested the document be changed to include updates of certain areas and presented to the Board for review again.

Citizens asked questions and made comments concerning platted and unplatted plots and the effect of the proposed Land Use Plan, DEM requirements for septic tanks, relationship of the Land Use Plan to the Town's Zoning and Subdivision Ordinances.

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



Ann Vause - Town Clerk

TOWN OF NORTH TOPSAIL BEACH  
REGULAR BOARD MEETING  
MARCH 4, 1993

- PRESENT: Mayor Marlow Bostic, Jr., Mayor Pro-Tem Stella Tripp, Aldermen Sam McGinn, Margaret Stackleather, Marian Harkins and Peter Hillyer, Town Manager Charles Hedgepeth, Town Attorney Marshall Dotson and Town Clerk Ann Vause.
- CONVOCATION: Mayor Bostic called the meeting to order at 7:00 p.m., in the North Topsail Beach Fire Department, and declared a quorum present.
- INVOCATION: Rev. Lou Sauer, Surf City Baptist Church, led in prayer.
- AGENDA APPROVAL: Mayor Bostic requested that Strategic Planning Committee appointment and discussion of a telephone system for the North End Fire Department be added to the agenda under new business. After a brief discussion, a motion was made by Mayor Pro-Tem Tripp and seconded by Alderman Stackleather to add Strategic Planning Committee appointment and discussion on a telephone system for the North End Fire Department to the agenda under new business. Passed unanimously.
- MINUTES: January 21, 1993:  
After a brief discussion with the Town Attorney concerning additional comments desired on the subject of payment to McKim & Creed, a motion was made by Mayor Pro-Tem Tripp and seconded by Alderman Stackleather to approve the minutes of the Regular Meeting held January 21, 1993, as written. Passed unanimously.
- February 4, 1993:  
A motion was made by Alderman Harkins and seconded by Mayor Pro-Tem Tripp to approve the minutes of the Regular Board Meeting held February 4, 1993, as written. Passed unanimously.
- February 4, 1993 - Workshop:  
A motion was made by Alderman Harkins and seconded by Alderman Stackleather to approve the minutes of the Continued Land Use Plan Workshop held February 4, 1993, as written. Passed unanimously.
- February 15, 1993 - Workshop:  
A motion was made by Alderman Stackleather and seconded by Alderman McGinn to approve the minutes of the Continued Land Use Plan Workshop held February 15, 1993, as written. Passed unanimously.
- February 23, 1993:  
A motion was made by Mayor Pro-Tem Tripp and seconded by Alderman Harkins to approve the minutes of the Special Meeting held February 23, 1993, as written. Passed unanimously.
- PUBLIC HEARING  
DATE - LUP: After a brief discussion, the Board set April 23, 1993, at 7:00 p.m., at the North Topsail Beach Fire Department Building

as the date and time for the public hearing on the Proposed Land Use Plan for North Topsail Beach.

BUDGET  
ADJUSTMENT:

Town Manager Hedgepeth advised the requested adjustment was an accounting procedure to record the proceeds of the loan for fire equipment from First Citizens Bank. The bank provided the funds up front and the Town will repay the amount over the next four (4) years. A motion was made by Mayor Pro-Tem Tripp and seconded by Alderman Harkins to approve the following budget amendment: Passed unanimously.

AN ORDINANCE AMENDING THE TOWN OF NORTH TOPSAIL BEACH  
BUDGET ORDINANCE FOR FISCAL YEAR 1992-93

BE IT ORDAINED BY THE TOWN OF NORTH TOPSAIL BEACH BOARD OF ALDERMEN MEETING IN REGULAR SESSION THIS 4TH DAY OF MARCH, 1993, THAT THE BUDGET ORDINANCE FOR FISCAL YEAR 1992-93 ADOPTED JUNE 23, 1992, AMENDED OCTOBER 1, 1992, AMENDED JANUARY 21, 1993, IS HEREBY AMENDED AS FOLLOWS:

REVENUES:

Prepaid Privilege License	200.00
Current Year's Property Taxes (1992)	496,059.00
Prior Year's Property Taxes (1991)	5,000.00
Prior Year's Property Taxes (1990)	24,000.00
Prior Year's Property Taxes (1989)	8,000.00
Inventory Tax Reimbursements	10,000.00
Tax Penalties/Interest	7,500.00
Privilege License	700.00
Cable Franchise	4,400.00
Interest - Investments	40,000.00
Miscellaneous Revenues	2,854.00
Miscellaneous Permits	250.00
Utility Franchise Tax	20,000.00
Intangible Property Tax	15,000.00
Beer & Wine Tax	2,000.00
Powell Bill Allocation	39,000.00
Local Option Sales Tax	41,600.00
Building Permits	5,000.00
Mechanical Permits	350.00
Electrical Permits	2,500.00
Plumbing Permits	1,000.00
No Permit Fees	150.00
CAMA Permits	1,500.00
Tax Refunds	1,500.00
Seat Belt Grant - Police	8,000.00
Tax Refunds - Gasoline	2,500.00
Other State Revenues	500.00
Officer's Fees & Violations	1,500.00
Appropriated Fund Balance	553,330.00 **
<b>TOTAL</b>	<b>1,294,993.00</b>

EXPENDITURES:

Governing Body	17,019.00
Administration	104,653.00

Community Development	57,851.00	
Public Buildings	593,716.00	**
Police	225,868.00	
Public Works	59,329.00	
Utilities	14,685.00	
Powell Bill Funds	39,000.00	
Sanitation	30,000.00	
Non-Departmental	46,195.00	
Fire	97,980.00	
Contingency	<u>8,697.00</u>	
TOTAL	1,294,993.00	

DULY ADOPTED THE 4th DAY OF MARCH, 1993.

RESOLUTION -  
FINANCING OF  
FIRE DEPT.  
BUILDING:

Town Manager Hedgepeth said if the Town was going to finance the construction of the North End Fire Department over time then the Town would need to seek approval of the Local Government Commission. He presented a resolution concerning approval of the Local Government Commission for financing of the project and recommended adoption. After a brief discussion, a motion was made by Alderman Harkins and seconded by Mayor Pro-Tem Tripp to adopt the following resolution: passed unanimously.

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION  
FOR APPROVAL OF A FINANCING AGREEMENT AUTHORIZED BY  
NORTH CAROLINA GENERAL STATUTE 160A-20

WHEREAS, the Town of North Topsail Beach, North Carolina desires construction of a fire station to serve the northern half of the town; and

WHEREAS, the Town of North Topsail Beach desires to finance the Project by the use of an installment contract authorized under North Carolina General Statute 160A, Article 3, Section 20; and

WHEREAS, findings of fact by this governing body must be presented to enable North Carolina Local Government Commission to make its findings of fact set forth in North Carolina General Statute 159, Article 8, Section 151 prior to approval of the proposed contract;

NOW, THEREFORE, BE IT RESOLVED that the Board of Aldermen of North Topsail Beach, North Carolina, meeting in special session on the 15th day of February, 1993, make the following findings of fact:

1. The proposed contract is necessary or expedient because the northern half of the Town presently lacks any form of fire protection and is separated from existing facilities by a distance of approximately 12 miles.
2. The proposed contract is preferable to a bond issue for the same purpose because the Town of North Topsail Beach

is a newly incorporated Town located on a barrier island and, therefore, wishes to protect unappropriated fund balances in anticipation of unexpected capital expenditures and the possibility of catastrophic damage resulting from storm events. The contract method of financing would be less expensive and more readily administered by limited Town staff.

3. The cost of financing under proposed contract is probably less than the cost of using general obligation bonds.
4. The sums to fall due under the contract are adequate and not excessive for the proposed purpose because the Town has available, a well documented estimate of construction cost.
5. The Town of North Topsail Beach's debt management procedures and policies are good because past review by competent auditor report favorably on the financial management of the Town.
6. No increase in taxes will be necessary to meet the sum to fall due under the proposed contract.
7. The Town of North Topsail Beach is not in default in any of its debt service obligations.
8. The attorney for the Town of North Topsail Beach has rendered an opinion that the proposed Project is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of North Carolina.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Mayor is hereby authorized to act on behalf of the Town of North Topsail Beach in filing an application with the North Carolina Local Government Commission for approval of the Project and the proposed financing contract and other actions not inconsistent with this resolution.

DULY ADOPTED THE 4TH DAY OF MARCH, 1993.

JOINT MEETING -  
BOA & PLANNING  
BOARD:

Mayor Bostic called for a special meeting Thursday, March 11, 1993, at 7:00 p.m., at the North Topsail Beach Fire Department. The purpose of the meeting is a joint meeting with the Planning Board to discuss zoning ordinance amendments and zoning issues in general.

WORKSHOP - FY  
1993-94 BUDGET:

The Board decided to hold a workshop Tuesday, March 23, 1993, at 7:00 p.m., at the Fire Department Building to discuss the proposed budget for Fiscal Year 1993-94.

SNEADS FERRY  
BRIDGE:

After a brief discussion on the desire for the new bridge in Sneads Ferry, near back gate of Camp LeJeune, to be named the



Sneads Ferry Bridge a motion was made by Alderman Harkins and seconded by Alderman Hillyer to authorize the Town Manager to draw up a resolution supporting the naming of the new bridge as the Sneads Ferry Bridge. Passed unanimously. Copies of the resolution will be sent to the Onslow County officials, Mr. John Henderson and the individual in charge of the State Department of Transportation.

FIRE ARM  
ORDINANCE:

Town Manger Hedgepeth reviewed comments he received last October/November concerning the discharge of fire arms within the Town limits and advised no further comments have been received since. He presented an ordinance regarding the discharge of firearms and dangerous instruments within the Town for the Board consideration. After lengthy comments from the Board, Town Attorney and citizens, the Board decided to consider all aspects carefully and requested this item be brought back to them at their April meeting.

ADULT  
ESTABLISHMENTS:

Town Manager Hedgepeth advised the existing Zoning Ordinance would not allow an adult establishment without prior approval. However, there has been some concern about this subject so an ordinance which compliments the Zoning Ordinance is being presented for consideration. The proposed ordinance is similar to the one adopted by Onslow County and has been tested and found to be a valid ordinance. If it is adopted it would add to the Zoning Ordinance and would act to prohibit adult businesses in the Town. After a discussion, the Board decided to study this subject further and requested it be placed on their April meeting agenda.

STRATEGIC  
PLANNING  
COMMITTEE:

Town Manager Hedgepeth explained the Strategic Planning Committee and advised the Town became a member last year. Now a representative needs to be appointed on behalf of the Town. After a general discussion, a motion was made by Alderman Stackleather and seconded by Alderman McGinn to name Mayor Pro-Tem Stella Tripp as the Town's representative on the Strategic Planning Committee. Passed unanimously.

TELEPHONE SERVICE  
- NEW FIRE  
STATION:

Town Manager Hedgepeth advised three (3) proposal for telephone service for the North End Fire Station were solicited however, only two (2) replied. He reviewed the proposals and recommended the Town lease the equipment for thirty-six (36) months at a cost of \$56.40 per month with an option to purchase at the end of the contract from Sound Systems, Inc. After a discussion on purchasing vs leasing, Town wide system and number of telephone needed, the Board decided to reconsider this matter and requested the Town Manager obtain other proposals, along with this one, for the Board's consideration at their April meeting.

MANAGER'S  
REPORT:

## A. New Fire Station:

Once the contract for plumbing has been awarded, we will issue notices to proceed and all will get started. Our first change order will be one to reduced the cost of the building by moving from a Type 5 building to a Type 4 building. This can be accomplished by certain minor design changes resulting in an all metal building; certain minor wooden components are to be removed and replaced with metal.

I have requested proposals for financing from Southern Nation Bank, Nations Bank and 1st Citizens. Nations Bank will not participate because they will not finance without federal flood insurance. Southern National will probably propose a self-insurance requirement (deposit of construction cost over term of loan). 1st Citizens is working on the flood insurance matter. All is limited to five years at a fixed rate of interest below 5%. Flood insurance is a complicating factor. I will, of course, keep you updated as this progresses.

## B. FY 93-94 Budget:

The Town Clerk and I have started developing a proposed budget that will retain the present tax rate and feature stability above all else. Our revenue situation will remain virtually the same unless the County revises the formula for distribution of sales tax. Revenues from a limited number of State sources will increase as the State has changed policy for distribution of certain monies to local governments. We will propose that if you wish to become involved with major capital projects and if you wish to match certain grant possibilities, that you would do so by the process of budget amendment on a case-by-case basis. Such would avoid distortion of the actual budget and reduce confusion as to actual revenues and expenses. I suggest that we schedule an initial budget work session during early March. I also suggest that you begin thinking about what you might wish to see accomplished during the upcoming budget year; what are your priorities, goals and objectives. Avoid "micro-management" but establish policies so that your staff may accomplish your directives.

I am told that the County Commissioners have scheduled a meeting with Jacksonville officials to discuss the sales tax distribution matter. Not sure of where or when. My one request of Fitzpatrick was that the small towns be allowed to participate in the decision making process. Such remains unanswered.

## C. Other Matters:

1. Financing of the fire trucks has been accomplished and we await delivery; April or May. We were able to save in excess of \$600.00 by paying for the chassis for the pumper in advance. We will have to consider a budget amendment to property handle the financial technicalities of the loan proceeds.

2. Considerable time spent on the Land Use Plan. I met with Haskell Rhett on the 22nd to discuss recent developments and to provide him with an update.

3. I met with Brian Coyle of Branch Banking and Trust to discuss a possible Town Hall location. Indications are that this bank might make a certain property available to the Town in a most favorable way.

4. I continue to request proposals for providing the Town's medical and dental coverage for employees; objective is lower cost.

5. Recycling is returning little, next to nothing, in terms of revenue for the Town. Aluminum cans return a little but the other items are producing zero at present. Such is dictated by the market for such recycled materials.

6. I continue to maintain contact with State DOT on relocating 1568. They continue to report that all is in order for requesting bids during March. DOT has placed a left-hand turn lane off of 210 onto 1568 on their request for new projects during their upcoming budget year. DOT and Onslow County Water Department officials were meeting and discussing relocation issues on site on February 8th, the day of our last major over-wash.

7. Town staff continues to work closely with the owners/developers of the Scotch Bonnet property. The building is being upgraded and we are doing all in our power-short of legal action- to have removed the unsightly travel trailers (and other collections). A cooperative approach is developing and I feel optimistic that this unsightly situation will be corrected.

ALDERMEN'S  
REPORTS:

Alderman McGinn:

He showed pictures of problems at the Scotch Bonnet Trailer Park and asked the Town Attorney what could be done. The Town Manager advised that the Building Inspector, the Town and the new owners of the Scotch Bonnet Pier and Trailer Park have discussed these problems and he feels the new owners and the Town both wish to improve the situation. He explained what has been done to date.

Alderman Stackleather:

She reviewed renovations she has seen at the Scotch Bonnet Pier and Trailer Park. She said the new owners appear to be trying to correct past problems.

Mayor Pro-Tem Tripp:

She said she disagreed with the January 21, 1993, minutes regarding payment to McKim & Creed. She said in her opinion, the money was spent without Board authorization which was required when the contract was made and advised she had no problem paying McKim & Creed but, did not approve of the action to incur the bill.

Mayor Pro-Tem Tripp requested the Town Manager explain the response from Onslow County concerning deposit of the Town's tax collection funds. Town Manager Hedgepeth reviewed what had happened and advised things were working fine now.

MAYOR'S  
REPORT:

Jones Onslow Electric Company is relocating some poles on SR 1568 in conjunction with relocation of the road and contractors are looking over the area. There is a lot of activity starting in this area so we are progressing forward.

\*minutes A  
amended 4-1-93  
See page #

A joint meeting with Surf City and Topsail Beach Boards has been requested. The meeting would be a workshop to discuss issues of interest to all Towns. Surf City and Topsail Beach have had several meetings in the past but, this would be North Topsail Beach's first meeting with them. He asked the Board members how they felt about the meeting and whether or not North Topsail Beach should host this meeting. After a discussion on where the meeting would be held and whether or not the Town should pay for all members attending from all three Towns, a motion was made by Mayor Pro-Tem Tripp and seconded by Alderman Hillyer that when the meeting was held the Town of North Topsail Beach would pay for all meals. Voting aye: Mayor Pro-Tem Tripp, Aldermen Stackleather, Harkins and Hillyer. Alderman McGinn abstained from voting. Motion carried.

OPEN FORUM:

Doris Naumann:

Have signs which state all Town ordinances pertaining to the beach been moved to new location as discussed in the past? Town Manger Hedgepeth advised the sign at the Police Department has been moved to the new County Park.

Mrs. Naumann advised the Senior Citizens Committee will hold a pancake breakfast Saturday, March 6th, at the fire station.

Linda Knowles:

The Community Partnership will sponsor a clean up April 17, 1993. We need all the help we can get so tell everyone to come join us that day.

COUNTY WIDE  
TELEPHONE  
SERVICE:

Town Manager Hedgepeth advised that Topsail Beach Manager Eric Peterson wanted to know if North Topsail Beach Board members and citizens would be in support of direct service to Wilmington. He said it would cost the individual approximately 80 cents per month additional on their telephone bills. The Board and citizens advised they would support this effort.

ADJOURNMENT:

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

*Ann Vause*

Ann Vause - Town Clerk

TOWN OF NORTH TOPSAIL BEACH  
BOARD OF ALDERMEN & PLANNING BOARD  
Joint Special Meeting/Workshop  
March 11, 1993

- PRESENT:** Mayor Marlow F. Bostic, Jr., Mayor Pro-Tem Stella Tripp, Aldermen Sam McGinn, Margaret Stackleather, Peter Hillyer, and Marian Harkins. Planning Board Chairman Bill White, Vice Chairman Homer Prince, Board Members Leland Newsome, Wilbur Bass, Nell Minshew, and Joe Moseley. Town Manager Charles Hedgepeth and Community Development Coordinator Susan Daughtry.
- CONVOCATION:** Mayor Bostic called the meeting to order at 7:08 p.m. at the North Topsail Beach Volunteer Fire Department and declared a quorum present.
- APPROVAL OF AGENDA:** Mayor Bostic requested additions of several announcements to the Agenda.
- On Friday, March 26, 1993, at 10:30 a.m. everyone is invited to attend the Grand Opening of the new Stump Sound District Park located on Hwy 172, between 4-Corners and Folkstone.
- On Wednesday, March 31, 1993, at 6:00 p.m., there will be a joint meeting between the towns of Surf City, Topsail Beach, Holly Ridge and North Topsail Beach at the St. Regis. This meeting will be handled as a Special Meeting of the Board. All attendants will be paying for their own meals.
- On Monday, March 15, 1993, the Board of Commissioners for Onslow County will be considering support of the North Carolina Global Transpark. This consideration includes either the use of 1/2 cent sales tax method for one year, or .01 cent sales tax method for 6 months as a source of revenue for Onslow County to contribute to this project. This project is hoped to encourage industry for better economic development in Eastern North Carolina. Mayor Bostic asked if any of the Board Members were in favor of a written endorsement of either method by the Town. After discussion, there were no motions made for any action.

Mayor Pro-Tem Tripp, with agreement of other board members, requested Town Manager Hedgepeth, by mail, notify absentee property owners of large parcels/tracts of undeveloped property that on Saturday, April 3, 1993, at 1:00 p.m. there will be a Special Meeting/Workshop on the Land Use Plan, which will be open for public comment.

WORKSHOP/  
SPECIAL  
MEETING:

Town Manager Hedgepeth discussed with Board Members the effects of the Average Erosion Rates (CAMA Setback Lines) established by Coastal Management for large and small structures.

Federal Flood Insurance was discussed, including the Coastal Barriers Resources Act (CBRA). Mr. Jim Waggoner, a citizen and local insurance agent, explained private flood insurance and the difference in rates.

At this time, there are problems with construction insurance. Mr. Waggoner stated that he is working with a private insurance company at this time to have construction insurance provided, the same as Federal Flood provides after the pilings are in and have been banded.

Outstanding Resource Waters (ORW's) were discussed. Areas which are included in this designation and that these areas are included within 575' of the estaurine shoreline. This does not mean that this is a setback, it means that the amount of impervious surface is limited to 25% within the 575'. There is also an exemption that allows building with a 40' setback from the estaurine shoreline.

Mobile Homes were discussed. What kinds should be allowed and where, and should there be any allowances for replacement versus placement on an empty lot? Also discussed were dilapidated units; mobile homes, campers and other forms of residential dwelling units; and what kind of enforcement could get these repaired, removed or demolished. Town Manager Hedgepeth reminded the board that all considerations and enforcement would have to be handled uniformly.

ADJOURNMENT: Mayor Pro-Tem Tripp made a motion to adjourn at 8:57 p.m. The Motion was seconded by Alderman McGinn. Carried Unanimously.

  
Susan Daughtry, Community Development Coordinator

TOWN OF NORTH TOPSAIL BEACH  
PUBLIC HEARING/SPECIAL MEETING  
MARCH 16, 1993

PRESENT: Mayor Marlow Bostic, Jr., Aldermen Sam McGinn, Margaret Stackleather, Marian Harkins and Peter Hillyer, Town Manager Charles Hedgepeth and Town Clerk Ann Vause. Mayor Pro-Tem Stella Tripp and Town Attorney Marshall Dotson were absent.

CONVOCATION: Mayor Bostic called the meeting to order at 7:02 p.m., at the North Topsail Beach Fire Department, and declared a quorum present.

PUBLIC HEARING: Mayor Bostic opened the public hearing at 7:03 p.m. Town Manager Hedgepeth stated that prior to submitting an application to the Local Government Commission for approval to finance the construction of the North End Fire Department North Carolina General Statutes requires a public hearing to receive citizen input on the proposed financing because the Town would be using public funds. He said the anticipated financing would be for five (5) years, the cost of construction was estimated at \$220,000 and the Town would be obligated to repay the loan at the rate of \$45,000 annually for five (5) years. He requested citizens comments on financing versus purchasing outright.

Discussion was held on extending the number of years beyond five (5), proposals from three lending institutions (First Citizens Bank, NationsBank and Southern National Leasing), financing instead of using reserve funds and other major projects needed by the Town.

Citizens present, approximately five (5), said they felt the Town needed this additional fire station and that they wanted the station financed.

After the discussion and citizens comments, a motion was made by Alderman Harkins and seconded by Alderman Hillyer to close the public hearing at 7:15 p.m. Passed unanimously.

WORKSHOP - FY  
1993-94 BUDGET:

Town Manager Hedgepeth invited the Board to share their thoughts on the Fiscal Year 1993-94 Budget before he got involved in presenting a proposed budget. He asked the Board to give him guidance, identify achievements they want next year and what they want to accomplish. The Board discussed the current cash reserve fund, budget process requirements, items needed, possible land donation for a Town Hall and future obligations for fire equipment purchased and the construction of the North End Fire Station. Citizens commented on the need for paid fire fighters and enforcement of dune ordinance to prevent individuals from damaging the dunes.

After the discussion, a motion was made by Alderman McGinn and seconded by Alderman Stackleather to adjourn the meeting at 8:30 p.m. Passed unanimously.

*Ann Vause*

Ann Vause - Town Clerk

TOWN OF NORTH TOPSAIL BEACH  
REGULAR BOARD MEETING  
APRIL 1, 1993

PRESENT: Mayor Marlow Bostic, Jr., Mayor Pro-Tem Stella Tripp, Aldermen Sam McGinn, Margaret Stackleather, Marian Harkins and Peter Hillyer, Town Manager Charles Hedgepeth, Town Attorney Marshall Dotson and Town Clerk Ann Vause.

CONVOCATION: Mayor Bostic called the meeting to order at 7:00 p.m., at the North Topsail Beach Fire Department, and declared a quorum present.

INVOCATION: Mr. Charles Shelton, North Topsail Shores Baptist Church, led in prayer.

APPROVAL OF AGENDA: Mayor Bostic requested a Resolution Stating the Town of North Topsail Beach consents to abandonment of those portions of NC State Road 1568 to be relocated, a discussion of lots 10 & 10a of Sea Dragon and a discussion on cleaning the beach be added to the agenda under New Business, Items # 7-e, 7-f, & 7-g. After a brief discussion, a motion was made by Mayor Pro-Tem Tripp and seconded by Alderman Harkins to approve the agenda with the Resolution Stating the Town of North Topsail Beach consents to abandonment of those portions of NC State Road 1568, a discussion of lots 10 & 10a of Sea Dragon and a discussion on cleaning the beach being added to New Business on the agenda. Passed unanimously.

MINUTES: March 4, 1993:  
Mayor Bostic presented the minutes of the Regular Board Meeting held March 4, 1993, for approval and asked if there were any additions or deletions. Alderman McGinn requested his statement that taxpayers should not pay for meals at the joint dinner meeting with other Towns be added to the Mayors statement concerning the dinner meeting. After a brief discussion, a motion was made by Alderman Harkins and seconded by Alderman Stackleather to approve the minutes of the Regular Board Meeting held March 4, 1993, with Alderman McGinn's statement being added to the Mayors comments. Passed unanimously.

March 11, 1993:  
Mayor Bostic presented the minutes of the Special Meeting/Workshop held March 11, 1993, for approval and asked if there were any additions or deletions. No changes were proposed by the Board. A motion was made by Alderman Harkins and seconded by Mayor Pro-Tem Tripp to approve the minutes of the Special Meeting/Workshop held March 11, 1993, as written.

March 16, 1993:  
Mayor Bostic presented the minutes of the Public Hearing/Special Meeting held March 16, 1993, for approval and asked if there were any additions or deletions. No changes were proposed by the Board. A motion was made by Alderman Harkins and seconded by Alderman McGinn to approve the minutes of the Public Hearing/Special Meeting held March 16, 1993, as written. Passed unanimously.



ORDINANCE  
REGARDING THE  
DISCHARGE OF  
FIRE ARMS &  
DANGEROUS  
INSTRUMENTS:

Town Manager Hedgepeth advised this ordinance was presented to the Board at their March 4, 1993, meeting for consideration and they requested time to review the ordinance and that it be brought back to this meeting. A motion was made by Alderman Harkins and seconded by Alderman McGinn to adopt the Ordinance Regarding the Discharge of Firearms & Dangerous Instruments & Hunting & Trapping for the Town of North Topsail Beach. A general discussion and review of each section of the ordinance was held by the Board of Aldermen. Several citizens spoke concerning whether or not items such as BB guns, sling shots & bows & arrows were weapons or toys. After the discussion, a motion was made by Mayor Pro-Tem Tripp and seconded by Alderman McGinn to amend the original motion on the ordinance to include the following change to Section II: add to the last sentence - ". . . within the Town of North Topsail Beach designated by the North Topsail Beach Police Department." Passed unanimously.

Mayor Bostic called for a vote on the original motion concerning the ordinance. Aldermen Harkins and McGinn agreed to the amendment in Section 2 and the motion passed unanimously.

AN ORDINANCE REGARDING THE DISCHARGE OF FIREARMS AND DANGEROUS  
INSTRUMENTS AND HUNTING AND TRAPPING  
FOR THE TOWN OF NORTH TOPSAIL BEACH

SECTION I - DISCHARGE OF FIREARMS:

It shall be unlawful for any person to needlessly fire any rifle, gun or revolver within the town limits; provided, that this section shall not apply to any officer while in the discharge of the duties of his office.

SECTION II - DISCHARGING DANGEROUS INSTRUMENTS:

It shall be unlawful for any person to discharge any air rifle, pellet gun, BB-gun, bow and arrow or any other similar weapon within the town except in an area marked and designated as a target area by the North Topsail Beach Police.

SECTION III - HUNTING AND TRAPPING:

It shall be unlawful for any person to engage in hunting or trapping within five hundred (500) feet of any dwelling or place of business within the town limits. Hunting with shotguns or bows only will be permitted in those unpopulated areas of the town limits traditionally used for hunting purposes as long as the 500 feet limitation is observed. Trapping will not be permitted in any area of the town limits unless conducted by animal control officers or under the supervision of wildlife officers.

SECTION IV - VIOLATION:

Violation of any of the provisions of this ordinance by any firm, person or corporation, shall constitute a misdemeanor and upon conviction shall be punished by a fine not to exceed five hundred dollars (\$500.00) or imprisoned for not more than six (6) months, or both. Each and every violation shall constitute a separate and distinct offense.

SECTION V - ORDINANCE CONFLICT:

BE IT FURTHER ORDAINED by the Board of Aldermen of the Town of North Topsail Beach, North Carolina, that all ordinances or parts of ordinances in conflict with the aforementioned are hereby repealed.

SECTION VI:

Should any section, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of the ordinance shall not be affected thereby.

DULY ADOPTED THE 1ST DAY OF APRIL, 1993.

ORDINANCE TO  
REGULATE ADULT  
BUSINESSES &  
SEXUALLY ORIENTED  
BUSINESSES:

Town Manager Hedgepeth said this ordinance was presented to the Board at their March meeting and they requested the ordinance be placed on the April agenda so they would have time to study the ordinance. He said this ordinance would act to compliment the existing zoning ordinance and prohibit an adult business 1000 feet from an existing structure, park, etc. After a general discussion, a motion was made by Alderman Harkins and seconded by Alderman McGinn to adopt the following Ordinance to Regulate Adult Businesses and Sexually Oriented Businesses in North Topsail Beach. After a few comments from citizens the motion passed unanimously.

TOWN OF NORTH TOPSAIL BEACH ORDINANCE TO REGULATE ADULT  
BUSINESSES AND SEXUALLY ORIENTED BUSINESSES

Article I. Authority and Jurisdiction

The provisions of this Ordinance are adopted by the Town of North Topsail Beach under authority granted by the General Assembly of the State of North Carolina, in North Carolina General Statutes 160A-174 and 160A-181. From and after the effective date hereof, this ordinance shall apply to every building, lot, tract, or parcel of land within the town limits of North Topsail Beach and its extraterritorial jurisdiction.

Article II. Purpose

For the purpose of promoting the health, safety, morals and general welfare of the citizenry of the Town of North Topsail Beach, this ordinance is adopted by the Town of North Topsail

Beach to regulate adult and sexually oriented businesses, as hereby defined, located in the Town of North Topsail Beach. Further the regulations of this ordinance, have been made with reasonable consideration among other things, as to the character of the Town and its areas and their peculiar suitability for these businesses.

### Article III. Abrogation

These regulations shall not repeal, impair, abrogate, or interfere with any existing easements, covenants, deed restrictions, setback requirements, rules, definitions, regulations previously adopted pursuant to law in an established zoning district in the Town of North Topsail Beach. However, where these regulations impose greater restrictions, the provisions of these regulations shall govern.

### Article IV. Definitions

For the purpose of this ordinance, the following definitions apply:

- (a) Adult Arcade - An establishment where, for any form of consideration, one or more motion picture projectors, slide projectors, or similar machines for viewing by five or fewer persons each are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas (as defined hereinafter).
- (b) Adult Bookstore - An establishment that has a substantial portion (over 25% of total retail space) of its stock-in-trade and offers for rent or sale, for any consideration, any one or more of the following: 1) books, magazines, periodicals, or other printed matter, photographs, films, motion pictures, video cassettes, slides, or other visual representations that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or 2) instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.
- (c) Adult Business - An adult business shall be defined as any business activity, club or other establishment which permits its employees, members, patrons or guest on its premises to exhibit any specified anatomical areas before any other person or persons.
- (d) Adult motion picture theater - An establishment where, for any forms of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown, and in which a substantial portion (25%) of the total presentation time is devoted to the showing of material characterized by an emphasis

on the depiction or description of specified sexual activities or specified anatomical areas.

- (e) Adult Theater - A theater, concert hall, auditorium or similar establishment characterized by (activities featuring) the exposure of specified anatomical areas or by specified sexual activities.
- (f) Massage - Any manipulation of body muscle or tissue by rubbing, stroking, kneading, or tapping, by hand or mechanical device, except by a licenses physician or certified and State licenses therapist.
- (g) Massage Business - Any establishment or business wherein massage is practiced, including establishments commonly known as health clubs, physical culture studios, massage studios, or massage parlors.
- (h) Sexually Oriented Business - A Sexually Oriented Business shall be defined as any business activity, club or other establishment, within which the exhibition, showing, rental, or sale of materials distinguished or characterized by an emphasis on material depicting, describing, or exhibiting specified anatomical areas or relating to specified sexual activities is permitted. Sexually oriented businesses shall include, but are not limited to: adult arcades, adult bookstore, adult motion picture theaters, adult theaters, massage parlors, and/or adult video rental/sale stores as defined by this ordinance.
- (i) Specified Anatomical Areas - Specified anatomical areas shall be defined as less than completely and opaquely covered human genitals, pubic regions, buttocks and female breasts below a point immediately above the top of the areola.
- (j) Specified Sexual Activities - Specified sexual activities shall be defined as:
  - a. Human genitals in a state of sexual stimulation or arousal;
  - b. Acts of human masturbation, sexual intercourse, sodomy; or
  - c. Fondling or other erotic touchings of human genitals, pubic regions, buttocks or female breasts.
- (k) Total Retail Space - Any space within the structure that is used for the direct sale of merchandise to the public and storage areas for those items.

Article V. Scope and Provisions of Ordinance

A. Adult Business.

- (i) An adult business shall be defined as any business activity, club or other establishment which permits any employee, member, patron or guest on its premises to exhibit any specified

anatomical areas before any other person or persons.

- (ii) No adult business shall be permitted in any building:
  - (a) located within 1000 feet in any direction from a building used as a residence or dwelling.
  - (b) located within 1000 feet in any direction from a building in which an adult business or a sexually oriented business is located.
  - (c) located within 1000 feet in any direction from a building used as a church, synagogue, or other house of worship.
  - (d) located within 1000 feet in any direction from a building used as a public school or as a state licensed day care center.
  - (e) located within 1000 feet in any direction from any lot or parcel on which a public playground, public swimming pool, or public park is located.

B. Sexually Oriented Business

- (i) A sexually Oriented business shall be further defined as any business activity, club or other establishment, within which the exhibition, showing, rental, or sale of materials distinguished or characterized by an emphasis on material depicting, describing, or exhibiting specified anatomical areas or relating to specified sexual activities is permitted. Regulated businesses shall include, but are not limited to: adult arcades, adult bookstores, adult motion picture theaters, adult theaters, massage parlors, and/or adult video rental/sale stores as hereinafter defined in section Article IV "Definitions", "h".
- (ii) No Sexually Oriented Business shall be permitted in any building:
  - (a) located within 1000 feet in any direction from a building used as a residence or dwelling.
  - (b) located within 1000 feet in any direction from a building in which an adult business or a sexually oriented business is located.
  - (c) located within 1000 feet in any direction from a building used as a church, synagogue, or other house of worship.
  - (d) located within 1000 feet in any direction from a building used as a public school or as a State licensed day care center.
  - (e) located within 1000 feet in any direction from any lot or parcel on which a public playground, public swimming pool, or public park is located.

C. Nonconforming Adult Business and Sexually Oriented Adult Business

Any adult business or sexually oriented business lawfully operating on the effective date of this ordinance, that is in violation of this ordinance shall be deemed a nonconforming use. Any use which is determined to be nonconforming by application of the provisions of this section shall be permitted to continue for a period not to exceed two (2) years. Such nonconforming uses shall not be increased, enlarged, extended, or altered except that the use may be changed to a conforming use. If a nonconforming use is discontinued for a period of one hundred eighty days (180) or more it may not be reestablished. If two (2) or more adult businesses or sexually oriented adult businesses are within 1000 feet of one another and otherwise in a permissible location the business which was first established and continually operating at its present location shall be considered the conforming use and the later established business(es) shall be considered nonconforming. An adult business or sexually oriented adult business lawfully operating as a conforming use shall not be rendered nonconforming by the subsequent location of a church, house of worship, day care center, school, playground, public swimming pool, or public park within 1000 feet of the adult business or sexually oriented business.

Article VI. Interpretation of Terms and Definitions

- (a) Words used in the present tense include the future tense.
- (b) Words used in the singular number include the plural and words used in the plural include the singular.
- (c) The word "person" includes an owner, firm, joint venture, association, organization, partnership, corporation, trust, and company, as well as an individual.
- (d) The word "owner" when applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant or tenant by entirety of the whole or part of such building or land.
- (e) The word "lot" includes the words "plot" or "parcel".
- (f) The word "building" includes the word "structure".
- (g) The word "shall" is always mandatory and not merely directory.
- (h) The words "located", "used", or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be located, used or occupied".
- (i) The word "residence" shall mean the place adopted by a person as his place of habitation and to which, whenever he is absent, he has the intention of returning. When a person eats at one (1) place and sleeps at another, the place where such person sleeps shall be deemed his residence.

Article VII - Severability

It is hereby declared to be the intention of the board that the sections, paragraphs, sentences, clauses and phrases of

this ordinance are severable, and if any phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance is declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the Town of North Topsail Beach without the incorporation of this ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

Article VIII - Enforcement

- (a) Any person who violates this ordinance shall be guilty of a misdemeanor and upon conviction may be fined not more than \$500.00 or imprisoned for not more than six (6) months.
- (b) This ordinance may be enforced against any person who is in violation by an appropriate equitable remedy issuing from a court of competent jurisdiction.
- (c) This ordinance may be enforced against any person who is in violation by injunction and order of abatement as provided for by law.
- (d) Each day's continuing violation of this ordinance by any person is a separate and distinct offense.
- (e) As used herein, "person" shall include:
  - (i) The agent in charge of the building, premises, structures or facility.
  - (ii) The owner of the building, premises, structure or facility when such owner knew or reasonably should have known the nature of the business located therein.
  - (iii) The owner of the business; or the manager of the business.

This Ordinance adopted April 1, 1993, by the Town of North Topsail Beach, shall take effect and be in force from and after April 1, 1993, with the original duly filed with the Clerk of the Town of North Topsail Beach.

DULY ADOPTED THE 1ST DAY OF APRIL, 1993.

TELEPHONE SERVICE  
- NORTH END FIRE  
STATION:

Town Manger Hedgepeth reviewed his memo of March 16th, and proposals received from three companies to provide telephone system for the north end fire station. He said he was looking for direction from the Board on how they wish to proceed. The proposal received included two (2) lines and a fax line and expansion capabilities. Town Manger Hedgepeth said after review he recommended the proposal from Sound Systems, Incorporated. After a discussion of each proposal, comments

from citizens, the Board requested the Town Manager contact Carolina Telephone Company for a proposal and that he bring the proposals back to them at their May, 1993, meeting.

SCOTCH BONNET  
PIER:

Town Manger Hedgepeth said the Scotch Bonnet Pier/mobile home park was receiving attention and questions concerning modifications so he invited Mr. Moury, President of Scotch Bonnet Association, to speak to the Board and explain what they plan to do. Mr. Moury said he appreciated the support of the Town Manager and Building Inspector in what his association was trying to do. Their are fourteen (14) investors in the Scotch Bonnet Association and they are spending a considerable amount of money to bring the Scotch Bonnet Pier/mobile home park up to a first class facility. He said they recognized the problems and with the renovations they will make the area one to be proud of. Questions were asked from Board members, and citizens, concerning plans to renovate the pier, tackle shop, restaurant and lounge. Mr. Moury said they want to make this a family facility that everyone will be comfortable with. No further questions were asked and Mayor Bostic thanked Mr. Moury for attending the meeting and answering questions. Mr. Moury invited the Board members to come by the pier and see what is being done.

APRIL MEETINGS  
SCHEDULED:

Town Manager Hedgepeth said the Board has scheduled the following meetings for April, 1993:

1. Land Use Plan Workshop April 3, 1993, at 1:00 p.m., at the NTB Fire Station;
2. Public Hearing on the Proposed Land Use Plan April 23, 1993, at 7:00 p.m., at the NTB Fire Station.

BUDGET - FISCAL  
YEAR 1993-94:

Town Manager Hedgepeth presented the Proposed Budget for Fiscal Year 1993-94 and the following Budget Message:

BUDGET MESSAGE:

I present for your consideration the Proposed budget for Fiscal Year 1993-1994. This budget calls for expenditures of \$804,448. This budget has been prepared in accordance with the Local Government Budget and Fiscal Control Act. The requirement that all obligations be encumbered on the appropriate accounting record will be realized.

The proposed budget establishes the tax rate at \$.22 per \$100 of tax value both real and personal. The total value for tax purposes within the Town of North Topsail Beach is \$233,831,745 which produces, at a 91% collection rate, \$468,131 in anticipated revenues using the above tax rate. Other revenue sources are projected to produce \$222,000. Total revenues from all sources equal \$720,131.

The proposed budget requires a draw of \$114,357 on existing cash reserves to balance. The proposed budget includes \$90,000 in debt payments (fire station and equipment) and the



required \$38,309 in contingency funds. The Town requires \$690,584 to operate; no debts and no contingency \$29,547 less than anticipated revenues for Fy 93-94.

Within the proposed budget, line item expenditures, department by department, are realistically calculated.

I propose an eight percent salary increase for all employees excluding the Town Manager. The additional cost of this proposal over this year's budget is \$18,385 (salary cost only). I propose for the Town Manager no salary increase, unless you see fit to grant one, but, I do propose a \$100 per month expense account to cover incidentals and auto costs incurred during conducting the Town's business. As an alternative to this proposal, I would suggest 8% for all hourly employees - a true pay increase - and a 3% increase for all salaried employees. (See attached - salary comparisons)

I expect medical insurance costs to remain near their present level but, only if we change from Blue Cross to another company. We are exploring alternatives at present. The new company (from Benton Ballock and Associates of Jacksonville) will offer a plan costing about the same as Blue Cross with equal or superior features. However, past experiences with Blue Cross indicate that a significant rate increase will be forthcoming. Consequently, we can predict that the new company would cost less for FY 93-94.

In summary, the proposed \$804,488 budget allows for the operations of the Town at present levels of service, allows for an increase in salaries, provides for maintenance and upkeep of equipment/facilities, allows for incidental equipment purchases (Capital Expenditures), and pays our debts. The list of possible projects and their estimated costs are provided for your consideration and possible inclusion in the proposed budget as additional draws on the Town's cash reserves.

As Town Manager, I am obligated to remind you that the proposed budget is balanced only by drawing on the cash reserves. This is not sound fiscal policy over an extended period of time.

After a discussion on beach renourishment being number one priority, not depending on the funds coming in, setting aside funds in the event of a storm, Mayor Pro-Tem Tripp and Alderman Stackleather's discussion with Congressman Rose and Lancaster, the Board set a workshop on the Proposed Fiscal Year 1993-94 Budget for Tuesday, April 20, 1993, at 7:00 p.m., at the North Topsail Beach Fire Department.

OCEAN WYNDS -  
EXTENSION ON  
PRELIMINARY  
PLAT:

Town Manager Hedgepeth said the preliminary plat for Ocean Wynnds was approved by the Board a year ago. The Town ordinance provides for a one year approval unless an extension is granted by the Board of Aldermen. Due to the process of

getting sewer, CAMA permits, etc. the developers are requesting a one year extension on this approval. Mr. John Parker, developer, said the original plan on the project has not changed, there are putting in a crosswalk and setting aside an area at the top of the dune for handicapped individuals. After a brief discussion, a motion was made by Alderman McGinn and seconded by Alderman Stackleather to grant a one year extension on the preliminary plat for Ocean Wynds. Passed unanimously.

DOT RESOLUTION -  
SR 1568:

Town Attorney Dotson said he received a call from the Attorney General's Office concerning the relocation of a portion of S.R. 1568. They are requesting the Town adopt a resolution abandoning the portion of S.R. 1568 which shall be relocated by the North Carolina Department of Transportation. After a brief discussion, a motion was made by Alderman Harkins and seconded by Alderman McGinn to adopt the following resolution stating the Towns intention to abandon the portion of S.R. 1568 to be relocated by the North Carolina Department of Transportation: Passed unanimously.

RESOLUTION - S.R. 1568

WHEREAS, the North Carolina Department of Transportation desires to relocate N.C. Secondary Road 1568 on the Northeast end of North Topsail Beach according to plans and specifications on file with the North Carolina Department of Transportation; and

WHEREAS, upon the relocation of said Secondary Road the North Carolina Department of Transportation intends to abandon the old or replaced portions of said Secondary Road in those areas that does not deprive property owners of access to their respective properties; and

WHEREAS, NC Secondary Road 1568 is located within the boundaries of the Town of North Topsail Beach and North Carolina Department of Transportation has requested that he Board of Aldermen for the Town of North Topsail Beach adopt a resolution consenting to the abandonment of the old NC Secondary Road 1568 upon the completion of the relocation of the same by the North Carolina Department of Transportation all in accordance with the plans and specifications on file with the North Carolina Department of Transportation; and

WHEREAS, the Board of Aldermen of the Town of North Topsail Beach has no objection to said abandonment in accordance with the plans and specifications filed with the North Carolina Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED:

That the Board of Aldermen of the Town of North Topsail Beach does hereby request and consent to the abandonment of those portions of NC Secondary Road 1568 which shall be relocated by the North Carolina Department of Transportation under the plans and specifications now on file with the North

Carolina Department of Transportation at such time as the newly relocated section of NC Secondary Road 1568 is open for travel by the Department of Transportation.

DULY ADOPTED THE 1ST DAY OF APRIL, 1993.

LOTS 10 & 10-A -  
SEA DRAGON:

Town Manager Hedgepeth said Mr. Duncan, Greensboro, wishes to donate lots 10 & 10-a of Sea Dragons, near Bay Court, to the Town to develop an emergency vehicle access, walk over and possible parking area for 2 to 3 cars. Attorney Dotson explained his contact with Mr. Duncan and stated Mr. Duncan would not be able to build on this property because of CAMA set back requirements. The property is valued at \$26,000 and if the Town accepts they need to give Mr. Duncan a certificate stating the property will be used for a beach access or other municipal purpose so he can present it to his accountant.

After a brief discussion, a motion was made by Alderman Harkins and seconded by Mayor Pro-Tem Tripp to accept the donation of Lots 10 & 10-a of Sea Dragons and send the owner, Mr. Duncan, an appropriate thank you. Passed unanimously.

BEACH CLEAN-UP:

Town Manager Hedgepeth said there was a large amount of debris on the beach, from the storm March 13th, that we do not have the capability of picking up. He said he talked with the Marine Corps and had hoped they could help but, this is not possible at this time. Mr. Cecil Carter, contractor removing the old New River Inlet Pier, agreed to pick up this large debris for a sum not to exceed \$1,500.00. After a discussion on Town liability on damaged property decking and items on the beach, a motion was made by Alderman Hillyer and seconded by Alderman Stackleather to accept Mr. Cecil Carters proposal of up to \$1,500.00 to remove debris from the beach. Passed unanimously.

Alderman Harkins suggested the Board consider the possibility of closing the beach for at least seven (7) days after a storm. This would enable property owners to access their damage and retrieve items from the beach if they desire. Attorney Dotson advised the current Beach Driving Ordinance authorizes the Police Chief to close the beach when necessary.

MANAGER'S  
REPORT:

A. New Fire Station

The Notice To Proceed will have been issued to all contractors prior to your regular meeting. Construction is scheduled to start during April. All significant change orders will be presented to the Board for approval. We continue to work on financing the building; approval from the Local Government Commission.

B. Storm Related Matters

We continue to work on removal of large debris from the ocean front. The Marine Corps might see fit to assist us, but this will take time. Cecil Carter will do the work for \$1500.00.

Public Works is doing all they can but are not able to handle the large pilings and the volume of other materials in a timely fashion.

C. Budget

I anticipate presenting the FY 93-94 proposed budget to you during your April meeting. This proposed budget will be a "base" budget and a number of optional "packages" showing costs of various special projects/programs that you might wish to implement. All will be based on existing the tax rate.

D. Land Use Plan

We are set for the special April 3rd meeting at 1:00 at the Fire Station. Notices were mailed to selected owners of undeveloped property. The formal Public Hearing is scheduled for April 23rd. Larger more readable maps have been produced and will be made available as this process develops (Existing Land Use and Land Classification).

E. Zoning Revision

I find that the joint meeting of March 11th was successful. We need to do this type thing more often.

F. Sales Tax Distribution

The County and Jacksonville will meet on this subject on the 23rd. A Mayors/Managers meeting has been called by Swansboro for April 1st. To enhance the chances of success, North Topsail Beach will have to demonstrate a willingness to return a part of these funds to the public in the form of increased services especially as they relate to County services being provided presently in our area and Town. By changing to ad valorem, Jacksonville would lose \$1,667,890; the County would gain \$1,045,027; and North Topsail Beach would gain \$320,000.

G. Other Matters

- a. BB&T appears ready to give us the property as previously discussed.
- b. The County maintains their 19 crossovers. Damage and sand removal from their base is County responsibility to repair.
- c. Numerous CAMA permits for sand dune construction.
- d. The Chief of Police is working on policies for emergency response (speed). He is consulting with other towns.
- e. Mike Taylor is working on recruiting volunteers for the new fire station.
- f. Changes on conducting executive sessions are pending.
- g. We continue to work with the Scotch Bonnet owners and are pushing them to improve the travel trailer park and mobile home park.
- h. The joint dinner ( Surf City, Holly Ridge, Topsail Beach and North Topsail Beach) is set for the 23rd, 6:00 pm, St. Regis.

ALDERMEN'S  
REPORTS:

Alderman Harkins:

April 17th, is the beach clean up. Everyone should be at the new County Park, SR 1568, by 9:00 a.m.

Mayor Pro-Tem Tripp:

Thursday, March 25th, I spoke with Congressmen Rose and Lancaster. Margaret Stackleather and I went as concerned citizens, not as Aldermen for North Topsail Beach, to discussion erosion problems, federal flood insurance program and federal grant money for the Town to use on building a Town Hall. Both gentlemen felt these items needed to be looked at again and on federal flood insurance they felt it should be considered on a case by case basis. We left the meeting feeling that both gentlemen would contact the Town Manager and discuss these issues with him. We feel they are concerned and receptive and want to help our area. If the issue of flood insurance for the north end fire station is re-evaluated and considered favorably perhaps it will set a presidency for other areas.

MAYOR'S  
REPORT:

Joint Meeting:

Wednesday, March 31st, a joint dinner meeting was held between North Topsail Beach, Topsail Beach, Surf City and Holly Ridge Board members and managers. We discussed mutual problems.

Meetings:

May 1st, a Hurricane/Disaster Seminar will be held at the North Topsail Beach Fire Department; May 4th, 5:30 p.m., a four county meeting will be held on Mosquito Management. Everyone is invited to attend these important meetings.

Sales Tax:

Town Manager Hedgepeth, Surf City officials and I met with Rick Leary, Onslow County Manager and Mr. Fitzpatrick, Chairman of Onslow County Commissioners, to discuss the sales tax issue. The County Commissioners will vote the third Monday of this month on the sales tax distribution method.

Mayor Bostic said we need public support and he was a little disappointed that none of the North Topsail Beach citizens had called the County Commissioners. Jacksonville does not want the distribution method changed and unless we work together there will be no change. He reviewed future meeting with County Officials and requested citizens contact the County Commissioners on this important issue because it could determine whether or not the Town received \$40,000 sales tax funds or \$440,000.

Retirement Center:

A committee is working to develop a retirement center at the beach. They are looking for community support. This project was briefly discussed.

OPEN FORUM/  
CITIZENS  
COMMENTS:

Clara Bass:

Questioned why we are paying someone else to clean the beach.

Town Manager Hedgepeth explained they would only be removing large debris that we cannot handle.

Jack Royman:

At the dinner meeting local telephone service from the 328 area to Wilmington and problems with the Federal Communications Commissions were discussed. Also, briefly discussed was the erosion problem and the use of artificial reefs. He said he hoped this was only the beginning and he wanted to commend the Board for discussing this sensitive issue.

Gary John:

Last October Alderman Hillyer spoke of conflict of interest. Could there be a compromise of positions when Jacksonville and North Topsail Beach have the same attorney? Attorney Dotson explained he was not a voting member on either board. Since he has no legal right to establish how tax funds, etc. are distributed there is no conflict of interest.

ADJOURNMENT:

A motion was made by Alderman McGinn and seconded by Alderman Stackleather to adjourn the meeting at 9:35 p.m. Passed unanimously.

Ann Vause  
Ann Vause - Town Clerk

270  
262

TOWN OF NORTH TOPSAIL BEACH  
LAND USE PLAN WORKSHOP  
APRIL 3, 1993

- PRESENT: Mayor Marlow Bostic, Jr., Mayor Pro-Tem Stella Tripp, Aldermen Sam McGinn, Margaret Stackleather and Peter Hillyer, Town Manager Charles Hedgepeth and Deputy Town Clerk Susan Daughtry. Alderman Marian Harkins and Attorney Marshall Dotson were absent.
- CONVOCATION: Mayor Bostic called the meeting to order at 1:00 p.m., at the North Topsail Beach Fire Department Building, and declared a quorum present.
- LAND USE PLAN: The Board reviewed and discussed various aspects of the proposed Land Use Plan and suggested changes where by property zoned R-5 over a long period of time would be exempt from the density provision of the plan.
- ADJOURNMENT: At 2:30 p.m., a motion was made by Alderman McGinn and seconded by Alderman Hillyer to adjourn the meeting. Passed unanimously.

*Susan Daughtry*  
\_\_\_\_\_  
Susan Daughtry Deputy Town Clerk

TOWN OF NORTH TOPSAIL BEACH  
SPECIAL BOARD MEETING  
APRIL 16, 1993

PRESENT: Mayor Marlow Bostic, Jr., Mayor Pro-Tem Stella Tripp, Alderman Sam McGinn, Town Manager Charles Hedgepeth and Town Clerk Ann Vause. Aldermen Margaret Stackleather, Marian Harkins, Peter Hillyer and Attorney Marshall Dotson were absent.

CONVOCATION: Mayor Bostic advised a quorum of the Board members was not present therefore, a meeting could not be held. He apologized to the forty-five (45) citizens present and invited the citizens to have a general discussion of the storm damage that occurred and how the Town re-acted.

The citizens and Board members also discussed dune renourishment program, need for an emergency information handout for citizens, need for parking facilities when SR 1568 is closed, possibility of increasing taxes, with funds held in reserve for dune preservation, Federal and State regulations for matching grant funds and the need for shuttle service when SR 1568 is closed.

Mayor Bostic advised a meeting on this subject will be set at a later date when all Board members could be present.

After a review of a VCR tape, presented by Mr. Jack Royman, on stabilization the meeting closed at 4:00 p.m.

Ann Vause  
Ann Vause - Town Clerk



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TOWN OF NORTH TOPSAIL BEACH  
BUDGET WORKSHOP  
APRIL 20, 1993

- PRESENT: Mayor Marlow Bostic, Jr., Mayor Pro-Tem Stella Tripp, Aldermen Sam McGinn, Margaret Stackleather, Marian Harkins and Peter Hillyer, Town Manager Charles Hedgepeth and Town Clerk Ann Vause. Attorney Marshall Dotson was absent.
- CONVOCATION: Mayor Bostic called the meeting to order at 7:00 p.m., at the North Topsail Beach Fire Department Building, and declared a quorum present.
- BUDGET FISCAL YEAR 1993-94: Town Manager Hedgepeth reviewed the proposed budget for Fiscal Year 1993-94. He advised it was based on a 22 cent per 100 valuation tax base at a 91% collection rate. He said this was an operational budget with reasonable line items based on cost of last 2 - 3 years. He reviewed expenditures for each department and advised the budget did not reflect any major capital outlay.
- After a general discussion on salaries and overall expenditures, the Board requested the Rescue Squad donation be increased from \$5,000 to \$10,000 and they set a policy that the minimum fund balance should not be below \$750,000.
- The Board scheduled a public hearing for citizens input on the proposed budget for Fiscal Year 1993-94 for Thursday, May 6, 1993, at 7:00 p.m., prior to the beginning of the regular board meeting.
- ADJOURNMENT: A motion was made by Mayor Pro-Tem Tripp and seconded by Alderman McGinn to adjourn the meeting at 8:45 p.m. Passed unanimously.



Ann Vause - Town Clerk

TOWN OF NORTH TOPSAIL BEACH  
PUBLIC HEARING  
APRIL 23, 1993

PRESENT: Mayor Marlow Bostic, Jr., Mayor Pro-Tem Stella Tripp, Aldermen Sam McGinn, Marian Harkins and Peter Hillyer, Town Manager Charles Hedgepeth and Town Clerk Ann Vause. Alderman Margaret Stackleather and Town Attorney Marshall Dotson were absent.

CONVOCATION: Mayor Bostic called the meeting to order at 7:00 p.m., at the North Topsail Beach Fire Department Building, and declared a quorum present.

PUBLIC HEARING  
- LUP:

Mayor Bostic opened the public hearing at 7:01 p.m., and advised this was the first of two public hearings. Town Manager Hedgepeth introduced Ms. Cathy Vincent and advised she has taken over the duties of Mr. Haskell Rhett. He reviewed a memo prepared for the Board of Aldermen which addresses changes to the proposed Land Use Plan made over the last thirty days and advised this hearing was being held in accordance with CAMA requirements. He reviewed a number of changes all of which were less restrictive in nature. Some other technical changes have been made by the Coastal Resources Commission and Town staff. Town Manager Hedgepeth said there have been three versions of the Land Use Plan. The first one was very restrictive, the second was not restrictive enough and the third was a compromise of the first two. There are two exceptions in this draft, one deals with areas around existing commercial properties use and the other deals with property long zoned R-5. With approval of this plan the Town will follow with review and revisions to the Zoning Ordinance and Subdivision Regulations. This proposed Land Use Plan is a starting point only.

Bob Robertazzi:

Will changes benefit development or developers? What pier areas are included? How far left or right from the piers does the commercial area extend? These situations were explained by the Town Manager.

Bill O'Donnell:

What goal do you have in mind? We need to preserve the R-20 single family areas and make a statement that we will preserve uncrowded areas for single families should be made.

Melinda Whitney:

Two years after the first plan was finalized we are recreating it again. What good are changes made for outside of promoting commercial growth? How will changes benefit the general public? What are we doing to protect water/marsh land? This plan only meets the minimum requirements set by the State and does nothing to ensure safety of homes, water or beautiful landscape. With this plan you are opening the flood gates wide open for development and setting the stage for people to do as they please. We are raping this island for \$1.00 and no one seems to care. We want quality, controlled growth.

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Single family dwellings are better quality and cost less than what is located on the north end of town. The proposed Land Use Plan does nothing to protect the town.

Ginny Hillyer:

Will there be a second hearing? Advised yes. She said the Land Use Plan is our first line of defense for quality of life. By diluting this plan you open the door and may use minimum language when rewriting the Zoning and Subdivision Regulations. She encouraged the Board to follow the first plan.

John Parker:

People feel that they will be bombarded with request to rezone ocean front property with high rise buildings, town houses, etc. I do not think anyone wants this because it would shut the Town down. But, if you use the opposite approach and only allow large lots you rule out an entire class of citizens and this is not fair. I do not believe you want to do this. This plan is somewhere in the middle and does have some flexibility to allow buildings with up to 4 units.

Sue Tuman:

What is the status of marinas? Where does Onslow County stand on allowing marinas? Town Manager Hedgepeth explained the status of marinas and where Onslow County stands.

Alderman Hillyer:

The proposed plan is not as good as the original but it is better than the second one proposed. The proposed plan does not protect the natural resources as it should. Our main concern should be the island and people who live here as well as leaving natural resources to attract other people. The proposed plan is a compromise, pass it and have the second hearing.


Alderman McGinn:

I wish we could give Mr. Robertazzi an answer on commercial areas around piers.

No further comments were received and Mayor Bostic closed the public hearing at 7:58 p.m. He advised a second public hearing on the Proposed Land Use Plan would be held on Thursday, June 3, 1993, at 7:00 p.m., at the North Topsail Beach Fire Department Building.

ADJOURNMENT:

A motion was made by Alderman McGinn and seconded by Alderman Hillyer to adjourn the meeting at 7:59 p.m. Passed unanimously.



Ann Vause - Town Clerk

TOWN OF NORTH TOPSAIL BEACH  
REGULAR BOARD MEETING  
MAY 6, 1993

PRESENT: Mayor Marlow Bostic, Jr., Mayor Pro-Tem Stella Tripp, Aldermen Sam McGinn, Margaret Stackleather, Marian Harkins and Peter Hillyer, Town Manager Charles Hedgepeth, Town Attorney Marshall Dotson and Town Clerk Ann Vause.

CONVOCATION: Mayor Bostic called the meeting to order at 7:00 p.m., at the North Topsail Beach Fire Department, and declared a quorum present.

INVOCATION: Rev. Gary Garman, Sneads Ferry Interfaith Community Church, led in prayer.

PUBLIC HEARING  
- FY 1993-94

BUDGET: Mayor Bostic opened the public hearing on the Proposed Budget for Fiscal Year 1993-94 at 7:05 p.m., and requested comments from the thirty (30) citizens present.

Bill O'Donnell:

It is unfair for employees to receive benefits I do not get. There should be no across the board raises or cost of living increases ever. Increases should be based on merit. Salaries should be carefully examined because some are too high and some are too low. Police Chief's salary is low compared to others in town and should be equal to others. The town should neither draw from the fund balance or raise taxes. Three telephones and fax line for fire department wasteful. Only one line is needed. \$100 a month expense account for Town Manager is unnecessary, wasteful. It is a mistake for the Board to rubber stamp the Town Manager's recommended budget. Each item should be scrutinized.

Leland Newsome:

I disagree on telephone lines for the fire department. He explained what recently occurred with 911 service.

Clara Bass:

Community Partnership Committee needs a bus for senior citizens and individuals on the north end of town when the road washes out. Also, I would like Town Christmas Decorations in 1993.

Jack Royman:

Is everyone present aware of what the budget is about?

Citizen:

Is there any money in the budget for beach renourishment? Would it be appropriate to put this in the budget?

Town Manager Hedgepeth summarized the two budgets presented to the Board for consideration. The first budget contains a 22 cent tax rate and is an operational budget which keeps the

service levels at the present status. The second budget contains a 25 cent tax rate setting aside 3 cents, of tax revenues, for dune or beach renourishment and does not contain the \$100 expense funds for the Town Manager. Both budgets require a draw on the fund balance to pay obligations for fire equipment and new fire station building. Along with the proposed budget a shopping list of proposed projects such as dune renourishment, additional police officers, etc. was presented to the Board. However, if any of these projects are implemented additional funds from the fund balance would be required. The Town cash position is strong. We have approximately \$938,000 in cash management account and \$250,000 in Certificate of Deposits. At their workshop April 20th, the Board indicated \$750,000 would remain in the reserve funds. This makes \$200,000 available for use on selected projects such as dune stabilization, beach renourishment, etc.

Town Manager Hedgepeth invited individuals to visit Town Hall to review and discuss the proposed budgets for Fiscal Year 1993-94.

Henry Benkner:

You are throwing money down the drain trying to fix dunes. If sand protected houses it would be used elsewhere. All you are fixing to do is spend money because pushing sand will not stop erosion. He recommended they not spend one cent on pushing sand.

Sue Tuman:

At the budget workshop there was some discussion on the percent of budget that salaries cost. It appears to be some 41% but, this is for service. What does the Town have except employees? Although our population is small in winter and large in the summer they all need service. It would be better to think of our town size as 3,000 - 4,000. I do not think it is unreasonable for our salaries to be this much.

Dorothy Pisula:

Foolish to spend money on sand because you can not hold back the ocean.

Bill Bass:

If it was not for dunes ocean would be coming across and this would hurt other houses. I agree with the 3 cent tax for dune protection because 3 cents tax would be that much for dune protection.

Additional comments were received from Mr. Bill O'Donnell opposing 3 cent tax increase and Mrs. Sue Tuman concerning necessary protection, cost for equipment and need to continue trying different protection methods.

Alderman Hillyer:

Our 22 cent tax rate is one of the lowest in the State. I am concerned that people who work for us be paid fairly and they should get a raise, maybe not across the board because some are paid lower than others and this should not be. This is

not a tax and spend budget. We are borrowing from our fund balance to keep the going and somewhere down the road this must be addressed. I do not resent employees receiving benefits. The salary percentage of the budget is meaningless unless you compare it to other towns. We provide service and this comes from our fourteen (14) employees who do a terrific job and should be properly paid. Three cents tax increase for renourishment is not a lot of money and should be set aside for equipment, grants, etc. because we do not want to abandon our efforts now.

Mayor Pro-Tem Tripp:

Service is given to the Town and our employees do give a lot of service but the Town Hall closes at 4:30, trash site closes early. We need the Town Hall open on Saturdays. Employees are service and we need a plan to have employees present on Saturdays because of tourist, etc. This will be considered along with the proposed budget.

No further comments were received, a motion was made by Alderman Harkins and seconded by Mayor Pro-Tem Tripp to close the public hearing at 7:36 p.m. Passed unanimously.

AGENDA APPROVAL: Mayor Bostic requested a budget amendment, because of police grant, and street improvement projects be added to the agenda under new business. A motion was made by Mayor Pro-Tem Tripp and seconded by Alderman Stackleather to approve the agenda with the budget amendment and street improvement projects being added under new business. Passed unanimously.

MINUTES: April 1, 1993:

Alderman Stackleather requested the word "slingshot" be removed from the 1st paragraph of Section II of the Ordinance Regarding the Discharge of Firearms and Dangerous Instruments and Hunting and Trapping for the Town of North Topsail Beach. After a brief discussion, a motion was made by Mayor Pro-Tem Tripp and seconded by Alderman Stackleather to approve the minutes of the Regular Board Meeting held April 1, 1993, as written with the word "slingshot" being removed from Section II of the Firearms Ordinance. Passed unanimously.

April 3, 1993:

A motion was made by Mayor Pro-Tem Tripp and seconded by Alderman Harkins to approve the minutes of the Land Use Plan Workshop held April 3, 1993, as written. Passed unanimously.

April 16, 1993:

A motion was made by Mayor Pro-Tem Tripp and seconded by Alderman Stackleather to approve the minutes of the Special Board Meeting held April 16, 1993, as written. Passed unanimously.

April 20, 1993:

A motion was made by Mayor Pro-Tem Tripp and seconded by Alderman Harkins to approve the minutes of the Budget Workshop held April 20, 1993, as written. Passed unanimously.

April 23, 1993:

A motion was made by Mayor Pro-Tem Tripp and seconded by Alderman Harkins to approve the minutes of the Public Hearing held April 23, 1993, as written. Passed unanimously.

DISCUSSION -  
EMERGENCY  
SITUATION:

Mayor Bostic reviewed items discussed with citizens at the April 16th meeting, when a quorum was not present, and advised they requested they be discussed by the Board at this meeting. Mayor Pro-Tem Tripp said she felt an Emergency Management Coordinator or individual to handle details in a situation of this nature was needed. After a discussion, the Board requested Town Manager Hedgepeth develop a plan for emergencies and coordinate it in conjunction with the 1993-94 Budget.

LAND DEDICATION -  
SUBDIVISION  
REGULATIONS:

Bill O'Donnell:

Subdivision Regulations should still allow for land for accesses, etc. You should first be concerned with public access to ocean and sound and should not allow anyone to buy out of this. If they are to allocate more land than needed then you think of money. The Village of Stump Sound agreed on two accesses but they have not be put in, this should be followed up on.

Town Manger Hedgepeth said the proposed revision to Section 4.0742 of Subdivision Regulations does not address public access. The proposed revision is for amendment whereby land dedication can be substituted in cash in lieu of land because the Town does not want several small, unusable parcels but, funds to be used in dedicated areas for public accesses.

After a discussion, and a citizens comments on what the definition of a public access was, the Board directed the Town Manager to develop a plan on this issue, submit it to the Planning Board for their consideration and then have it submitted to the Board of Aldermen.

TELEPHONES -  
NORTH END FIRE  
STATION:

Town Manager Hedgepeth advised when the original request for proposal on telephone system for the north end fire station was sent out Carolina Telephone did not respond. He contacted Carolina Telephone again for a proposal on telephone system for the north end fire station. They presented a proposal for refurbished equipment with a one year guarantee which is consistent with the other proposals received. The Carolina Telephone proposal cost \$1,792.00, installation at no cost, and provides a one year guarantee. He recommended the Board accept the Carolina Telephone proposal. After a brief discussion, a motion was made by Alderman McGinn and seconded by Alderman Stackleather to accept the proposal of refurbished equipment at a cost of \$1,792, with installation at no cost and one year guarantee from Carolina Telephone. Passed unanimously.

BUDGET

WORKSHOP:

The Board decided to hold a budget workshop Tuesday, May 11, 1993, at 7:00 p.m., at the North Topsail Beach Fire Department Building.

PLANNING BOARD

APPOINTMENTS:

Mayor Bostic advised the terms of three Planning Board members was up. He requested nominations from the Board members. Mayor Pro-Tem Tripp nominated Nell Minshew, Bill White and Joe Moseley. Alderman Harkins nominated Harold Naumann. No further nominations were received. A motion was made by Alderman McGinn and seconded by Mayor Pro-Tem Tripp that nominations be closed. Passed unanimously. Mayor Bostic advised the Clerk would prepare ballots for voting on nominations and tally votes received.

REQUEST FOR ONSLOW

TO COUNTY

CONTRIBUTE TO

RENOURISHMENT:

Mayor Bostic reviewed a draft resolution requesting Onslow County contribute 10% of tax funds received from North Topsail Beach for beach stabilization, etc. He also reviewed what was discussed with the Army Corps of Engineers concerning dredging projects scheduled for North Topsail Beach areas. After a brief discussion, a motion was made by Alderman Harkins and seconded by Mayor Pro-Tem Tripp to adopt the following resolution requesting Onslow County contribute 10% of tax funds received from North Topsail Beach for beach renourishment: Passed unanimously.

RESOLUTION REQUESTING ONSLOW COUNTY CONTRIBUTE FINANCIALLY TO LOCAL EFFORTS FOR BEACH RENOURISHMENT & DUNE STABILIZATION

WHEREAS THE TOWN OF NORTH TOPSAIL BEACH ACTS AS THE CUSTODIAM OF THE OCEAN BEACHES AND THE PROTECTIVE DUNE SYSTEM THEREOF BOTH OF WHICH CONSTITUTE A PRIMARY ASSET OF ECONOMIC SIGNIFICANCE WITHIN ONSLOW COUNTY, AND;

WHEREAS THE REAL PROPERTY WITHIN THE TOWN OF NORTH TOPSAIL BEACH CARRIES HIGH VALUE BECAUSE OF PROXIMITY TO THE OCEAN FRONT,AND;

WHEREAS THE TAX PAYERS OF THE TOWN OF NORTH TOPSAIL BEACH RETURN TO THE COUNTY SIGNIFICANT REVENUES WHILE MAINTAINING SERVICE LEVELS TO PROVIDE FOR THE CITIZENS ON ONSLOW COUNTY NOT RESIDENTS OF THE TOWN, AND;

WHEREAS THE TAX PAYERS OF THE TOWN OF NORTH TOPSAIL BEACH REALIZE A DISPROPORTIONATE RETURN ON THEIR CONTRIBUTIONS TO THE COUNTY;

NOW THEREFORE BE IT THEREFORE RESOLVED BY THE NORTH TOPSAIL BEACH BOARD OF ALDERMEN MEETING IN REGULAR SESSION THIS 6TH DAY OF MAY, 1993, THAT:

THE BOARD OF ALDERMEN OF THE TOWN OF NORTH TOPSAIL BEACH REQUESTS THAT ONSLOW COUNTY CONTRIBUTE FINANCIALLY TO LOCAL EFFORTS FOR BEACH RENOURISHMENT AND DUNE



STABILIZATION BY MAKING AVAILABLE AN AMOUNT OF MONEY EQUAL TO TEN CENTS FOR EVERY DOLLAR COLLECTED AS TAX REVENUE FROM REAL PROPERTY WITHIN THE TOWN OF NORTH TOPSAIL BEACH.

DULY ADOPTED THIS 6TH DAY OF MAY, 1993.

RESOLUTION  
COMMENDING ONSLOW  
COUNTY DECISION  
ON SALES TAX:

Mayor Bostic reviewed action by Onslow County Commissioners concerning distribution of sales tax revenue, how this came about and draft resolution thanking them for their action. After a brief discussion, a motion was made by Alderman Harkins and seconded by Mayor Pro-Tem Tripp to adopt the following resolution thanking the Onslow County Commissioners for their action concerning sales tax funds. Passed unanimously.

**RESOLUTION EXPRESSING APPRECIATION TO THE  
ONSLow COUNTY COMMISSIONERS FOR THEIR  
WILLINGNESS TO FAIRLY SHARE SALES TAX FUNDS**

WHEREAS THE ONSLOW COUNTY BOARD OF COUNTY COMMISSIONS DID COMMIT DURING THEIR REGULARLY SCHEDULED MEETING OF APRIL 19, 1993 TO MAINTAINING THE EXISTING DISTRIBUTION FORMULA FOR SALES TAX REVENUES FOR FY 1993-1994 WHICH IS THE PER CAPITA METHOD OF SUCH DISTRIBUTION, AND;

WHEREAS THE ONSLOW COUNTY BOARD OF COUNTY COMMISSIONERS DID COMMIT DURING THIS SAME MEETING TO CHANGING TO THE AD VALOREM METHOD FOR THE DISTRIBUTION OF SALES TAX REVENUE FOR FY 1994-1995;

NOW THEREFORE BE IT THEREFORE RESOLVED BY THE NORTH TOPSAIL BEACH BOARD OF ALDERMEN MEETING IN REGULAR SESSION THIS 6TH DAY OF MAY, 1993, THAT:

THE BOARD OF ALDERMEN OF THE TOWN OF NORTH TOPSAIL BEACH DOES EXPRESS APPRECIATION TO THE ONSLOW COUNTY BOARD OF COUNTY COMMISSIONS FOR THEIR OPEN DEBATE OF THIS ISSUE AND FOR THEIR WILLINGNESS TO FAIRLY CONSIDER THE CONCERNS OF THE SMALL MUNICIPALITIES WITHIN ONSLOW COUNTY BY ALLOWING FOR THE JUST AND EQUITABLE DISTRIBUTIONS OF SALES TAX REVENUE USING THE AD VALOREM METHOD AS ALLOWED BY THE LAWS OF THE STATE OF NORTH CAROLINA DURING FY 1994-1995.

DULY ADOPTED THE 6TH DAY OF MAY, 1993.

Ralph Bass:

Is there any way, if commissioners change, they could change distribution method? He was advised yes. Town Manager Hedgepeth said the County Commissioners might be receptive to a division of ad valorem and per capita but this would require legislative approval. Mayor Bostic said the small municipalities have joined together and the county is

RESOLUTION  
REQUESTING DOT  
INSTALL SIGN:

Mayor Bostic introduced a draft resolution requesting the North Carolina Department of Transportation install a generic sign at the intersection of N.C. 210 and S.R. 1568 which directs individuals to resort condominiums. Comments were received from citizens concerning advantage of sign and non-conforming signs being removed previously. After a brief discussion, a motion was made by Mayor Pro-Tem Tripp and seconded by Alderman Harkins to adopt the following resolution requesting the Department of Transportation install a generic sign directing individuals to resort condominiums. Passed unanimously.

RESOLUTION REQUESTING THE N.C. DEPARTMENT OF TRANSPORTATION  
INSTALL A GENERIC SIGN TO RESORT CONDOMINIUMS AT THE  
INTERSECTION OF N.C. 210 & S.R. 1568 - NORTH TOPSAIL BEACH

WHEREAS THE TOWN WISHES THE COMMERCIAL BUSINESSES WITHIN THE TOWN TO BE EASILY LOCATED BY THE MOTORING PUBLIC, AND;

WHEREAS THE TOWN WISHES TO MINIMIZE THE NUMBER AND SIZE OF ADVERTISING SIGNS WITHIN ITS JURISDICTION;

NOW THEREFORE BE IT THEREFORE RESOLVED BY THE NORTH TOPSAIL BEACH BOARD OF ALDERMEN MEETING IN REGULAR SESSION THIS 6TH DAY OF MAY, 1993, THAT:

THE TOWN REQUESTS THAT A GENERIC SIGN DIRECTING TRAFFIC TO RESORT CONDOMINIUMS BE ERECTED AT THE INTERSECTION OF NC HIGHWAY 210 AND STATE ROAD 1568 BY THE STATE DEPARTMENT OF TRANSPORTATION TO BE PAID FOR BY PRIVATE PARTIES AND MAINTAINED BY THE TOWN OF NORTH TOPSAIL BEACH.

DULY ADOPTED THE 6TH DAY OF MAY, 1993.

PLANNING BOARD  
APPOINTMENTS:

Mayor Bostic read a tally of the votes on Planning Board nominations. He advised that Nell Minshew and Bill White received the highest number of votes, however, a tie occurred between Joe Moseley and Harold Naumann. Because of the tie vote the Clerk will prepare another ballot for the Board to vote on Joe Moseley and Harold Naumann.

DISCUSSION -  
EMINENT DOMAIN:

The Board discussed the powers of eminent domain and how it relates to crossovers dedicated or restricted to certain individuals with Attorney Dotson. The Board also discussed crossovers that have been closed and not maintained. After the discussion, the Board requested the Attorney prepare a proposal for the Board to consider on crossovers and eminent domain.

PLANNING BOARD  
VOTE/ 2ND TALLY:

Mayor Bostic advised on the second ballot Joe Moseley received the highest number of votes. He advised that Joe Moseley, Nell Minshew, and Bill White have been re-appointed to serve a three year term of office on the Planning Board, subject to their accepting the appointment.

RESOLUTION -  
PARK FUND:

Town Manager Hedgepeth advised the County Parks & Recreation Director requested the Board consider a resolution establishing the Park Fund in North Carolina. He said this would mean more funds available to local areas for recreation purposes. After a brief discussion, a motion was made by Alderman Hillyer and seconded by Alderman Stackleather to adopt the following resolution requesting modification of legislation affecting the recreation & natural heritage trust fund. Passed unanimously.

RESOLUTION REQUESTING MODIFICATION OF PROPOSED  
LEGISLATION AFFECTING THE  
RECREATION & NATURAL HERITAGE TRUST FUND  
& ESTABLISHING A PARK FUND IN NORTH CAROLINA

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, eighty-five percent of the revenues from this increase on excise tax went into the general fund of the State; and

WHEREAS, the Legislative Study Commission on Parks and Recreation has drafted legislation that would dedicate eighty-five percent of the revenue that is currently going to the general fund to a proposed Park Fund of North Carolina to be used for land acquisition; and

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, funding from the Federal Land and Water Conservation Fund, which was a major source of support for State and Land Parks systems for the last twenty-seven years, has decreased considerably since 1979; and

WHEREAS, the North Carolina Recreation and Park Society has requested support for modification of the proposal developed by the Legislative Study Commission on Parks and Recreation to divide the entire 1991 tax increase of one dollar per thousand. Funding would be used for acquisition of land with significant natural heritage value, local park acquisition and development of park lands and funding State Parks.

NOW, THEREFORE, THE BOARD OF ALDERMEN OF NORTH TOPSAIL BEACH DO TH RESOLVE:

1. The members of the General Assembly representing the people of North Topsail Beach are called on to support Senate Bill 733 which provides for a more equitable distribution of the funds from the 1991 tax increase.

- 2. Ann Vause, the Clerk to the Board of Aldermen, 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 to the League of Municipalities or Association of County Commissioners and to the office of Executive Director of North Carolina Recreation and Park Society.

DULY ADOPTED THIS THE 6TH DAY OF MAY, 1993.

BUDGET  
AMENDMENT:

Town Manager Hedgepeth said a budget amendment of \$2,000 is required to accommodate the Seat Belt Grant awarded to the Police Department. He said the grant was for \$10,000 and that the remaining \$8,000 will be budgeted in Fiscal Year 1993-94 Budget. After a brief discussion, a motion was made by Alderman Harkins and seconded by Mayor Pro-Tem Tripp to adopt the following Budget Amendment for Fiscal Year 1992-93:

AN ORDINANCE AMENDING THE TOWN OF NORTH TOPSAIL BEACH  
BUDGET ORDINANCE FOR FISCAL YEAR 1992-93

BE IT ORDAINED BY THE TOWN OF NORTH TOPSAIL BEACH BOARD OF ALDERMEN MEETING IN REGULAR SESSION THIS 4TH DAY OF MARCH, 1993, THAT THE BUDGET ORDINANCE FOR FISCAL YEAR 1992-93 ADOPTED JUNE 23, 1992, AMENDED OCTOBER 1, 1992, AMENDED JANUARY 21, 1993, AMENDED MARCH 4, 1993, IS HEREBY AMENDED AS FOLLOWS:

REVENUES:

Prepaid Privilege License	200.00
Current Year's Property Taxes (1992)	496,059.00
Prior Year's Property Taxes (1991)	5,000.00
Prior Year's Property Taxes (1990)	24,000.00
Prior Year's Property Taxes (1989)	8,000.00
Inventory Tax Reimbursements	10,000.00
Tax Penalties/Interest	7,500.00
Privilege License	700.00
Cable Franchise	4,400.00
Interest - Investments	40,000.00
Miscellaneous Revenues	2,854.00
Miscellaneous Permits	250.00
Utility Franchise Tax	20,000.00
Intangible Property Tax	15,000.00
Beer & Wine Tax	2,000.00
Powell Bill Allocation	39,000.00
Local Option Sales Tax	41,600.00
Building Permits	5,000.00
Mechanical Permits	350.00
Electrical Permits	2,500.00
Plumbing Permits	1,000.00
No Permit Fees	150.00
CAMA Permits	1,500.00
Tax Refunds	1,500.00
Seat Belt Grant - Police	8,000.00
Seat Belt Grant - Police 1993-94	2,000.00 **
Tax Refunds - Gasoline	2,500.00

Other State Revenues	500.00
Officer's Fees & Violations	1,500.00
Appropriated Fund Balance	<u>553,330.00</u>

TOTAL 1,296,993.00

EXPENDITURES:

Governing Body	17,019.00
Administration	104,653.00
Community Development	57,851.00
Public Buildings	593,716.00
Police	225,868.00
Seat Belt Grant 1993-94	2,000.00 **
Public Works	59,329.00
Utilities	14,685.00
Powell Bill Funds	39,000.00
Sanitation	30,000.00
Non-Departmental	46,195.00
Fire	97,980.00
Contingency	<u>8,697.00</u>

TOTAL 1,296,993.00

DULY ADOPTED THE 6TH DAY OF MAY, 1993.

STREET  
IMPROVEMENT  
PROJECTS:

Town Manager Hedgepeth advised there were two projects he would like permission to complete from Powell Bill Funds. One project is Lincoln Street, approximate cost \$1,500; the second project is to tie Reeves Street into Shore Drive, approximate cost \$1,500. He advised the estimates were provided by the N.C. Department of Transportation however, they would not be able to do the projects therefore, we will need to use private a contractor. After a brief discussion, a motion was made by Alderman Harkins and seconded by Mayor Pro-Tem Tripp authorizing the Town Manger to spend Powell Bill Funds on the Reeves Street and Lincoln Street projects for an estimated cost of \$3,000.00. Passed unanimously.

MANAGER'S  
REPORT:

Consultant Glenn Davis met with Mr. Vince Griffin, Wilcox Construction, to discussion minor problems on construction of the north end fire station. He advised Mr. Davis was working in the best interest of the Town and there was some delay but, we must get control of the project. Every effort is being made to get a quality project for town dollars.

OTHER ITEMS:

1. The Local Government Commission approved the Town's application for the loan for the new fire station. We are proceeding to close this loan with 1st Citizens Bank which offered the best and lowest terms.

2. The construction of the new fire station awaits resolving certain design features for the foundation. Proposals by the contractor were not consistent with the Town's specifications.

All parties are most pushing to proceed. Loan closing and construction start should occur within only a few days of each other.

3. Congressman Rose's office will appeal the Federal Emergency Management Agency for relaxation of the terms of the Coastal Barrier Resources Act so that flood insurance could be made available for the new fire station.

4. The new pumper has been delivered to the Town. Tom Best drove it back from Wisconsin. The tanker was received during March.

5. McKim and Creed continues to work with Branch Banking and Trust to prepare surveys and other documentation in order to identify the property along Highway 210 (on the left after the high-rise bridge) that may be offered to the Town for a Town Hall location. The usable property is more than the 2.67 acres as original thought.

6. The Town has handled in excess of 65 permits for beach bulldozing, four condemnations and numerous inspections having to do with the storm of April 5th. We continue to work with property owners on storm related matters. All has been done consistent with CAMA requirements. Forth-seven of these permits were exemptions, one was for emergency sand bagging, three were for relocations and 17 were general permits for dune repair.

7. A proposed budget for FY 93-94 was prepared and presented to the Board.

8. The content of the Land Use Plan was developed in a form suitable for the public hearing scheduled for June 3rd.

9. I attended and participated in more than one meeting on the distribution formula for sales tax distribution. Attended one Strategic Planning meeting. Meet with Topsail Reef property owners during a social function at St. Regis.

10. The Town made available the 30 cubic yard container for debris. This container has been replaced six times during the month.

11. I will meet with representatives from Waste Management of Wilmington on the 28th to hear what they have to offer. Hopefully, we will be able to develop a competition between Waste Management and Waste Industries for service.

12. We continue to maintain contact with the Onslow County Parks and Recreation Department in order to exert as much pressure as possible on them to speed cross over repair.

13. Continuing contact with Congressman Rose's office on mail delivery changes (one Zip Code), on coordination with Corps of Engineers (a representative of the dredging company that is to place material on the beach has visited with us) and on flood insurance matters.

14. Contact was made with DOT to encourage temporary relocation of 1568 during our time of troubles and to speed relocation project.

15. The Planning Board has reviewed one sketch plan for a single-family, large lot (20,000 sq. ft.) subdivision north of the new County park. A series of such subdivisions in this area of similar design to the above should be expected.

ALDERMEN'S  
REPORTS:

Mayor Pro-Tem Tripp:

She requested that Item Number 3 of the Manager's report concerning Congressman Rose's comments on the Coastal Barrier Act be read aloud because of its importance. Town Manager Hedgepeth read the comments and advised an appeal had been made but, we do not know if it will be successful.

MAYOR'S REPORT:

1. A letter has been received from Mr. Henshaw with Congressman Lancaster's office. He advises they are meeting with post office official to try and get one zip code for North Topsail Beach. Next we will try for our own post office.
2. Mrs. Dempsey will meet with Department of Transportation officials May 18th, to look at beautification project for the N.C. 210 & S.R. 1568 area where they are planning to redo the turn lane.
3. The Corps of Engineers representatives were here last Thursday. They have been in the Topsail Island area since last November, now they are working at the south end. Next they plan to place dredge material on the north end of the island. It appears they will do additional dredging. They are working hard to remove 2.5 million cubic yards of dredging material and place it on the beach.
4. I have been talking with Lt. Monroe about a military appreciation day. Lt. Monroe is coordinating activities and has presented the Board with a list. If you are interested please give Lt. Monroe encouragement and contact him if you think we need this activity.

OPEN FORUM:

Bill Bass:

Encouraged the Board members to carefully read the letter they received concerning dune renourishment and the proposed 3 cent tax increase for this project.

ADJOURNMENT:

A motion was made by Mayor Pro-Tem Tripp and seconded by Alderman McGinn to adjourn the meeting at 9:10 p.m. Passed unanimously.



Ann Vause - Town Clerk

TOWN OF NORTH TOPSAIL BEACH  
BUDGET WORKSHOP  
MAY 11, 1993

PRESENT: Mayor Marlow Bostic, Jr., Mayor Pro-Tem Stella Tripp, Aldermen Sam McGinn, Margaret Stackleather, Marian Harkins and Peter Hillyer, Town Manager Charles Hedgepeth and Town Clerk Ann Vause. Attorney Marshall Dotson was absent.

CONVOCATION: Mayor Bostic called the meeting to order at 7:00 p.m., at the North Topsail Beach Fire Department Building, and declared a quorum present.

WORKSHOP - FY  
1993-94 BUDGET: Town Manager Hedgepeth advised as of April 30, 1993, there was \$964,892.00 in the Cash Management Fund Account and \$250,000 in Certificates of Deposit. This money is available if needed. The Towns cash position is solid. A discussion was held on taxes receivable, collection rate used to estimate revenues, the fact that the proposed budget was an operating budget which pays for salaries and equipment and what was accomplished in the Fiscal Year 1992-93 Budget.

- The Board of Aldermen also discussed the following items:
- a) Additional 3 cent tax rate for stabilization projects;
  - b) Purchasing bulldozer;
  - c) Beach renourishment project;
  - d) Letter to Governor Hunt regarding addendum to S.R. 1568 contract;
  - e) Purchasing mosquito control sprayer; part-time employee for this project; State certifications required, etc.
  - f) Whether or not to proceed with the Town Hall project;
  - g) Discussion with Mr. Henshaw, Rep. Lancaster's office, concerning one zip code for North Topsail Beach and possible post office location in new Town Hall;
  - h) Purchase of dry fire hydrants;
  - i) Military Appreciation Day event;
  - j) Town increasing water line size from beyond Galleon Bay to north end of Town;
  - k) Town purchasing Christmas decorations;
  - l) Employees salaries, changing some employees from hourly to salaried; benefits;
  - m) Town Hall being opened until 5:00 p.m., weekdays, and 9:00 a.m. to 12 noon on Saturdays from May 30th to after Labor Day in September.

The Board decided to make the following changes to the proposed budget:

- a) Accept 25 cents per 100 valuation for tax rate with 3 cents of tax revenue allocated for stabilization projects;
- b) Add \$10,000 for Town Hall project;
- c) Add \$1,500 for Christmas decorations;
- d) Add \$1,500 for Special Event (military appreciation);
- e) Add \$3,000 for purchase of two dry hydrants at estimated cost of \$1,500 each;
- f) Add \$1,200 travel allowance for Town Manager.



~~288~~  
280

ADJOURNMENT:

A motion was made by Mayor Pro-Tem Tripp and seconded by Alderman McGinn to adjourn the meeting at 9:23 p.m. Passed unanimously.

*Ann Vause*

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Ann Vause - Town Clerk

TOWN OF NORTH TOPSAIL BEACH  
BUDGET WORKSHOP  
MAY 24, 1993

PRESENT: Mayor Marlow Bostic, Jr., Mayor Pro-Tem Stella Tripp, Aldermen Sam McGinn, Margaret Stackleather, and Marian Harkins; Town Manager Charles Hedgepeth, Town Attorney Marshall Dotson and Town Clerk Ann Vause.

CONVOCATION: Mayor Bostic called the meeting to order at 7:00 p.m., at the North Topsail Beach Fire Department Building, and declared a quorum present.

WORKSHOP: Mayor Bostic advised this was a workshop to discuss the proposed budget for Fiscal Year 1993-94. Town Manager Hedgepeth said the Town had received a notice of award of a grant, from the N.C. Department of Insurance, for the Fire Department in the amount of \$19,996. He advised this was a matching grant and the Town would be required to budget \$19,996 in Fiscal Year 1993-94 to match State funds. The Town may qualify for reimbursement of debris removal, police/fire emergency response during the March 13th storm. We do not know the dollar amount but when it is determined it will have to be included in the Fiscal Year 1993-94 budget.

Mayor Pro-Tem Tripp requested an executive session to discuss personnel matters and pending litigation. After a brief discussion with the attorney, a motion was made by Mayor Pro-Tem Tripp and seconded by Alderman McGinn to add an executive session on personnel matters and pending litigation. Passed unanimously.

The Board discussed the following budget items: 1) bonuses for employees; 2) budgeting an amount for playground equipment by reducing the performance recognition account by \$3,000.00; 3) Onslow County's plans for recreation park at the north end access area; 4) possible grant money for recreation purposes; 5) fire rating and what is required to reduce the Town's current rate; 6) Onslow County's plan on water lines for S.R. 1568; 7) cost of employees benefits in budget; 8) handicap ramp at Sea Haven Beach area; 8) mosquito control program.

Mrs. Mable Early asked why the Town needed two fire marshal's, two additional police officers and the present police cars repainted. She was advised that the two additional police officers and the painting of police cars was not in the budget. Town Manager Hedgepeth explained why we have a Fire Marshal and an Asst. Fire Marshal.

Mrs. Sue Tuman asked about a bike path. This was briefly discussed by the Board.

EXECUTIVE SESSION: A motion was made by Alderman Harkins and seconded by Mayor Pro-Tem Tripp to go into executive session to discuss performance of personnel and pending litigation. Passed unanimously.

A motion was made by Alderman McGinn and seconded by Mayor Pro-Tem Tripp to go back into regular session.

Mayor Bostic advised the performance of personnel and pending litigation was discussed in executive session but no action was taken.

ADJOURNMENT:

A motion was made by Alderman Stackleather and seconded by Alderman McGinn to adjourn the meeting at 10:30 p.m. Passed unanimously.



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Ann Vause - Town Clerk

TOWN OF NORTH TOPSAIL BEACH  
REGULAR BOARD MEETING/PUBLIC HEARING  
JUNE 3, 1993

**PRESENT:** Mayor Marlow Bostic, Jr., Mayor Pro-Tem Stella Tripp, Aldermen Sam McGinn and Marian Harkins, Town Manager Charles Hedgepeth, Town Attorney Marshall Dotson and Town Clerk Ann Vause. Aldermen Margaret Stackleather and Peter Hillyer were absent.

**CONVOCATION:** At 7:00 p.m., Mayor Bostic advised that Alderman Harkins had been delayed and would not be at the meeting until approximately 8:00 p.m. He asked the 35 citizens present if they wanted to wait until 8:00 p.m. or cancel the meeting until another day. A majority of the citizens advised they would prefer to wait.

At 7:45 p.m. Alderman Harkins arrived and Mayor Bostic called the meeting to order, at the North Topsail Beach Fire Department, and declared a quorum present.

**INVOCATION:** Mr. Jim Ryder, Christian Family Center, led in prayer.

**PUBLIC HEARING:** Mayor Bostic opened the public hearing on the Proposed Land Use Plan at 7:46 p.m. and requested comments from the 35 citizens present. He advised this was the second hearing on the proposed plan and that Ms. Kathy Vincent and Mr. Bob Stroud from Coastal Resources Commission were in attendance. Town Manager Hedgepeth said the hearing notice was published in the Jacksonville Daily News and the Topsail Voice, in accordance with CRC requirements, a copy was available at the Town Hall and the Onslow County Planning Department. Also, this plan was the subject of a number of workshops and a previously held public hearing and now it is time for comments from the Board and citizens on the merit of the plan.

Sue Tuman:

I would like to offer the following comments on the 1993 proposed LUP for North Topsail Beach:

**CITIZEN INPUT:**

If this Plan was supposed to reflect the "desires, needs and best judgment of its citizens," why was there almost a complete lack of opportunity for citizens to have any input when the current Board of aldermen decided to change the proposed LUP which had been virtually completed by the fall of 1991? This original 1991 LUP lists citizen input opportunities in detail (including a series of meetings at which citizens input was encouraged, and the survey questionnaire which was widely distributed so as to include input from those who might not have an opportunity to come to the meetings).

There were two additional workshops in 1991, on 9/23 and 10/21, both still working on the original 1991 LUP. No public input was requested through the rest of 1991 and all of 1992 on any changes in the 1991 LUP (or on any new LUP). Beginning

in January, 1993, there was a series of board workshops on a new proposed LUP (not the 1991 LUP). However, public input was not solicited.

Public comment was finally solicited on this 1993 version LUP at a joint workshop on 3/4/93. This has been followed by 2 Public Hearings (4/23 and 6/3), but public hearings are AFTER the fact - - the citizens are expected to REACT to a plan already drawn. Citizens INPUT would have meant that as citizens we would be able to continue to ACT to shape (or reshape) the LUP--not REACT to it.

If the reason for not letting citizens have input is because we had our opportunities in 1991, why is this 1993 version LUP so different in its effect on the maintenance of the preservation of our land and water resources?

Before I leave the topic of Citizen Input, I would like to add that I am one of the people who took the time to complete and return the questionnaire which the "town" has deemed to be suspect. I consider myself to be a part of the town and I appreciated the efforts of the many people who served voluntarily on the LUP committee, at least those who came to the meetings and workshops. If the "town" didn't believe the results of the questionnaire "accurately reflect a majority opinion," why didn't they at least run another survey? Maybe for the same reason that we didn't get any further opportunities for input on the LUP while it was being reborn in 1993.

WATER SYSTEM ANALYSIS REPORT:

This report which was done in 1990 (by McKim & Creed, I think) was included in the 1991 LUP but is not included in the 1993 version. Why? Certainly our water problems haven't gone away or even gotten better. The report should be put back into the LUP. Water supply problems have strong bearing on any development in any town.

WORDING CHANGES:

It isn't the NUMBER of words you change in a LUP which determine whether you can still call it the same plan--it is the EFFECT of the changed words. For example, on page 61 Resource Production & Management Policies, #4. Off Road Vehicles, when you change no beach driving except for emergency/enforcement vehicles to beach driving "in a carefully controlled manner" (whatever that is), only a few words were changed but the effect to the beach is totally different.

Another example occurs on page 59, under Physical Constraints to Development, item (1.) Development of Sound and Estaurine Islands. In the 1991 LUP "the Town believes that these islands should not be developed." In the 1993 version "the Town believes that these islands should be developed, only at a low residential density..."

My two attempts at scanning the 1991 LUP and the 1993 revised version for changes, have given me about 3 pages of

differences few of which do I find to be appropriate, necessary and/or desirable in a LUP which is supposedly going to PRESERVE our land and water resources. So how can we use the same fine words written in 1991 to describe completely different conclusions, especially when these new conclusions were not based on any new citizen input?

**POLICY STATEMENTS:**

The Preface (on page 46 of the 1993 version) does not reflect the intention of the 1993 version. It is a reflection of the 1991 version which is when it was written. Considering the 1993 changes in the Plan, how can we possibly say with a straight fact that we plan "to give the highest priority" to the protection and perpetuation of the Estaurine System? Any addition in 1993 version states on page 51 that "the top priority of North Topsail Beach is for the AEC estaurine shoreline to be maintained in a manner consistent with state and local development standards." Which comes first, the top priority or the highest priority?

Here's your answer. This 1993 version of the LUP would allow any and all of the Conservation Districts of our town to contain not just water dependent uses (as currently allowed) but would degrade Conservation Districts to include "certain commercial activities and single family dwellings." You may be wondering how I came to this conclusion. You probably didn't see it in the LUP. Well neither did I, but, Zoning Ordinances should reflect the objectives of a LUP.

A quick glance at the proposed new zoning ordinances for our town shows precisely that change in Conservation District zoning, meaning it must be allowable under the proposed 1993 LUP. This could not happen unless the 1993 version of the LUP is weak enough to allow such a zoning change. Pollution problems in the wetlands and intercostal waterway exist now under the current LUP and zoning. That's why all the signs are up in the waterway prohibiting shrimping in back of our island town. If we don't want that kind of zoning change degrading our town's resources further, then we obviously don't want the 1993 LUP. Usually, when you work on a plan, the assumption is that you want to make improvements, not that you want to plan a disaster.

It has been suggested that the 1993 version of the 1991 LUP is a compromise. I think a better way of putting it would be that the 1991 LUP has been compromised--that is to say it has been opened up to danger--by the 1993 changes.

The LUP is the first line of defense for the town to maintain control over our land and water resources. The weakening of this defense possible through the 1993 version is no different than cutting a hole in the line of dunes fronting on the ocean. The hole will grow and soon the entire line of dunes will be gone.

While I would certainly agree with the premise given in the 1993 covering preface that "there is no mutual incompatibility between protecting the environment and sound, planned growth",

I don't think the 1993 changes to the LUP reflect that high ideal.

Throw out the 1993 version of the LUP. Approve the original 1991 version. If you do pass the 1993 version, I would like to respectfully suggest to the Coastal Resource Commission that they throw the Plan out. Preserve North Topsail Beach's land and water resources.

Linda Knowles:

Where is the water survey? Town Manager Hedgepeth advised it was referenced in the proposed plan and if the Board sees fit the water study can be an appendix to this plan. We hesitated to include it where referenced because it makes the plan bulky.

Ginny Hillyer:

That was an obvious omission on the water study (Analysis of Water System for Town of NTB as prepared by McKim & Creed, 1990).

7B (.0202 CAMA) does pay particular attention to the services of water and sewer. It says (7B), "in the absence of public systems, potable water availability and soils suitability for sewage disposal must be considered. This analysis should be linked closely with policy development and land classification in each plan."

Also, under "Constraints": "An examination of the following indicators should be made to assist the local government in evaluating its ability to provide basic community services to meet anticipated demand, as well as pointing out deficiencies which will need further attention and efforts."

I believe the McKim & Creed study did give us some possible solutions - so it would be a logical inclusion and should be incorporated.

When it comes to the sewer system you don't give much data, as requested in 7B.

North Topsail Water & Sewer presently has 629,000 gallons permitted capacity according to their present design and ability. Of that 61% gpd there are already 500,000 gpd (gallons per day) authorized, leaving only a total of 141,000 gpd for future development. Using the yardstick of 360 gpd (based on use by 3 bedroom house) per dwelling unit, that allows for only 391 additional dwelling units with the sewer system the way it is, of at least two weeks ago.

From my experience on the Planning Board, I suspect many of these 391 are already allocated, e.e. Village of Stump Sound which had an anticipated build-out of 134 and has only 7 or 8 buildings up now, that that's over 100 hookups from that 391. I feel these things are important for people to know about and to consider and to balance in the Land Use Plan with the projections of development that you are giving. The facts of this situation are not included in this LUP.

A month ago I attended an Ocean Outfall Forum and listened to several representatives who said, including Rep. Karen Gottove, who said it most simply, that, "growth is expensive".

Nowhere in this LUP is the subject of the economics of this very pro-development plan addressed. If you are pro-development you are going to be spending more money. It is a legitimate topic. It's referenced in 7B. Use of the plan will lead to the more efficient and economical provision of public services, the protection of natural resources, sound economic development, and the protection of public health and safety. So - it is an important segment that you rather overlooked.

In the Introduction to 7B, you don't have to read very far to find this, "each county and the municipalities within the coastal counties are encouraged to develop a plan which reflects the desires, needs and best judgment of its citizens."

In order to achieve that goal a survey was sent to 1,000 recipients. That survey was a product of research on the subject of surveys. Consulted, to name a few, were: Lynn Phillips, then planner in Carteret County; Linda Ross, who had just completed a very extensive survey in Wrightsville Beach; Haskell Rhett of CAMA, and the "Local Government Survey" as provided by the N.C. Dept. of Environment, Health and Natural Resources. Every person interviewed for the job of Planning Consultant had an opportunity to read and comment on the survey - before it had ever been sent out. All comments received were positive of the document itself, not the respondents. The questions were straight-forward, most questions required only yes/no answers, the wording simple and not complicated. 492 - out of 1,000 people responded to the survey. The current administration has attempted to omit that from the LUP. At first their argument was that people did not understand it. But, that argument was a political risk, because it implied that 492 people didn't know what they were reading. Next came the argument that the results had been tampered with. That was less of a burden that would involve only 20 or so votes. These arguments have been presented without benefit of evidence.

The truth as I see it, is that the results of the survey, the desires as indicated by the responses, were not in line with the desires and plans of the current administration. I believe that this watered-down, minimum standards and very pro-development-at-all-and-any costs does not reflect the majority opinion.

Now Charles Hedgepeth has said about this document, that he has gotten his marching orders, he is playing the hand dealt him. And, as in his memo to the Board says - that the Board makes the final decision, that they are the ones who will have the ultimate say. This document is in its entirety only what they want it to say.

My opinion is that this document does not reflect the spirit of the CAMA LUP program, does not serve for the protection,



preservation, orderly development and management of the coastal area of North Carolina, which is the primary objective of the CAMA act of 1974.

It treats the land as a commodity - as in buy and sell. Going back to my borrowed statement from the Ocean Outfall Conference, "growth is expensive".

Who will pay the price? Who will reap the profits?

I do believe that it is a generally accepted theory that a healthy environment equals a healthy economy - for everyone - not just a special interest group, for whom I think this plan was designed.

John Parker:

I attended workshops and appreciated the opportunity to talk then and now. He said he did not believe they could ever satisfy either extreme nor satisfy those who want free rein but, they need to make something that will work for both. Mr. Parker said he believes the Board has done a fairly good job developing this plan and protecting the environment and development.

Sue Tuman:

The invitation to the March workshop was extended to large land owners. Town Manger Hedgepeth advised statements were sent to 10 property owners. Mrs. Tuman said there was no indication that the Board wanted what the majority of the citizens want.

Linda Knowles:

She requested the original water study reference be put in the plan because the current one is different. Also, she understands the compromise from 20,000 sq. foot lots to 10,000 sq. foot lots but objects to including 5,000 sq. foot lots if they intend to go back to how it was zoned when the lots were purchased just because they have permits for 5,000 sq. foot lots.

Dan Tuman:

I have respect for Charles Hedgepeth's ability to develop a land use plan. The problem is the Board's judgement to back him without public feed back. Why this approach?

Mr. Venter:

A lot of people were dissatisfied with the 1991 plan. The 1993 plan was moderate course of the 1991 plan and is a lot more reasonable for everyone. A lot of input was given to the public at the hearing and workshops. The Board has done a good job with the plan in trying to best us the land in a safe, orderly manner.

Ann Penta:

We should dispense with the 1993 plan and leave the 1991 plan as it was. She said the Board should seriously think about this situation.

Ginny Hillyer:

At the March meeting invitations went to development committee. This may mean a lot of business here and this has to be taken into context also.

No further comments were received from citizens present. A motion was made by Alderman Harkins and seconded by Mayor Pro-Tem Tripp to close the public hearing at 8:10 p.m. Passed unanimously.

APPROVAL OF  
AGENDA:

Mayor Pro-Tem Tripp requested the Town Newsletter be added to the agenda under new business and that item "d" be moved to "b" and "b" become item "d". After a brief discussion, a motion was made by Mayor Pro-Tem Tripp and seconded by Alderman Harkins to approve the agenda and add the Town Newsletter under new business and change item numbers as requested. Passed unanimously.

MINUTES:

May 6, 1993:

A motion was made by Alderman McGinn and seconded by Mayor Pro-Tem Tripp to approve the minutes of the Regular Board Meeting held May 6, 1993, as written. Passed unanimously.

May 11, 1993:

A motion was made by Mayor Pro-Tem Tripp and seconded by Alderman McGinn to approve the minutes of the Budget Workshop held May 11, 1993, as written. Passed unanimously.

May 24, 1993:

A motion was made by Mayor Pro-Tem Tripp and seconded by Alderman Harkins to approve the minutes of the Budget Workshop held May 24, 1993, as written. Passed unanimously.

CAMA LAND USE  
PLAN:

A motion was made by Mayor Pro-Tem Tripp and seconded by Alderman Harkins to approve the 1993 CAMA Land Use Plan, with the Water Study included as appendix, and forward the plan to the CRC for certification. Passed unanimously.

SUBDIVISION  
ORDINANCE  
AMENDMENT:

Mayor Pro-Tem Tripp recommended revisions be made to the Subdivision Regulations to provide for a cash dedication in lieu of land and appropriate money for public accesses. Attorney Dotson said he provided the Town Manager with something to consider on land dedication and advised that the expenditure of money received was restricted by the N.C. General Statutes. He recommended the Board allow the Town Manager and Attorney to study this requirement further. Several questions were received from citizens concerning use of funds in lieu of land and whether these funds could be used for public accesses. Comments were also received concerning recreation park/open space, open space for residents of subdivision only and possible Town liability.

After the discussion, the Board directed the Town Manager and Town Attorney to draft and ordinance on this subject and bring back to the Board for consideration at their July meeting.

SEA DRAGON LOTS  
10 & 10-A:

Town Attorney Dotson said Sea Dragon lots 10 & 10-a, accepted by the Board last month, are south of Galleon Bay. He advised he needed a certificate from the Board that the lots could be used as an emergency vehicle access. The need for a handicap ramp was briefly discussed. Town Manager Hedgepeth advised there was sufficient space for an emergency vehicle access and a handicap ramp. After the discussion, the Board requested the Town Attorney prepare a certificate.

BUDGET FISCAL  
YEAR 1993-94:

Town Manager Hedgepeth reviewed the proposed budget for Fiscal Year 1993-94 and advised it contained a 25 cents per 100 valuation tax rate, 3 cents of this rate will be used for beach renourishment/dune stabilization. The total budget is \$919,744, maintains existing staff levels, and provided for operation of the Town. He said the budget contains a \$19,996 matching grant for the Fire Department, money for development of a new town hall, and \$8,000 of the remaining Seat Belt Grant money for the Police Department. A discussion was held on the fund balance, tax collection rate and policy set by the Board not to decrease the fund balance below \$750,000.

Mayor Pro-Tem Tripp requested Items B & C from Section 4 pertaining to the transfer of funds between departments and funds and Section 5 pertaining to authority for Budget Officer to make cash advances between funds be deleted from the Budget Ordinance. After a discussion, the Board decided to delete Item B from Section 4 and Section 5 from the Budget Ordinance. A motion was made by Alderman McGinn and seconded by Alderman Harkins to adopt the following budget ordinance for Fiscal Year 1993-94 with Item B, Section 4 and Section 5 being deleted. Passed unanimously.

TOWN OF NORTH TOPSAIL BEACH  
BUDGET ORDINANCE FISCAL YEAR 1993-94

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, 1993, and ending June 30, 1994, in accordance with the chart of accounts heretofore established for this Town:

Governing Body	16,290.00
Administration	104,486.00
Elections	3,000.00
Community Development	51,809.00
Public Buildings	122,300.00
Police Department	218,878.00
Seat Belt Grant	8,000.00
Public Works	56,199.00
Utilities	16,000.00
Street Improvements	25,000.00
Sanitation	22,000.00

Recreation	6,000.00
Non-Departmental	101,687.00
Fire Department	101,279.00
Fire Department Grant	39,992.00
Contingency	<u>26,824.00</u>

TOTAL	919,744.00
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Section 2. It is estimated that the following revenues will be available in the General Fund for the Fiscal Year beginning July 1, 1993, and ending June 30, 1994:

CAMA Permit Reimbursement - State	1,500.00
Prepaid Privilege License	500.00
Taxes Budget Year 1993	531,968.00
1991/92 Prior Years Taxes	8,000.00
1992/93 Prior Years Taxes	9,500.00
1990/91 Prior Years Taxes	5,000.00
1989/90 Prior Years Taxes	3,000.00
Inventory Tax Reimbursement	20,000.00
Tax Penalties/Interest	5,200.00
Privilege License	2,500.00
Cable Franchise	4,500.00
Interest - Investments	41,500.00
Miscellaneous	10,000.00
Miscellaneous Permits	900.00
Utilities Franchise Tax	28,000.00
Intangible Property Tax	21,000.00
Beer & Wine Tax	3,000.00
Powell Bill Allocation	20,000.00
Local Option Sales Tax	42,000.00
Seat Belt Grant - Police	8,000.00
Fire Department Grant 1993/94	19,996.00
Building Permits	5,000.00
Mechanical Permits	1,000.00
Electrical Permits	4,000.00
Plumbing Permits	1,500.00
Homeowners Recovery Fund	100.00
Inspection Fees	100.00
CAMA Permits	1,500.00
Tax Refunds	1,500.00
Tax Refunds - Gasoline	3,000.00
Other State Revenues	1,000.00
Beach Driving Permits	2,000.00
Officers Fees & Violations	2,000.00
Appropriated Fund Balance	<u>110,980.00</u>

TOTAL	919,744.00
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TOTAL OVERALL BUDGET	<u>919,744.00</u>
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Section 3. There is hereby levied a tax at the rate of twenty-five cents (.25) per one hundred (\$100) valuation of property as listed for taxes as of January 1, 1993, for the purpose of raising the revenues as "Current Year's Property Taxes" in the General Fund in Section 2 of this ordinance.

This rate is based on an estimated total valuation of property for the purposes of taxation of 233,831,745 and an estimated rate of collection of 91%. The estimated rate of collection is based on the Fiscal Year 1992-93 collection rate of 91%.

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 not transfer any amounts between funds, except as approved by the Board in the Budget Ordinance as amended.

Section 5. 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 3rd DAY OF JUNE, 1993.

RESOLUTION -  
DISASTER RELIEF  
ACT:

Town Manager Hedgepeth advised funds were available from FEMA for the March 13th storm debris removal and emergency services. He advised a resolution requesting these funds was necessary for the Town to apply for these funds. A motion was made by Alderman Harkins and seconded by Mayor Pro-Tem Tripp to adopt the following Resolution Requesting Assistance Under the Disaster Relief Act:

RESOLUTION REQUESTING ASSISTANCE UNDER THE  
DISASTER RELIEF ACT

BE IT RESOLVED BY the Board of Aldermen of the Town of North Topsail Beach that Charles Hedgepeth, Town Manager, is hereby authorized to execute for and in behalf of the Town of North Topsail Beach, a public entity established under the laws of the State of North Carolina this application and to file it in the appropriate State office for the purpose of obtaining certain Federal financial assistance under the Disaster Relief Act (Public Law 288, 93rd Congress) or otherwise available from the President's Disaster Relief Fund.

THAT North Topsail Beach, a public entity established under the laws of the State of North Carolina, hereby authorizes its agent to provide to the State and to the Federal Emergency Management Agency (FEMA) for all matters pertaining to such Federal disaster assistance the assurances and agreements printed on the reverse side hereof.

DULY ADOPTED THE 3RD DAY OF JUNE, 1993.

PUBLIC HEARING  
- AIRPORT  
PROPERTY:

After a brief discussion, the Board scheduled a public hearing on the request rezone the airport tract located on NCSR 1568

from Con-D (Conservation District) to R-20 (Residential 20,000 s.f. lots) for July 1, 1993, at 7:00 p.m., prior to regular board meeting, at the North Topsail Beach Fire Department building. Adjacent property owners will be notified by the Town.

PRELIMINARY PLAT  
- OCEAN CLUB  
VILLAGE:

Town Manager Hedgepeth reviewed the preliminary plat for Ocean Club Village and advised the Board was not required to approval a preliminary plat but it would set a good precedence for you to approve them. A brief discussion on easement for walkovers, town liability for maintenance of walkovers and separate access for property owners and the general public was held. After the discussion, a motion was made by Alderman Harkins and seconded by Mayor Pro-Tem Tripp to approve the preliminary plat for Ocean Club Village. Passed unanimously.

NEWSLETTER:

Town Manager Hedgepeth advised the staff was looking for authority to mail, to all property owners, an activity list from the last 12 months. After a general discussion on how often this type of newsletter would be mailed out and how to get copies to citizens here that are not property owners, a motion was made by Alderman McGinn and seconded by Alderman Harkins to approve the mailing of the newsletter. Passed unanimously.

MANAGER'S  
REPORT:

1. North Fire Station

Slowly emerging from the ground. Progress has been slow but the next week or two will show more substantial progress. Glenn Davis, our consultant, continues to represent the best interests of the Town in a most effective manner. I expect to close on the loan for this building (1st Citizens) during the first week in June.

2. Grants

The Town received two grants; Operation Snap, \$10,000 (no match) and Fire Fighting Equipment, \$19,996 (local match required).

3. Employee Benefit Package

We have changed from Blue Cross/Blue Shield to The Principal. This company is represented locally in Jacksonville by Benton Blalock. The potential savings is between \$6,000 and \$8,000 for FY 93-94 as Blue Cross is expected to increase rates between 15% and 20%.

4. Plan In The Event Of A Washover--SR 1568

Unless otherwise directed, we will, as a matter of policy, operated according to the general plan outlined in my memorandum to you. All possible will be done to minimize inconvenience and discomfort as far as the general public is concerned. Emergency services will be provided for area north of the over-wash.

## 5. Saturday Schedule

The Town Hall will be open from 0900 to 1200 on Saturday's beginning May 29th. We will log activities and report to you on what is experienced.

## 6. House Numbering

This is a priority project. Susan is preparing a status report and will concentrate on this project to the maximum extent possible.

## 7. Reporting Policy

I have asked all departments-Public Works, Community Development and the Town Clerk-to prepare a summary of their activities on a monthly basis. A summary of all activities will be provided to you, therefore, in an effort to keep you better informed.

## 8. Planning Board

The Planning Board had a full agenda during May. They are reviewing subdivision plats and rezoning proposals. The June agenda for your meeting contains recommendations and requests for action as a result of their busy schedule.

## 9. Powell Bill

We will receive some \$25,000 from the State (Powell Bill) for street improvements. I am working on a program for the wise expenditure of these funds during FY 93-94 for your approval. I continue to recommend that the Town take for maintenance purposes the streets in the Galleon Bay Subdivision.

## 10. Zoning Revisions

I am ready to move on the review of the revised Zoning Ordinance as quickly as you wish. I suggest that you consider joint work sessions on this with the Planning Board.

ALDERMEN'S  
REPORTS:Alderman Harkins:

In discussion 3 cents for dune stabilization one comment was made concerning mean high water study. Many not living on the ocean side do not object to money being spent for stabilization but they feel the fences installed by property owners should be only to the toe of the dune, not beyond as some are now. She requested the Attorney's input on this. He said any type of hard structure is not to the high water mark area and there may be some regulatory regulation regarding this. Alderman Harkins also asked about access to the sound. She said one are needed is at Bermuda Landing and asked if the Town could discuss this with the property owners.

Alderman McGinn:

I walk the beach a lot and last week three individuals said they did not have room to walk because property owners have placed fences 15 feet from the dune. It is up to the Town to request these fences be moved back because the beach belongs to everyone.

Mayor Pro-Tem Tripp:

We need to decide on accesses. Individuals who own access near Scotch Bonnet have closed it. We need to give the Town Manager authorization, from the Board, directing staff to develop a plan for Gray Street access. The Board needs to discuss this, handicapped ramp and problems we may have. The Town Manager needs to prepare something for the Boards review at their July meeting.

TOWN ATTORNEY  
REPORT:

Information on north end accesses, with a list of property owners, has been prepared for the Town Manager.

MAYOR REPORT:

1. June 12th a CPR class will be held at the fire station from 9:00 a.m. to 5:00 p.m.
2. Contractor poured concrete at the new fire station however, they had some problems that will be corrected.
3. I will be meeting with Tony Padgett, Onslow County Commissioner. We are unified on making it work to distribute sales tax funds by ad valorem method instead of population. Small municipality Mayors and Managers are continuing to talk to the County Commissioners about this matter and we feel we have made good progress so far.
4. DOT has started work on SR 1568. They are in the process of relocating utilities. The road washed out again last night and the full moon will continue to make this occur. We will keep citizens informed on progress of road relocation.

ZONING  
WORKSHOP:

After a brief discussion, the Board decided to hold a joint workshop with the Planning Board, to discuss revisions to the Zoning Ordinance, Wednesday, June 16th, 7:00 p.m., at the fire station.

CITIZENS  
COMMENTS:

Ann Penta:

1. Hurricane season is here again, why can't we have stickers instead of cards? Town Manager Hedgepeth explained what is being studied and advised if the Board authorized us to order stickers we would still need to develop a plan on how to distribute them.
2. What is going to be done about dunes? People are walking on dunes and causing serious problems. What protection do property owners have - none. She explained recently problems with individuals. A discussion was held on authorization needed from the property owner before someone could be prosecuted. She was advised to call the police department when she saw a violation. Town Attorney Dotson advised the police can issue citations and explained the process. Mrs. Penta said if nothing is done how can the property



- owners protect their house? She said she was putting in an access and did not care if someone used it but she does not want everyone to use her walkway.
3. When will something be done about repairing accesses?
  4. On the "S" curve on SR 1568 there should be no parking. The signs are up but people still park. This was briefly discussed.
  5. Discussed ways to get to new SR 1568 from her property and asked what would protect her property.

Sue Tuman:

Would no parking signs on street help? If we are paying 3 cents of tax funds I think people who own property on the ocean front owe us something. Maybe there should be an agenda item on what we can do.

Linda Knowles:

What does the ordinance on dunes do? Doesn't the Town have the responsibility to enforce the ordinance? Town Attorney Dotson advised the town has an ordinance and the police have a policy on how to enforce it because it is unlawful for an individual to be on the dunes. A discussion on this item was held and the Board instructed the Town Manager to discuss enforcement of the policy with the police department. Also, discussed erecting signs which state \$500 fine for violation of ordinance.

David Monroe:

You can have all the ordinance you want but, unless they are enforced you can do nothing; after the first ticket is issued other people will stop and think.

Ginny Hillyer:

She said she was disappointed the dune ordinance was not being enforced; what happen to the aspect of public health, safety & welfare?

Doris Naumann:

Since the storm, handicapped with ATV no longer have access to the beach. Town Manager Hedgepeth advised the Town is working with anyone who contacts the town, total cooperation.

Dan Tuman:

I am concerned about zoning proposal and town con-d district; we need to protect coastal water and the town; current zoning does not permit anything in con-d district. We are setting a dangerous precedence by allow rezoning of this district. We have changed the rules of the game and this is fundamentally wrong. This will open all con-d and that is a serious problem. It appears you have a personal agenda and are not thinking about the Town reputation. Why are we doing this?

Citizen:

What is the projected completion date on relocation of SR 1568? Advised approximately 14 months.

A general discussion was held on problems mentioned by citizens, what the town could do about erecting signs on dune ordinance at entrances to town, beach accesses and why they are needed.

ADJOURNMENT:

A motion was made by Mayor Pro-Tem Tripp and seconded by Alderman Harkins to adjourn the meeting at 10:26 p.m. Passed unanimously.

Ann Vause  
Ann Vause - Town Clerk

TOWN OF NORTH TOPSAIL BEACH  
SPECIAL MEETING  
JUNE 16, 1993

PRESENT: Mayor Marlow Bostic, Jr., Mayor Pro-Tem Stella Tripp, Aldermen Sam McGinn, Margaret Stackleather, Marian Harkins and Peter Hillyer, Town Manager Charles Hedgepeth, Planning Board members Leland Newsome, Jack Royman, Wilbur Bass, Joe Moseley and Town Clerk Ann Vause. Town Attorney Marshall Dotson, Planning Board members: Nell Minshew, Homer Prince and William White were absent.

CONVOCATION: Mayor Bostic called the meeting to order at 7:00 p.m., at the North Topsail Beach Fire Station, and declared a quorum present.

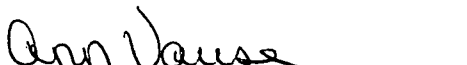
WORKSHOP: Mayor Bostic advised this meeting a joint workshop between the Board of Aldermen and the Planning Board to review the proposed revisions to the Zoning Ordinance. Town Manager Hedgepeth reviewed the proposed draft of the zoning ordinance and maps prepared by Mr. Roger Briggs. He said this is a starting point and he was looking for direction from the Board on how to proceed. Also, the Town Attorney is preparing a memo on the Town's legal position. He advised the Board needed to travel around the Town and see if this draft is what they want because it is the most important document they will have to consider for some time. Now that the Land Use Plan has been adopted the revised Zoning Ordinance is the next step in developing a growth policy for the Town.

The following items were discussed: 1) Con-D area; 2) Commercial areas; 3) North end area; 4) Problems with the current Zoning Ordinance; 5) Proposed permitted use in the revised ordinance for Con-D areas.

After the discussion, the Town Manager suggested an on site look at the property in the Con-D area to see what zoning would fit. The Board of Aldermen and Planning Board members decided to meet Saturday, June 19th, at Town Hall and then travel to Con-D areas.

Some commented/questions were received from the fifteen citizens present on the need for appointment of a Board of Adjustment; why the sign ordinance was not changed; the amount paid to Mr. Briggs for the few revisions to the ordinance; and R-3 vs R-4 Zones.

RECESS: At 8:40 p.m., a motion was made by Mayor Pro-Tem Tripp and seconded by Alderman McGinn to recess the workshop until Saturday, June 19th, at 10:00 a.m., at Town Hall. Passed unanimously.

  
Ann Vause - Town Clerk

TOWN OF NORTH TOPSAIL BEACH  
SPECIAL MEETING/WORKSHOP  
June 29, 1993

PRESENT:

Mayor Marlow F. Bostic, Jr., Mayor Pro-Tem Stella Tripp, Aldermen Sam McGinn, Margaret Stackleather, Peter Hillyer, and Marian Harkins, Town Manager Charles Hedgepeth, Planning Board Chairman William "Bill" White, Vice-Chairman Homer Prince, Planning Board Members Wilbur Bass, Joe Moseley, John "Jack" Royman, and Leland Newsome and Community Development Coordinator Susan Daughtry. Nell Minshew was absent.

Mayor Marlow F. Bostic, Jr., called the meeting to order at 7:00 p.m. and declared a quorum at the North Topsail Beach Volunteer Fire Department.

Mayor Pro-Tem Stella Tripp requested that this meeting last for a two hour period and end promptly at 9:00 p.m.

CONSERVATION

DISTRICTS:

General discussion of Field Trip taken by Board Members. Comments included that board members had observed areas which could be useable. The Town may wish to employ a professional to determine possible uses and impacts of such uses. The Conservation District could be broken up in several categories of Conservation, some with very limited use (like or similar to what we have now) and some with more uses allowed, R-20 minimum and/or 1 unit per 3 acre minimum.

General discussion of sewer and water, protection of wetlands, protection of wildlife, run-off and pollution.

Discussion of the Town hiring an engineer to determine the useable amounts of property which are now presently zoned Conservation District. Mayor Pro-Tem Tripp suggested the Town let Town Manager Hedgepeth choose a consultant because he is more familiar with these issues. Mr. Hedgepeth explained that an Engineer would have to be hired on an on-going basis. He would work on a retainer fee, similar to the one that handles the Fire Station.

General discussion of using the net-buildable formula for the Conservation areas. Mr. Hedgepeth suggested the Boards review these matters on a case by case basis. Exclusion under the net-buildable concept would automatically be Coastal Marsh and Wetlands, with the 404 Wetlands being questioned.

Mr. Hedgepeth summarized suggestions for the Conservation as follows: 1) Consideration of more than one (1) category for the Conservation; 2) Consideration of the net-buildable concept in certain categories; 3) Consideration of the 75 foot buffer versus the 40 foot buffer requirement in the Land Use

Plan; 4) a 20,000 square foot lot minimum; and 5) Consideration of changes in the Open Space Requirement on Net-Buildable Lands.

Board Members agreed not to hire consultant at this time.

CITIZENS  
COMMENTS:

GINNY HILLYER: Feels that if the Town could pay a consultant to re-write the Zoning Ordinance, the Town should pay a consultant on such a sensitive issue. She discussed the sewer and water inadequacies if the Town is built to capacity. She stated that experts have stated to her that all building must have balance, with Zoning being considered by CAMA as a first line of defense.

DAN TUMAN: Feels that the Board should hire a consultant, but first must consider what goals we would like to achieve. At this point it is not clear what this board is wanting. Should articulate goals, then hire a consultant to help achieve those goals.

DAVE MONROE: Read section of 1993 National Geographic, which discusses maximum density and environmental protection.

BILL ROGERS: This board should decide what they want, then hire a consultant. Need specific standards and decisions about 404 Wetlands. Advice is needed from someone who is literate regarding these matters.

SUE TUMAN: This land was unnoticed until other areas began to get full. Now everyone is looking at these areas in the back. You should think about it.

MOBILE HOMES: As proposed, this would only allow the installation of a Class A unit, pitched roof, Modular Homes only. It would not allow Mobile Home Parks or campgrounds. Would prohibit the rectangular style box type. On page 13, it defines the relationship between lengths and widths. Would disallow all single wide mobile homes. The proposed R-7 Zone would not allow replacement of single wide mobile homes as allowed in the present MHP Zoning District.

Discussion of single wide mobile homes, models that structural soundness, aesthetics and replacement times.

Board Members discussed the affordability of Class A Manufactured Homes. Everyone may not be able to afford to replace their single wide with a double wide home.

General discussion of newer construction standards for single wide mobile homes and the possibility of limiting the age of

a replacement home, possibly 5 years. This would help control replacement, with older, less aesthetically pleasing homes.

POLITICAL  
SIGNS:

Board Members discussed Memo regarding political signs. All signs should be freestanding and before placement, would require a deposit of \$100.00. This \$100.00 would be refundable after election when all signs have been removed. If signs are not removed, the \$100.00 would be used to pay for the removal of such signs. General discussion of placement along the shoulder of the road and limiting the removal time after the election. Board members agreed to allowing placement in the public right-of-way, signs shall be limited to 6 square feet, \$100.00 deposit before placement of signs, freestanding, and unapproved signs may be removed after 24 hour notice given.

RECESS:

Board Members agreed to recess this meeting until Tuesday, July 13th at 7:00 p.m. at the North Topsail Beach Fire Department. Meeting recessed at 9:00 p.m.

*Susan Daughtry*

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Susan Daughtry, Community Development Coordinator

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TOWN OF NORTH TOPSAIL BEACH  
PUBLIC HEARING/REGULAR BOARD MEETING  
JULY 1, 1993

- PRESENT: Mayor Marlow Bostic, Jr., Mayor Pro-Tem Stella Tripp, Aldermen Sam McGinn, Margaret Stackleather, Marian Harkins and Peter Hillyer, Town Manager Charles Hedgepeth and Town Clerk Ann Vause. Town Attorney Marshall Dotson was absent because of a family illness.
- CONVOCATION: Mayor Bostic called the meeting to order at 7:00 p.m., at the North Topsail Beach Fire Department, and declared a quorum present.
- INVOCATION: Ms. Mary Lou Baker, Carroll Chapel Methodist Church - Sneads Ferry, led in prayer.
- PUBLIC HEARING: Mayor Bostic opened the public hearing on the request to rezone the airport tract located on NCSR 1568 from Con-D (Conservation District) to R-20 (Residential 20,000 s.f. lots) at 7:02 p.m. and requested citizens comments.

John Parker:

He said he was representing Mr. Charles Rossi & Mr. Joel Mosellie, owners of the airport property. He reviewed the memo sent to the Board from the property owners, rezoning request presented to the Planning Board, sketch design plan submitted and other documentation pertaining to Crystal Shores development. He advised they understand the area is sensitive but the property owners have a right to use their property. He said there was no opposition to the rezoning from the adjoining property owners, the Planning Board approved the request by a 5 to 1 vote and that the request was consistent with the recently approved Land Use Plan.

Charles Rossi:

He said he was committed to developing the property in a reasonable, environmentally sound manner. He explained his connection to North Carolina and advised he would be doing business here and wanted to become a part of the community. Mr. Rossi reviewed what the property was previously used for and said they want to develop a beautiful area in North Topsail Beach.

Ginny Hillyer:

The Land Use Plan has been adopted by North Topsail Beach but has not been approved by Coastal Resources Commission yet. A lot of premature planning has been done and the land cannot be developed unless the rezoning request is granted. The Board has spent several hours trying to define the Con-D areas and until they get their act together they should defer a decision on this rezoning. She said the developers purchased the land knowing it was Con-D and gambled that the zoning would be changed.

Dan Tuman:

He suggested they invite the developers to participate in the discussion on the Con-D area. If it is developed what is to

be included? Con-D prohibits development and they need to study what will be required if it is to be developed. This request seems premature because existing zoning prohibits use of this property. The developers must consider the impact on other property owners. He said he was unhappy about developing an area that is not zoned and cautioned the board to consider what was promised current property owners, in spirit, and whether this rezoning would violate their contracts.

David Monroe:

Why have zoning is you are going to change it? Anyone who wants to buy and sell does not do it to provide the town with good housing, it is to make money. The Board needs to consider the type of housing and aesthetics of the island. You cannot improve what nature has put here. I do not see where the town is going with future zoning. We need an expert to decide what development is good for here. Also, I do not believe the water/sewer facilities are adequate. The airport does not pollute, people do. The forty-three signatures on the petition against the rezoning request were obtained from two hours of walking and I believe there would be many more if there had been more time to canvas the area.

Dennie Swaford:

I have been in business in this are for 20 years and have worked with developers and I have seen what they can do. I endorse development and know the background of these men. I would rather see this development versus mobile homes. In years to come this area will be developed with something so why not take advantage of developers who will do what they say.

Mrs. Robertazzi:

I am concerned about water. We have had a problem since 1986 and it is still not settled. What are they going to do about water/sewer? How many houses will be put on buildable acre? I would like to see the airport developed further because it brings in tourism.

John Elmore:

After being involved with Porters Neck development I can see that the airport property developers plan is a reasonable one. Mr. Gunter's lease was only extended because he was a nice guy but have you considered the liability in operating an airport. Some Con-D 404 wetlands are not developable but, this property is and we need to see good development planned.

Bill Rogers:

A petition against the zoning has been submitted. This should be taken into consideration when considering rezoning request. Some items mentioned should not be discussed during zoning deliberations. The Land Use Plan was approved by this Board but not by the CAMA office so we do not have an official Land Use Plan. Covenants the developers claim they will require are not binding because they can be changed. The only ones the Board should accept are ones that cannot be changed unless approved by the Planning Board and the Board of Aldermen.



Joel Tomacelli:

He said he was one of the developers trying to develop the airport tract and he plans to develop it correctly. He advised his request for rezoning was reasonable and he had a personal, as well as, a business stake in this property being developed.

Sue Tuman:

I am opposed to any change in the zoning category for the so-called airport tract.

In an effort to understand just why our town was asked to consider this request I reviewed the minutes of the Planning Board meeting at which the request was first made on May 13th. I would like to quote from those minutes as to the reason given for this request to rezone. "It is presently zoned Con-D, which has very limited use. It will allow parking lots, yet it will not allow for residential development. The property owners would like to develop the land and sell lots." This is not a reason. This is a wish. We all have a lot of things we would like to do. I consider their reason unreasonable.

The minutes also indicate that there were no objections to this proposal from the adjacent property owners. Of course the adjacent property owners aren't going to object! They probably want to do the same thing if this first group can get away with it. And approving this change will certainly set the precedent for that kind of fiasco.

This property has been zoned as a Conservation District since at least 1982. Contrary to the rather silly idea floating around, Con-D was not created as a category for developers to hold land until they are ready to use it. To quote the description and purpose of a Conservation District from our current zoning: "This district is established to protect the flood plain, coastal waters and areas of environmental concern of the Coastal Area Management Act. It is further the intent that intensive use of the land not be permitted and that only water dependent uses be permitted in this district."

The current owners purchased the property with full knowledge that these restrictions applied and have applied for many years. Just because they would like to develop the land and sell lots is not a convincing reason for their request to be approved.

Ginny Hillyer:

This type of decision is precedent setting. I request you defer this decision until you have finished the description of the Con-D District.

Dan Tuman:

Taxpayers have made an investment in Town. \$900,00 has been spent on land, equipment, etc. People who come in now should not get a free run. The Board should consider asking them to put money on the table for the Town's consideration.

Lionel Yow:

He advised he has spent a lot of money here and explained how.

David Monroe:

We do not need to expand our tax base and then give the money to Onslow County. The only issue is rezoning Con-D to R-20 zoning and why.

John Parker:

This is only a rezoning issue. We cannot contract for something to change zoning. Regardless of CRC action, your action determines what you are going to do and this development is consistent with the Land Use Plan. The proposed development is compatible with the new Land Use Plan and adjacent property owners and R-20 zoning is the most restrictive zoning.

No further comments were received and at 8:15 p.m. a motion was made by Mayor Pro-Tem Tripp and seconded by Alderman McGinn to close the public hearing and then let Mrs. Tuman speak on what is allowed in an R-20 Zoning District. Voting aye: Mayor Pro-Tem Tripp, Aldermen McGinn and Stackleather. Voting nay: Aldermen Harkins and Hillyer.

AGENDA APPROVAL: Alderman Stackleather requested the rezoning of the airport tract located on NCSR 1568 from Con-D (Conservation District) to R-20 (Residential 20,000 s.f. lots). Mayor Pro-Tem Tripp requested Mrs. Sue Tuman be added to the agenda, before approval of minutes, to read the definition of an R-20 Zoning District and that the minutes of the July 29, 1993, Workshop be deleted from the agenda. After a brief discussion, a motion was made by Alderman Stackleather and seconded by Alderman McGinn to add the rezoning of the airport tract located on NCSR 1568 from Con-D (Conservation District) to R-20 (Residential 20,000 s.f. lots) to the agenda under Old Business and to delete the minutes of the August 29, 1993, Workshop from the agenda. Voting aye: Mayor Pro-Tem Tripp, Aldermen McGinn and Stackleather. Voting nay: Aldermen Harkins and Hillyer.

MINUTES: June 3, 1993:

A motion was made by Alderman McGinn and seconded by Mayor Pro-Tem Tripp to approve the minutes of the Regular Board Meeting held June 3, 1993, as written. Passed unanimously.

June 16, 1993:

A motion was made by Mayor Pro-Tem Tripp and seconded by Alderman McGinn to approve the minutes of the Special Board Meeting held June 16, 1993, as written. Passed unanimously.

## MRS. ANN PENTA:

She advised she sent a letter to the Town Manager, with pictures, concerning trash and debris in North Topsail Beach. She thanked the Board for placing dune signs in Town but, advised the system was not working. She recommended that place someone in an unmarked car on weekends along S.R. 1568 and at the "S" curve because that is the only way they will stop these people. People leave household garbage for others to pick up. Maybe we need to change our logo from a turtle to

rat sanctuary. The Board needs to concentrate on what needs to be done and stop pursuing rezoning. Citizens need to know the Board is listening and that they care. When are we going to hear anything about re-entry passes? She requested feedback from the Board on her comments and on the concerned citizens memo. Mrs. Penta thanked the Board for listening to her comments.

AMENDMENT -  
SUBDIVISION  
ORDINANCE:

A motion was made by Mayor Pro-Tem Tripp and seconded by Alderman Stackleather to approve the following amendment to the Subdivision Ordinance to provide a cash dedication in lieu of a land dedication. Passed unanimously.

AMENDMENT TO SUBDIVISION ORDINANCE  
JULY 1, 1993

SECTION 407.2

- (a) In lieu of the dedication of land for parks, recreation and open spaces as provided in subsection (a) above the developer may provide funds to the Town whereby the Town may acquire recreational land or areas to serve more than one subdivision within the immediate area. All funds paid by the developer and accepted by the Town under this section shall be used by the Town for the acquisition or development of recreation, parks or open space sites only.
- (b) The Town may accept a combination or partial payment of funds and partial dedication of land upon a finding by the governing body that such combination is in the best interest of the citizens of the area to be served.
- (c) The amount of funds that are to be provided under section (b) and (c) above shall be determined as follows:
  - (a) The amount of land to be dedicated shall be determined under Section 407.2 of the Subdivision Ordinance;
  - (b) The amount of cash to be dedicated shall be based on an assigned value of \$10,000 per acre (for example: if 1/2 acre is required to be dedicated under terms of Section 407.2, then the cash dedication requirement shall be \$5,000.00);
  - (c) In no case shall the amount of cash to be dedicated be less than \$100 per lot.

DULY ADOPTED THE 1ST DAY OF JULY, 1993.

REZONING -  
AIRPORT TRACT  
SR 1568:

Sue Tuman:

Mrs. Tuman read the definition of an R-20 Zone from the North Topsail Beach Zoning Ordinance. She reviewed the Planning Board minutes on rezoning request and present zoning (Con-D) of property. She stated because there are a lot of things we want to do this was not a reason to rezone the property. She said of course there was no objection from adjacent property owners. Mrs. Tuman said the individuals purchased the property knowing the zoning and there reasons were not convincing enough for rezoning to be approved.

Ginny Hillyer:

She said she thought a unanimous vote was needed to add an item to the agenda. Town Manager Hedgepeth read directions from the Rules & Procedures and advised it was permitted. He also read permitted and conditional uses in an R-20 District. Mrs. Hillyer advised they were setting this type of zoning into law and needed to consider what future boards would do with this type request. Will all projects coming on S.R. 1568 get sewer connections? The private sewer company has less than 400 sewer hook-ups available. She said the zoning ordinance was only 2 years old and it is being revised. The Board needs to study revisions, effect on Con-D land, etc. and advised the Board should wait until they finish revisions on zoning ordinance because the area may not need R-20 zoning.

John Parker:

He advised he met with the State and explained what was said concerning sewer connections. Also, he said this was not pertinent to the rezoning request.

Alderman McGinn:

He said the Board was aware of the situation in May, now it is time to listen to the Planning Board and go ahead and approve the request.

A motion was made by Alderman McGinn and seconded by Alderman Stackleather to accept the Planning Board recommendation and approve the rezoning of the airport tract located on NCSR 1568 from Con-D (Conservation District) to R-20 (Residential 20,000 s.f. lots).

After further discussion by the Board and citizens on pollution of the sound, desire for low density, petition from citizens, sensitivity of area and eventual development of the Con-D areas, Mayor Bostic called for a vote on the motion. Voting aye: Mayor Pro-Tem Tripp, Aldermen McGinn and Stackleather. Voting nay: Aldermen Hillyer and Harkins.

MOSQUITO  
CONTROL:

Town Manager Hedgepeth explained the mosquito control grant available from the State and requested the Board adopt a resolution authorizing him to sign documents on behalf of the Town. After a brief discussion, a motion was made by Alderman Harkins and seconded by Mayor Pro-Tem Tripp to adopt the following Resolution Designating Official to Sign Necessary Papers and to Otherwise Represent Board in Connection with Mosquito Control. Passed unanimously.

RESOLUTION DESIGNATING OFFICIAL TO SIGN  
NECESSARY PAPERS AND TO OTHERWISE REPRESENT BOARD IN  
CONNECTION WITH MOSQUITO CONTROL

Upon motion of Alderman Marian Harkins, seconded by Mayor Pro-Tem Stella Tripp, it is hereby ordered that Charles L. Hedgepeth, 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. He 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 on behalf of the Town of North Topsail Beach are in all respects validated, approved and confirmed.

The undersigned Ann Vause, 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 1st day of July, 1993.

DULY ADOPTED THE 1ST DAY OF JUNE, 1993.

FINAL PLAT -  
OCEAN CLUB  
VILLAGE:

Mr. John Parker explained how far in advance the project must be submitted to the Board for consideration and approval. He advised a copy of the sewer permit on this project was contained in their Board packages. A discussion was held on the 10' public easement for a crosswalk, which required crossing wetlands, and whether or not this was permitted. Also, discussed whether the easement would allow the Town to maintain the crossover. After the discussion, a motion was made by Alderman McGinn and seconded by Alderman Harkins to approve the final plat for Ocean Club Village. Passed unanimously.

SEA ISLAND  
VILLAGE  
PRELIMINARY  
PLAT:

Town Manager Hedgepeth reminded the Board that approval of the preliminary plat was not required but, it has been brought to the Board for review and comment. A discussion was held on construction of the walkway as requested by the Planning Board, public easement for use by the public, town maintenance, distance between walkways in project, limitation of Outstanding Resources Water impact statement and construction of another walkway across the dune. After discussion Mr. Parker advised they would building another walkover. Comments concerning clarification on construction and maintenance of walkway, walkovers built by some citizens,

problems with public use of this type walkway in the past and how covenants can be changed were received from several citizens. After the discussion, a motion was made by Alderman McGinn and seconded by Alderman Stackleather to approve the preliminary plat of Sea Island Village. Passed unanimously.

MOSQUITO CONTROL  
PROGRAM:

Town Manager Hedgepeth reviewed background information on a mosquito control program for the Town, cost figures, equipment needed, etc. He stated the start up cost for this type program would be \$16,500 - \$17,000 and asked the Board if they wanted to get involved in a local program. He requested the Board give him direction on how to proceed with this type program. After a discussion on staying with the Onslow County Program (once a week spraying), why the County cannot spray twice a week and equipment being purchased by all three towns on the island in a joint effort the Board requested The Town Manger talk with the other towns and arrange a joint meeting to discuss this project and report back to the Board at their August meeting.

MANAGER'S  
REPORT:

A. Jeffreys' Property:

The Jeffreys' property that is used extensively as a public access to the ocean front has been, is and will continue to be a problem for the Town. Last week end, more than one break-in of an automobile occurred at this location along with an assault. Also, the litter accumulation in this area is only equaled at or near the piers.

Chief McGrath has written Jeffreys about these problems and we await a response.

The Town maintains trash barrels on this property and in general treats the area as a public access facility by default. I have thought of removing all aspects of public support from this area and let the trash accumulate to the point where people would be forced to use the County parks.

Regardless, something needs to be done about the use, misuse and general abuse of this property. We are expending public money to maintain private property for public access when other, most adequate, public facilities exist.

Your thoughts on this would be appreciated.

B. New Town Hall:

I am scheduled to meet with Branch Banking and Trust officials on Tuesday of next week to discuss donation of the property. Also, we will be talking about the Bank's obligation to clean up the area adjoining Goldsboro Avenue.

C. Walking Over the Sand Dunes:

Chief McGrath requested an opinion from the Attorney General's office on the Town's ordinance prohibiting destruction of the frontal sand dunes. You should have received a copy of this opinion. Please note the next to the last paragraph.

D. Other Matters:

- a. Mike Taylor resigned as Assistant Fire Marshal. We are advertising for a replacement.
- b. Based on what I hear, the Newsletter was well received.
- c. Barrus Construction will do the authorized improvements on Lincoln Street (Ocean City Pier) and Reeves (210 to Sea Shore Drive) before the end of this month.

Town Manger Hedgepeth reviewed schedule on construction of the North End Fire Station with the Board.

ALDERMEN'S  
REPORTS:Sam McGinn:

I noticed trash in an area on the north end, near construction, and I would like for the Town Manager to notify Jones Onslow and Carolina Telephone to remove their trash on S.R. 1568.

Margaret Stackleather:

She requested the Board send a resolution to Coastal Recreation, Inc. This organization is trying to obtain land just outside of Surf City for construction of a recreation center. The old land fill area will be used for a ballfield, tennis courts, and swimming pool. After a brief discussion, a motion was made by Alderman Harkins and seconded by Mayor Pro-Tem Tripp to instruct the Town Manager to prepare a resolution commending the efforts of Coastal Recreation, Inc. for their efforts in obtaining land and planning construction of a recreation facility. Passed unanimously.

Mayor Pro-Tem Tripp:

Mrs. Tripp advised Mrs. Penta's letter concerning trash/debris mentioned washer/dryer at Island Enterprises. She apologized for not having them removed earlier and explained why they were there. Mrs. Tripp said they have now been removed.

## MAYOR'S REPORT:

Onslow County has reversed their decision on the distribution of sales tax funds for Fiscal Year 1994-1995. A lot of work went into this project and we feel we are not getting our fair share. He said some commissioners advised they have received telephone calls from citizens concerning this and a resolution from this Board requesting funds for dune renourishment but, we will not be receiving these funds either.

## OPEN FORUM/

CITIZENS REQUEST: Sue Tuman:

She advised the Board that their workshop scheduled for July 13th was the same night of the public hearing on Camp LeJeune

Wastewater Treatment Facilities, in Jacksonville, and requested the Board change their meeting date. After a discussion on the importance of the public hearing, the Board changed their workshop meeting date to Wednesday, July 14th, at 7:00 p.m., at the North Topsail Beach Fire Station.

Mrs. Tuman advised there were a number of violations on Oyster Lane such as a quadruplet that was not allowed. The Town Manager advised he would look into this and report back to the Board. Also, he will have the matter reviewed by the Town Attorney.

Dan Tuman:

There is an ongoing discussion regarding the illegal move of a building by a contractor. He said the Town Manager did not have the authority to allow the contractor to move this building and requested the Board give the contractor 30 days to move the building or request the property owner put in a request to change the zoning to allow this type of business. After a brief discussion, the Town Manager advised he would prepare a report for the Board review at their August meeting.

Wilbur Bass:

He said he was sorry the Board broke tradition and voted on the rezoning request the same night as the public hearing. The adjoining property owners will also want a rezoning request. The rezoning approved was on the middle of three tracts.

ADJOURNMENT:

A motion was made by Mayor Pro-Tem Tripp and seconded by Alderman McGinn to adjourn the meeting at 10:00 p.m. Passed unanimously.



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Ann Vause - Town Clerk



TOWN OF NORTH TOPSAIL BEACH  
SPECIAL BOARD MEETING  
JULY 12, 1993

PRESENT: Mayor Marlow Bostic, Jr., Mayor Pro-Tem Stella Tripp, Aldermen Sam McGinn, Margaret Stackleather and Peter Hillyer, Town Attorney Marshall Dotson, Town Manager Charles Hedgepeth and Attorney Clay Collier. Alderman Marian Harkins was absent.

CONVOCATION: Mayor Bostic called the meeting to order at 7:05 p.m., at Town Hall and declared a quorum present.

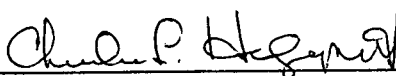
EXECUTIVE  
SESSION:

A motion was made by Mayor Pro-Tem Tripp and seconded by Alderman Hillyer to go into executive session to discuss pending litigation. Passed unanimously.

A motion was made by Alderman McGinn and seconded by Alderman Stackleather to go back into regular session. Passed unanimously.

Mayor Bostic advised pending litigation was discussed but no action was taken.

RECESS: A motion was made by Mayor Pro-Tem Tripp and seconded by Alderman Stackleather to recess this meeting until Thursday, July 15, 1993, at 7:00 p.m., at Town Hall. Passed unanimously.

  
\_\_\_\_\_  
Charles L. Hedgepeth - Town Manager

TOWN OF NORTH TOPSAIL BEACH  
SPECIAL MEETING  
JULY 19, 1993

PRESENT: Mayor Marlow Bostic, Jr., Mayor Pro-Tem Stella Tripp, Aldermen Sam McGinn, Margaret Stackleather, Marian Harkins and Peter Hillyer, Town Attorney Marshall Dotson, Attorney Clay Collier and Town Manager Charles Hedgepeth.

CONVOCATION: Mayor Bostic called the meeting to order at 7:30 p.m., at the Town Hall, and declared a quorum present.

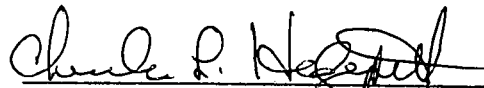
EXECUTIVE  
SESSION:

A motion was made by Alderman Stackleather and seconded by Alderman Harkins to go into executive session to discuss pending litigation. Passed unanimously.

A motion was made by Alderman Harkins and seconded by Alderman Stackleather to go back into regular session. Passed unanimously.

Mayor Bostic advised pending litigation was discussed.

ADJOURNMENT: A motion was made by Alderman McGinn and seconded by Mayor Pro-Tem Tripp to adjourn the meeting at 10:30 p.m. Passed unanimously.

  
Charles Hedgepeth - Town Manager

TOWN OF NORTH TOPSAIL BEACH  
REGULAR BOARD MEETING  
AUGUST 5, 1993

**PRESENT:** Mayor Marlow Bostic, Jr., Mayor Pro-Tem Stella Tripp, Aldermen Sam McGinn, Margaret Stackleather, Marian Harkins and Peter Hillyer, Attorney John Carter, Town Manager Charles Hedgepeth and Town Clerk Ann Vause. Attorney Marshall Dotson was absent.

**CONVOCATION:** Mayor Bostic called the meeting to order at 7:00 p.m., at the North Topsail Beach Fire Department, and declared a quorum present.

**INVOCATION:** Mayor Bostic requested everyone have a moment of silent prayer before starting the meeting.

**AGENDA:** Mayor Pro-Tem Tripp advised the Board had a lengthy agenda and she would like a time limit on speakers/citizens requesting to address the Board. After a general discussion on adjusting the location of items on the agenda the Board, a motion was made by Alderman McGinn and seconded by Mayor Pro-Tem Tripp to accept the agenda as presented. Passed unanimously.

**MINUTES:** June 29, 1993:  
A motion was made by Mayor Pro-Tem Tripp and seconded by Alderman Harkins to approve the minutes of Special Board meeting held June 29, 1993, as written. Passed unanimously.

July 1, 1993:  
Alderman Stackleather requested the words "has land" in the sentence concerning Coastal Recreation, Incorporated having land for construction of a recreation center, under Aldermen's reports, be changed to read "is trying to obtain land" because they do not have the land yet. After a brief discussion, a motion was made by Alderman McGinn and seconded by Alderman Stackleather to approve the minutes of the Regular Board Meeting held July 1, 1993, as written with the exchange of the words "has land" to "is trying to obtain land" concerning Coastal Recreation, Incorporated as requested. Passed unanimously.

July 12, 1993:  
A motion was made by Mayor Pro-Tem Tripp and seconded by Alderman Harkins to approve the minutes of the Special Board Meeting held July 12, 1993, as written. Passed unanimously.

July 19, 1993:  
A motion was made by Alderman Harkins and seconded by Mayor Pro-Tem Tripp to approve the minutes of the Special Board Meeting held July 19, 1993, as written. Passed unanimously.

**CITIZENS ADDRESS  
TO THE BOARD:**

Ann Penta:  
Mrs. Penta thanked the Town for cleaning up debris and trash. She said it helped but, we still have a problem with the dunes. On S.R. 1568 signs indicating a fine for walking on the dunes are up but they make no difference. Also, no

parking signs are up but individuals still park along the roadway causing visibility problems. Why are the cars allowed to park there? Why are they not removed? If the individual that owns the tract of land near the first curve on S.R. 1568 wants to allow individuals to use this area for beach access he should build a crossover for them to use. If we continue to allow people to ignore our ordinances we are not going to get anywhere. Mrs. Penta explained questions she has received from visitors concerning crossing over the dunes. Why don't the police give individuals a warning, keep a record of the warnings and if the individuals violates the ordinance a second time give them a ticket? I am concerned because bad weather is coming and we are in bad shape. The dunes are out only defense for homes, town houses, etc. The Board is still worrying about zoning but, they should be taking care of this problem. They need to look at the problems with an open mind and see what is happening. If we are not going to enforce the law then take the signs down.

Clara Bass:

July 3rd, the Mature Citizens Association held a bake/rummage sale and had a good turn out. She thanked everyone who helped with the event. Mrs. Bass introduced Mr. David Monroe who presented a check in the amount of \$150.00 to the rescue squad. He said what is good for the rescue squad is good for all of us. Mrs. Bass said the Mature Citizens Association will sponsor another pancake breakfast Saturday, August 7, 1993, at 10:00 a.m., at the fire station and invited everyone to come by.

Weldon Hall:

Mr. Hall said his subject was a legal issue however, the Town's attorney was not present and he had advised the Board not to respond to questions on the Town logo. Mr. Hall said this is a serious issue and the Board needs to hold a public hearing and he requested the Board call for a public hearing. He read passages from the Open Meeting/Understanding of Law and Procedures book prepared by Mr. David Lawrence, Institute of Government. Mr. Hall said the issue involves misappropriation/mishandling of funds.

After a general discussion on whether or not the Board could hold a special meeting with the subject as an executive item or item for public input the Board called for a special meeting Tuesday, August 10, 1993, at 7:00 p.m. and directed the Town Manager to talk with the Town Attorney and decide whether or not an executive session could be held on this subject. If an executive session is held the meeting will be at the Town Hall however, if a special meeting is held the meeting will be at the fire department.

FINAL PLAT -  
SEA ISLAND  
VILLAGE:

Alderman McGinn said the Planning Board voted unanimously to recommend approval of this final plat. Ms. Susan Daughtry, Community Development Coordinated, said the name was being changed from "Sea Island Village" to "Sea Island Dunes" because of a conflict in the name and explained why. After a discussion on crossovers, letter of credit and conditional approval after all State agencies reviews, a motion was made

by Alderman McGinn and seconded by Alderman Stackleather to approval the final plat, after the letter of credit is received, for Sea Island Dunes. Passed unanimously.

**NORTH END  
CROSSOVERS:**

Town Manager Hedgepeth advised plats of crossovers such as the one at the end of Port Drive have been reviewed and it appears they are the responsibility of the property owners in the subdivision and it would be difficult to develop them unless the residents in the subdivision would welcome public crossovers. One possibility is an area at the Topsail Reef complex, north end but, other than this one there is none the Town can get involved with. Ms. Barbara Lee, Topsail Reef Manager, advised there is already a 10' easement on the north and south end of Topsail Reef for crossovers. Crossovers were there until 1989 when they were destroyed by a storm and they have not been rebuilt. She said the Topsail Reef Association will work with the Town but they have to agree to build and maintain the crossovers. A citizen questioned whether the easements at Topsail Reef were for the public or residents of the complex. Town Manager Hedgepeth said the accesses are not true public accesses. A Topsail Reef Homeowners Association member recommended the Board send a letter stating what the Town plans to do, with all particulars, so the association can review the request.

Comments were received from citizens concerning locations needed for accesses, permission from Mr. Jeffreys for Town to use his tract on S.R. 1568 as a park, why Town cannot construct crosswalks, repairing dunes and plans to rebuild them, plat previously presented with Land Use Plan that identifies where original easements for crossovers existed and enforce of dune ordinance. Town Manager Hedgepeth advised until S.R. 1568 construction is completed it will be difficult to construct crossovers and people are being encouraged to use County accesses. Mayor Bostic said Shipwatch Villas are going to wait until S.R. 1568 has been relocated before they build their crossover. Mayor Pro-Tem Tripp requested that citizens with ideas on enforcement share their ideas with the Police. She also recommended citizens read the July Police Report so they will know what the police have been involved with.

**LEASH LAW:**

Town Manger Hedgepeth advised he had been contacted by telephone, in person and by petition for the Town to consider a leash law. A discussion was held on problems incurred, current ordinance on animal control, enforcement of current ordinance, possible leash law for months of June, July and August and the need for the Town to consider employing an animal control officer. Citizens commented on the need for additional police patrol on the beach, notifying rental agencies to inform visitors of current ordinance, hours of the Onslow County Animal Control and the possibility of the Town considering additional police officers for enforcement of ordinances. After the discussion, the Board directed the Town Manager to obtain a cost estimate for an animal control officer, holding facility for animals. Also, a motion was made by Mayor Pro-Tem Tripp and seconded by Alderman McGinn to direct the Town Manager to draft a leash law ordinance through

RESOLUTION -  
SURPLUS  
PROPERTY:

Town Manager Hedgepeth presented a resolution declaring the 1983 Ford Bronco as surplus property. He advised the vehicle could not be inspected because emission control system was not longer functional and the wheel system was rusted. Alderman McGinn said he could get someone to fix the vehicle and the insurance liability cost was very low. After a brief discussion, a motion was made by Alderman Harkins and seconded by Alderman Hillyer to adopt the Resolution Authorizing the Disposition of Certain Personal Property by Private Sale. Voting aye: Aldermen Hillyer and Harkins. Voting nay: Mayor Pro-Tem Tripp, Aldermen McGinn and Stackleather. Motion did not pass.

PRELIMINARY PLAT  
- CRYSTAL SHORES  
I:

Town Manager Hedgepeth reminded the Board that the Subdivision Ordinance does not require the Board to review preliminary plat but, it is being done as a policy procedure. Ms. Susan Daughtry, Community Development Coordinator, explained Section I and Section II of this project. She said if Section II is not developed Section I would have a walkway between lots 6 & 7. However, if Section II is built there would not be a walkway built because individuals would have access through a road. There are two walkways in Royal Dunes which is adjacent to Lot #11 of Crystal Shores I and together these will be used by Crystal Shores I and Royal Dunes for walkway. After a discussion on sound side access, walkways as recreational areas to meet requirements, cost of accesses, citizens comments on cash dedication in lieu of land, and whether or not walkways would be built before lots in the subdivision are sold, a motion was made by Alderman Stackleather and seconded by Mayor Pro-Tem Tripp to approve the preliminary plat for Crystal Shores I as recommended by the Planning Board. Passed unanimously.

PRELIMINARY PLAT  
- WILLIAM &  
KATIE SMITH:

Town Manager Hedgepeth reviewed a map of the area and zoning in the area. Mr. John Pierce, Developer, advised the project consisted of 5.75 acres, 23 lots that meet the zoning requirements of the Town. He said the parking issue would be addressed on the site plans when developed. A discussion was held on the size of the proposed lots, need for adequate parking facilities, how lots can be purchased (individually or collectively), and the need for an alleyway behind lots for police patrolling. After the discussion, a motion was made by Alderman Stackleather and seconded by Alderman Harkins to approve the preliminary plat for William & Katie Smith as recommended by the Planning Board with an alleyway for security purposes. Passed unanimously.

PRELIMINARY PLAT  
- JAMES &  
ISABELLE HARRIS:

Ms. Susan Daughtry advised this subdivision included nine (9) lots along the length of 18th Avenue. The Planning Board voted to recommend approval and acceptance of \$100 per lot as

cash in lieu of dedication of land. A discussion was held on why the Planning Board recommended the minimum cash amount instead of the \$3,700.00 that would be required under the formula used for payment of cash in lieu of land dedication. Mr. Charles Riggs, representing James & Isabelle Harris, advised the subdivision contained 1.2 acres of land on 18th Avenue and had existing county water and septic tanks. After a discussion on previous lots approved before ordinance on cash in lieu of land dedication, size of project, improvements made and paid for by the Harris' and how the Boards decision may affect future plans coming to the Board and a review of the dedication requirements. After the discussion, a motion was made by Alderman Stackleather and seconded by Alderman McGinn to approve the preliminary plat for James & Isabelle Harris as recommended by the Planning Board. Passed unanimously.

PRELIMINARY PLAT  
- HERRING:

The preliminary plat for Mr. Otha Herring was presented to the Board for review and approval. Mr. Tim Baker, planner for Mr. Herring, advised they went above the Towns requirement by including a crossover, however, based on conversation earlier in the meeting he requested Mr. Herring be allowed to provide an easement for a cross, \$100 per lot and have the Town maintain the crossover. Ms. Susan Daughtry advised the Board that one thing the Town wants is a walkover to cover the dunes and money to maintain the crossover. Cash in lieu of dedication gives the Town money to build and maintain an access. Mr. Herring previously agreed to the walkover, a fire hydrant and access to Highway 210. Mr. Baker said he does not want Mr. Herring to pay or do things above and beyond what other are required. After a general discussion, a motion was made by Mayor Pro-Tem Tripp and seconded by Alderman Hillyer to go with the Planning Board recommendation and approve the preliminary plat for Mr. Otha Herring consistent with the reviewed plat. Passed unanimously.

RECOMMENDATION -  
CASH IN LIEU OF  
LAND:

Ms. Susan Daughtry said the Planning Board recommended the Beautification Committee be enlarged so they can recommend ways to spend funds received in lieu of dedication for beautification projects. Board members advised they felt the funds should be used for crossovers. Citizens commented that funds should be used for recreation as well as for crossovers and that a priority list should be made. After the discussion, a motion was made by Mayor Pro-Tem Tripp and seconded by Alderman Stackleather to table this issue until the Town has funds available. Passed unanimously.

FINAL PLAT -  
OCEAN WYNDS:

Town Manager Hedgepeth reviewed the Planning Board meeting held on this subject and stated they recommended approval of the final plat of Ocean Wynds subject to certain modifications. Lots 1 through 7 are to be eliminated because they are unbuildable with required CAMA setbacks. After discussion of the handicap crossover the Planning Board is recommending an access with a gazebo for handicapped individuals use because

the engineering cost for a handicap ramp is expensive and very difficult to maintain. Ms. Daughtry advised the bond for this project is to be in the amount of \$8,000. The Town Attorney has advised the Town not to accept the letter of credit received for this until it is revised because of minor technical stipulations. Mrs. Ginny Hillyer advised the Planning Board vote on this project was: 5 voting aye; 1 abstaining; 1 voting no. She said after reviewing the State Law on Conflict of Interest she feels that because Mrs. Minshew, Planning Board member, is the wife of one of the developers, Brad Minshew, it was an obvious conflict of interest and that she hoped it would not occur in the future. After a general discussion, a motion was made by Mayor Pro-Tem Tripp and seconded by Alderman Stackleather to approve the final plat for Ocean Wynds as recommended by the Planning Board with the condition that all State and Federal requirements and the revised letter of credit has been received. Passed unanimously.

**OCCUPANCY TAX:**

Town Manager Hedgepeth said he talked with the new Onslow County Tourism Director and requested she talk with the Board at their September meeting concerning the occupancy tax funds and tourism promotion. After reviewing a memo from Town Attorney Dotson concerning occupancy tax the Board decided to invite the Onslow County Tourism Director to their September meeting.

**MANAGER'S  
REPORT:**

1. The CAMA Land Use Plan has been certified by the Coastal Resources Commission.
2. The Federal Emergency Management Agency will pay the Town \$13,000 for costs incurred during the March 13th storm.
3. Bill Poe, formerly of Onslow County's Emergency Management Office, has been hired as the Town's Assistant Fire Marshall.
4. We had a most constructive meeting with Mr. George C. Jeffreys owner of the property along SR 1568. We will proceed to restrict usage of this area and improve the general appearance of this property.
5. The Corps of Engineers is placing some 50,000 cubic yards of sand on the beach in the area of the Armour residence.
6. The red Bronco (the rusty one) will not pass NC inspection due to the emissions control system and other problems; too costly to repair.
7. The insurance company did not total the Taurus. We will have it repaired (in excess of \$6,000).
8. I am told that by mid-August, the Town will receive the property by donation that has been discussed previously as the site for a new Town Hall.



9. The new fire station is getting back on schedule. Completion date is September 28th.
10. We need to schedule work shops on the zoning revisions/rewrite.
11. No progress to report on a joint mosquito control program. They, the mosquitoes, are back in force after the dry weather.
12. We are at odds with the Onslow County Recreation Department about enforcement of ordinances at the two County regional access facilities. Neither of the two parties has enough manpower to station an officer full-time or even part time at the two access points. Trouble with surfers, drinking and the like.

Town Manager Hedgepeth advised the board needs to schedule a workshop on the zoning ordinance revisions. Also, he said he talked with the Topsail Villa Management Company and they are starting to make progress in general improvements. They want to upgrade their area this fall or winter.

**ADLERMENS  
REPORTS:**

Alderman Stackleather:

What are we doing about using money for parks now? Town Manager Hedgepeth advised funds have not been received yet but, he has contacted an individual about equipment and advised them what we want to do.

Alderman McGinn:

He introduced a Jacksonville Alderwoman present at tonight's meeting.

**MAYORS REPORT:**

He said he talked with DOT concerning the S.R. 1568 project and they advised things were moving along slowly. The County will be installing a 12" water line. Also, sewer pipe will be installed. Both of these items should be in place prior to the road being completed.

**CITIZENS FORUM:**

Hurtis Coleman:

Mr. Coleman, 518 Ocean City Beach, said sometime back before incorporation of North Topsail Beach he contacted the Department of Transportation about getting speed bumps at his property to stop traffic from going through his area because the State road stopped at his property. The speed bump was installed however, when road work was done by the Town the speed bump was removed. He said there is a public easement on Thompson Street and he requested the Town open this street for public use and stop them from using his property before someone gets killed. Mr. Coleman said there are only 2 houses between Thompson Street and Chestnut Street. As a property owner he felt the Town should look out for his interest as well as the interest of other citizens. Town Manager Hedgepeth advised he would review the issue with the Town Attorney and bring a report to the Board at their September meeting.

Doris Naumann:

Mrs. Naumann reviewed problems with the Towns container site and what her husband encountered when he volunteered to monitor the site for the Town last year. She said her husband made recommendations on how to correct some situations but to date nothing had been done. She recommended the Town distribute windshield stickers that can be used as re-entry passes as well as identification for authorization to use the container site. Mrs. Naumann said several citizens are willing to volunteer to monitor the container site but they need a shelter. The container site is open 24 hours a day and we cannot expect Gerald Vigus to monitor the site as well as clean up the beach strand and other areas. The Town needs the sticker and monitoring system in place as soon as possible.

Bill Bass:

Mr. Bass congratulated the Board on the agenda and the number of people attending this meeting. He said he wish he could get that many people to attend the Planning Board meetings so they could how things are done. Also, he would like to see more Board members attending the Planning Board meetings.

Dan Tuman:


The follow up item from last months meeting concerning individual who has a business in an unauthorized location was not mentioned tonight. Town Manager Hedgepeth advised he did not prepare a formal answer for the Board but gave Mr. Tuman a copy of the response letter sent to the North Topsail Beach Homeowners Association. Mr. Tuman said the issue was not addressed in this letter because the issue concerns an individual moving a business without going through the proper channels. Town Manager Hedgepeth advised he would send a letter out the first of next week.

RE-ENTRY -  
IDENTIFICATION  
STICKERS:

After a brief discussion, a motion was made by Mayor Pro-Tem Tripp and seconded by Alderman Stackleather to purchase re-entry/identification stickers and to not charge citizens for them. Passed unanimously.

ADJOURNMENT:

A motion was made by Alderman McGinn and seconded by Mayor Pro-Tem Tripp to adjourn the meeting at 10:20 p.m. Passed unanimously.



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Ann Vause - Town Clerk

TOWN OF NORTH TOPSAIL BEACH  
SPECIAL MEETING/WORKSHOP  
August 19, 1993

PRESENT: Mayor Marlow F. Bostic, Jr., Mayor Pro-Tem Stella Tripp, Aldermen Sam McGinn, Margaret Stackleather, Peter Hillyer, and Marian Harkins, Town Manager Charles Hedgepeth, Planning Board Chairman William "Bill" White, Vice-Chairman Homer Prince, Planning Board Members Wilbur Bass, John "Jack" Royman, and Leland Newsome and Community Development Coordinator Susan Daughtry. Nell Minshew & Joe Moseley were absent.

Mayor Marlow F. Bostic, Jr., called the meeting to order at 7:10 p.m. and declared a quorum at the North Topsail Beach Volunteer Fire Department.

TOWN LOGO: General discussion of the rights to the Town Logo. Town Attorney Marshall Dotson was requested to look into the matter and report his findings to the Board of Aldermen at their next meeting on September 2, 1993.

PROPOSED ZONING

ORDINANCE: General discussion of sign requirements for size, erection and removal; Class A & Class B Mobile Homes; and Conservation District Zoning categories.

Town Manager Hedgepeth was directed to: (1) include Class B (single wide) mobile homes, but restrict replacement to a unit which is five (5) years or newer; (2) restructure the Conservation District to include Restricted 20,000 square foot residential lots, Net-Buildable residential 20,000 square foot lot requirements and restricted areas with no development.

RECESS: Board Member Sam McGinn made a motion to recess this meeting until a later date, to be announced. Alderman Margaret Stackleather seconded the motion. Carried Unanimously. Meeting recessed at 9:15 p.m.

*Susan Daughtry*

Susan Daughtry, Community Development Coordinator

TOWN OF NORTH TOPSAIL BEACH  
 REGULAR BOARD MEETING  
 SEPTEMBER 2, 1993

- PRESENT: Mayor Marlow Bostic, Jr., Mayor Pro-Tem Stella Tripp, Aldermen Sam McGinn, Margaret Stackleather, Marian Harkins and Peter Hillyer, Town Attorney Marshall Dotson, Town Manager Charles Hedgepeth and Town Clerk Ann Vause.
- CONVOCATION: Mayor Bostic called the meeting to order at 7:00 p.m., at the North Topsail Beach Fire Department, and declared a quorum present.
- INVOCATION: Rev. Parker, Carroll Chapel Methodist Church, led in prayer.
- APPROVAL OF AGENDA: Alderman Stackleather requested discussion of the Town Logo and an executive session to discuss a personnel matter be added to the agenda under Old Business (b) & (c). After a brief discussion, a motion was made by Alderman Stackleather and seconded by Mayor Pro-Tem Tripp to approve the agenda with discussion of the Town Logo and an executive session to discuss a personnel matter being added under Old Business (b) & (c). Passed unanimously.
- MINUTES: August 5, 1993:  
 A motion was made by Mayor Pro-Tem Tripp and seconded by Alderman Harkins to approve the minutes of the Regular Board Meeting held August 5, 1993, as written. Passed unanimously.
- August 19, 1993:  
 A motion was made by Mayor Pro-Tem Tripp and seconded by Alderman Harkins to approve the minutes of the Special Board Meeting held August 19, 1993, as written. Passed unanimously.
- LEASH LAW: Town Manager Hedgepeth advised Onslow County Animal Control Ordinance was adopted by the Town May 15, 1991. He reviewed possible amendments pertaining to a leash law and advised the question was whether the Board wanted to consider the leash law. The proposed leash law would run a limited amount of time, June through September. After a discussion on whether or not the amendments needed to be adopted in entirety, attorneys comments, who would enforce the leash law, comments received by the Town Manager from Onslow County, who determined seriousness of annoyance a motion was made by Mayor Pro-Tem Tripp and seconded by Alderman Stackleather to adopt a leash law, effective June 1st through September 30th.
- Comments were received from several citizens concerning leash law provisions, liability of the Town, cost for the Town to establish their own kennel and whether or not owners would be required to use a leash on their own property.
- After the discussion, Mayor Bostic called for a vote on the motion and it passed unanimously.
- A motion was made by Alderman Harkins and seconded by Mayor Pro-Tem Tripp to authorize the Town Manager to enter into an

agreement with Onslow County for the enforcement of the Animal Control Ordinance. Passed unanimously.

**TOWN LOGO:**

Attorney Dotson advised at the last meeting he was instructed to present his opinion on two items, misappropriation of funds in the purchase of Tee-Shirts and the Town Logo. He reviewed his memo to the Board concerning these items and advised, in his opinion, he did not find that Mr. Niven gave the legal rights to the Town Logo to two previous board members. Also, he did not find misappropriation of funds and in fact, the Board could have given the funds directly to the Rescue Squad.

Mr. Weldon Hall said the money came from a public works line item not an amendment. Mr. Newsome has an ordinance on what can be pulled from line items and to do this it must be an emergency. He said you cannot take from the general fund and then cover it by saying it was a line item budget. This is how Onslow County operates and I do not like this.

Mr. Hall was asked if he was angry because he was not asked permission to use the logo. He explained the background when asked about Tee-Shirts. Alderman Harkins said they had the attorneys opinion, the logo was the Towns, it was used for Town purposes and she did not see that an illegal act was committed. Mr. Hall said he respected the Town Attorney but felt he was acting in the best interest of the Town.

**EXECUTIVE  
SESSION:**

A motion was made by Alderman Harkins and seconded by Alderman Stackleather to go into executive session to discuss a personnel matter. Passed unanimously.

A motion was made by Mayor Pro-Tem Tripp and seconded by Alderman Stackleather to go back into regular session. Passed unanimously.

**BUDGET  
AMENDMENT:**

Town Manager Hedgepeth advised the budget amendment presented was a technical matter to incorporate the loan proceeds of \$220,000 from First Citizens Bank for construction of the North End Fire Station. After a brief discussion, a motion was made by Mayor Pro-Tem Tripp and seconded by Alderman Stackleather to adopt the following amendment which amends the Fiscal Year 1993-94 Budget to accommodate the North End Fire Station loan proceeds. Passed unanimously.

**AN ORDINANCE AMENDING THE TOWN OF NORTH TOPSAIL BEACH  
BUDGET ORDINANCE FOR FISCAL YEAR 1993-1994**

BE IT ORDAINED BY THE TOWN OF NORTH TOPSAIL BEACH BOARD OF ALDERMEN MEETING IN REGULAR SESSION THIS 2ND DAY OF SEPTEMBER, 1993, THAT THE BUDGET ORDINANCE FOR FISCAL YEAR 1993-1994 ADOPTED JUNE 3, 1993, IS HEREBY AMENDED AS FOLLOWS:

**REVENUES:**

CAMA Permit Reimbursement - State	1,500.00
Prepaid Privilege License	500.00
Taxes Budget Year 1993	531,968.00
1991/92 Prior Years Taxes	8,000.00

1992/93 Prior Years Taxes	9,500.00
1990/91 Prior Years Taxes	5,000.00
1989/90 Prior Years Taxes	3,000.00
Notes Payable FCB - Fire Station	220,000.00
Inventory Tax Reimbursement	20,000.00
Tax Penalties/Interest	5,200.00
Privilege License	2,500.00
Cable Franchise	4,500.00
Interest-Investments	41,500.00
Miscellaneous	10,000.00
Miscellaneous Permits	900.00
Utilities Franchise Tax	28,000.00
Intangible Property Tax	21,000.00
Beer & Wine Tax	3,000.00
Powell Bill Allocation	20,000.00
Local Option Sales Tax	42,000.00
Seat Belt Grant - Police	8,000.00
Fire Department Grant 1993/94	19,996.00
Building Permits	5,000.00
Mechanical Permits	1,000.00
Electrical Permits	4,000.00
Plumbing Permits	1,500.00
Homeowners Recovery Fund	100.00
Inspection Fees	100.00
CAMA Permits	1,500.00
Tax Refunds	1,500.00
Tax Refunds - Gasoline	3,000.00
Other State Revenues	1,000.00
Beach Driving Permits	2,000.00
Officers Fees & Violations	2,000.00
Appropriated Fund Balance	110,980.00
TOTAL	1,139,744.00

EXPENDITURES:

Governing Body	16,290.00
Administration	104,486.00
Elections	3,000.00
Community Development	51,809.00
Public Buildings	342,300.00
Police Department	218,878.00
Seat Belt Grant	8,000.00
Public Works	56,199.00
Utilities	16,000.00
Street Improvements	25,000.00
Sanitation	22,000.00
Recreation	6,000.00
Non-Departmental	101,687.00
Fire Department	101,279.00
Fire Department Grant	39,992.00
Contingency	26,824.00
TOTAL	1,139,744.00

DULY ADOPTED THE 2nd DAY OF September, 1993.

DONATION - HAM  
RADIO OPERATORS:

Town Manager Hedgepeth said some of the Board members had the opportunity to view the van being renovated by the HAM Radio Operators Association. This van will be used to assist

Emergency Management during storms, disasters, etc. with mobile communications. He said the HAM Radio Operators Association members have been spending their own time and money to renovate this van and he suggested the Town consider a donation to the organization. After a brief discussion, a motion was made by Alderman Stackleather and seconded by Alderman Hillyer to donate \$250.00 to the HAM Radio Operators Association. Passed unanimously.

**CROSSOVER RAMPS:** Town Manager Hedgepeth advised there are a number of places in Town where we can construct crossovers. The areas mentioned in his memo to the Board are areas with a need or request from individuals for crossovers. These areas are: 1) Euthopia Street; 2) Carver Street; 3) 10th Avenue; 4) 6th Avenue. He advised he had not obtained cost estimates for construction of these crossovers but, if the Board is interested he can request estimates and report back to the them. If the Board elects to do only two, he suggested they consider Euthopia Street, Carver Street or 6th Avenue. After a brief discussion, Mayor Pro-Tem Tripp directed the Town Manager to obtain estimates, see what it will take to construct these crossovers and report to the Board at their October meeting. The Board requested the steps have 6" risers and that the crossovers be mobile, possibly portable. Comments were received from some citizens concerning the proposal from the Beautification Committee to look at crossovers, someone doing a comprehensive study on crossovers and whether or not funds are available for this project. Town Manager Hedgepeth advised he would obtain figures and report to the Board in October.

**CONTAINER SITE:** Town Manager Hedgepeth suggested the Board initiate conversation on what they want to do with solid waste. He said he feels we may lose the current container site and the time to discuss the issue was now. Do you want a container site or contract with a company for household pick-up. The Board discussed renting land for a container site, purchasing land for a container site, expense of trash pick-up, etc. After the discussion, the Board decided they would prefer a container site and to wait until the land owner notifies them to leave the present site before doing something about the problem.

**PUBLIC HEARING:  
AIRPORT TRACT,  
HUNTERS COVE  
TRACT & MINSHEW  
PROPERTY:**

After a brief discussion, the Board schedule a public hearing Friday, September 17, 1993, at 7:00 p.m., at the North Topsail Beach Fire Station, to receive citizens input on the request to rezone the following:

- a) Airport Tract East and West located off NCSR 1568 on the Eastern and Western side of Crystal Shores II from Con-D (Conservation District) to R-20 Residential 20,000 s.f. lots);
- b) Hunters Cove Tract located off Highway 210 at the end of 23rd Avenue from Con-D (Conservation District) & MHS (Mobile Home Subdivision) to Conditional Use R-20 (Residential 20,000 s.f.

- lots);
- c) Bradley & Mary Minshe to rezone property located off Highway 210 at the end of 23rd Avenue form Con-D (Conservation District) to R-20 (Residential 20,000 s.f. lots).

FINAL PLAT -  
SMITH PROPERTY:

Ms. Susan Daughtry, Community Development Coordinator, reviewed the William & Katie Smith project and requested the Board approve the final plat with the condition that all improvements be made before signatures are placed on the plat. After a brief discussion, a motion was made by Alderman Harkins and seconded by Alderman Stackleather to approve the final plat for William & Katie Smith with the condition that all improvements are put in before the final plat is signed. Passed unanimously.

PRELIMINARY  
PLAT - C & M  
INVESTMENTS:

Ms. Susan Daughtry, Community Development Coordinator, reviewed the C&M Preliminary Plat. She advised the property was zoned R-10, each lot was 12,000 s.f. and there was 110' from the natural stabilization to the road. She said the Herring property is on the north side of this property and easement runs through the center of the two properties. The developers will install a fire hydrant, pave the street and build a crossover in exchange for cash in lieu of cash requirement. After a brief discussion, a motion was made by Alderman Stackleather and seconded by Alderman McGinn to approve the preliminary plat for C&M Investments. Passed unanimously.

PRELIMINARY  
PLAT - CRYSTAL  
SHORES II:

Mr. John Parker said the preliminary plat for Crystal Shores II has been through the Planning Board, a number of approvals such as erosion control, water, etc. have been received from State Agencies. The major CAMA permit will be reviewed in Raleigh Monday. He said the easement requested by the Board of Aldermen will be shown on the final plat. Also, the sewer permit is under review. After a brief discussion, a motion was made by Alderman McGinn and seconded by Alderman Harkins to approve the preliminary plat for Crystal Shores II. Passed unanimously.

MANAGER'S  
REPORT:

Report On Projects:

1. Street Improvements--Lincoln, Reeves and Sea Shore have been improved consistent with past approvals. Funding was from Powell Bill receipts.
2. New Fire Station--On schedule for late September completion. If you have not, find time for an inspection of the building.
3. Town Hall Property Donation--Nothing new to report. This is a difficult situation to force. Any new developments will be reported to you during the September meeting.
4. House Numbering--With the end of summer and the



finalization of numerous subdivision proposals, we will have time to concentrate on this project again. I will make use of a temporary/part time person to speed completion.

5. Animal Control--Information has been placed in your box at the Town Hall on a local control program. Too expensive and almost impossible to locate on the island.
6. Land Use Plan--Being printed. Fifty copies must be made available to the State. Fifty copies will be available for the Town.

Other Matters:

1. Ford Taurus Police Car--The car was not totaled. We received \$6,518.00 as compensation. The vehicle is being repaired.
2. Beach Driving--The present ordinance continues. Commercial fishermen are allowed on the beach after Labor Day. Others on or after October 1st.
3. Parks and Recreation--The cost for site preparation (Town owned lots at the fire station) is \$250. Improvements for Gray Street to provide access to what is proposed as the Town park will cost \$2,500 in gravel and equipment usage costs. Street improvements could come from Powell Bill. The proposal is to build first a basketball court or one half of such. Then develop other facilities active and passive. Unless otherwise directed we will proceed with developing this property for recreational purposes.

ALDERMEN'S  
REPORTS:

Mayor Pro-Tem Tripp:

She said she wanted to thank Clara Bass for all she has done. The Town needs to thank Pat Dempsey for securing a beautification grant for the Town. Also, she said she would like to congratulate the Town Manager for his planning and performance during the pending storm. The Town Manager and the Town Staff did a fantastic job.

Alderman Harkins:

The Fire Department is having their annual Labor Day Garage/Bake Sale Saturday, September 4th. Raffle tickets for a mantle clock are available (\$3.00 for one ticket, \$5.00 for two tickets). All funds received will go to the Fire Department and Rescue Squad.

The Town voted to make the island a turtle sanctuary. There is a bill in Congress to protect endangered species however, it is in trouble. She requested each individual contact his/her congressman to support this bill. It is called the "STUDDS Bill - Endangered Species".

Alderman Stackleather:

She said her church passed a resolution to fight the liquor by the drink referendum in Surf City. Anything you can say to help get someone to vote against this referendum will be appreciated.

The Historical Society Museum will be open during Autumn in

Topsail and they would like something from North Topsail Beach so the Town can be represented.

TOWN ATTORNEY:

Town Logo:

He advised he furnished his opinion on this matter to the Board.

Prince Zoning Issue:

A memo has been furnished to the Board of Aldermen. He said he based his opinion on information that he received. The Town Manager was not authorized to permit an additional structure on this property. The property owner needs to request the property be rezoned or apply to the Board of Adjustment for a variance. The structure is non-conforming under the current Zoning Ordinance and can continue to be used however, additional structures are not permitted.

Alderman Harkins instructed the Town Manager to notify the property owner to apply for a variance or request rezoning.

Perozzi Case:

He said he instructed the Board and the Town Manager not to discuss this case. He said normally this case would not be discussed however the Board has received inquiries because of the newspaper articles. Because of this he felt he was compelled to relay some information. Attorney Dotson read the following statement:

"As reported by the news media last week, presumably upon statements by former Chief Ron Perozzi and his attorneys, the law suit filed by Chief Perozzi against the Town, Elected Officials and Stella Tripp has been resolved. Unfortunately Mr. Perozzi's report and statements to the news media by his attorneys failed to include pertinent information.

The Town of North Topsail Beach has consistently denied any wrong doing in connection with the termination of Chief Perozzi's employment as a probationary employee. This settlement was to resolve a disputed claim in which the Town and the parties involved admitted no wrong doing. The settlement exonerated Stella Tripp, the Town of North Topsail Beach and its elected officials from any wrong doing. Chief Perozzi and his attorneys had previously demanded an amount in excess of \$100,000.00 from the Town and Stella Tripp as his damages. The liability carrier for the Town paid Chief Perozzi's attorneys the lump sum of \$35,000.00 to conclude the case which sum included all of the attorney fees and costs incurred by Chief Perozzi's attorneys. The distribution of this sum was a matter between Chief Perozzi and his attorneys.

The case against Stella Tripp as an individual was dismissed with prejudice and without any recovery from her.

In my judgement, the Town, Stella Tripp and other elected officials would have successfully defended Mr. Perozzi's claims upon the trial of the issues. However, the cost of defending the action and taking numerous depositions, paying expert witnesses, loss of work time by employees and Town officials and the cost of attorney fees for research, taking

depositions and trial time would have far exceeded the settlement of \$35,000.00. It was my opinion and the opinion of the other attorneys involved in the defense of this case that it was in the best interest of the Town of North Topsail Beach to resolve the matter and save the further cost, time and expense of the unwarranted litigation.

It is further my opinion that a statement by Board Members concerning this matter or the issues involved would only cause a media repeat of unfounded rumors, false claims and innuendos which fueled this controversy to begin with.

This settlement was of disputed claims and was not an admission of liability on the part of the Town or any Board Member, individually or as an Elected Official, or any person connected with the termination of Chief Perozzi as a probationary employee. In my opinion, the small settlement was in fact an acknowledgement that there was little likelihood of recovery and that Chief Perozzi intended to avoid further litigation and put the rumors and issues to rest.

A dismissal with prejudice was filed by the Plaintiff on August 27, 1990 as to all claims against the Town and Stella Tripp individually".

MAYOR'S  
REPORT:

He said he appreciated everyone leaving during the pending storm. Hourly information on the storm was available through Emergency Management. The Police Department placed a Local Traffic Only sign at the intersection of Highway 210/S.R. 1568. Voluntary evaluation was recommended and 95% of the north end residents left. S.R. 1568 did not wash over as expected. He thanked the fire/rescue members for their dedication and time. He asked the Board how they felt about another employee appreciation dinner. After a brief discussion, the Board agreed to hold a dinner the first of October. The Town Manager will review the Budget and see if funds are available for this dinner.

CITIZENS  
COMMENTS:

Ginny Hillyer:

After the executive session the Board did not state if any action was taken. If a decision was made it should be stated during the public meeting.

Doris Nauman:

Has anything been done about monitoring the bulk container site or the purchase of re-entry stickers? Town Manager advised the stickers have been order and received but, nothing has been done about monitoring the container site. He said this type program should be developed during the winter months.

Sue Tuman:

1) Several months ago the Town Attorney indicated the Board had the right to enforce the dune ordinance. Mr. Jeffreys should be made to maintain holes that occur in the dunes; 2) Homeowners Association brought up quadruplets along with the

Attached per Board  
action 11-4-93

Transcription from tape of September NTB Council meeting

Side 3:

Ann Penta:

Here I am again, addressing you on the disappearance of the dunes. As you said about Emily, we all know how close we came.

We feel the board has no idea how many homes have been put in jeopardy by not scheduling some workshops on this issue. We still have all these cars parked in these fragile areas not suitable for parking and creating more problems as they walk through the dunes. The property owners must be contacted if we really intend to stop this. I continue to repeat this each month but nothing is done. Someone has to tell these people to stop parking their cars there or build crossovers so they stop destroying the dunes. It scares me.

I don't know if anyone on the board has looked at the pictures I gave you because I haven't gotten any feedback from any of you. Some citizens feel the dunes are not necessary, but they are. If you will look at those pictures you can see how the conditions of these dunes are deteriorating. Maybe the board has to take a field trip. You went on a field trip when you were rezoning. I can't understand that no one on the board realizes how serious this is.

I would like to make a request for the crossover you gave up on 10th Avenue. How about giving that one to the place where cars keep parking?

We lucked out on Emily. Charles said we are thinking about having crossovers on 1568 in the future. What happens when the road is moved? How long do we have to wait before the dunes in that area are taken care of so that we are protected. How about getting somebody who has studied this to talk about these dunes. How many months do I have to stand up here and repeat this?

You know, everybody else who comes up here with a request gets what they want. I can't understand why when I ask for some kind of action on the dunes - some kind of feedback from the board, starting a committee, getting this thing moving, I get no response at all.

All of these homes on this island are in jeopardy. If we get a bad storm, another good washover....there are so many homes now that are in danger, it is getting ridiculous. I wish you people would walk along the beaches and ask yourselves what is happening.

Mayor Bostic:

Are you referring to the area north of your house?

Ann:

I am referring specifically to where you first come on to 1568 from the bridge. The holes are so huge they may as well take those

fences down and let the people walk on that part too. (short section of several people talking). On the "S" they are parking right on the dunes and just walk right over. I wish the board would go down there and see what is going on. What is going to happen if we don't at least get a committee together to try and do something to stop this? If we want to have an island we need the dunes. 1568...I don't know when that is going to happen. When the dunes are gone we are going to be flooded out. And once the ocean goes in the back of....

Ms. Stackleather:

It goes back to the property owners. When is the proper time to set out seedlings?

Mayor Bostic:

The Corps of Engineers reported that it would probably take sand bagging that likely would be a large expense and under the State regulations would not be allowed because no dwelling is in danger.

Ann:

Well, they will be when that area floods out.

Mayor Bostic:

What area are you referring to?

Ann:

I'm talking about the area along the S curve, where all the flooding occurs.

Mayor:

What are you asking the town to do? I am under the impression that (?) will not be using the area in front of your house.

Ann:

I'm asking what they are going to do, what is going to happen when the water comes over? What is going to protect this area if there are no dunes?

Ms. Harkins:

Nothing. Once the property becomes private property again it goes back in the hands of private owners.

Ann:

But there has to be a way to protect. You can't just let me stand here and tell me there is nothing you can do to protect the island.

Ms. Tripp:

Mr. Mayor, I have a suggestion. Ann, I think that you should consider being chairman to a group of people that will concentrate solely on things that can be done. I think things have to be done at a State level, a Federal level. Would you consider.....

Ann:

No. We are asking the town to help us.

Ms. Tripp:

The town has gone to Washington, D.C. to talk with Congressman Rose, we have talked to Martin Lancaster. We have to show some initiative ourselves, and it takes a lot of money to show that initiative.

Ann:

You, the board, are supposed to show some initiative and do the projects when the people request them. I mean, you take on other projects, why is it so hard for everyone to see this is a serious project?

Mayor:

This is a serious project. But we have houses over here that are about to fall into the ocean. If we were to prioritize on a 1-2-3 basis the homes over here would come long before your home up there.

Ann:

I am not talking about my house. I am talking about the whole island. There is no reason why we cannot get together as a committee on this island to serve the island. I am not talking about one single part of the island or one single house, I am talking about all of it. I am talking about getting answers.

Ms. Harkins:

What you're saying is we need a group of people to make suggestions.

Ann:

We've already done that. I have given lots of suggestions, but nobody listens to any of them. You keep talking about spending money. I am sure nobody on the board has done any investigations.

Ms. Stackleather:

We were told you can't put up rigid structures. We have gone to Washington and spoke to Martin Lancaster and Charlie Rose. We have asked for help. They told us they offered to help Topsail Beach and they turned down the money. We don't know what to do. If you could just give us some suggestions.

Ann:

I have given you suggestions <sup>ON WHAT</sup> ~~that~~ we can possibly do. But you have ignored them. I can't believe you know of nothing else to do but go to Washington. And I have....

Mr. Hillyer:

Ann, I would correct you. You keep saying, "There has to be." There may be. An eroding coast is a national problem, and there isn't a hell of a lot you can do about it. And you start with a committee or a group. What you have done is start up, I hope, some

activity so that we can get a committee together to see what is possible. But to say there has to be, there must be....this is a dilemma that has existed ever since people have started living close to the ocean. The ocean comes back and claims land. You stall it as long as you can.

Being a member of a committee or forming a committee and really looking into specific ways of doing it instead of leaving it up to the board to do it and saying I have given all of these suggestions...it is up to everybody to do it.

Mayor Bostic:

We have got ~~some~~ some Planning Board members here that are involved in that.

Jack Royman:

We have a committee on dune restoration in the Community Partnership. On September 11 there will be a presentation including a video with Orrin Pilkey and other videos and pictures of the beaches in NTB. There will also be a video showing work being done on artificial reefs in NJ. That's September 11 at the Mature Citizens meeting right here.

Dan Tuman:

I think what the town needs is policy on dune preservation and restoration. We need to think it through. We did raise the tax rate 3 cents on something that happens on the east coast of this town, and I think we need to look at it and study the action part of it. I still believe that once 1568 is relocated that area is still a threatened area if the dunes fail. You can't stick your head in the sand...sorry Margaret....and say we don't know what the hell to do, but somebody has to do something. Somebody has to take the leadership role, and I would look at you, Marty, and say how are we going to focus on the basic issue? What is our policy? Are we going to retreat, and people in a frequently flooded area are going to have to move? People who don't maintain their dunes and the area floods his street and the street behind him, are we going to say we are going to demand that the town hold the individual residents responsible for maintaining those dunes for the protection and the safety of everybody else? I think you need a policy. You can't throw up your hands in exasperation. You are going to have to find a way to pursue this.

Much talk from board.....

Jack has to compile a lot of information in order.....

Mayor Bostic:

DAN! Hold on a second. I have to (?) any more comments. Ann, do you have any more?

Ann:

I just want you to follow the law and enforce the law. The law is here to keep the people off the dunes. No one is being ticketed.

There has only been one ticket. I walk every single day on the beach and I see people going over the dunes every single day of my life.

Dan Tuman:

I recommend that we prohibit parking on 1568 from the point where you turn off the bridge to Ship Watch. Anyone who parks there will be ticketed.

Linda Knowles:

Once you turn off 1568 to the Jeffreys property who put up the fences?

Charles Hedgepeth:

He is not going to allow us to build crossovers. What he would allow us to do is to place fencing. At the appropriate time when pushing sand is allowed then we would have to repair a number of those holes in the dunes and fence those holes. The fencing was to allow people to get used to having restricted use of the dunes.

Mayor:

That area in there is kind of a compromise. He would allow us to block off a large portion of his property.

Linda:

Why don't we put up fencing all along that area?

Mayor:

Mr. Jeffries would not allow it.

Linda:

If you continue with the fencing you are telling people it is OK to go through the dunes, and they are actually breaking a town ordinance.

Also, I have one more question. A concession truck is on that property and I want to know why. The public park is nearby, and this is not a public park. There is no need for a concession truck to be on that property. I would like to know why.

Town Clerk:

He has a peddler's license and permission from Mr. Jeffries.



Prince zoning issue. She said she believed the Town Attorney should review this issue. After a brief discussion, the Board requested the Town Attorney check this and report back to them in October.

Linda Knowles:

The sides of the highway look awful. DOT will not keep them cut. If the Town and DOT can not come to an agreement the Town should look into purchasing equipment to maintain the road side. She said she would like for the Board to discuss this.

Rodney Knowles:

Onslow County has opened their new park on Highway 172. It is a beautiful park and contains everything anyone could want. It is only 5 or 6 miles from here.

Dan Tuman:

North Topsail Beach needs to be put on a map. It is not shown on any map so far.

ADJOURNMENT:

A motion was made by Alderman McGinn and seconded by Mayor Pro-Tem Tripp to adjourn the meeting at 10:00 p.m. Passed unanimously.

Ann Vause

Ann Vause - Town Clerk

TOWN OF NORTH TOPSAIL BEACH  
SPECIAL BOARD MEETING/PUBLIC HEARINGS  
SEPTEMBER 17, 1993

- PRESENT: Mayor Marlow Bostic, Jr., Aldermen Sam McGinn, Margaret Stackleather and Peter Hillyer, Town Manager Charles Hedgepeth and Town Clerk Ann Vause. Mayor Pro-Tem Stella Tripp, Alderman Marian Harkins and Attorney Marshall Dotson were absent.
- CONVOCATION: Mayor Bostic called the meeting to order at 7:00 p.m., at the North Topsail Beach Fire Station, and declared a quorum present.
- PUBLIC HEARINGS: Mayor Bostic advised there would be three public hearing. He requested each individual wishing to address the board come to the podium. Town Manager Hedgepeth advised the special meeting was to receive citizens input on the three rezoning requests and because a full board was not present they were not in a position to amend the agenda or make a decision on these matters. Mayor Bostic requested Susan Daughtry, Community Development Coordinator, review each request, identify each area to be discussed and review what is allowed in each zone.

PUBLIC HEARING - HUNTER COVE TRACT:

Ms. Daughtry advised the property was owned by CCAM and was located at the end of 23rd Avenue. The property is currently zoned Con-D (Conservation District) except for a small portion of Lot #17 which is zoned MHS (Mobile Home Subdivision). The property owners are requesting the property be rezoned to R-20 (Residential 20,000 s.f. lots). The tract contains 3.29 acres. The maximum density would be seven (7) units and the lots are in the Outstanding Resource Water Area so the 25% lot coverage provision would apply.

Mr. Charles Riggs, representing CCAM property owners, advised they were entitled to rezoning under the provisions of the current zoning ordinance. The R-20 District is the most restrictive zone and would blend with the surrounding area. This request would allow for 7 single family dwellings, 20,000 square foot in each lot. He advised the property owners would be required to apply for a Major CAMA Permit, the property is in the Outstanding Resource Water Area and would require an application to the Department of Natural Resources, etc. However, these applications can not be submitted for review and approval until the rezoning is approved. The property is in North Topsail Beach jurisdiction, water would be furnished by Onslow County, sewer would be furnished by North Topsail Water/Sewer Company. Mr. Riggs reviewed the previous action by Onslow County on the rezoning of this property. He advised the Town adopted their zoning from Onslow County and the rezoning request would allow good use of the property. Also, he has letters from the adjacent property owners advising they have no objection to the rezoning request.

Sue Tuman:

In reviewing Town Attorney Marshall Dotson's useful and

instructive memo to our Town Manager dated July 12, 1993, regarding zoning and zoning issues, I would offer the following comments in agreement with points in the memo which have some bearing on the three zoning change requests being discussed:

1. While I support completely the right of any property owner to come before their town with a request to make a zoning change, I also recognize that the governing body has the right and responsibility to respond to any such request in a manner which best serve the town.
2. Constitutional limitations forbidding arbitrary and unduly discriminatory interferences with the rights of property owners implies an attempt to place more severe restrictions on the property owners unless there is some substantial relation to the town. That is certainly not the case in any of the properties being discussed this evening, which involves attempts to weaken zoning. It would be reasonable to have a property owner faced with more severe restrictions to discuss "hardship", but these three requests display no such "hardship."
3. Attorney Dotson's discussion of the General Guidelines points out clearly in item #4 that "regulation or zoning must be adopted in pursuit of public rather than private interest otherwise regulations adopted are arbitrary and void." This again reinforces the principle of the right of a town to control the property within its borders with the purpose of protecting the public over any private interest.
4. Throughout Attorney Dotson's memo, the reference is to the making of zones (and to increasing the restrictions in zones). It does not discuss any imagined rights of property owners to have present zoning category weakened to provide more opportunities for the property owner. All of these properties were purchased relatively recently and all were zoned Conservation District, the zoning category the properties have held since the January 15, 1982, zoning ordinance was passed by Onslow County. If the current owners did not want to purchase Conservation District property, they did not have to purchase it. Indeed, at least some of this property was purchased at a cost considerable below the tax value of the land. I would also add zoning categories are not used for the purpose of tax valuation of unimproved land. To the tax assessor, it is merely woodland, cleared land or swamp. However, if the owners felt their tax burden was unfair, after an unsuccessful attempt to weaken the zoning, they could appeal for a reduction in the tax valuation.

In connection with the letter from Onslow county's current Zoning/CAMA Officer, Bradley Nofzinger, to Charles F. Riggs (dated July 27, 1993, and introduced at that time in a discussion regarding the properties at the end of 23rd and 24th streets), I would offer the following: there is nothing in his letter which would indicate that there is any flaw in

the decision to designate large areas with a high probability of coastal and section 404 wetlands into a Conservation District. The "floating zone" he describes cannot in any way be manipulated to become a "holding zone for later development." If you simply consider the designation: "Conservation District" -- I ask you, does that sound like a good description for a holding zone for later development? No, it does not.

Now we come to the present day situation, where we have a town board of aldermen, mayor, planning board, town manager and any interested individuals all working on a comprehensive new zoning document. Is there some particular reason why, given that the town board of aldermen already have succeeded in passing a weakened land use plan, that we can't even wait to complete the guidelines on Conservation Districts? Any rational reason that we must throw away the town's Conservation District protection any time a developer has an R-20 dream?

In the most recent edition of COASTAL REVIEW, Dave Owens, a researcher at the UNC Institute of Government and former director of NC Division of Coastal Management remarked that local governments aren't considering secondary effects of development and overall effects...instead in a crisis management mode, dealing with issues as they arise rather than looking ahead in an attempt to predict what might occur. To the citizens of North Topsail Beach, that sounds mighty familiar.

At the last town Planning Board meeting, an informal discussion was held on whether a temporary moratorium should be imposed in the town. This isn't the first time the topic has come up and it won't be the last, since the problems become more visible with every new house constructed on land already subdivided, particularly on any property north of the intersection of Routes 210 and 1568. I commend the Planning Board members for reopening this important issue for consideration.

I ask the Board of Aldermen to reject these three proposed incursions of R-20 into Conservation District Zones. The current zoning regulations were indeed designed to promote some public interest that can be legally supported by the proper power, which, I might add, in Attorney Dotson's opinion included "zoning for aesthetic purposes only." The citizens of North Topsail Beach are not well-served by any such change.

Jim Harris:

I have listened to Charles Riggs and what the property owners are trying to do is give more people an opportunity to come here. This is a good thing for the town. 20,000 s.f. is a nice lot and gives the town a better tax base. I do not see why we should wait, it is time to go forward and pass this request.

No further comments were received. A motion was made by Alderman Stackleather and seconded by Alderman McGinn to close the public hearing at 7:32 p.m. Passed unanimously.

PUBLIC HEARING - BRADLEY & MARY MINSHEW - 23RD AVENUE:

Mayor Bostic opened the public hearing on Bradley & Mary Minshew's request to rezone property located off Highway 210 at the end of 23rd Avenue from Con-D (Conservation District) to R-20 (Residential 20,000 s.f. lots) at 7:32 p.m. and requested citizens comments.

Ms. Susan Daughtry said Bradley & Mary Minshew were requesting rezoning of 1.56 acres at the end of 23rd Avenue. The total upland area is 17,000 square feet. There is a CAMA violation from previous owner which concerns the road entering the property that has now transferred to the Minshew's. This violation can be corrected but an application cannot be made until the zoning change is in place.

Charles Riggs:

The requested zoning is the most restrictive, lowest density available under the Town's Zoning Ordinance. The Minshews are requesting 1.56 acres be rezoned and are leaving the remaining 12.98 acres under the Con-D Zoning. The driveway violation can be corrected with proper permitting but this should not affect the request for rezoning. The 25% ORW Rule would apply to this property. The rezoning would compliment the area and it is a proper use of the property.

Sue Tuman:

Mrs. Tumans statement at the first public hearing also applies to this property.

Dan Tuman:

This request is unusual because it contains property that already has a CAMA violation. The previous owner of the lot poached the wetlands to develop an interior lot. He suggested the Board reject this and send notice to people who poach on wetlands that we will not be a party to this type of action. If the violation is corrected there is no reason the owners can not come back at a later date.

Hugh Bettendorf:

Past issues happened but, this is no reason to think such will happen again. People are more responsive now. The past violation has no bearing on this request. The Board has been advised that after zoning change the violation can be rectified. The individuals have not requested quick action. This is going very slowly because of all the local, State and Federal requirements. This request is a good idea and is what the island needs. Three houses will not make a significant impact on people or area.

Ben Whitney:

The letter from Mr. Stroud was sent after the initial Planning Board public hearing. There was much interputation at that hearing to sway their initial voting. A major CAMA Permit would be required. Mr. Stroud and Mr. Smith, Army Corps of Engineers, need to come look at this property again. In 1984-85 marsh grass was destroyed but has not been replaced. A petition from property owners on 23rd & 24th Avenues, which represents 85% of owners, has been presented to the Town. The

petition asked the Board to say no and these are the people the Board represents. We need a moratorium until Mr. Stroud and Mr. Smith can review this area again. He reviewed why the Town was incorporated. If you let this go through you are not directing you are letting the State & Federal governments tell you what to do rather than preserve the beauty of the Town.

Karen Seybert:

She said she did not understand what was going on and she felt they needed time to understand what is going on. She said she had no objection to R-20 zoning but, felt that these lots were not buildable. This is something to really think about because the Town may be setting a trend they do not want.

No further comments were received. A motion was made by Alderman McGinn and seconded by Alderman Stackleather to close the public hearing at 7:44 p.m. Passed unanimously.

PUBLIC HEARING - REZONING AIRPORT TRACT EAST & WEST:

Mayor Bostic opened the public hearing on the request to rezone the airport tract east and west located off NCSR 1568 on the eastern & western side of Crystal Shores II from Con-d (Conservation District) to R-20 (Residential 20,000 s.f. lots) at 7:44 p.m. and requested citizens comments.

Ms. Daughtry advised this was the eastern and western portion of the airport tract. It consisted of 12 acres in each section for a total of 24 acres. The property is located in the ORW.

John Parker:

He referenced the property owners July 27th, submittal to the Board of Aldermen and reviewed the previous hearing on the middle section of this tract. He said the Board members have been to the site and agree that the property is developable. He reminded the Board that this request is for low density not high density development and that the owners are only using the buildable portion of the property. R-20 is the most restrictive zoning allowed in North Topsail Beach and he requested the Board consider this request.

Sue Tuman:

Mrs. Tumans comments at the first public hearing also apply to this request.

Mr. Elmore:

This request is for reasonable use of buildable land. This area is no more sensitive than the ocean land, just a different area. The Town needs the tax base to operate services for tourist, residents, etc. Low density zoning is the most responsible way to go.

Ben Whitney:

Is water/sewer still available? Mr. Parker advised the sewer permit must be acquired from the State but, an application cannot be made until the proper zoning is in place. The sewer application is not part of the zoning process.

Jim Harris:

Building on this property would be a benefit to the Town and public. It would be a nice area built on high ground. This is a nice area and I would like to see more people come to see it. The Board should pass this request so the developers can build for other people rather than keep things for just one person's view.

Joel T:

He advised he owned the property in the center of this tract and he was in favor of this rezoning request.

Karen Seybert:

I have been here many years and if the area in question had not been in ORW it would not have been zoned Con-D. We need new houses and more tax base but I feel we should look into this further. The Town needs to protect the sand dunes.

No further comments were received. A motion was made by Alderman McGinn and seconded by Alderman Stackleather to close the public hearing at 7:59 p.m. Passed unanimously.

## ADJOURNMENT:

A motion was made by Alderman McGinn and seconded by Alderman Stackleather to adjourn the meeting at 8:00 p.m. Passed unanimously.

Ann Vause

Ann Vause - Town Clerk

TOWN OF NORTH TOPSAIL BEACH  
REGULAR BOARD MEETING  
OCTOBER 7, 1993

PRESENT: Mayor Marlow Bostic, Jr., Mayor Pro-Tem Stella Tripp, Aldermen Margaret Stackleather and Peter Hillyer, Town Attorney Marshall Dotson, Town Manager Charles Hedgepeth and Town Clerk Ann Vause. Alderman Marian Harkins was not present until 8:28 p.m. Alderman Sam McGinn was absent.

CONVOCATION: Mayor Bostic called the meeting to order at 7:00 p.m., in the North Topsail Beach Fire Department Building, and declared a quorum present. He advised Alderman Harkins would be late.

INVOCATION: Rev. Dwayne Collins, North Topsail Beach Baptist Church, led in prayer.

APPROVAL OF  
AGENDA:

Mayor Pro-Tem Tripp requested all items under New Business, # 8, and Old Business, #7, be moved so they could be discussed later in the meeting when Alderman Harkins was in attendance. Also, she requested Citizens Request to Address the Board, Ms. Ann Penta, be moved to an earlier time on the agenda. After a brief discussion, a motion was made by Alderman Stackleather and seconded by Mayor Pro-Tem Tripp to rearrange the agenda so that Ms. Penta's request be earlier on the agenda and that Old and New Business would be discussed later in the meeting. Passed unanimously.

APPROVAL OF  
MINUTES:

September 2, 1993:

Ms. Penta advised she listened to the tape and only a small portion of what she said concerning dunes was recorded in the minutes. She requested that all of her, and the Board members, statements be included verbatim in the official minutes. Mayor Pro-Tem Tripp advised all discussion is not recorded in the official minutes. Alderman Hillyer said he wanted the minutes to accurately reflect Ms. Penta's comments but, he felt typing all words on the tape was a bit much. He said Mrs. Penta needed to pick out the points she feels are most relevant. After a discussion, Mrs. Penta advised she would record all conversation from the tape and present it to the Town Clerk for the Board's consideration at the next meeting. A motion was made by Mayor Pro-Tem Tripp and seconded by Alderman Stackleather to adopt the minutes of the Regular Board Meeting held September 2, 1993, with exclusion of section where Ms. Ann Penta made her statement. Passed unanimously.

September 17, 1993:

A motion was made by Mayor Pro-Tem Tripp and seconded by Alderman Stackleather to approve the minutes of the Special Board Meeting held September 17, 1993, as written. Passed unanimously.

HIGHWAY  
BEAUTIFICATION  
PROJECT:

Mrs. Pat Dempsey reviewed the process required for a grant for Highway Beautification Project. She said the project was



initiated by the North Topsail Homeowners Association and North Topsail Beach Community Partnership Committee to enhance, protect and preserve the esthetics of the community. Mrs. Dempsey said she started corresponding with the State in August, 1992. In March 1993 they advised funds were available and in April 1993 good things began to happen. Funds in excess of \$30,500 will be available to North Topsail Beach with the stipulation that the Town will maintain the project after the one year warranty has expired. May 18th, the Mayor, Town Manager and North Topsail Homeowners Association met with Department of Transportation Representatives to discuss the project. July 15th, a meeting was held to review the final design for the Town. There will be a variety of trees, hedges, flowers, etc. planted at the intersection of Highway 210 & S.R. 1568, both entrances into Town, at the south end fire station and along S.R. 1568. The Department of Transportation pre-bid conference was held September 28th and bids will be opened October 12th and the bid will be awarded to the lowest responsible bidder. Mrs. Dempsey said they propose this project be dedicated to the Gulf War Veterans. Town Manager Hedgepeth advised the plans for this project are available for review at the Town Hall. Mrs. Dempsey said it has been a pleasure working with the Department of Transportation on this project.

**MS. ANN PENTA:**

Ms. Penta said she keeps repeating the same thing but for some reason it needs to be repeated again. How many more months do we have to stay unanswered concerning the dunes. The Town is now issuing beach driving permits to sport fishermen which is no problem except now we have sport fishermen going over the dunes and driving to close to the dunes. Today at high tide she said she checked and water was already at the bottom of the dunes. She requested the Board go and look to see what it is like. In places the dunes are being flattened almost down to dune level. If only you would go and look you would realize what is happening. She said she was still worried about our ordinance and when it would be in effect and she was worried about fishermen. Ms. Penta said she was not against the fishermen but if they continue she said she did not know what we would have left when they were done. The fishermen say they do not leave debris on the beach however, they do leave trash on the beach. If this is not stopped the water will be polluted from the debris and you can imagine what that would do to the fish, etc. Each month plats are being voted on and approved. The question is, "do we have enough water/sewer - can you not get a moratorium? We cannot continue to do this. How long do we have to wait for a yes vote from the Board so we can stop worrying? It is past time to do something.

**MANAGER'S  
REPORT:**

1. 1568 Relocation Project:

I talked with Doug Bowers (Division Engineer's Office, Department of Transportation) about the progress, or lack thereof, to date. There are no problems with the contract. However, the contractor is following his own schedule all within contract guidelines which is most inconsistent with all our wishes. I registered with

Doug our concerns and encouraged him to do all he could to hasten completion of what could serve as an alternate route in the event of an overwash.

2. Powell Bill Paving Project:

Dickerson Carolina, Inc. will pave of 2nd, 3rd, 4th, 6th and 7th Avenues between Highway 210 and Topsail Road in October. I provided you previously with a memo on this subject.

3. Audit:

The annual audit (FY 92-93) is underway by Mr. Carraway. I expect his report to be ready late October or November.

4. Town Hall Property:

As of this date, the attorney for the owners and I have been playing "phone tag" for three days. I hope to have more to report to you on this matter soon.

5. Crossovers:

I have received bids for the four previously discussed crossovers from two contractors. I will report on this during the regular October meeting.

6. Re-Entry Stickers:

We have received the stickers but will wait until January to distribute because only then will we be able to obtain the most current listing of property owners from the County.

7. Other Matters:

a. I will meet with the Topsail Reef Homeowners Association of Friday, October 1, to discuss the proposed crossover along the northern boundary of their property.

b. The Land Use Plans have been delivered to the State. Fifty copies were given to Division of Coastal Management Staff according to the terms of our contract.

c. I am working on putting together a grand opening/employees appreciation event during October at the new fire station.

d. We will be able to use County Access Facility #4 during emergencies.

e. Beach driving permits will be issued starting on October 1st.

f. DOT will re-stripe Highway 210. Passing areas will be restricted to a greater extend.

g. Sabra Humphrey reports that the recent Beach Sweep was very successful.

h. I have applied for regulatory authority to the FCC for cable TV rates and regulations. More on this later.

CROSSOVERS:

Town Manager Hedgepeth said he received two proposals on the crossovers. The proposal from Home Prince was \$10,915.00 and the one from Ricky Jordan was \$9,071.00. The proposals are consistent with the Building Code and CAMA regulations. If you wish to proceed you need to award the contract.

Sue Tuman:

She said she was not sure a detachable front part was a good idea and explained why. This was briefly discussed and the Town Manager advised it could be deleted from the bids. Mrs. Tuman said she thought 10th Avenue should be removed because there are 2 others in the area and suggested one be built in an area without a crossover, if we could use the money from the 10th Avenue project. Town Manager Hedgepeth said these crossovers were requested by neighborhood residents and explained why.

Dan Tuman:

He said he did not see the value of putting a crossover at 10th Avenue because there was one at 9th & 11th Avenues.

A motion was made by Alderman Stackleather and seconded by Alderman Hillyer to accept the proposal from Jordan & Associates in the amount of \$7,721.00 for three (3) crossovers, Uthopia Street, Carver Street and 6th Avenue, and decide later on other one to be done. Passed unanimously.

NON-CONFORMING  
STRUCTURES:

Attorney Dotson reviewed letter received from the Town Manager on building quadruplexes, along with the Town Managers opinion. He said the area was not zoned for this purpose, the building was built and occupied prior to incorporation and because of this they received a certificate of occupancy from Onslow County. It is a non-conforming use. Attorney Dotson advised he would write an opinion on this matter but first he needed to determine who the owners are, notify them of the status and advise that they may be challenged by residents because of restricted covenants. He said the Town was not empowered to enforce restrictive covenants and that he was still working to determine who owns each of the units.

Sue Tuman:

There are 6 or 7 of these houses on Oyster Lane, not just one. One was converted after the Town was formed, the others are not legal under the old zoning. It was important for the Town to adopt Onslow County Zoning right away for protection. She said she did not understand why we have to allow this under Onslow County zoning and now under North Topsail Beach zoning. Attorney Dotson explained this was only one example of the problem. We do not know when the conversion took place. We need to see when the property was acquired and when the certificate of occupancy was issued.

George Weitner:

Did you see the certificate of occupancy? Attorney Dotson advised no and explained. He said we need to establish ownership and then trace it back to the deed. Mr. Weitner asked if we could do anything. Attorney Dotson advised yes but, we need the owners names first.

Dan Tuman:

This is an ongoing issue. The position from the Town Manager is that it is grandfathered and is not the responsibility of the Town because it came from the County to the Town. It does not seem right to automatically accept all structures occupied if they were altered. Town Attorney advised the units automatically become non-conforming uses and explained how. He said the units can not be enlarged or changed but, he does not have enough base information to determine if they were changed after the Town incorporated. He is attempting to research deeds at this time. Mr. Tuman asked if any violations prior to incorporation were non-conforming. He said the Town can not allow non-conforming uses to increase. The Town adopted Onslow County zoning, etc. so why are you not enforcing our position? Town Attorney Dotson said it may not be non-conforming is only one building permits was issued or one certificate of occupancy. He said he needs to research before rendering an opinion.

George Weitner:

Are individuals in the units paying one sewer bill or four? It is not fair to the rest of us for them to be sucking the water out of water lines. Mr. Benny Tripp, North Topsail Water & Sewer Company, advised they were paying four sewer fees.

Barbara Driscoll:

The individuals are not paying four electric bills and the water is all on one meter.

The Board directed Attorney Dotson to continue to check on this issue. Attorney Dotson advised he hoped to have a report within the next week. Also, he said because of restricted covenants the other homeowners could challenge this situation.

Sue Tuman:

Other owners could challenge but it would cost the individual money and she felt the Town should do this. Also, the ground units may be in violation of FEMA.

Ginny Hillyer:

She advised the attorney would not find four names because they are owned by two individuals renting to four. Attorney Dotson requested anyone who knew names to give them to the Town Manager or Town Clerk so they could give them to him.

**PLANNING BOARD  
REPLACEMENT:**

Mayor Pro-Tem Tripp suggested a replacement for Mr. Leland Newsome on the Planning Board be delayed until after the election and the Board agreed.

FINAL PLAT -  
CRYSTAL SHORES  
I:

Ms. Susan Daughtry, Community Development Coordinator, reviewed the project and advised information has been received from the State and Federal agencies. She said everything is in line. Now there are waiting for approval of the major CAMA permit, sedimentation report, etc. A motion was made by Mayor Pro-Tem Tripp and seconded by Alderman Stackleather to approve the final plat for Crystal Shores I. Passed unanimously.

FINAL PLAT -  
OTHA HERRING:

Ms. Susan Daughtry advised a memo, with signatures, has been received from the Onslow County Health & Water Departments. A motion was made by Mayor Pro-Tem Tripp and seconded by Alderman Hillyer to approve the final plat for Otha Herring. Passed unanimously.

FINAL PLAT -  
JAMES & ISABELLE  
HARRIS:

Ms. Susan Daughtry said they were waiting for a memo, with signatures, from the Onslow County Health & Water Departments and that they were received tonight. A motion was made by Mayor Pro-Tem Tripp and seconded by Alderman Stackleather to approve the final plat for James & Isabelle Harris. Passed unanimously.

CITIZENS  
STATEMENT:

Mrs. Ginny Hillyer reviewed G.S. 14-234 concerning conflict of interest. She said Mayor Pro-Tem Tripp did not remove herself from deciding on the last two development issues and at the previous hearings it became evident that Mayor Pro-Tem Tripp and Mayor Bostic had a financial interest in the sewer utility. She reviewed a letter she received not to long ago and explained why she felt the Mayor violated this general statute. North Carolina Law states you can not lobby or vote on anything for financial gain. Mrs. Hillyer said she felt Mayor Pro-Tem Tripp and Mayor Bostic voted on development they would bring in money to the sewer company. Mayor Pro-Tem Tripp advised she would not remove herself from voting and if they felt it was wrong they should get a lawyer. She said she would continue to vote on final plats and would not withdraw.

REZONING -  
AIRPORT TRACT:

Town Manager Hedgepeth advised the rezoning of this tract was an issued discussed at a public hearing held September 17th. A motion was made by Alderman Stackleather and seconded by Mayor Pro-Tem Tripp to rezone the airport tract east & west located off NCSR 1568 on the eastern & western side of Crystal Shores II from Con-D (Conservation District) to R-20 (residential 20,000 s.f. lots. Alderman Hillyer said he had some serious concerns about changing Con-d to land to be built on, but, not because of quality of development because he believed we were out of the dark ages in this regard. He said he felt units were built well, however, we have no plan. We go along with changing land from Con-D which creates protection for natural resources and do so without knowing consequences of action. We are making changes without scientific data or study and without knowing what will happen. The only instruction from voters was contained in the

original land use plan when they stated they wanted low density, a lot of land with few houses and to protect the natural resources. The rezoning is not a major problem because of housing units but what about natural resources? He said he would like to see a moratorium on rezoning. We have been working on the zoning ordinance revision for the past year which contains a provision to redo the Con-D category. Because of this and other concerns he said he felt he could not in good conscience vote to rezone this property. Voting aye: Mayor Pro-Tem Tripp & Alderman Stackleather. Voting nay: Alderman Hillyer. Motion carried 2 to 1.

REZONING -  
BRADLEY & MARY  
MINSHEW:

A motion was made by Alderman Stackleather and seconded by Mayor Pro-Tem Tripp to rezone the Bradley & Mary Minshew property located off Highway 210 at the end of 23rd Avenue from Con-D (Conservation District) to R-20 (Residential 20,000 s.f. lots. Voting aye: Mayor Pro-Tem Tripp & Alderman Stackleather. Voting nay: Alderman Hillyer. Motion carried 2 to 1.

REZONING -  
HUNTERS COVE  
TRACT:

A motion was made by Mayor Pro-Tem Tripp and seconded by Alderman Stackleather to rezone Hunters Cove Tract located off Highway 210 at the end of 23rd Avenue from Con-D (Conservation District) & MHS (Mobile Home Subdivision) to R-20 (Residential 20,000 s.f. lots. Voting aye: Mayor Pro-Tem Tripp & Alderman Stackleather. Voting nay: Alderman Hillyer. Motion carried 2 to 1.

ALDERMEN'S  
REPORTS:

Mayor Pro-Tem Tripp:

Mike McGrath has been police chief for a year and she said she would personally like to say thank you for a fantastic job.

Alderman Stackleather:

We set aside money for seedlings to help dunes. When would be a good time to purchase and plant them? Town Manager Hedgepeth advised the Town, by State Law, could not push sand until after November 15th. Alderman Stackleather said we should at least look at getting seedlings now. A general discussion was held on this subject.

MAYORS REPORT:

Water/sewer lines are being installed along S.R. 1568. The water line is being increased to a 12" line which will increase the volume to the north end. Onslow County Water Department is considering Galleon Bay loop but will not do anything until the road is completed.

CITIZENS FORUM:

Jim Harris:

He thanked the Board for what they did tonight. The Town is making progress. He said he is watching the island slowly move and he hoped it would continue.

Jack Dempsey:

Is there a completion date for S.R. 1568 relocation? Mayor Bostic advised 1994.

Bill Bass:

Do you know is the State got an amendment to raise the road bed where it will be low? Mayor Pro-Tem Tripp advised no. She said it would take special amendment to the contract because it has already been let. She said she contacted Congressman Rose and he advised they would need to do a change order and this would mean additional cost to the taxpayers.

Linda Knowles:

Has there been any consideration to my request concerning equipment to keep the road sides looking better? The State will not mow more than once a month and she said she felt the Town could afford equipment. The citizens would appreciate the extra effort especially with the Beautification Project. Mayor Bostic said there had been no formal discussion but, he has provided the Town Manager with literature on equipment. A discussion was held on this subject. Also, the Beach Sweep went fine. A lot of people came from other areas to help us and she said she felt they should officially be thanked and shown appreciation.

Ann Penta:

Will S.R. 1568 be flat from where bridge comes through? If they are making it flat water may come across and there is already water behind my house. This was briefly discussed.

Sue Tuman:

Should we start planning what we want to do such as pushing sand up and getting ready for planting seedlings? Town Manager Hedgepeth advised we are waiting for approval of a major CAMA permit for the Town to bulldoze after November 15th. He said where do you expend public funds to stabilize the ocean? So far the work has been done the Department of transportation and some individuals. Some realize it is a hard decision to use public funds on dune creation. Mrs. Tuman said a decision needs to be made.

Dan Tuman:

He suggested we pursue options to protect houses from exposure. We have a large accumulation of sand and we need to use this opportunity to enlarge dunes in particular areas for protection of individual from the south to the north end of Town. Mayor Bostic advised the Town had approximately \$62,000 in dune renourishment funds and they would not go very far.

Ann Penta:

She suggested each homeowner be sent a letter advising them they need to get involved. A general discussion was held on this and what needs to be done.

Frances Winslow:

If we can have a beautification committee why can't we have a dune stabilization committee? Mr. Jack Royman advised her the Town has a committee and explained what has been done to date. Mayor Pro-Tem Tripp reminded the citizens that we must approach the State to get them to change what we can and cannot do.

Jim Harris:

He suggested the Town take tax money and help keep the dunes up and that they get a contractor to do the work.

## ADJOURNMENT:

A motion was made by Mayor Pro-Tem Tripp and seconded by Alderman Stackleather to adjourn the meeting at 8:55 p.m. Passed unanimously.



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Ann Vause - Town Clerk



TOWN OF NORTH TOPSAIL BEACH  
 REGULAR BOARD MEETING  
 NOVEMBER 4, 1993

PRESENT: Mayor Marlow Bostic, Jr., Mayor Pro-Tem Stella Tripp, Alderman Sam McGinn, Margaret Stackleather, Marian Harkins and Peter Hillyer, Town Attorney Marshall Dotson, Town Manager Charles Hedgepeth and Town Clerk Ann Vause.

CONVOCATION: Mayor Bostic called the meeting to order at 7:00 p.m., at the south end fire station, and declared a quorum present.

INVOCATION: Mr. Robert D. Carnagham, Deacon at Surf City Baptist Church, led in prayer.

APPROVAL OF  
 AGENDA:

Town Manager Hedgepeth requested the Board consider adding a Mutual Aid Agreement between North Topsail Beach Police Department and Holly Ridge Police Department and a Budget Amendment to properly handle funds under the Powell Bill Program to the agenda. After a brief discussion, a motion was made by Mayor Pro-Tem Tripp and seconded by Alderman Harkins to approve the agenda with the addition of a Mutual Aid Agreement between North Topsail Beach Police Department and Holly Ridge Police Department and a Budget Amendment to properly hand funds under the Powell Bill Program to the agenda under New Business as item numbers g & h. Passed unanimously.

MINUTES:

October 7, 1993:

Alderman Hillyer requested some typographical errors be corrected and his statement concerning the rezoning of the airport tract be changed to read: .....because he believed we were out of the dark ages in this regard. After a brief discussion, a motion was made by Alderman Hillyer and seconded by Mayor Pro-Tem Tripp to approve the minutes of the Regular Board Meeting held October 7, 1993, with correction as requested by Alderman Hillyer. Passed unanimously.

REQUESTED  
 CORRECTION TO  
 SEPTEMBER 2, 1993  
 BOARD MINUTES:

Alderman Hillyer said he understood the problem with verbatim minutes was time, but, Ms. Penta has done this and is now asking it be included in the official minutes. After a discussion on including verbatim statements in the minutes, a motion was made by Alderman Hillyer and seconded by Alderman Harkins to add verbatim statement to minutes of September 2, 1993, minutes as an exhibit. After further discussion, the Board advised they would consider similar verbatim transcriptions if such is properly prepared by the interested party and a complete copy if made ready for inclusion into the minutes. Mayor Bostic called for a vote on the motion. Voting aye: Aldermen Stackleather, Hillyer and Harkins. Voting nay: Mayor Pro-Tem Tripp. Alderman McGinn abstained from voting.

AUDIT FOR FISCAL  
 YEAR 1992-93:

Mr. John Carraway, auditor, reviewed the audit for Fiscal Year 1992-1993. He said the Town was in excellent financial shape.

The audit of the general fixed assets totaled \$971,409 and the revenues increased \$88,761.00 over last year which is a good way to be. Mr. Carraway said the tax collection rate was 92.72% while the average around the State is 95%, however, the Town has no control of this because taxes are billed and collected by Onslow County. He was asked how long Onslow County held the Town tax funds before they were deposited into the Town's bank account. Mr. Carraway advised this varied from a few days to a week. After a brief discussion on this matter, the Board directed the Town Manager to contact Onslow County about depositing of funds daily as required by our agreement and if they cannot do this they should advise the Town in writing as to why it cannot be done. Mr. Carraway commended the administrative staff for their handling of Town records. He said they followed Local Government Commission guidelines, ensured no account was overspent and all records were properly documented. Because of the excellent condition of the financial records he said he was able to do a true audit.

Some citizens asked questions concerning money on deposit, why Onslow County does not give the Town the interest earned on tax funds held and why the Town did not use Treasury Bills instead of investment accounts. Mr. Carraway explained how the Town is monitored by the Local Government Commission and explained why Treasury Bills were not recommended.

A motion was made by Alderman McGinn and seconded by Alderman Harkins to accept the Audit Report for Fiscal Year 1992-1993. Passed unanimously.

#### FINAL PLAT -

#### C&M INVESTMENTS:

Ms. Susan Daughtry, Community Development Coordinator, advised this plat consisted of 5 lots between Otha Herring property and the Scotch Bonnet Campground. She said they were waiting for water/sewer approval and requested they be allowed to install improvements. When everything is complete they will request the Town sign the final plat. After a brief discussion, a motion was made by Alderman Harkins and seconded by Alderman Stackleather to approve the final plat for C&M Investments on condition the plat not be signed by the Town until all improvements are complete. Passed unanimously.

#### MUTUAL AID FIRE DEPARTMENT:

Town Manager Hedgepeth presented a mutual aid agreement between the Town of North Topsail Beach Fire Department and the Town of Surf City Fire Department for the Boards consideration. After a discussion on Surf City's equipment, the way North Topsail Beach has tried to help the Surf City Fire Department and the fact that we would provide mutual aid assistance only after it was requested by Surf City, a motion was made by Alderman Harkins and seconded by Mayor Pro-Tem Tripp to approve the Mutual Aid Agreement between the North Topsail Beach Fire Department and the Surf City Fire Department. Passed unanimously.

#### BUDGET ADJUSTMENT

#### - LEGAL FEES:

Town Manager Hedgepeth presented the Board with a budget adjustment that is necessary to pay legal expenses incurred

request in this matter. A motion was made by Alderman Harbins and seconded by Alderman Stackleather to adopt the following Budget Adjustment: Passed unanimously.

AN ORDINANCE AMENDING THE TOWN OF NORTH TOPSAIL BEACH  
BUDGET ORDINANCE FOR FISCAL YEAR 1993-1994

BE IT ORDAINED BY THE TOWN OF NORTH TOPSAIL BEACH BOARD OF ALDERMEN MEETING IN REGULAR SESSION THIS 4TH DAY OF NOVEMBER, 1993, THAT THE BUDGET ORDINANCE FOR FISCAL YEAR 1993-1994 ADOPTED JUNE 3, 1993, AMENDED SEPTEMBER 2, 1993, IS HEREBY AMENDED AS FOLLOWS:

REVENUES:

CAMA Permit Reimbursement - State	1,500.00
Prepaid Privilege License	500.00
Taxes Budget Year 1993	531,968.00
1991/92 Prior Years Taxes	8,000.00
1992/93 Prior Years Taxes	9,500.00
1990/91 Prior Years Taxes	5,000.00
1989/90 Prior Years Taxes	3,000.00
Notes Payable FCB - Fire Station	220,000.00
Inventory Tax Reimbursement	20,000.00
Tax Penalties/Interest	5,200.00
Privilege License	2,500.00
Cable Franchise	4,500.00
Interest-Investments	41,500.00
Miscellaneous	10,000.00
Miscellaneous Permits	900.00
Utilities Franchise Tax	28,000.00
Intangible Property Tax	21,000.00
Beer & Wine Tax	3,000.00
Powell Bill Allocation	20,000.00
Local Option Sales Tax	42,000.00
Seat Belt Grant - Police	8,000.00
Fire Department Grant 1993/94	19,996.00
Building Permits	5,000.00
Mechanical Permits	1,000.00
Electrical Permits	4,000.00
Plumbing Permits	1,500.00
Homeowners Recovery Fund	100.00
Inspection Fees	100.00
CAMA Permits	1,500.00
Tax Refunds	1,500.00
Tax Refunds - Gasoline	3,000.00
Other State Revenues	1,000.00
Beach Driving Permits	2,000.00
Officers Fees & Violations	2,000.00
Appropriated Fund Balance	<u>110,980.00</u>
TOTAL	1,139,744.00

EXPENDITURES:

Governing Body	24,810.00 **
Administration	104,486.00
Elections	3,000.00
Community Development	51,809.00
Public Buildings	342,300.00

Least Belt Grant	2,800.00
Public Works	56,199.00
Utilities	16,000.00
Street Improvements	25,000.00
Sanitation	22,000.00
Recreation	6,000.00
Non-Departmental	101,687.00
Fire Department	101,279.00
Fire Department Grant	39,992.00
Contingency	18,304.00 **
TOTAL	1,139,744.00

DULY ADOPTED THE 4TH DAY OF NOVEMBER 1993.

SCHEDULE FOR  
PERIODIC FIRE  
INSPECTIONS:

Town Manager Hedgepeth advised the adoption of a schedule for periodic fire inspections was a technical matter because we have been conducting inspections but, this would get us into compliance with the letter of the law. A motion was made by Alderman Harkins and seconded by Mayor Pro-Tem Tripp to adopt the following schedule for periodic fire inspections:

FIRE INSPECTION SCHEDULE FOR NORTH TOPSAIL BEACH

In accordance with Section 107 of Volume V, The North Carolina Fire Prevention Code, the following inspection schedule for the Town of North Topsail Beach is adopted:

Once every year	Hazardous, Institutional, High Rise, Assembly and Residential except one and two family dwellings and only interior common areas of dwelling units of multi-family occupancies, Educational except public schools and industrial, Business, Mercantile, Storage, Churches and Synagogues.
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ADOPTED THE 4TH DAY OF NOVEMBER, 1993.

PLANNING BOARD  
RECOMMENDATION:

Town Manager Hedgepeth said the Planning Board was requesting that the Board of Aldermen have prepared information on the capacities of the water system and the sewer system serving the Town of North Topsail Beach. He recommended the Board direct someone to prepare this report and report back to them, especially in the context of new subdivisions. He said there were no funds budgeted for an engineering firm and initially the Town staff could develop a statement for their review and then they could decide whether or not to have more a more formal study from an engineering firm and provide funds for this project. After a discussion of this issue and the 12" water line being installed on S.R. 1568 by the County, the Board directed that the Town staff and the Planning Board work together on this issue and bring a report back to them in December.

Mr. Sennie Tripp, North Topsail Water & Sewer Company, advised

million water treatment plant on Highway 172 which will provide additional gallons to Sneads Ferry and Topsail Island. He suggested the Board save their money and if they need a report they should contact the same engineering firm Onslow County used to share information received.

MUTUAL AID -  
POLICE:

Town Manager Hedgepeth presented the Board with a Mutual Aid Agreement between the North Topsail Beach Police Department and the Holly Ridge Police Department. He said this agreement was similar to the one adopted with other neighboring towns. A motion was made by Alderman Harkins and seconded by Mayor Pro-Tem Tripp to adopt the Mutual Aid Agreement between the Town of North Topsail Beach Police Department and the Holly Ridge Police Department. Passed unanimously.

BUDGET ADJUSTMENT  
- POWELL BILL:

Town Manager Hedgepeth advised the Town received \$7,449 more in Powell Bill Funds than budgeted and he requested the Board approve a Budget Amendment to include these funds into this year. He said paving work has been done on 2nd, 3rd, 4th & 6th Avenues and that the Department of Transportation had been contacted to do general repairs on Oyster Lane, Public Street, etc. He was asked about the cleaning out of ditches and he advised there had been more than one conversation with the Department of Transportation on this matter and they were still working on this issue. A motion was made by Alderman Harkins and seconded by Alderman Stackleather to adopt the following budget amendment:

AN ORDINANCE AMENDING THE TOWN OF NORTH TOPSAIL BEACH  
BUDGET ORDINANCE FOR FISCAL YEAR 1993-1994

BE IT ORDAINED BY THE TOWN OF NORTH TOPSAIL BEACH BOARD OF ALDERMEN MEETING IN REGULAR SESSION THIS 4TH DAY OF NOVEMBER, 1993, THAT THE BUDGET ORDINANCE FOR FISCAL YEAR 1993-1994 ADOPTED JUNE 3, 1993, AMENDED SEPTEMBER 2, 1993, IS HEREBY AMENDED AS FOLLOWS:

REVENUES:

CAMA Permit Reimbursement - State	1,500.00
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Taxes Budget Year 1993	531,968.00
1991/92 Prior Years Taxes	8,000.00
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1990/91 Prior Years Taxes	5,000.00
1989/90 Prior Years Taxes	3,000.00
Notes Payable FCB - Fire Station	220,000.00
Inventory Tax Reimbursement	20,000.00
Tax Penalties/Interest	5,200.00
Privilege License	2,500.00
Cable Franchise	4,500.00
Interest-Investments	41,500.00
Miscellaneous	10,000.00
Miscellaneous Permits	900.00
Utilities Franchise Tax	28,000.00
Intangible Property Tax	21,000.00
Beer & Wine Tax	3,000.00

Local Option Sales Tax	11,500.00
Seat Belt Grant - Police	8,000.00
Fire Department Grant 1993/94	19,996.00
Building Permits	5,000.00
Mechanical Permits	1,000.00
Electrical Permits	4,000.00
Plumbing Permits	1,500.00
Homeowners Recovery Fund	100.00
Inspection Fees	100.00
CAMA Permits	1,500.00
Tax Refunds	1,500.00
Tax Refunds - Gasoline	3,000.00
Other State Revenues	1,000.00
Beach Driving Permits	2,000.00
Officers Fees & Violations	2,000.00
Appropriated Fund Balance	110,980.00
TOTAL	1,147,193.00

EXPENDITURES:

Governing Body	24,810.00
Administration	104,486.00
Elections	3,000.00
Community Development	51,809.00
Public Buildings	342,300.00
Police Department	218,878.00
Seat Belt Grant	8,000.00
Public Works	56,199.00
Utilities	16,000.00
Street Improvements	32,449.00*
Sanitation	22,000.00
Recreation	6,000.00
Non-Departmental	101,687.00
Fire Department	101,279.00
Fire Department Grant	39,992.00
Contingency	18,304.00
TOTAL	1,147,193.00

DULY ADOPTED THE 4TH DAY OF NOVEMBER, 1993.

MANAGER'S  
REPORT:

1. We have been advised, by letter, that we will lose our container site and must make plans to vacate the area. However, I have had conversations about another site that might have potential and will provide a report when it can be looked at and determined useable. The Town will need to decide if they wish to continue recycling or send it to the new Onslow County Recycling Facility.
2. Mr. William McElwee, Building Inspector, resigned effective November 9, 1993. The position has been advertised. We are planning the same arrangement we have now, 20 hours in North Topsail Beach and 20 hours in Topsail Beach. During the interim Mr. Glenn Davis and Surf City Inspector Floyd Stewart will help provide inspection services.
3. We have contacted a local source for barrels for the beach and we hope to accumulate about 200 this winter.
4. I have requested Dickerson Carolina Company provide an estimate for paving the parking lot at the north end

we may get some funds, approximately \$2000-\$3000, from the State. He explained why the lot needs to be paved now. After a brief discussion, the Board agreed to have the parking lot paved now.

5. I am scheduled to meet with the Topsail Reef Homeowners Association and I think they will agree to a 10 year lease on the crossover site. The crossover will cost approximately \$8,000.
6. I wish to thank the Rescue Squad for furniture purchased for the north end fire station. Also, a new citizen gave tables, dishes, etc. We will get the citizen's name and formally thank them.
7. We should hear about our request for a Major CAMA Permit by December 12th. Also, Ms. Susan Daughtry has just completed a week long course at Hatteras; flood insurance and rating systems.
8. The grand opening ceremony for the North End Fire Station will be scheduled after Thanksgiving.

**ATTORNEY'S  
REPORT:**

Mr. Dotson said he provided a written report on the non-conforming uses on Oyster Lane. He reviewed his report and advised the Town had the right under the Fire Protection and Flood Insurance Program to create problems for homeowners. If the Town suspects there is danger to the health, safety and welfare of citizens the Fire Inspector has the right to inspect the premises if certain circumstances exist. He suggested the Town notify each property owner of impending fire inspection. Under the present ordinance the Town can require them to bring the property up to building standards but, the Town does not have the right to enforce restricted covenants within the subdivision.

Several questions were received from citizens concerning what a non-conforming use was and how it occurred, what, if any, changes took place when the Town began enforcing the Onslow County Zoning, how certificate of occupancy was obtained, and how the present owners could have divided the 2 units into 4 housing units. Attorney Dotson discussed each one of these issues.

**ALDERMEN'S  
REPORTS:**

Alderman Stackleather:

She thanked Mr. Jack Royman, Chairman of the Dune Preservation Committee, for the work his committee has done.

**MAYOR'S  
REPORT:**

Water north end: Pipe is being installed and hopefully it will be completed within the next couple of months. They are putting in pilings for the bridges now.


**CITIZENS ADDRESS  
- MS. PENTA:**

She said she hoped the Board looked into her concerns of last month. The dune issue is very much in the minds of all citizens of North Topsail Beach. The Board has the wrong idea if they think they are only talking about the dunes because they are concerned about water and the Town needs a committee to protect dunes from people trying to destroy them. This is

... thing we have to do. ...  
over it not only because of people on beach front but  
residents at the back too. If all of the Board members vote  
we can go ahead and fix the dunes for people on the island.  
Maybe you feel you do not need to fix them or they are taken  
care of but, I have taken picture to Sea Haven Beach and maybe  
you can walk up the beach and see what a problem we have. I  
keep saying this involves peoples lives and this is a serious  
issue. I hope these pictures are not put in a circular basket  
and you think of what is happening. I am sorry but this has  
to be done.

ADJOURNMENT:

A motion was made by Alderman Harkins and seconded by Alderman  
Stackleather to adjourn the meeting at 8:38 p.m. Passed  
unanimously.



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Ann Vause - Town Clerk



TOWN OF NORTH TOPSAIL BEACH

SPECIAL BOARD MEETING

NOVEMBER 23, 1993

PRESENT: Mayor Pro-Tem Stella Tripp, Aldermen Sam McGinn, Margaret Stackleather, Peter Hillyer and Marian Harkins, Town Attorney Marshall Dotson, Town Manager Charles Hedgepeth and Town Clerk Ann Vause. Alderman Harkins did not attend the meeting until 8:00 p.m. Mayor Marlow Bostic, Jr. was absent.

CONVOCATION: Mayor Pro-Tem Tripp called the meeting to order at 7:15 p.m., at Town Hall, and declared a quorum present.

EXECUTIVE SESSION: A motion was made by Alderman Stackleather and seconded by Alderman McGinn to go into executive session to discuss evaluation and performance of personnel. A general discussion was held on G.S. 143 and the purpose of an executive session for personnel. After the discussion, Mayor Pro-Tem Tripp called for a vote and the motion passed unanimously.

A motion was made by Alderman McGinn and seconded by Alderman Stackleather to go back into regular session.

Mayor Pro-Tem Tripp advised the Board discussed two issues. The first issue was performance evaluation of employees. A motion was made by Alderman Harkins and seconded by Alderman Stackleather to give each employee a performance recognition of \$350.00, including Town Manager, because of excellent performance, loyalty and overall wonderfulness in the performance of duties. Passed unanimously.

Mayor Pro-Tem Tripp said the second item discussed was the extension of severance pay for the Town Manager. A motion was made by Alderman McGinn and seconded by Alderman Stackleather to extend Town Manager Charles Hedgepeth's severance pay by amending the resolution of employment to provide for 90 day severance pay instead of a 30 day severance pay. Passed unanimously. Mayor Pro-Tem Tripp requested each Board member submit a performance evaluation, in writing, of the Town Manager. The original resolution is recorded in Minute Book # 3, page # 83. A new resolution will be prepared, properly signed and placed in the personnel file of the Town Manager.

ADJOURNMENT: A motion was made by Alderman McGinn and seconded by Alderman Harkins to adjourn the meeting at 8:24 p.m. Passed unanimously.

Ann Vause  
Ann Vause - Town Clerk

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TOWN OF NORTH TOPSAIL BEACH  
REGULAR BOARD MEETING/ORGANIZATION MEETING  
DECEMBER 2, 1993

PRESENT: Mayor Marlow Bostic, Jr., Mayor Pro-Tem Stella Tripp, Aldermen Sam McGinn, Margaret Stackleather, Marian Harkins and Peter Hillyer, Town Manager Charles Hedgepeth and Deputy Town Clerk Susan Daughtry.

CONVOCATION: Mayor Bostic called the meeting to order at 7:00 p.m., at the South Fire Station, and declared a quorum present.

INVOCATION: Mrs. Mary Lou Baker, Carroll Chapel United Methodist Church in Sneads Ferry, led in prayer.

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

APPROVAL OF MINUTES: November 4, 1993:  
A motion was made by Alderman Harkins and seconded by Mayor Pro-Tem Tripp to approve the minutes of the Regular Board Meeting held November 4, 1993, as written. Passed unanimously.  
November 23, 1993:  
A motion was made by Alderman McGinn and seconded by Alderman Stackleather to approve the minutes of the Special Board Meeting held November 23, 1993, as written. Passed unanimously.

MAYOR & ALDERMEN'S STATEMENTS: Mayor Bostic, Aldermen McGinn, Stackleather and Hillyer thanked outgoing Mayor Pro-Tem Tripp and Alderman Harkins for their work and advised it had been a privilege and a pleasure to work with them and they hoped they would come to future meetings.

ADJOURNMENT: A motion was made by Mayor Pro-Tem Tripp and seconded by Alderman Hillyer to adjourn the meeting at 7:20 p.m.

OATHS: Onslow County Clerk of Court Edward T. Cole, Sr. administered the oath of office to Mayor Marlow Bostic, Jr., Aldermen Wilbur (Bill) Bass, Peter Hillyer and Sue Tuman.

CONVOCATION: Mayor Bostic called the meeting to order at 7:30 p.m., and declared a quorum present.

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

MAYOR PRO-TEM: Alderman Stackleather nominated Alderman McGinn as Mayor Pro-Tem and Alderman Tuman nominated Alderman Hillyer as Mayor Pro-Tem. After a brief discussion, Mayor Bostic called for a

vote by a show of hands. Voting for Alderman McGinn: Aldermen Stackleather, Bass and McGinn. Voting for Alderman Hillyer: Aldermen Tuman and Hillyer. Mayor Bostic advised Alderman McGinn had been appointed as Mayor Pro-Tem.

CORPORATE  
RESOLUTION:

Town Manager Hedgepeth advised a new corporate resolution which authorizes signatures for checks needed to be adopted. After a brief discussion a motion was made by Alderman Stackleather and seconded by Alderman Bass to approve a corporate resolution authorizing Mayor Bostic, Mayor Pro-Tem McGinn and Town Clerk Vause to sign checks on behalf of the Town. Passed unanimously. (Resolution filed in vault - #57 in Resolution Book)

S.R. 1568:

Mayor Bostic advised S.R. 1568 is expected to washover the next 2 days. Hopefully, by early spring the State will have the new road built.

NEXT MEETING  
DATE:

After a brief discussion, the Board decided to hold a special meeting Saturday, December 11, 1993, at 10:00 a.m., at the South Fire Station. Items to be included on the agenda such as replacement of Town Attorney, Building Inspector, fire rating, appointments to the Planning Board, naming of Highway 210 under addressing system, etc. were discussed. A full agenda package will be prepared and provided to the Board members prior to the meeting date.

NORTH FIRE  
DEPARTMENT:

Mayor Bostic invited everyone to attend the Open House for the North Fire Department, across from St. Regis, Friday, December 3, 1993, at 6:00 p.m.

ADJOURNMENT:

A motion was made by Mayor Pro-Tem McGinn and seconded by Alderman Bass to adjourn the meeting at 8:25 p.m. Passed unanimously.

*Susan Daughtry*

Susan Daughtry - Deputy Town Clerk

TOWN OF NORTH TOPSAIL BEACH  
SPECIAL BOARD MEETING  
DECEMBER 11, 1993

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

CONVOCATION: Mayor Bostic called the meeting to order at 10:00 a.m., at the south end fire station, and declared a quorum present.

CITIZENS ADDRESS

- ANN PENTA:

Ms. Penta said she wanted to put something on record. She said she would like for some people to understand that she was not just talking about her house and how to protect it. The Board needs to go see what is happening with washout each month on S.R. 1568 and understand that it will happen on the south end if they don't do something. She brought some pictures for the citizens present to see. The pictures are of the undermining of dunes. Ms. Penta said she was here again on behalf of North Topsail Beach citizens to ask the Board to do something to preserve the dunes and protect the island. She offered the following suggestions: 1) put this item on the agenda and keep it there until a solution is found; 2) make sure the ordinance is enforced by giving out tickets and keep it up until they do what we say; notify owners of what is happening and how we are trying to save dunes; stop using dunes as an access, which is part of our ordinance; 3) we need more crossovers; 4) ask the Department of Transportation to come and tell citizens what will happen with S.R. 1568 when the new road is completed. Ms. Penta said this gives the Board something to start to work with. The pictures of undermining show you what is happening and if this doesn't scare you I do not know what will. Hundreds of homes are in jeopardy, not counting condos. Please stop any more building so others won't live in jeopardy.

DISCUSSION -DUNE  
STABILIZATION:

The Board held a lengthy discussion on dune stabilization, preventive methods, pending court decision on citations issued for crossing dunes, sub-committee of the Planning Board studying erosion problems and ways to prevent them, joint meeting to be scheduled in January, 1994, month between representatives of Topsail Beach, Surf City and North Topsail Beach, what will happen to the old portion of S.R. 1568 once the State has completed the relocation of the road, request to invite DOT representative to address citizens on what they can expect after the road is relocated, beach patrols by citizens, how violations of the dune ordinance are handled by the Police Department and the possible formation of a committee to study ways to educate citizens/visitors and preparation of flyer for real estate agents to place in rental units explaining the situation with the dunes and how fragile they are. Further discussion was held on 57' of land, north of 2nd Avenue crossover, owned by Onslow County that the Town might receive and develop as an emergency access and future projects for the Planning Board. After the discussion, a motion was

made by Alderman Hillyer and seconded by Alderman Stackleather to form a committee to study crossover situation and dune stabilization, chaired by Mr. Jack Royman, and that it include a minimum number of four (4) persons, including Mr. Royman. Discussion was held on who committee would report to, Mr. Royman selecting volunteers such as Darla Winstead and Ann Penta for committee, and verbal report being made from committee each month to the Board of Aldermen. After discussion, the motion passed unanimously.

**PUBLIC ADDRESS  
SYSTEM:**

\* Correction-Board  
Action 2-3-94

Town Manager Hedgepeth reviewed cost for public address system with 3 microphones and one wireless microphone, ~~plus a~~\* ~~microphone~~ for the podium. He advised the bid received from Radio Shack was \$530.76. After a general discussion on the system, whether or not it can be expanded and if it would be compatible for the new Town Hall when built, a motion was made by Alderman McGinn and seconded by Alderman Hillyer to instruct Alderman Bass and Town Manager Hedgepeth to purchase the public address system, up to \$600.00 or less. Passed unanimously.

**911 SYSTEM:**

Town Manager Hedgepeth reviewed the background on the 911 system. He said the work on Highway 210, Surf City limits to S.R. 1568, has been completed and maps marked. The next phase, S.R. 1568, needs data put in system and maps marked. Once this is done a final check will need to be done. Hopefully, it will be completed during the first quarter of 1994. Once it is completed the addressing system will be a great asset to the Town staff because it will provide an accurate list of who resides in Town and you can keep the information updated and accurate. Eventually, this information will tie into the County 911 Enhanced System, when it is ready to be used. The Board also discussed how individuals will be notified of new address and efforts to get North Topsail Beach under one zip code.

**NAMING OF HIGHWAY  
210:**

Town Manager Hedgepeth said some citizens requested the proposed name for Highway 210, under the addressing system, be changed from Island Highway to Island Drive. After a brief discussion, a motion was made by Alderman McGinn and seconded by Alderman Bass to name Highway 210 "Island Drive". Passed unanimously.

Alderman Stackleather presented a petition from people on Public Street requesting the street name be changed from Public Street to Sandlin Lane. After a discussion on trying to avoid duplicating street names in the County and length of time for individuals to petition street name changes, the Town Manager suggested it go to the Planning Board with a request for a public hearing on this street and others and have them report back to the Board. The Board agreed and directed this matter go to the Planning Board for a public hearing.

**FIRE RATING:**

Town Manger Hedgepeth said the Town Staff, especially Fire Marshal and Assistant Fire Marshal, have been doing everything possible to request a lower fire rating for the Town. He said an application has been sent to the State, but, we need

everything in place and with the limited control on the relocation of S.R. 1568 it is difficult. We are hoping our rating can go to an 8 or 7 and optimistic we might be able to go to a 6. A discussion was held on fire hydrants, rating system, documents required for application, and fact that rating company is in New York and is not connected with N.C. State Insurance Commission. Other items discussed were: dry hydrant system, location of hydrants to structures, equipment needs, how rating is figured, Onslow County water system, storage tanks needed and how OSHA fines might occur.

**RECESS:** Mayor Bostic called for a recess at 12:30 p.m. At 12:40 p.m., Mayor Bostic called the meeting back to order.

**BUILDING  
INSPECTOR:**

Town Manager Hedgepeth reviewed the status of the search for a Building Inspector. He said in the interim Floyd Stewart, Surf City Inspector, is handling inspections for Topsail Beach and North Topsail Beach.

**TOPSAIL REEF  
CROSSOVER:**

Town Manager Hedgepeth advised the Town has a 10 year lease on the area for an access at Topsail Reef with an option to renew the lease. The only restriction is for the Town to maintain the crossover it builds. He requested permission to solicit proposals for this crossover. After a brief discussion, a motion was made by Alderman Tuman and seconded by Alderman McGinn to proceed with obtaining proposals and to construct a crossover on the 10' easement provided by Topsail Reef Homeowners Association. Passed unanimously.

**PLANNING  
BOARD:**

Town Manager Hedgepeth advised the Board needs to appoint 4 members to the Planning Board. He provided a list of names, from application file, and advised Mr. Homer Prince was still interested in serving on the Planning Board. After a brief discussion, a motion was made by Alderman Tuman and seconded by Alderman Hillyer to re-appoint Homer Prince to serve the balance of his term on the Planning Board, until 1995. Voting aye: Aldermen Stackleather, Tuman, Bass and Hillyer. Voting nay: Alderman McGinn.

Mayor Bostic said there were 3 more positions to fill on the Planning Board and he requested each Board member write three names on a piece of paper and sign it. He said he would tally the votes and that would determine who is being appointed to the Planning Board. After votes were tallied, Mayor Bostic advised Darla Winstead, Linda Knowles and Donald Omans were appointed to the Planning Board to serve the unexpired terms of Leland Newsome, Nell Minshew and Bill Bass. The Board said the terms of these new members will be decided by a random selection at the next Planning Board meeting.

**BUILDING HEIGHTS/  
NET BUILDABLE  
FORMULA:**

After a discussion, the Board decided to hold a public hearing on the proposed building heights and net buildable formula Thursday, January 20, 1994, at 7:00 p.m., at the south end fire station.

## WORKSHOP - ZONING

ORDINANCE: Town Manager Hedgepeth asked the Board if they wanted to continue review of the re-write of the Zoning Ordinance. The Board decided to place this item on the January agenda to set dates for a joint meeting with the Planning Board.

ENFORCEMENT DUNE  
PROTECTION

ORDINANCE: Town Manager Hedgepeth advised the Board this issue was important and was being taken serious by the Town staff.

TOWN HALL/SOLID  
WASTE CONTAINER  
SITES:

Town Manager Hedgepeth requested the Board direct him to make inquiries on the purchase of the existing Town Hall/Bulk Container site. He said he was optimistic that the other land dedication would occur but, he was concerned that a bulk container site could not be placed on that property. After a discussion, the Board directed the Town Manager to explore the possibility of purchasing the property where the Town Hall is currently located and report to the Board at the January meeting.

## ADJOURNMENT:

A motion was made by Alderman McGinn and seconded by Alderman Stackleather to adjourn the meeting at 1:17 p.m. Passed unanimously.



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Ann Vause - Town Clerk