

TOWN OF NORTH TOPSAIL BEACH
REGULAR BOARD MEETING
JANUARY 2, 1991

- PRESENT: Mayor W. Rodney Knowles, Mayor Pro-Tem Marian Harkins, Aldermen Edward Warsaw, Stella Tripp, Peter Hillyer and Melinda Whitney, Town Manager Gary Britt, Town Attorney Marshall Dotson and Town Clerk Ann Vause.
- CONVOCATION: Mayor Knowles called the meeting to order at 7:05 p.m., in the West Onslow Beach Volunteer Fire Department and declared a quorum present.
- MINUTES: A motion was made by Alderman Hillyer and seconded by Alderman Tripp to approve the minutes of Regular/Organizational Meeting held December 5, 1990, Special Board Meeting held December 12, 1990, Special Board Meeting held December 15, 1990, and Continued Special Board Meeting held December 17, 1990, as written. Passed unanimously.
- APPROVAL OF AGENDA: Mayor Knowles advise Mr. John Pierce requested the review of his three (3) zoning request changes be removed from the agenda. Alderman Hillyer requested an executive session at the close of this meeting to discuss personnel matter. The board agreed to both requests.
- ACCEPTANCE OF WEST ONSLOW BEACH VOLUNTEER FIRE DEPARTMENT: Alderman Tripp recommended that the board have further study on this item so they could get information on cost to implement this and annual operating cost. Town Manager Britt advised he talked with Mr. David Harris, President of the WOBVFD, and advised the town requested an audit statement as of June 30, 1990. Mr. Harris said the board of directors felt that if the town wanted an audit they should be willing to pay for it. Town Manager Britt said since the rescue department will continue to be a county operation the county is starting the process to rewrite articles to exclude the fire department. General discussion on operating expenses, whether or not all bills are paid to date, budgeted amount in Fiscal Year 1990-91 for this department, whether or not the town would be required to provide fireman to man the station and if the town should take over the department at this time.
- Attorney Dotson advised it was the towns responsibility to provide fire and police protection to it's citizens. He stated that when a fire department is within corporate limits they have statutory requirement to take over indebtedness on their property but, you can contract out personnel if necessary.

After further discussion on the towns responsibility, and some comments from citizens a motion was made by Alderman Whitney and seconded by Alderman Hillyer to accept responsibility for West Onslow Beach Volunteer Fire as outlined in the agreement. Passed unanimously. Mayor Knowles thanked the fire department for the job they have done.

WATER
STUDY:

Mr. Sid Riddick, with McKim & Creed Engineers, presented results of the water study completed for North Topsail Beach. Mr. Riddick said they made a study of the water available in town, zoning requirements, etc., capability of county to provide water to this system, and identified improvements planned by the county on their system as well as requirements for fire protection and future growth needs of the town. Mr. Riddick said they found the following: (1) the current system was designed for potable water only and the county is meeting this requirement; (2) the current system is not able to meet requirements for fire protection; (3) currently the town requires 300,000 gpm for residents and based on zoning and land information this use will increase to about 630,000 gpm in the near future. The ultimate build out, maybe in 20 years, will require 670,000 gpm for residents; (4) the county does plan improvements in three areas within the next 10 years. They are: extending 12" line on S.R. 1568, upgrading Verona pump station to allow them to fill pump on Highway 210 faster and improving the line to the high rise bridge. Mr. Riddick advised the county has no plans to upgrade the current system to handle fire protection. He was questioned on whether or not this was normal procedure for counties and he advised yes; (5) the town needs an elevated water system for increased potable water system. The public water supply system needs one (1) days storage of water available at all times, in addition to pump, equipment, etc. for fire protection. This will require one (1) million gallons of storage dedicated to the Town of North Topsail Beach. If you do not want one tank there are three alternatives: (1) have large elevated tank near the high rise bridge, extend 12" line to north end and enter connection with the Town of Surf City for emergency purposes. This would meet storage and fire needs; (2) build two (2) storage tanks, 1/2 million each. One at the north end near St. Regis Resort and one somewhere near town hall, 12" main on S.R. 1568 to tank and emergency connection with the Town of Surf City; (3) instead of elevated tanks build a ground storage tank and pump station. The station would force the water through the system. Mr. Riddick said this was less expensive but there was more chance of a problem and explained why.

Mr. Riddick advised they further analyzed whether two

tanks could be built in stages. One on the north end, with improvements, could meet projected needs of fire flow and storage for 10 years and at that time you would need to build another tank. In talking with contractors the cost of tanks would be as follows: 1 million gallon tank - \$1.562 million; 2 1/2 million gallon tanks - \$1.96 million, with first phase cost of \$1.116 million; and ground storage tank \$952,000. Although the ground storage tank would be less expensive the elevated storage tanks are more reliable.

Mr. Riddick said after study and review they recommended the town install 1/2 million storage tank somewhere on the north end, make line improvements and make connection with the Town of Surf City. In looking at the potable water system they found the booster pump station at the high rise bridge would not work, the dry fire system with fire pump to pull water from a well or waterway will work but will not satisfy storage demand, fire pump along town limit would still involve filling truck tank and driving to where the fire occurs, and a line across water way at the north end of limits will improve reliability of potable system but will not meet fire needs.

Mr. Riddick said they looked at the possibility of used storage tanks because this would save the town about 15-20% but there are none available at this time.

Discussion held on how the county felt about improving the water system, capacity of Surf City system, and if current zoning changed what it would do to this report. Mr. Riddick advised high density zoning would create a need for greater capacity. Mr. Riddick said one thing they needed to remember was that these tanks alone will not meet fire needs on projects such as St. Regis. They will need pump and adequate line to the street from their pump. The developer would still need to provide pumping and storage on their property and explained why. Also, discussed amount of water that would be required to fight a fire on a 35' structure.

Mayor Knowles thanked Mr. Riddick and his firm for their work and said this will be an ongoing project.

ATTORNEYS
CONTRACT:

After a brief discussion a motion was made by Alderman Whitney and seconded by Alderman Warsaw to accept contract letter from Attorney Marshall Dotson, for attorney services to North Topsail Beach, as written. Passed unanimously.

RECESS:

The board called for a recess at 8:15 p.m. Mayor Knowles called the meeting back to order at 8:30 p.m.

CONTRACT WITH
ONSLow COUNTY
- FIRE TRUCK:

Town Manager Britt reviewed the background and explained why West Onslow Beach Volunteer Fire Department was no longer receiving funds from Onslow County. He advised the county has offered for the Town the use of the equipment West Onslow Beach Volunteer Fire Department has now. The contract gives the county the option to take back the equipment and if they declare the equipment surplus the Town has the option to purchase it. We requested the county turn the equipment over to the town but they do not have this arrangement with other departments in the county and they refused. After brief discussion a motion was made by Mayor Pro-Tem Harkins to authorize Town Manager to enter into contract with Onslow County for fire equipment at West Onslow Beach Volunteer Fire Department. Discussion held on how equipment value depreciates and liability insurance coverage needed for equipment. After discussion the motion was seconded by Alderman Whitney. Passed unanimously.

SOLID WASTE
CONTRACTS:

Town Manager Britt said several months ago vendors were asked to bid on solid waste collection for North Topsail Beach. Bids were received and reviewed but a decision was not made. There has been no contact with vendors since that time. These proposals anticipated services for all of the town (1008 residential units, 23 8 yard & 23 6 yard containers for commercial businesses). Previous bids received were: Waste Industries \$157,680; Onslow Container \$182,220 and Windfish Disposal \$185,208 and included two (2) pick-ups per week in the summer months and one (1) per week in the winter. However, since these bids are several months old the price may have increased. After discussion the board decided to set a workshop at a later date to review what is needed.

CABLE TV
FRANCHISE:

Mayor Knowles advised a workshop is needed on the franchise ordinance so Mr. Wilson with Falcon Cable can present information to the board. The workshop date will be announced shortly.

PERSONNEL
POLICY:

Town Manager Britt said he prepared a draft copy of revisions in personnel policy made by the board at their workshops. The pay plan was also included in the package to the board and this is a lot of information to discuss. He presented the board with a job description for an Assistant Fire Marshall, reviewed the duties of the Fire Marshall and new regulations/certifications from the State that are to be effective July 1, 1991. The annual salary requested for Assistant Fire Marshall is \$22,000 per year, based on certification required. Town Manager Britt ask for authorization to add position of

Assistant Fire Marshall to roster of town positions and advertise for this individual. The funds will be from the fire department budget. After discussion on requirements for position and who will be interviewing a motion was made by Mayor Pro-Tem Harkins and seconded by Alderman Hillyer to allow the Town Manager to add the position of Assistant Fire Marshall to roster of town positions and advertise the position. Passed unanimously.

PERSONNEL POLICY
PAY PLAN:

Mayor Knowles said the personnel ordinance, with changes, have been given to the board. The only thing they need to do is review the changes and submit their comments to the Town Manager. He requested these changes be given to the Town Manager by January 8th, discussed and put on the agenda for approval at the January 16th, meeting.

VARIANCE REQUEST -
OWNER:

Mr. Rossie Thompson, Building Inspector, reviewed his memo concerning Ocean Cay project and recommended a variance on height restriction for them. Discussion held on when Onslow County approved project, discrepancies between county and Town requirements and fact that the permits for this project were issued before the moratorium on building heights and why the Board of Aldermen would be acting as the Board of Adjustment instead of the Planning Board. After discussion a motion was made by Alderman Hillyer to grant variance request of Ocean Cay developers. Attorney Dotson advised the board they would need to hold a public hearing. Alderman Hillyer withdrew his motion and the board scheduled a public hearing for Wednesday, February 6, 1991, prior to the time of the regular board meeting (7:00 p.m.).

STATE ROAD
1568:

Attorney Dotson read proposed resolution to be sent to representatives of Department of Transportation, State Representatives, the Governor and other interested parties. Alderman Warsaw said we have a fire safety problem with larger properties but cannot put in property water lines until the road is corrected. After discussion on reasons for current problems and what has happened in the past with developer who was to relocate a portion of S.R. 1568 that over washes constantly, a motion was made by Alderman Whitney and seconded by Alderman Warsaw to finalize draft and send resolution as written, with Alderman Warsaw's comments included. Passed unanimously.

TAPES OF BOARD
MEETINGS:

Town Manager Britt said as time moves along the number of tapes on file of board meetings continues to grow. There is nothing in the General Statutes that requires retention of tapes once the minutes are approved by

the board. Many towns have a provisions to reuse tapes. He ask the board to consider a policy that the town can reuse the tapes after a certain period of time, around 6 months, unless there is something of a controversial nature on them that needs to be kept. Discussion on type of information on the tapes, how they are used to prepare minutes, and expense to purchase/keep tapes. Attorney Dotson said once the minutes are approved this is the official record and you do not need to keep tapes. After discussion the board requested Town Manager Britt adopt a policy statement on the tapes and when to reuse them.

TOWN CASH
RECEIPTS:

Mayor Knowles reviewed the current policy on cash receipts that are received daily. He said the administrative office is now required to deposit money daily no matter what the amount. Town Manager Britt requested the board adopt a resolution allowing flexibility of not making a deposit when cash receipts are less than \$250.00. He said this is allowed by State law and will be used only on an exception basis when circumstances warranted. After brief discussion a motion was made by Alderman Warsaw and seconded by Alderman Hillyer to adopt the following resolution:

RESOLUTION
TOWN OF NORTH TOPSAIL BEACH
CASH RECEIPTS ON HAND

WHEREAS, the Town desires to comply with
North Carolina General Statutes 159- 32
concerning daily deposits of cash on hand.

NOW, THEREFORE, BE IT RESOLVED that the Board of
Aldermen of the Town of North Topsail Beach
approve deposits to be required of
town employees only when moneys on hand
amount to as much as two hundred fifty
dollars (\$250.00).

DULY ADOPTED THE 2ND, DAY OF JANUARY, 1991.

BANKING
RESOLUTION -
NCNB ACCOUNTS:

Town Manager Britt said the resolution presented contains the same information approved by the previous board but changes the names on the board of directors. A motion was made by Alderman Warsaw and seconded by Alderman Whitney to adopt the resolution on NCNB accounts changing the board of directors. Passed unanimously.

REGULAR BOARD
MEETINGS:

Alderman Warsaw said it was a disservice to the public to schedule special meetings and we can cut them down until backlog is completed. It is time to combine all

information and have two meetings per month. Mayor Pro-Tem Harkins said this was good for the public but it does cost more and she would like for the board salaries to be set on a monthly figure instead of per meeting figure as it is now. Alderman Whitney said this job is a community service and she wants to limit the amount given to board members and the mayor. If you limit this board to two (2) meetings per month you are not changing salaries and then during budget process you can look at salaries. After discussion a motion was made by Alderman Warsaw and seconded by Alderman Hillyer to have two (2) board meetings per month, the 1st and 3rd Wednesday. Passed unanimously.

SALARIES TO
ELECTED OFFICIALS:

Attorney Dotson advised the only problem with changing salaries during term of office is that it may be subject to State approval and explained. Alderman Hillyer suggested they see how it goes with two meetings per month. If we find we cannot get the work done in two meetings then we will look at the monetary compensation issue again. After discussion no action was taken by the board.

PLANNER - LAND
USE PLAN:

Mayor Knowles reviewed what the land use planner committee had done. He said they screened fifty applicants, and interviewed four. Three of them not interviewed, had prior commitments and would not be available. The committee is recommending Mr. Ken Weeden, be employed as Planner for North Topsail Beach Land Use Plan, subject to approval of North Carolina Department of Natural Resources and Community Assistance. After discussion on qualifications of planner and surveys to be sent out a motion was made by Alderman Whitney and seconded by Alderman Warsaw to accept Mr. Ken Weeden as planner in charge for North Topsail Beach Land Use Plan, subject to approval of the North Carolina Department of Natural Resources and Community Assistance. Passed unanimously.

FIRE PROTECTION
CODE - VOLUME V:

Town Manager Britt advised the ordinance adopting Volume V of the Fire Protection Code had just been completed and has not been typed. He requested the board delay review of this ordinance until their January 16th, meeting. The board agreed.

MANAGER'S
REPORT:

Town Manger Britt presented the police report for the month of December, 1990. Brief discussion held on report, amount of gas used for police cars and officers hours.

Town Manager Britt advised Christmas trees were being collected by the town and requested individuals with trees take them to the West Onslow Beach Volunteer

Fire Department building. If they have no way to deliver them they can call the Town Hall and we will arrange for someone to pick them up. He said the trees will be used for erosion projects and explained. Also, Mrs. Mary Beth Hall, resident of North Topsail Beach, is arranging to bring two girl scout troops from Raleigh with 50 trees on January 19th. When she arrives we plan to distribute the trees she brings and the ones we have collected.

ALDERMEN'S
REPORTS:

Alderman Tripp said she hoped they never had an agenda this long again.

Mayor Pro-Tem Harkins advised there were a lot of vehicles on the beach this past week with no fishing equipment on vehicle. After brief discussion Mayor Knowles requested the police be advised to patrol more, especially on pretty days.

Alderman Whitney requested citizens comments concerning leash laws be addressed.

EXECUTIVE SESSION:


A motion was made by Mayor Pro-Tem Harkins and seconded by Alderman Hillyer to go into executive session to discuss personnel matter. Passed unanimously.

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

Mayor Knowles advised the board discussed a personnel matter and no action was taken.

ADJOURNMENT:

A motion was made by Alderman Warsaw and seconded by Alderman Tripp to adjourn the meeting at 11:03 p.m. Passed unanimously.



Ann Vause - Town Clerk

TOWN OF NORTH TOPSAIL BEACH
REGULAR BOARD MEETING
JANUARY 16, 1991

- PRESENT:** Mayor Pro-Tem Marian Harkins, Aldermen Edward Warsaw, Stella Tripp, Peter Hillyer and Melinda Whitney, Town Manager Gary Britt, Town Attorney Marshall Dotson, and Town Clerk Ann Vause. Mayor W. Rodney Knowles was absent.
- CONVOCATION:** Mayor Pro-Tem Harkins called the meeting to order at 7:00 p.m., in the North Topsail Beach Fire Department building and declared a quorum present. She advised Mayor Knowles was ill and would not be at the meeting.
- AGENDA:** Mayor Pro-Tem Harkins ask if there were any changes to the agenda. Alderman Tripp requested an executive session, at the end of the meeting, to discuss personnel matter. The board agreed.
- PERSONNEL
POLICY:** Mayor Pro-Tem Harkins ask the board if there were any more corrections to the proposed personnel policy. Alderman Tripp advised she felt that the Board of Aldermen should be included in group of individuals on the grievance board. Attorney Dotson explained what might happen if a board member was on this board. Town Manager Britt explained that it would be the managers option whether or not to take complaint to the grievance committee and explained how this procedure works. Alderman Tripp said the employee should have the option to address the board if they choose to. After discussion the Attorney advised he would prepare a sentence to add to grievance procedure that allows employee to address the Board of Aldermen if they desire.
- Discussion held on group insurance for employee and whether or not to change section on hospitalization/dental insurance to indicate that the town will pay for the employee but the employee must pay for their family, or wait until budget for next year is prepared and discuss this item then.
- Discussion held on development and continuing education for employees. Alderman Tripp suggested they add provision that if employee receives training and leaves employment within 3 to 6 months they should reimburse the town the cost of training. Town Manager Britt advised that a lot of specialized training is required for individuals to hold specific jobs such as finance and fire service. The town reimburses expense for travel, meals, etc. and the schooling is limited to the type of schedule required. After discussion the board decided to leave the provision as stated in personnel policy and if it looks like a problem is occurring the Town Manager will prepare a policy addressing the issue and bring it to the attention of the board.
- Discussion held on grievance procedure and not excluding employee from exercising their legal right to appear before the Board of Aldermen to present grievance. After discussion the board requested the attorney prepare a statement on this to be added to the personnel policy.

No further changes were requested. A motion was made by Alderman Whitney and seconded by Alderman Warsaw to approve the Town of North Topsail Beach Personnel Policy as written, with amendments added. Passed unanimously.

TAPES OF
TOWN BOARD
MEETINGS:

Town Manager Britt said once the board minutes are presented and approved they become the official record of the town and the tapes of these meetings should only be kept a short time. There is no general statute provision that requires retention of tapes. He recommended the tapes be kept for a period of not less than six (6) months from the date of approval of the official minutes and that tapes of public hearings or meetings that address issues of a controversial nature be kept until all legal matters relative to said issue are satisfied. After discussion on public access to tapes, how they can be copied, possibility of damage to tapes, and how individual should be charged for the duplicate tapes the board requested the Town Manager come up with cost for citizens to have tapes copied. After further discussion on retention of tapes a motion was made by Alderman Warsaw and seconded by Alderman Tripp to adopt the following procedures on retention of cassette tapes of town minutes in accordance with General Statutes of North Carolina:

TOWN OF NORTH TOPSAIL BEACH
RETENTION OF CASSETTE TAPES
OF TOWN MINUTES POLICY
STATEMENT

It shall be the policy of the Board of Aldermen, of the Town of North Topsail beach to require the retention of all cassette tapes of Town meetings for a period of not less than six (6) months from the date of approval of the official minutes of said Town meetings.

This policy shall further require the retention of cassette tapes of Public Hearings or meetings addressing issues of a controversial nature, until such time that all legal matters relative to said Public Hearings or controversial issues are satisfied.

Passed unanimously.

CABLE TV
FRANCHISE:

Town Manager Britt advised after talking with board members it became obvious there will be changes to the proposed Cable TV Ordinance and before a workshop with Mr. Wilson, Falcon Cable, is held we need to look at possible changes at a meeting or workshop. Alderman Tripp suggested Onslow County Commissioner Sybil Gandy be invited to the meeting because they have had a problem with the cable company and she can advise what they did. Town Manager Britt requested the board give him all their comments prior to the meeting. After general discussion on present vendor, other proposals for service to the town, length of franchise and whether or not citizen would be required to use vendor given franchise Town Manager Britt advised he would contact other cable

companies and see if there is any interest in serving this area. Alderman Tripp will contact Mrs. Gandy about the problems Onslow County had with current vendor. After discussion the board decided to hold a workshop on cable franchise Wednesday, February 13, 1991, at 6:30 p.m., in the North Topsail Beach Fire Station building.

FIRE CODE
ORDINANCE:

Town Manager Britt presented the ordinance on fire codes and advised that in addition to this ordinance we will need one that specifies enforcement procedures for fire marshall. He said the additional ordinance will be presented to the board in the near future. A motion was made by Alderman Whitney and seconded by Alderman Tripp to adopt the following fire code ordinance: passed unanimously.

AN ORDINANCE TO ADOPT FIRE CODES
RELATING TO INSPECTION ACTIVITIES OF
THE TOWN OF NORTH TOPSAIL BEACH,
NORTH CAROLINA AND ENFORCEMENT
OF BUILDING PROVISIONS AS
PROVIDED IN SAID CODES

WHEREAS, it is the desire of the Board of Aldermen of the Town of North Topsail Beach, North Carolina, to adopt, in all respects, the standard codes relating to fire prevention; and

WHEREAS, the adoption of these codes is done to facilitate proper inspection activities by North Topsail Beach, North Carolina, relating to public safety, health and general welfare.

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Town of North Topsail Beach that the following codes are hereby adopted by reference, as though they were copied herein fully:

Volume V - Fire Prevention (1988 Standard Fire Prevention Code with North Carolina amendments) of the North Carolina State Building Code.

NEPA 1 Fire Prevention Code of the National Fire Protection Association and the Adopted Codes and Standards as published in the National Fire Code.

BE IT FURTHER ORDAINED that within said codes when reference is made to the duties of certain officials named therein that designated official of the Town of North Topsail Beach, who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of said code are concerned.

THIS ORDINANCE shall take effect and be in force from and after its passage, the public welfare requiring it.

DULY ADOPTED THE 16TH DAY OF JANUARY, 1991.

TOWN LEASH/
POOPER SCOOPER
LAW:

After brief discussion on problem with animals on the beach a motion was made by Alderman Whitney and seconded by Alderman Tripp to refer this matter to the Police Chief and his office for consideration in six (6) months to see if we have a problem or isolated incident. Passed unanimously.

PLANNING
BOARD
ORDINANCE:

Town Manager Britt said there was some question concerning ordinance adopted in April, 1990, establishing the Planning Board and amendment to membership portion in November. He said he was uncertain about membership of the present board. If you follow two (2) year period on terms how does it relate to the initial planning board membership? If the terms are not staggered then all of the present members would go off the board at one time. General discussion held on how initial board members were chosen, and need to advertise for individuals interested in serving on this and other boards. Attorney Dotson suggested they review the entire ordinance on the planning board because of some concern about the Board of Aldermen not having a public hearing on issues such as zoning that come before the planning board. The public hearing is part of the process and if this board does not have a public hearing and may be needed to help the Board of Aldermen make their decision on certain matters. He suggested a joint meeting with the planning board to review procedures. After further discussion the board requested the Town Clerk prepare a form for committees, check previous letters received from citizens and advertise that individuals are needed for various boards. The board also requested the Town Manager meet with Mr. Parr, Chairman of the Planning Board, to look at the ordinance and come up with something for the Board of Aldermen to look at during their next meeting. In addition, the board decided to hold a public hearing Wednesday, February 6, 1991, before their regular meeting on the planning board ordinance amendments and requested the Town Manager have something ready for them to review.

MANAGER'S
REPORT:

Town Manager Britt advised the debris from the quadruplex that burnt down sometime ago has been removed. He requested authority to use \$1,500 from contingency for this expense and advised a lien for this amount would be put on the property. A motion was made by Alderman Warsaw and seconded by Alderman Whitney to approve use of \$1,500 contingency funds for expense to clean up debris from the quadruplex that burnt. Passed unanimously.

EXECUTIVE
SESSION:

A motion was made by Alderman Hillyer and seconded by Alderman Tripp to go into executive session to discuss personnel matter. Passed unanimously.

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

ADJOURNMENT:

A motion was made by Alderman Tripp and seconded by Alderman Hillyer to adjourn the meeting at 8:42 p.m. Passed unanimously.

Ann Vause

Ann Vause - Town Clerk

TOWN OF NORTH TOPSAIL BEACH
 REGULAR BOARD MEETING
 FEBRUARY 6, 1991

PRESENT: Mayor W. Rodney Knowles, Mayor Pro-Tem Marian Harkins, Aldermen Edward Warsaw, Stella Tripp, Peter Hillyer and Stella Tripp, Town Manager Gary Britt, Town Attorney Marshall Dotson and Town Clerk Ann Vause.

PUBLIC HEARING
- VARIANCE:

Mayor Knowles opened the public hearing at 7:03 p.m., and advised the 25 citizens present that the hearing was to receive citizen comments on request from Mr. Donald D. Davenport, owner, and Halso Building Corporation for a height variance on Lot 1, Block A, Ocean Cay Subdivision. He said permits for the house were issued prior to incorporation of North Topsail Beach. The height of the house is 42'3" which is less than Onslow county's 45' requirement but more than North Topsail Beach's 35' requirement. The building plans were approved and a building permit was issued by North Topsail Beach on June 6, 1990, however, it was at a later date that the height difference was discovered.

Mr. Bill Rogers, Vice Chairman of the Planning Board, wanted to know where the 42' was measured from because the zoning ordinance requires it be measured from first floor level. Alderman Tripp advised it was measured from the first floor.

Alderman Whitney said the house was 7' over our height requirements but she was in favor of the variance because our zoning ordinance was not available when plans were approved and Onslow County's height requirement was higher than ours.

Attorney Dotson advised the plans were available and approved. The plans called for a building of this height.

Mayor Pro-Tem Harkins said she had no objection to the variance. She requested Mr. Lanier, Attorney for Mr. Davenport and Halso Building Corporation, make sure the owner understands that at the present time our fire fighting capability does not go above 35'.

No further comments were received and Mayor Knowles closed the public hearing at 7:13 p.m.

VARIANCE
REQUEST:

After a brief discussion a motion was made by Alderman Warsaw and seconded by Mayor Pro-Tem Harkins to grant height variance (42'3") on Lot 1, Block A Ocean Cay Subdivision to Mr. Donald Davenport, owner, and Halso Building Corporation. Passed unanimously.

CONVOCATION:

Mayor Knowles called the meeting to order and declared a quorum present.

APPROVAL OF
AGENDA:

Town Manager Britt requested a budget ordinance amendment for Fiscal Year 1990-91 be added to the agenda. This amendment allows for revenue and expenditures of CAMA Grant. Also, he requested discussion of public hearing date for another variance request. A motion was made by Mayor Pro-Tem Harkins and seconded by Alderman Hillyer to approve the agenda with budget amendment and discussion of public hearing date added. Passed unanimously.

PUBLIC HEARING-
PLANNING BOARD
ORDINANCE:

Mayor Knowles opened the public hearing concerning amendments to Section 1, Membership & Vacancies, and Section 11, Annual Report of Activities and Analysis of Expenditures and Budget Request for Ensuing Fiscal Year, Paragraphs 2 & 3, of the Planning Board Ordinance at 7:20 p.m., and requested citizens and Aldermen's comments. Town Manager Britt reviewed Membership and Vacancy section and explained the following changes made November 30, 1990: 1) Membership, from 5 to 7; 2) Members must be citizens of North Topsail Beach and appointed by the Board of Aldermen; 3) Term to be 2 years; 4) Vacancy shall be filled for unexpired term; 5) Vacancy exist if member is absent 25% of meetings.

Alderman Whitney proposed the membership return to 5 members and that they not be removed without cause.

Alderman Tripp wanted to know what modifications the Planning Board was referring to in their memo of February 1st. Town Manager Britt advised that on November 30, 1990, the paragraph concerning acceptance of funds, grants and services was deleted and the proposed paragraph contains acceptance of these with stipulation that all such funds/grants be subject to the Town's Policies and Procedures governing purchasing, accounting and financial reporting pursuant to the Local Government Budget and Fiscal Control Act. Also, the Board of Aldermen are to receive regular financial reports of such funds.

Alderman Tripp asked Mr. Rogers, Vice Chairman of the Planning Board, why they recommended 5 members instead of 7. Mr. Rogers said it was hard to work out terms of 7 members on staggered basis. Also, it does not address the matter of a quorum and if you have a larger group it is harder to get something done.

Alderman Hillyer asked if there were any advantages to having 7 members. Mr. Rogers advised no.

Alderman Tripp requested Mr. Rogers advise them of the occupation of each Planning Board member. She said the public would be interested in knowing the occupation of each member. Also, she was not sure the board contained a good representation of the people in town. Mr. Rogers explained the background of each member. A brief discussion was held

developer or active business person should be considered for this board.

Mr. Benny Tripp said when you see something in print from the Planning Board stating we do not need commercial development on the island it bothers him. He was advised nothing of this nature has been printed.

Mrs. Ginny Hillyer, Planning Board member, said everyone is entitled to their opinion. It's true, differences do exist on the Board of Aldermen and the Planning Board but sometimes that is what makes things work.

No further comments were received and Mayor Knowles closed the public hearing at 7:35 p.m.

ORDINANCE
ESTABLISHING
THE PLANNING
BOARD:

A motion was made by Alderman Whitney and seconded by Alderman Hillyer to approve amendments to the Ordinance Establishing the Planning Board for North Topsail Beach as written. Voting aye: Mayor Pro-Tem Harkins, Aldermen Warsaw, Hillyer and Whitney. Voting nay: Alderman Tripp. Motion carried.

AN ORDINANCE TO ESTABLISH THE
PLANNING BOARD FOR THE
TOWN OF NORTH TOPSAIL BEACH

WHEREAS, the General Statutes of North Carolina, Chapter 160A-361, provide for the establishment and operation of Municipal Planning Boards; and

WHEREAS, it appears to be advantageous to the welfare of the Town of North Topsail Beach that a comprehensive and continuous planning program be continued; and

WHEREAS, in order to maintain a viable agency it is necessary to set forth provisions for its membership, organization, responsibilities, and authority; and

WHEREAS, the Mayor and Board of Aldermen need the active assistance and constant cooperation of many civic minded, far seeing citizens in their efforts to serve the best interests of the people and to direct the community's physical, economic, and social growth along good civic lines; therefore,

BE IT RESOLVED, that the Mayor and Board of Aldermen hereby establish THE NORTH TOPSAIL BEACH PLANNING BOARD hereinafter referred to as the "Planning Board", and ordain that it be governed by the following provisions:

SECTION 1. Membership and Vacancies:

The Planning Board shall consist of five members. Five

members shall be citizens and residents of the Town of North Topsail Beach and shall be appointed by the Board of Aldermen. The initial Planning Board shall be appointed for a term of one year. Thereinafter two of the initial members shall be appointed for a term of two years; two for three years, and one, for four years. Their successors shall be appointed for terms of three years. Vacancies occurring for reasons other than expiration of terms shall be filled as they occur for the period of the unexpired term. Faithful attendance at the meetings of the Planning Board is considered a prerequisite for the maintenance of membership on the Planning Board. A vacancy shall exist on the Planning Board if a member is absent from 25% or more of the Planning Board's meetings within a year.

SECTION 2. Organization, Rules, Meetings, and Records:

Within thirty days after appointment the Planning Board shall meet and elect a chairman and create and fill such offices as it may determine. The term of the chairman and other officers shall be one year, with eligibility for re-election. The Planning Board shall adopt rules for transaction of its business and shall keep a record of its members' attendance and of its resolutions, discussions, findings, and recommendations, which record shall be a public record. The Planning Board shall hold at least one meeting monthly, and all of its meetings shall be open to the public. There shall be a quorum of four members for the purpose of taking any official action required by this ordinance.

SECTION 3. General Powers and Duties:

It shall be the duty of the Planning Board, in general:

- (1) To acquire and maintain in current form such basic information and materials as are necessary to an understanding of past trends, present conditions, and forces at work to cause changes in these conditions;
- (2) To prepare and from time to time amend and revise a comprehensive and coordinated plan for the physical, social, and economic development of the area;
- (3) To establish goals and policies for guiding action in the development of the area;
- (4) To prepare and recommend to the Board of Aldermen ordinances promoting orderly development along the lines indicated in the comprehensive plan;
- (5) To determine whether specific proposed developments conform to the principles and requirements of the comprehensive plan for the growth and improvement of the area;

(6) To keep the Board of Aldermen and the general

public informed and advised as to these matters;

(7) To make recommendations for the timely implementation of programs to meet the goals and policies as adopted in the comprehensive plan.

(8) To perform any other duties which may be lawfully assigned to it.

SECTION 4. Basic Studies:

As background for its comprehensive plan and any ordinances it may prepare, the Planning Board may gather maps and aerial photographs of manmade and natural physical features of the area, statistics on past trends and present conditions with respect to population, property values, the economic base of the community, land use, and such other information as is important or likely to be important in determining the amount, direction, and kind of development to be expected in the area and its various parts. The Planning Board may make studies as to the community's social, economic, as well as its physical needs. In addition, the Planning Board may make, cause to be made, or obtain special studies on the location, condition, and adequacy of specific facilities, which may include but are not limited to studies of housing, commercial and industrial facilities, public and private utilities, and traffic, transportation, and parking facilities. All city officials shall, upon request, furnish to the Planning Board such available records or information as it may require in its work. The Planning Board or its agents may, in the performance of its official duties, enter upon lands and make examinations or surveys and maintain necessary monuments thereon.

SECTION 5. Comprehensive Plan:

The comprehensive plan, with the accompanying maps, charts, and descriptive matter, shall be and show the Planning Board's recommendations to the Board of Aldermen for the development of said territory, including, among other things, the general location, character, and extent of streets, bridges, boulevards, parkways, playgrounds, squares, parks, aviation fields, and other public ways, grounds, and open spaces; the general location and extent of public utilities and terminals, whether publicly or privately owned or operated, for water, light, sanitation, transportation, communication, power, and other purposes; the removal, relocation, widening, narrowing, vacating, abandonment, change of use, or extension of any of the foregoing ways, buildings, grounds, open spaces, property, utilities, or terminals; and the most desirable pattern of land use within the area.

The plan and any ordinances or other measures to effectuate it shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the town and its environs which will in

accordance with present and future needs, best promote health, safety, morals, and the general welfare, as well as efficiency and economy in the process of development; including among other things, adequate provisions for traffic, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds, and the adequate provision of public utilities, services, and other public requirements and the improvement of the community social and economic attributes.

SECTION 6. Zoning Ordinance:

The Planning Board shall prepare and submit to the Board of Aldermen for its consideration and possible adoption a zoning ordinance for the control of the height, area, bulk, location, and use of buildings and premises in the area, in accordance with the provisions of Article 19, Part 3, of Chapter 160A of the General Statutes as amended.

The Planning Board may initiate, from time to time, proposals for amendment of the zoning ordinance, based upon its studies and comprehensive plan. In addition, it shall review and make recommendations to the Board of Aldermen concerning all proposed amendments to the zoning ordinance.

SECTION 7. Subdivision Regulations:

The Planning Board shall review, from time to time, the need for regulations for the control of land subdivision in the area and submit to the Board of Aldermen its recommendations, if any, for adoption or revision of said regulations.

In accordance with such regulations, the Planning Board shall review and make recommendations to the Board of Aldermen concerning all proposed plats of land subdivision.

SECTION 8. Urban Renewal:

The Planning Board shall make findings and recommendations concerning urban renewal projects in the area, as provided by Article 22 of Chapter 160A of the General Statutes as amended.

SECTION 9. Public Facilities:

The Planning Board shall review with the Town Manager and other city officials and report as recommendations to the Board of Aldermen upon the extent, location, and design of all public structures and facilities, on the acquisition and disposal of public properties, and on the establishment of building lines, mapped street lines, and proposals to change existing street lines. However, in the absence of a recommendation from the Planning Board, the Board of Aldermen may, if it deems wise, after the submission of

thirty (30) days from the date on which the question has been submitted in writing to the Planning Board for review and recommendation, take final action.

SECTION 10. Miscellaneous Powers and Duties:

The Planning Board may conduct such public hearings as may be required to gather information necessary for the drafting, establishment, and maintenance of the comprehensive plan. Before adopting any such plan it shall hold at least one public hearing thereon.

The Planning Board shall have power to promote public interest in and an understanding of its recommendations, and to that end it may publish and distribute copies of its recommendations and may employ such other means of publicity and education as it may determine.

Members or employees of the Planning Board, when duly authorized by the Planning Board, may attend planning conferences or meetings of planning institutes or hearings upon pending planning legislation, and the Planning Board may, by formal and affirmative vote, pay, within the Planning Board's budget, the reasonable traveling expenses incident to such attendance.

SECTION 11. Annual Report of Activities and Analysis of Expenditures and Budget Request for Ensuing Fiscal Year:

The Planning Board shall, in May of each year, submit in writing to the Board of Aldermen a written report of its activities; and analysis of the expenditures to date for the current fiscal year, and, for review and approval, its requested budget of funds needed for operation during the ensuing fiscal year.

In addition to any sums which may be appropriated for its use by the Board of Aldermen, the Planning Board may accept and receive, in furtherance of its functions, any funds, grants, and services made available by the Federal government and its agencies, the State government and its agencies, any Local government and its agencies and any private and civic sources. Pursuant to the Local Government Budget and Fiscal Control Act, all receipts and expenditures of such funds or grants shall be subject to the Town's Policies and Procedures governing purchasing, accounting and financial reporting. Accordingly, the Board of Aldermen shall receive regular financial reports of all such funds, grants and expenditures.

The Planning Board is authorized to appoint such committees and to authorize such expenditures as it may see fit, subject to limitations of funds provided for the Planning Board by the Board of Aldermen in the town's annual budget. Should the Planning Board determine that paid employees are required to support the goals and objectives of the Planning Board, it shall submit a request including justification for the positions, job descriptions, and recommended salaries to

the Board of Aldermen through the Town Manager. Should the Board of Aldermen approve the recommended positions, the Town Manager shall be authorized to hire the additional employees pursuant to the provisions of the Town's Personnel Ordinance

SECTION 12. Advisory Council and Special Committees:

The Planning Board may seek the establishment of an unofficial Advisory Council and may cooperate with this Council to the end that its investigations and plans may receive fullest consideration, but the Planning Board may not delegate to such advisory council any of its official prerogatives.

The Planning Board may set up special committees to assist it in the study of specific questions and problems.

SECTION 13. Repeal and Date of Effect:

Any ordinance or parts of ordinances in conflict with this ordinance are hereby repealed, and this ordinance shall be in full force and effect as an ordinance of the Town of North Topsail Beach from and after the date of its adoption by the Board of Aldermen.

SECTION 14. Validity:

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.

ADOPTED THE 6TH DAY OF FEBRUARY, 1991.

RECESS: Mayor Knowles requested a recess at 7:40 p.m. He called the meeting back to order at 7:45 p.m.

MINUTES: Mayor Knowles asked if there were any corrections to the minutes of Special Board Meeting December 27, 1990, Regular Board Meeting January 2, 1991, and Regular Board Meeting January 16, 1991, presented for approval.

The following corrections were requested:

Alderman Tripp: January 2, 1991, page 7 - Requested the word "salary" be changed to compensation. After discussion the board decided to change the word "salary" to "monetary compensation." January 16, 1991, page 2 - Add to motion on tape retention: "Allows person to copy tape in accordance with G.S. 132-6 & 132-9 of North Carolina." After discussion Town Attorney Dotson suggested, and the board agreed, to add the words "in accordance with General Statutes of North Carolina" at the end of the motion on retention of cassette tapes.

A motion was made by Alderman Hillyer and seconded by Mayor

December 27, 1990, Regular Board Meeting January 2, 1991, and Regular Board Meeting January 16, 1991, as changed and corrected. Passed unanimously.

CAMA
SUBCONTRACT:

Town Manager Britt said the Town received a grant from CAMA for Land Use Plan, selected, and the Board approved, a planner-in-charge. Now the Town needs a subcontract with selected planner, Ken Weeden & Associates, for payment of work performed. This is a standard contract and if approved a copy will be sent to the CAMA office and Ken Weeden for their approval. The contract contains a schedule for performance of work and reimbursement of approved expenditures, to Ken Weeden, on a quarterly basis.

The Town will retain 10% of reimbursement until all work is completed and documents are prepared and received from Mr. Weeden. All work is to be completed by September 30, 1991, and a preliminary plan submitted to the Board for their approval. General discussion held on the project and how the planner was selected. A motion was made by Alderman Whitney and seconded by Mayor Pro-Tem Harkins to enter into CAMA Subcontract with Ken Weeden & Associates. Passed unanimously.

PUBLIC
PARTICIPATION
PLAN - CAMA:

Town Manager Britt said as part of the preparation of the Land Use Plan the Town is required to adopt a North Topsail Beach CAMA Plan which designates citizen advisory board, newspaper releases, citizens survey, schedule of meetings with the advisory board and layout, in detail, aspects of program and plan. Brief discussion held on members of the Land Use Committee, how they were appointed and where meeting notices are to be posted. After discussion a motion was made by Alderman Whitney and seconded by Mayor Pro-Tem Harkins that the Initial CAMA Land Use Plan Public Participation Plan be approved as written. Passed unanimously.

BUDGET
AMENDMENT:

Town Manager Britt presented an amendment to the Budget for Fiscal Year 1990-91 which adds revenue and expenditure accounts for the CAMA Grant. After a brief discussion a motion was made by Mayor Pro-Tem Harkins and seconded by Alderman Hillyer to amend the Budget Ordinance for Fiscal Year 1990-91 to add revenue and expenditure accounts for \$9,000 CAMA Grant as follows: Passed unanimously.

AN ORDINANCE AMENDING TOWN OF NORTH TOPSAIL BEACH
BUDGET ORDINANCE FOR FISCAL YEAR 1990-91

BE IT ORDAINED BY THE TOWN OF NORTH TOPSAIL BEACH
BOARD OF ALDERMEN MEETING IN REGULAR SESSION THIS
16TH DAY OF JANUARY, 1991, THAT THE BUDGET
ORDINANCE FOR FISCAL YEAR 1990-91 ADOPTED JUNE 19,
1990 IS AMENDED AS FOLLOWS:

REVENUES:

Current year's property taxes	\$425,000.00
Prior year's property taxes	
Penalties & Interest on property taxes	3,000.00
Utilities Franchise Tax	10,000.00
Intangible Property Tax	6,000.00
Beer & Wine Tax	1,000.00
Powell Bill Allocation	10,000.00
Local Option Sales Tax	404,697.00
Other State Revenues	500.00
Interest on Investments	5,000.00
Miscellaneous Revenues	200.00
Building Permits	13,000.00
Inspection Fees	13,000.00
Refuse Collection Fees	-0-
Federal Government Grants - CAMA	9,000.00
License & Permits: Privilege License	100.00
TOTAL	\$955,497.00

EXPENDITURES:

Governing Body	22,260.00
Administrative	179,472.00
Planning & Zoning Inspect.	98,474.00
Public Buildings	106,671.00
Police	304,202.00
Public Works	33,173.00
Street Department	10,000.00
Street Improvements	10,000.00
Fire	106,462.00
Raw Water Supply	34,000.00
Elections	1,500.00
Building & Grounds Maintenance	1,000.00
Sanitation	1,000.00
CAMA Grant	9,000.00
Contingency	38,283.00
TOTAL	\$955,497.00

DULY ADOPTED THE 6TH DAY OF FEBRUARY, 1991.

REIMBURSEMENT
CONTRACT
ON CAMA
PERMITS:

Town Manager Britt said three months ago the Town adopted ordinances to allow the Building Inspector to issue CAMA permits, as a result of CRC approval. The proposed contract with Department of Environment, Health and Natural Resources provides for reimbursement to the Town, up to \$2,450 per year, for CAMA permits issued. The contract period is renewable each year and covers July 1st - June 30th of each fiscal year. After brief discussion a motion was made by Alderman Warsaw and seconded by Alderman Hillyer to approve the contract with DEHNR for processing CAMA permits.

and other related activities. Passed unanimously.

CHAMBER OF
COMMERCE:

Town Manager Britt said he received a request from the Greater Topsail Area Chamber of Commerce for the Town to join the organization. He met with Mr. Ric Coates, President of the Chamber, and reviewed the background of the Chamber. The Chamber needs the financial support the Town can provide and it is not unusual for a town to participate with a Chamber. North Topsail Beach's support contribution was recommended to be \$500 - \$750 plus membership. After discussion on other towns that have joined the Chamber, type of advertising done, previous organizational problems and financial reports a motion was made by Alderman Hillyer and seconded by Alderman Whitney to defer a decision on Chamber contribution until their next meeting. Passed unanimously.

ANNEXATION
POLICY:

Town Manager Britt advised that at a recent meeting in Jacksonville Representative Grady voiced concern about whether or not North Topsail Beach was planning to annex into the Sneads Ferry area in the near future. Representative Grady said some of his constituents said they plan to incorporate to prevent annexation and he requested a letter stating the Town's intentions. After discussion on concerns, legal requirements on annexation and what the Town's priorities are the Board of Aldermen instructed the Town Attorney to send a letter to Representative Grady stating that North Topsail Beach does not intend to annex into the Sneads Ferry Area.

RESOLUTION -
MARINAS:

Mayor Knowles advised the present definition of a marina was 10 boat slips and N.C. Environmental Management Commission was considering changing the definition to 30 boat slips. He presented a proposed resolution which states the Town of North Topsail Beach objects to the new definition of marinas. Discussion was held on marinas, what could happen to fish/shellfish, etc. and possible environmental damage.

Gill Dunn:

Mr. Dunn said he owns a marina and wanted to go to 30 boat slips definition for a marina. He said it could be operated without environmental damage and explained how. Mr. Dunn said 90% of the people come here for some type of water activity.

Alderman Tripp advised she did not know enough about this and would like more information. After

marinas and N.C. Environmental Management Commission a motion was made by Alderman Whitney and seconded by Alderman Hillyer to adopt the proposed resolution concerning definition of marinas as written. Voting aye: Mayor Pro-Tem Harkins, Aldermen Whitney and Hillyer. Voting nay: Aldermen Tripp and Warsaw. Motion carried.

TO THE N.C. ENVIRONMENTAL MANAGEMENT
COMMISSION RULE-MAKING PROCEEDING
ON MARINAS IN ORW WATERS

On February 6, 1991, the Board of Aldermen of the Town of North Topsail Beach passed the following resolution:

WHEREAS, the Town of North Topsail Beach depends upon clean coastal water quality to maintain our tourist industry;

WHEREAS, the Town of North Topsail Beach is working to maintain and enhance the shellfishing industry because it is important to our community and its economy;

WHEREAS, the Town of North Topsail Beach is promoting responsible development that is compatible with coastal water quality and fisheries;

WHEREAS, the waters of Stump Sound adjacent to the Town of North Topsail Beach are designated as Outstanding Resource Waters; and

WHEREAS, all the estuarine waters adjacent to the Town of North Topsail Beach are designated as Primary Nursery Areas;

NOW, THEREFORE BE IT RESOLVED:

The Town of North Topsail Beach objects to the proposed definition of marinas under consideration by the North Carolina Environmental Management Commission. The Town recommends that the EMC use the same definition of marinas as the Coastal Resources Commission. In addition, the EMC should prevent cumulative impacts of development on our estuarine resources.

THIS RESOLUTION SHOULD BE INCLUDED IN THE OFFICIAL HEARING RECORD FOR THIS RULE-MAKING PROCEEDING.

ADOPTED THE 6TH DAY OF FEBRUARY, 1991.

PUBLIC HEARING
REQUEST -
VARIANCE:

Town Manager Britt advised he received a request

for a public hearing on this request. The Board set the public hearing date for Wednesday, March 6, 1991, 7:00 p.m., in the North Topsail Beach Fire Station and requested the Town Clerk advertise the date.

EXECUTIVE
SESSION:

A motion was made by Mayor Pro-Tem Harkins and seconded by Alderman Whitney to go into executive session to discuss personnel. Passed unanimously.

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

MANAGER'S
REPORT:

1) Copying Meeting Tapes:

Town Clerk had an opportunity to copy 10 tapes. It averaged 20 minutes per tape, at a calculated cost of \$6.40 per tape. Town Manager Britt recommended, at the present time, we continue to let the Town Clerk do it this way until the request for copies reaches a point we cannot deal with.

2) Mini-School for Officials:

Town Manager Britt said he talked with Kurt Jenne, Institute of Government, and March 25th is when he can get the institute facility together for school.

3) Water Study:

I have received an additional copies of our water study, at no cost, and plan to send it to Onslow County and request their assistance in the future. Alderman Whitney requested a copy be given to the Planning Board.

4) Mutual- Aid Inspections:

Surf City and Topsail Beach are requesting a mutual-aid agreement on building inspections. When the agreement is received it will be presented to the Board for their consideration.

5) Monthly Police Report:

A copy of the report for January, 1991, was presented to the Board.

6) Record of Taxes Received:

1990-91 taxes, July 1, 1990, through January

\$162,351.00. We have collected approximately 81.24% of the original levy.

1989-90 taxes, \$126,802.94 uncollected. We have collected approximately 86% of the total levy.

A copy of the report from Onslow County Tax Department was presented to the Board for their review.

ATTORNEY'S REPORT:

Town Attorney Dotson advised the Town Manager had the deed on the fire department building and he would meet with them on the transfer to the Town.

ALDERMEN'S REPORTS/REQUEST:

Aldermen Whitney:

What is the time frame on moving Town facilities since we have purchased land? Town Manager Britt said we are in the early stages of computing the cost on facilities. Once this is completed and approved by the Board we could possibly start construction within a month. A lot will depend on the Town budget and what the State does in regard to revenues from them.

Mayor Pro-Tem Harkins:

- 1) The coffee provided at meetings was paid for by individuals and requested donations for this expense.
- 2) The newspaper advertisements on CAMA permits is not clear. She requested this be more specific so someone can locate the property.

Alderman Tripp:

How difficult would it be for the board members to receive a financial report each month? Town Manager Britt said we are getting things on the computer now and the first report should be ready shortly.

Alderman Whitney:

We received a letter from Mrs. Lucinda Denton concerning a beach access. She said it was not clear if it is a beach access and she would like to see more study on what public crossovers are and what needs to be done to claim them. Mayor Knowles advised they have been trying to get this information from the county for

sometime. Attorney Dotson explained accesses and what might happen if they are not maintained. Town Manager Britt said they are working with the County Planning Department and Attorney to locate easements. The Board requested the Town Manager study maximum for accesses and crossovers and see what the Town needs.

MAYOR'S
REPORT:

- 1) Planning Board meeting is scheduled for Thursday, February 7th, at 2:00 p.m., in the North Topsail Beach Fire Station.
- 2) The State has decided to take over relocation of SR 1568. He said he received a letter from an environmental group endorsing the plan to support road relocation and the hast in doing an impact study.

Alderman Tripp said she was concerned about sand dunes in front of houses. She said she would like for the Town to consider a program to renourish them. Brief discussion was held on Department of Transportation authority to access on front footage, and what projects were tried in the past. Attorney Dotson stated that he received a letter from the Corps of Engineers advising that in the fall of 1991 they would attempt to remove spoil material from the inlet area at the north end and put in the Galleon Bay area.

CITIZENS
COMMENTS:

Mr. Bill Rogers asked the Board if they had given any consideration to appointing an appeals board for variances. Attorney Dotson advised they could appoint a Board of Adjustment. General discussion held on this subject.

ADJOURNMENT:

A motion was made by Alderman Tripp and seconded by Alderman Hillyer to adjourn the meeting at 9:20 p.m. Passed unanimously.

Ann Vause

Ann Vause Town Clerk

TOWN OF NORTH TOPSAIL BEACH
SPECIAL BOARD MEETING
FEBRUARY 13, 1991

PRESENT: Mayor Pro-Tem Marian Harkins, Aldermen Ed Warsaw, Stella Tripp, Peter Hillyer and Melinda Whitney, Town Manager Gary Britt, Town Attorney Marshall Dotson and Town Clerk Ann Vause. Mayor W. Rodney Knowles was absent.

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

Mayor Pro-Tem Harkins apologized for starting the meeting late and advised that Mayor Knowles was absent because of illness.

Alderman Tripp advised Mrs. Sybil Gandy, Onslow County Commissioner, was invited to this meeting however, because of family illness she would not be able to attend. Mrs. Gandy apologized for not being able to meet with the Board and citizens concerning Cable Tv and said if anyone had a complaint with cable they could write to her and she would see what she could do.

CABLE TV
WORKSHOP:

Mayor Pro-Tem Harkins said this meeting was called for a workshop on cable franchise. Town Manager Britt has provided a list of problem areas he has been made aware of. Town Manager Britt requested the Board to let him have their recommendations on particular sections and then he would make changes, review items with the Attorney and complete a draft ordinance for their review. This would expedite the process of finalizing the ordinance.

Discussion was held on problems encountered by subscribers, how much more equipment needs to be updated, financial condition of the proposed vendor, how rate increases are applied, inventory and proposed length of franchise.

The Board reviewed the following sections of the proposed franchise ordinance:

- 1) Changing length of franchise from 10 years to 5 years;
- 2) Requested the Town Manager add something about aesthetics and environmental concerns;
- 3) Request maximum penalty;
- 4) If the service is bad how it will effect contract;
- 5) Underground lines vs overhead; (decided to discuss this with the cable representative)
- 6) 3% franchise fee;
- 7) Section 8 - remove word "not";
- 8) Section 9 - public hearing, change from 60 days notice to 30 days notice;
- 9) Section 10 - reduce dwelling units from 30 to 15; (c) change to 15; (d) requested Town Manager look at this section;

subscribers.

Alderman Warsaw suggested the Board go along with the Town Manger's suggestion and let him go over changes with each Board member and report findings back to the entire board. The Board agreed and said they would give their comments to the Town Manager by Wednesday, February 20th.

ADJOURNMENT:

A motion was made by Alderman Hillyer and seconded by Alderman Whitney to adjourn the meeting at 8:26 p.m. Passed unanimously.

Ann Vause

Ann Vause - Town Clerk

Town of North Topsail Beach
Regular Board Meeting
February 20, 1991

- PRESENT:** Mayor W. Rodney Knowles, Mayor Pro-Tem Harkins, Aldermen Ed Warsaw, Stella Tripp, Peter Hillyer and Melinda Whitney, Town Manager Gary Britt, Town Attorney Marshall Dotson, Town Clerk Ann Vause.
- CONVOCATION:** Mayor Knowles called the meeting to order at 7:00 p.m., in the North Topsail Beach Fire Department Building, and declared a quorum present.
- Mayor Knowles requested a minute of silence for our men and women serving in Saudi Arabia.
- MINUTES:** A motion was made by Mayor Pro-Tem Harkins and seconded by Alderman Whitney to approve the minutes of the Regular Board Meeting held February 6, 1991 and Special Board Meeting held February 13, 1991, as written. Passed unanimously.
- APPROVAL OF AGENDA:** Alderman Whitney said Mr. Keith Robertson, University of North Carolina graduate student working on his thesis, wanted to address the Board and citizens concerning his project about our island. After brief discussion, the Board agreed to add Mr. Robertson's presentation to the agenda under New Business.
- ZONING REQUEST CHANGES:** Mayor Knowles said the Board was requested to consider the following zoning changes: 1) Property located on NCSR 1568, adjoining the Villa Capriani on the west side, from R-20 to CUR-5 on the ocean side, from R-20 to CUR-5 on the ocean side and R-10 on the sound side of NCSR 1568; 2) Property located on NCSR 1568, adjoining Salty's Pier on the east from R-20 to R-15 on the sound side; 3) Property located on NCSR 1568, east of North Topsail Shore Baptist Church from CUR-5 and B-3 to R-15 on both sides of NCSR 1568. He advised Mr. Bill Parr, Chairman of the Planning Board, wanted to address these items.
- Mr. Parr said since the beginning of the North Topsail Beach Planning Board, May 1990, they have struggled to establish criteria for zoning changes. The criteria need to be uniform and publicized so no one will be surprised. Everyone needs to know the rules, and whom to consult with an application. July 5th, guidelines were set up and publicized and on November 13th, the guidelines were reconsidered and republished. He reviewed portions of his letter to the Board of Aldermen, dated December 28, 1990, concerning items that need to be considered so that sound planning principles could be followed. Mr. Parr reviewed the percentage of land available for development, as shown by the Carrying Capacity Study of 1988, and analysis of the Water Study of 1990 conducted by McKim and Creed Engineers. The Planning Board also considered the fact that North Topsail Beach does not have a current Land Use Plan, which we must have and are working on now. He said

the Land Use Plan Committee has sent out 1,000 questionnaires and has received a 40% response. Chairman Ginny Hillyer is reviewing these and will give the findings to the Planning Board at their February 21st meeting. Mr Parr presented the following interim guidelines from the Planning Board for use on zoning request changes until the Land Use Study and clarification of water, sewer, roads, and fire protection are completed; 1) Encourage the lowest possible density development on the premise that some development is necessary for the caretaker protection of the natural resources of North Topsail Beach; 2) Any zoning change recommendation will be based on the lowest possible density, taking into consideration, the needs of the property owners and the desires of the citizens and the future of North Topsail Beach; 3) Make no zoning change recommendation that allows a higher density, than current zoning allows, unless a convincing demonstration is made for the support of this change; 4) Minimal business is needed on the island, since the environment is best served by low density residential development.

Mr. Parr said the Planning Board, at a Special meeting held December 6, 1990, voted unanimously to recommend the following on the rezoning request the Board of Aldermen is considering tonight:

- 1) Reject - request to rezone property on NCSR 1568 adjoining Villa Capriani on the west side from R-20 to CUR-5 on the ocean side and R-10 on the sound side;
- 2) Reject - request to rezone property on NCSR 1568 adjoining Salty's Pier on the east from R-20 to R-8 on the ocean side and R-15 on the sound side;
- 3) Grant - request to rezone property located on NCSR 1568, east of North Topsail Shores Baptist Church from CUR-5 and B-3 to R-15 on both sides of NCSR 1568, approximately 34 acres.

Mr. John Pierce said he petitioned, on behalf of Mr. Padgett, for rezoning request. He read a copy of the letter sent to former Building Inspector Rossie Thompson which addressed the impact on the area, traffic, water and sewer. He said the plans submitted to this Board were similar to the Villa Capriani and they had to satisfy all the government agencies. When Mr. Pierce mentioned the Land Use Plan he was asked if it was the county's and he advised yes, it is the only one we have at this time. General discussion held on the Onslow County Land Use Plan and its relation to North Topsail Beach. Also, discussed future traffic survey made by the Department of Transportation.

Mr. Pierce said it would be nice if everyone could afford a single family lot, but they can't so we need duplexes. If all of the ocean front property is R-20, 100'X200' lots, the day will come when a lot of people will not be able to enjoy living at Topsail Beach because they will be denied the chance. A discussion was held on why growth was important, increasing tax base, economy and what happens when the growth potential goes down.

Alderman Hillyer said in the past the beach has been looked on as a "beach town" by the County and the County encouraged high

density development but when rapid and high density development caused problems, the County wanted no part of solving them. He said some people believe allowing high density is good for the economy, gives a lot of people jobs and encourages growth but not if it is done poorly without adequate roads, water or fire protection.

Mayor Pro-Tem Harkins asked Mr. Pierce if he felt the projects could not be built under low density guidelines. Mr. Pierce said it would be difficult under R-20 zoning. He said they were not asking for condos, only single family and duplexes. Mayor Pro-Tem Harkins reviewed a report from Coastal Resources that indicated people living on the north end of the island could not get off during an emergency and they recommended a four (4) lane road be built, if the area developed. Mr. Pierce asked if they expected the developer or Department of Transportation to build the road. Mayor Pro-Tem Harkins said she believed it should be the developer and explained why.

Alderman Warsaw said the issue is growth and someone should make a presentation with numbers to show growth is advantageous. Unless you can prove growth is advantageous people will decide on low density and low growth.

Mr. Marty Bostic said everyone knows that the road in the Galleon Bay section washes out, but the new development is planned on the new section of SR 1568. Mayor Pro-Tem Harkins said there would be a high volume of traffic with high density development and the road would have to be widened. In an emergency we would not be able to evacuate people from the north end of the island fast enough to prevent loss of life.

Mr. Charles Lanier said, if he understood the position of the Planning Board and Board of Aldermen, it appears all current zoning should not be changed unless it is down zoned and if this is the case we do not need the zoning book. He said it was a matter of being in favor of progressive, qualified growth or no growth at all. The current zoning book only says that what is best for a zoning area is based on the water/sewer available.

Attorney Dotson said the Board needed to inquire if there were any more comments on water/sewer required to service the area. He advised the petitioner must convince the Board the rezoning is needed. While there are several things to consider the Board still needs to look at the basics such as fire protection because this is something that could effect the safety, health and welfare of the citizens. If the applicant has adequate water/sewer and fire protection then you have to decide if the evidence is sufficient to move away from the current comprehensive plan even though the one you have is inherited. He said he has read the General Statutes and these are factors they must consider on rezoning. Things that need to be brought out are whether or not the rezoning, based on information provided, would adversely effect the health, welfare and safety of citizens. Mr. Parr advised the State prohibited anymore hook-ups to North Topsail Water/Sewer until improvements are made and we do not have an adequate road, etc. Attorney Dotson said he raised these questions because the applicant may want to address these issues. They may have

elements the Board is not aware of.

Mayor Knowles asked Mr. Pierce if there had been any study made for increasing water/sewer for this area. Mr. Pierce advised there was some discussion but they were unable to tell the amount of increase needed when they did not know what would be built. He said they could not expect the developer to do a master study without knowing whether or not the property would be rezoned. A discussion was held on these issues.

Mr. Pierce asked if the rezoning requests could be deferred until later and removed from tonight's agenda. Attorney Dotson advised they could either be withdrawn or tabled and he explained the difference. Mr. Pierce advised they wanted all three (3) rezoning request tabled. A motion was made by Alderman Tripp to table the three rezoning request. Mayor Pro-Tem Harkins asked if they had any idea when they would bring these request back. Mr. Pierce advised after they get all needed information. Attorney Dotson said if the Board makes a motion to table these request without a return date a Board member would have to request it be put back on an agenda. After a brief discussion Alderman Warsaw seconded the motion. Further discussion was held on who the developer should bring additional information too, a public hearing on rezoning held by the Planning Board and why the Board of Aldermen should also hold a public hearing on rezoning request. After discussion the motion passed unanimously.

KEITH
ROBERTSON:

Mr. Robertson said he was a graduate student at UNC and was working on his thesis. He advised his project was a beach erosion project and covered the area from the inlet to just below the Topsail Shores Baptist Church. He said he would utilize aerial photos to study erosion over the past 50 years, measurements on flood monitoring, and install meters in the flood zone by the old McGee's pier. Mr. Robertson requested permission for this study. After a discussion on the project, whether or not the Town could get a copy of the report, why this area was chosen and the date the project could be completed the Board advised they had no objection to the project. Mayor Knowles thanked Mr. Robertson for coming to the meeting and asked him if he would come back next year and review the completed report.

RECESS:

The Board requested a recess at 8:15 p.m. Mayor Knowles called the meeting back to order at 8:25 p.m.

MUTUAL-AID
AGREEMENTS -
INSPECTIONS:

Town Manager Britt said the Towns of Surf City and Topsail Beach have approached him about mutual aid agreements on inspections. He advised the Surf City and Topsail Beach Boards have approved the agreements and are requesting we approve them. Both agreements are basically the same. The only difference is Topsail Beach's agreement allows for contingency payment and Town Manager Britt explained what this means. After a brief discussion on the agreements a motion was made by Alderman Tripp and seconded by Alderman Hillyer to approve mutual aid agreements on inspections with the Towns of

Surf City and Topsail Beach as written. Passed unanimously.

MANAGER'S
REPORT:

- 1) The fire department deed has been signed over to the Town. The remaining funds in the West Onslow Beach account have been turned over to the Town and applied to the building loan. He said he would talk with the Attorney to see what the procedure is for changing the name. The future charter of the rescue squad will also change their name to North Topsail Beach EMS and Rescue.
- 2) Municipal Code Corporation has advised the draft codes will be available in about 3 weeks. Once they are received they will be distributed to the Board for their review.
- 3) Any local bills, such as the one requesting a change in amount of fine for violation of local laws, must be submitted to the State Legislators by April 4th. He explained the special bill introduced and approved for Jacksonville to increase fine from \$50 to \$500. A brief discussion was held on directing the Town Attorney to forward this type of bill for North Topsail Beach, when appropriate. After the discussion a motion was made by alderman Whitney and seconded by Alderman Hillyer to direct the Town Attorney to draw up a document concerning increasing fine costs for approval of the Board. Passed unanimously.
- 4) Onslow County signed with Delta Waste Services, Inc. for recycling program at the landfill. Town Manager Britt advised he talked with Mr. Howard, Delta representative, and he will see how he can assist North Topsail Beach with a recycling program.
- 5) At our last meeting, we discussed the Greater Topsail Beach Chamber of Commerce. Their fiscal year is the same as ours. We can join the remainder of this year for \$85.00. This will give us a chance to see what they do and then we can discuss a contribution next year. Alderman Whitney said the Chamber brochure was nice but it did not show beach accesses. She said she would like to see this changed and the accesses advertised so the public will know where they are.

ALDERMEN'S
REPORTS:

Alderman Tripp:

- 1) Requested the Town Manager make sure she gets all information on meeting times and back-up material. She explained the past problems.
- 2) Today, she had an opportunity to talk with Mr. Sam Wilson of Falcon Cable. She said, until today, she did not know much about Cable TV and she advised Mr. Wilson invited the Board to go to the Falcon Cable office on Highway 50. Mr. Wilson is willing to meet with this Board and share information he has. He suggested a Saturday when the Board members are available. This was briefly discussed. Town Manager Britt will try to

arrange a date for the Board's consideration.

Alderman Warsaw:

Several people have mentioned underground wiring but the power company said it cost too much. He requested the Town Manager check with Jones Onslow to see if a study has been done. After a brief discussion on this subject Attorney Dotson suggested they get a Jones Onslow representative to attend a meeting to discuss underground wiring.

MAYOR'S
REPORT:

- 1) Mayor Knowles said he was glad to see new residents at the Board meeting. He introduced Mr. Jim Wagoner and family and Mr. Hines.
- 2) Aerial photos are being made of SR 1568 by the Department of Transportation. They hope to have them ready by the first of the month with a time table on the work to be done.

CITIZENS
COMMENTS:

Sam McGinn:

Mr. McGinn requested a flag pole and flag be placed at Town Hall, Police Department and Fire Station.

B.F. McGilvray:

Is it possible to get copies of Town minutes? He was advised yes. He also wanted to know when the Town meetings were held. Mayor Knowles advised they were the first and third Wednesday of each month at 7:00 p.m. Mr. McGilvray suggested the sign in front of the fire department be used to advertise this and the Board agreed.

Jack Woessner:

Falcon Cable has not removed the old line lying on the ground, who should he contact? Mayor Knowles suggested he talk with the Town Manager.

ADJOURNMENT:

A motion was made by Alderman Whitney and seconded by Mayor Pro-Tem Harkins to adjourn the meeting at 8:55 p.m. Passed unanimously.



Ann Vause - Town Clerk

TOWN OF NORTH TOPSAIL BEACH
PUBLIC HEARING & REGULAR BOARD MEETING
MARCH 6, 1991

PRESENT: Mayor W. Rodney Knowles, Mayor Pro-Tem Marian Harkins, Aldermen Edward Warsaw, Peter Hillyer and Melinda Whitney, Town Manager Gary Britt, Town Attorney Marshall Dotson and Town Clerk Ann Vause. Alderman Stella Tripp was absent because of hospitalization.

PUBLIC HEARING
- JUDD

VARIANCE:

Mayor Knowles opened the public hearing at 7:00 p.m., and advised the 25 citizens present that Mr. Amo Judd was requesting a variance on side yard setback on his property located on Highway 210 across from Calinda Cay Subdivision.

Mr. Amo Judd said his lot abutted the 20' public access across from Calinda Cay. If the variance is granted it will not diminish the access but it will change the side yard setback from 8', required by the zoning ordinance, to 2'. He said he has provided with all the information requested by the inspection department.

Alderman Warsaw said Mr. Judd described the walkway as a public access but a letter from Ms. Susan Daughtry, Inspections Department, states the walkway is a private walkway.

Attorney Dotson said a private walkway was privately maintained, unless the subdivision association maintains it. The dedication occurred because of recording of the subdivision map which divided the area into lots and dedicated a private walkway. The walkway was dedicated for use of members of the subdivision. If it was a public access the general public would have the right to use the area but in this case they do not.

Mr. Judd said he sent a letter to the Homeowners Association, with a copy to the homeowners. He advised he talked with Mr. Henderson, the homeowners spokesman, about the request and he advised that since it would not diminish the walkway they would have no problem.

Alderman Whitney asked the reason for the 8' set back in our zoning. Attorney Dotson said the 8' set back was to eliminate the types of problems that occurred in other developments such as possible fire hazards. Alderman Whitney asked if the variance was granted, would we be setting criteria for future areas. Attorney Dotson explained criteria for granting variance.

Mr. Judd said if he read the zoning ordinance correctly, it allows for variances because of practical difficulties and hardships. His situation is not a hardship but a practical difficulty. Mr. Judd said granting the 6' easement would not put him within reach of any future building that might be built.

Mayor Pro-Tem Harkins asked Mr. Judd how long he had owned the property and whether or not the zoning had changed since he purchased property. Mr. Judd said he purchased the property about 16 years ago and he did not know if the zoning had changed.

Mrs. Pat Jordan said the house plans were beautiful but the lot was narrow on the ocean side. She asked Mr. Judd how he planned to place the house on the lot. Mr. Judd advised it would be facing the ocean. He said the lot was over 300' deep and was pie shaped.

A discussion was held on the layout of the property, design of the house and size of walkway easement.

Attorney Dotson said it appears, on the map, that the walkway is divided in two sections. His concern was whether covenants and set backs are in the subdivision documents. Also, there may be restrictions in the documents that may not permit anyone to build on the easement even if the Board of Aldermen approve the variance.

Mayor Pro-Tem Harkins said Mr. Judd bought the lot as it was, zoning has not changed and it was incumbent upon him to build a house that would fit the lot.

Mr. Dan Tuman said Mr. Judd was asking consideration for his case. He said he did not believe they could foreclose on this because someone in the future may have a similar request.

Mr. Bill McElwee, Development Services Coordinator for North Topsail Beach, made the following statement:

"There are five general rules developed to show whether there are reasons for a variance. They deal with "Practical Difficulties or Unnecessary Hardships". The fourth asks if "the hardship is not the result of the applicant's own actions". This I believe is true. To grant variances in this behalf subjects our zoning to more serious attacks that is no longer "Comprehensive" and uniform, since so many cases of special treatment exist. Furthermore, when the board grants variances too freely, it lays itself open to a charge of discrimination whenever it denies a variance. In summary, we are destroying the effectiveness of the Zoning Ordinance that we created to enforce. Let it be known the "Development Services Department" takes a negative view of this variance".

Alderman Warsaw asked Mr. McElwee if the Board made a general case to allow them to build with 2' set back would he favor a change in our ordinance? Mr. McElwee said he would need to review this and Alderman Warsaw asked him to review this perspective and give him an opinion.

Mr. Judd said the Board of Aldermen expects people to ask for variances or they would not provide the form or procedure. In his case, there is no hardship but there is a practical difficulty. Mayor Pro-Tem Harkins advised the practical hardship was created by the property owner, not by

the land, etc. Alderman Hillyer said the practical difficulty existed because the property owner wanted to put a 40' house on a 50' lot. It is not the intention of the ordinance to create practical difficulties on something that is not under our control. Attorney Dotson explained a practical difficulty and gave the following example: Subdivision ordinance requires curb/gutter but the developer has difficulty complying because of difficult circumstances.

Mr. Benny Tripp asked if property line was extended on to a granted easement could he use the line inside the easement for set back purposes? Attorney Dotson said it was possible if the property line went to the center of the walkway but it was questionable.

No further comments were received. A motion was made by Mayor Pro-Tem Harkins and seconded by Alderman Whitney to close the public hearing at 7:52 p.m. Passed unanimously.

APPROVAL OF
AGENDA:

After discussion on whether or not to add the variance request to the agenda tonight the Board decided to place the variance request on the March 20th, agenda.

MINUTES:

A motion was made by Alderman Warsaw and seconded by Alderman Whitney to approve the minutes of the Regular Board Meeting held February 20, 1991, with the following correction requested by Alderman Hillyer. Passed unanimously.

Correction Requested:

Grammatical changes and change to his statement on page 3 as follows:

"Alderman Hillyer said in the past the beach has been looked on as a "Cash Cow" by the County and that the County encourages high density development but, when rapid and high density development caused problems, the County wanted no part of solving them. He said some people believe allowing high density is good for the economy, gives a lot of people jobs and encourages growth but not if it is done poorly without adequate roads, water or fire protection".

MUTUAL-AID
AGREEMENTS

- FIRE:

Town Manager Britt advised when the Town accepted the responsibility of West Onslow Beach Volunteer Fire Department they had mutual aid agreements with the Town of Surf City Volunteer Fire Department, Holly Ridge Volunteer Fire Department, Turkey Creek Volunteer Fire Department and Sneads Ferry Volunteer Fire Department. Now, the Town needs to enter into these agreements, as a municipality. The Town Attorney has reviewed the contracts and agrees to their form and content. A motion was made by Mayor Pro-Tem Harkins and seconded by Alderman Whitney to authorize the Mayor and Town Clerk to sign mutual aid agreements with the Town of Surf City Volunteer Fire Department, Holly Ridge Volunteer Fire Department, Turkey Creek Volunteer Fire

Department and Sneads Ferry Volunteer Fire Department on behalf of the Town. Passed unanimously.

TOWN
NEWSLETTER:

Town Manager Britt advised before he came there was some discussion about the Town having a newsletter. He said he has talked with several residents and non-residents and they showed an interest in a newsletter. Town Manager Britt reviewed an analysis of the cost for a newsletter which indicates it will cost approximately \$741 to mail 2500 newsletters. He recommended the Board consider the newsletter because of the benefit to the taxpayers who do not have the capability of being here and do not receive the local newspapers.

Alderman Whitney said she was in favor of the newsletter, but, she would like to open the preparation of it to volunteers and she would also like to see input from citizens on what should go in the newsletter. The newsletter is a perfect opportunity for the community to come together. Information in the newsletter needs to be informative and contain information such as telephone numbers, tax rates, etc.

Alderman Warsaw said the newsletter was a good idea, but, type of thing that fails or succeeds based on conformity to a schedule and format. He said the responsibility of getting it published should be with the Town Manager or his designee.

A general discussion was held on the format, items that should be included, who should be the editor for the newsletter and how often it should be published.

One citizen asked if there was a reason they were limiting the publication to property owners. She said she had renters who are also registered voters.

A citizen suggested the newsletter be put in various locations around Town instead of being mailed.

Mr. Leland Newsome said he did not think the Town should be in the newspaper business. If the Town publishes the letter it will be bias to good news only.

After discussion the Board decided to leave the preparation of the newsletter to the Town Manager. He will get a professional volunteer to edit, etc.

MANAGER'S
REPORT:

- 1) I met with Mr. Howard, Delta Service Representative. He said they plan to have the recycling center in Onslow County completed in 12 months. The recycling center is being built by Delta Service, at no cost to the taxpayers.
- 2) Currently, working with the Town Attorney for recommendations to the Board on Town parking problems.

- 3) Fiscal Year 1990-91 Budget is being prepared. The budget is now at the department head level and recommendations will be given to the Town Manager by March 25th. The Town Manager will review recommendations and then prepare recommendations for the Board, by May 1st.
- 4) We received additional copies of the Water Study, prepared by McKim & Creed, at no cost and have presented them to the County Manager. We requested copies be given to the County Commissioners and Water/Sewer Authority.

ALDERMEN'S
REPORTS:

Alderman Warsaw:

- 1) He said he was anxious for information on the water situation, Cable TV and the new fire station.
- 2) The yield on cash seems low compared with other towns our size. Town Manager Britt advised the report used was for Fiscal Year ending June, 1990. Cash was all received in May and June 1990, interest was annualized. The percentage was low but it is higher now and we have also joined N.C. Cash Management Trust, with a higher yield.

Mayor Pro-Tem Harkins:

She advised she just returned from the mid-west where they have a very good recycling program. Each business provides containers for different recyclable products for consumer use, and very few people don't comply with the rules. She said she would like to ask our businesses to try this method.

Alderman Whitney:

- 1) We appear to spend a lot of money for gas. She said she would like for the Town to look into going out for bids and getting gas from one company.
- 2) The Town is currently renting space for the police department, inspections and Town hall. She said she would like for the Town to proceed with plans to use land purchased for these departments. Mayor Knowles advised this was being studied and a recommendation would be presented in the 1991-91 Fiscal Year Budget.

MAYORS'
REPORT:

- 1) March 20th, he will be attending a Mayors Workshop in Raleigh.
- 2) Contingency and study on S.R. 1568 is being done by the North Carolina Department of Transportation and they hope to have a report completed by April 1st.

CITIZENS
COMMENTS:

Bill Rogers:

The Planning Board will have a workshop Thursday, March 7th, at 2:00 p.m., on revisions to the Zoning Ordinance.

Sam McGinn:

Mr. McGinn said he was happy to see flags at all Town buildings. He said several months ago a Planning Board member, Bill Rogers, made a remark about reducing speed limit by 15 mph and loss of parking places. Also, Mr. Rogers said he did not want outsiders to come here. Mr. McGinn said he would like a retraction of this statement by Mr. Rogers. Mr. Rogers apologized but Mr. McGinn requested he put this apology in the newspaper.

Jane Warsaw:

Does the Town have control over signs that are outdated, damaged, etc. Mayor advised yes, and the Planning Board is looking into this problem now.

ADJOURNMENT:

A motion was made by Alderman Warsaw and seconded by Mayor Pro-Tem Harkins to adjourn the meeting at 8:29 p.m. Passed unanimously.

Ann Vause

Ann Vause - Town Clerk

TOWN OF NORTH TOPSAIL BEACH
REGULAR BOARD MEETING
MARCH 20, 1991

PRESENT: Mayor Pro-Tem Marian Harkins, Aldermen Edward Warsaw, Peter Hillyer and Melinda Whitney, Town Manager Gary Britt, Town Attorney Marshall Dotson and Town Clerk Ann Vause. Mayor W. Rodney Knowles and Alderman Stella Tripp were absent.

CONVOCAATION: Mayor Pro-Tem Harkins called the meeting to order at 7:00 p.m., in the North Topsail Beach Fire Department Building, and declared a quorum present.

APPROVAL OF
AGENDA:

Mayor Pro-Tem Harkins requested comments on the agenda presented for approval. Attorney Dotson said he had a problem with the variance request. He said this board would be sitting as a Board of Adjustment which is different than the Board of Aldermen and to combine the two would be confusing. He suggested they defer the variance request, advertise for a Board of Adjustment meeting and meet before or after the next regular Board of Aldermen meeting. After a discussion on how variances should be handled, why it should not be a part of the Board of Aldermen meeting and the way previous variance request was handled the Board decided to defer the variance request of Amo F. Judd and requested the Town Manager advertise the Board of Adjustment meeting for April 3, 1991.

Town Manager Britt advised he had a resolution, prepared by Attorney Dotson, asking the Legislators to increase the fine for violation of Town ordinances from \$50 or imprisonment of not more than 30 days to \$500 or imprisonment for not more than 6 months.

After a brief discussion the Board decided to delete Item 4-a - Discussion regarding Amo F. Judd variance request and add Item 4-b - Resolution Requesting A Special Bill To Increase The Penalties For violation Of Town Ordinances.

MINUTES: A motion was made by Alderman Whitney and seconded by Alderman Hillyer to approve minutes of Public Hearing and Regular Board Meeting held March 6, 1991, as written. Passed unanimously.

RESOLUTION -
SPECIAL BILL
ON PENALTIES:

Attorney Dotson read the resolution concerning a special bill on penalties for violation of Town ordinances. After a brief discussion on ways to enforce penalties a motion was made by Alderman Warsaw and seconded by Alderman Whitney to adopt the following Resolution Requesting A Special Bill To Increase The Penalties For Violation Of Town of North

A RESOLUTION REQUESTING A SPECIAL BILL TO
INCREASE PENALTIES FOR VIOLATION OF
TOWN OF NORTH TOPSAIL BEACH ORDINANCES

WHEREAS, the Town of North Topsail Beach at a regular Board meeting conducted on the 20th day of March, 1991, determined that the penalties for violation of Town Ordinances as set forth in North Carolina General Statute 14-4(a) are inadequate for enforcement purposes for the Town of North Topsail Beach;

WHEREAS, other municipalities have by special legislation increased the penalties for violation of City and Town Ordinances to a fine of not more than \$500.00 or imprisonment for not more than 6 months instead of the existing statutory penalty of a fine not more than \$50.00 or imprisonment for not more than 30 days;

NOW, THEREFORE, be it resolved by the Board of Aldermen of the Town of North Topsail Beach that the Onslow County Local Legislative Delegation introduce a local bill in the General Assembly to increase the penalties for the violation of Ordinances of the Town of North Topsail Beach to a fine not to exceed \$500.00 or imprisonment not to exceed 6 months.

BE IT FURTHER RESOLVED that a copy of this Resolution be sent to all members of the Onslow County Legislative Delegation.

This 20th day of March, 1991.

DULY ADOPTED THE 20TH DAY OF MARCH, 1991.

Mayor Pro-Tem Harkins said she would like for the Town to use community service workers to clean up litter and trash on the beach. She was advised that the Town has requested these workers but there are none available at this time. She asked if the Town receives any of the funds offenders are required to pay. Attorney Dotson said no, the funds go to the school system.

UNDERGROUND
ELECTRIC
SERVICE:

Town Manager Britt said at a recent meeting the topic of underground electric service came up and the Board requested Jones Onslow representatives attend a meeting to discuss this. He introduced Mr. Billy Jarman and Mr. Tommy Pritchard, Jones Onslow EMC Representatives, and requested they explain overhead line cost versus underground line cost.

Mr. Pritchard, Chief Engineer, explained the structure of the Jones Onslow Electric Membership Corporation. He said the corporation serves 40,000 members in 6 communities and they are governed by a board that functions similar to the Town Board of Aldermen. They are financed through electric administration and federal grants and this allows them to

provide reasonable rates for everyone. There are 1800 miles of overhead line and 300 miles of underground lines in the system and some of these are on the island. Once underground lines are installed they are permanent and cannot be added to, but, overhead lines can be added too. Mr. Pritchard explained how they work with developers on installing underground service.

Mayor Pro-Tem Harkins asked Mr. Pritchard to explain the cost, to the Town and individual, for underground service. Mr. Pritchard advised for 125' of line it cost \$100 for construction, plus 3% sales tax. Lines over 125' cost \$1.50 per foot. Subdivisions are divided into two types, primary underground and non-sequential. Primary underground is where houses are built in sequence and connections are made in order. Cost for this type of service is \$200 for primary, plus \$100, plus 3% sales tax for each service provided they qualify for service within 3 years after installation. If it takes longer than 3 years to qualify for service they are charged \$300 plus \$200 deposit. Non-sequential is where individual houses in the subdivision request service, in random order. Cost for this type of service is the same as any other individual customers service, \$100 plus 3% sales tax. He explained why this type of service could cost the developer up to \$600 if they don't develop the area within 3 years. Mr. Pritchard said Jones Onslow E.M.C. has a \$2000 investment for service in each subdivision.

Mayor Pro-Tem Harkins wanted to know if developer could contact Jones Onslow E.M.C. for estimated cost before lots were developed. Mr. Pritchard advised yes and explained procedures, cost and required contract.

Mr. Bill Rogers, Vice-Chairman of the Planning Board, asked if there was a problem with our zoning ordinance regarding connections. Mr. Pritchard advised no.

Mayor Pro-Tem Harkins wanted to know if the Town should require right-of-way on projects for future use. Mr. Pritchard advised this was being done.

Alderman Hillyer asked Mr. Pritchard to explain advantages and disadvantages of overhead versus underground. Mr. Pritchard said overhead could be repaired faster thus reducing outage time while underground takes much longer. Underground reduced damage because of wind, etc., but it does not have the ability to re-close the line automatically after outage like overhead does. Both types of lines have a life expectancy of 20-30 years. Underground cable cost approximately \$50,000 a mile to install while overhead cost \$20,000 a mile.

A discussion was held concerning power outage after a major storm and time frame to restore power, and measures used to protect citizens from down power poles, etc.

Mrs. Sue Tumane asked Mr. Pritchard if he knew of an island with all underground lines and if so, what problems they have encountered. Mr. Pritchard said Bald Head Island was all underground and when the underwater cable was cut it took 18 months to restore power. He said a good mixture would be part overhead and part underground and explained why.

Mr. Pritchard said Jones Onslow E.M.C. plans to replace one transformer on high-rise bridge with three and when you add this to the two on the north end of Town that gives the Town five which will reduce interruption time.

Alderman Warsaw asked if Jones Onslow planned to extend above ground 12 KV line when the new section of S.R. 1568 is built. Mr. Pritchard advised yes, plans were already in place and if underground was used they would have to charge the developer the cost difference between underground and overhead. Alderman Warsaw said underground would be more aesthetically pleasing to citizens and the Town would pay the difference. Mr. Pritchard advised they would need to figure the difference in cost and individual requesting the change would have to present the request to his board and agree to pay the difference in cost. Alderman Whitney asked if federal subsidy could be used for this. Mr. Pritchard advised since this is a coastal barrier resource area it would not be eligible for subsidy, therefore, you must use money from rate bases.

Alderman Whitney asked if Jones Onslow had a study on other coastal areas that addresses overhead service versus underground service. Mr. Pritchard said there were several studies and briefly explained findings. Alderman Whitney said going north in Town most of the poles are located on the east side. If they were to fall they would block the road. Mr. Pritchard explained they were engineered for over 180 mph winds with other safety factors put in.

Mr. Jack Woessner asked Mr. Pritchard for a ballpark figure to install all underground service in Town. Mr. Pritchard advised it would cost approximately \$50,000 - \$60,000 a mile, plus \$1,000 for each service.

Mr. Benny Tripp asked if Jones Onslow was requested by the Town to install all underground on S.R. 1568 would the Town be required to pay the cost difference on installation or would the Town be required to pay the entire cost? Mr. Pritchard advised this type of request would have to be presented to his board for a decision. The first thing the Town would have to do is have a feasibility study prepared by an engineering firm.

Mayor Pro-Tem Harkins thanked Mr. Pritchard and Mr. Jarman for attending the meeting and explaining underground power lines.

MENT LOAN:

Town Manager Britt reviewed the Town's liability on assuming responsibility for the fire department. He said the balance on the building loan was \$50,000 with variable interest rate of prime rate plus 1 1/2%. To save money, he approached NCNB and First Citizens Bank and requested information on a fixed rate. The present loan has 105 months remaining and in order to attain a fixed rate the length would be reduced to 60 months. NCNB quoted the following: 10% fixed rate for 60 month period @ \$1,062 per month - Total \$63,720; First Citizens Bank quoted the following: 7.34% fixed rate for 60 month period, with 1% or \$500 origination fee - \$992 month, \$59,520 plus \$500 origination fee - Total \$60,115. If First Citizens Bank proposal is accepted the Town would save \$3,605. Town Manager Britt said refinancing would save \$10,000 over the next 105 months. He recommended the proposal from First Citizens Bank and advised if it was accepted stipulations would have to be met, a public hearing held and contracts prepared. After questions and discussion on getting bids from 3 lending institutions, refinancing expense, whether or not mortgage could be sold by lending institution and general statute requirements for a public hearing the Board requested the Town Manager work on another proposal and public hearing.

MANAGER'S
REPORT:

1. We are making good progress on the cable ordinance. It will be reviewed with the Town Attorney next week and then it will be presented to the Board. We were not able to work out a visit to see the cable operations but we will regroup and make another attempt.
2. Some progress has been made on the proposed parking ordinance.
3. We hope to plan some volunteer beach clean up projects in the future. Department of Transportation will provide orange litter bags. We will begin organization and advise the Board within the next 2 weeks.
4. We have a ways to go before we can award a garbage collection contract. In the interim, we are looking at putting bulk and recycling containers at a location off S.R. 1568. We have contacted the property owner and are waiting for his response. Preliminary cost figure, considering County tipping fee increase from \$25 to \$40 per ton, is \$27,000. This allows for 3 30 yard containers, dumped twice a week, from April to June 30, 1991. Three pickups per week would increase the cost to \$40,600. If we add the remaining 30 weeks in the year we would have a cost of about \$59,000 a year. These figures do not include personnel cost. If the proposal is approved we would try collection at an unmanned station and only add employee if necessary. These are only estimated figures. I hope to have definite figures in a few days. Some action needs to be taken regarding trash collection and if

anyone has another suggestion please contact me. A discussion was held on how to control type of garbage dumped, and whether the County had any responsibility to provide service.

Mr. Benny Tripp advised the County was looking for a trash site at the beach. He has offered a site near North Topsail Water/Sewer Plant and suggested the Town Manager check with the County to see what they are planning.

**ATTORNEY'S
REPORT:**

Town Attorney Dotson said he has looked at the beach access question on the north end of Town and will present a report to the Town Manager. In summary, there is no deeded access to the County. The homeowners restricted covenants do not address an easement. He said the easement only means the property is dedicated to anyone who bought lots in the area. The documents do not address who will maintain the area. The title remains in the property owners names because they bought to the center of the easement. The homeowners would need to form an association, address maintenance of the access and give the document to the Town or County. The current easement is not a public easement. It is only for individuals who bought property in the development. Alderman Whitney said it was difficult to know which are private or public accesses. Attorney Dotson said if it is deeded to the County it is public and must be maintained by them or the Town. However, the Town cannot spend public funds on a private access.

**ALDERMEN'S
REPORTS:**

Mayor Pro-Tem Harkins:

Earlier we requested the Town Manager work with the Attorney to comprise a parking ordinance. They are looking into prohibiting and towing ordinances. She said she would like a public hearing to see what citizens want and what areas they want closed.

Alderman Whitney:

1. Has the Planning Board been given a copy of the Water Study? If not, they need one to use when items come before them. Town Manager Britt advised a copy was given to Mr. Parr, Chairman of the Planning Board.
2. Does driving on the beach come up for review again? Town Manager Britt said the season ends in April and the Board needs to review the procedures then.

Alderman Warsaw:

Are you looking at name signs for all roads? Town Manager Britt said yes, but Powell Bill Funds cannot be used for this. He said he plans to recommend Board appropriation from the contingency fund for signs.

OPEN FORUM/
CITIZENS
REQUEST:

Leland Newsome:

He said he understood the Planning Board members were due to be re-appointed on May 6, 1991. If someone was interested in applying for appointment who would they contact? Mayor Pro-Tem Harkins gave Mr. Newsome an application and advised him to turn it in to the Town Manager.

Frank Stolmar:

He said he recently received a copy of Section 15 - Signs of the North Topsail Beach Zoning Ordinance. He asked if all Town ordinance had been adopted. Town Manager Britt advised no, only certain ones such as Zoning, Subdivision, Privilege Licenses, etc. Mr. Stolmar explained the problem he was having with dogs running loose at night and asked what he could do until the ordinance on dogs was approved. Attorney Dotson said the nuisance section of the State Law is available and suggested he report the incident to the police department. Mayor Pro-Tem Harkins advised the Board has received other complaints and they requested the police department review the problem and report back to them within 3-6 months. Mr. Stolmar advised he owned a beach vehicle and enjoyed fishing on the beach. He requested the Board consider the citizens who enjoy the beach and follow the rules when they decide whether or not to cancel beach driving permits. Lastly, Mr. Stolmar asked the Board to consider reducing the cost of obtaining a copy at Town Hall from 15 cents to 5 cents. He was advised the Town Manager was looking into this now.

Jack Woessner:

Do you plan to repave any streets in Town? Town Manager Britt said there are 3 miles of streets and he was looking at preparing a survey and cost estimates to repave them with Powell Bill Funds.

Citizen:

A citizen on 8th Avenue said her road was in very bad condition. Town Manager Britt advised he would check and see if this street was the Town's responsibility and what could be done.

Johnny Farmer:

Where do you get copies of documents? He was advised copies are obtained from Town Hall.

Citizen:

A citizen asked if the leash law would be in place before summer. Town Manager Britt advised it would be 30 days before the report on complaints was completed and another

30-60 days before the ordinance could be prepared and put into effect.

ADJOURNMENT:

A motion was made by Alderman Whitney and seconded by Alderman Warsaw to adjourn the meeting at 9:04 p.m. Passed unanimously.

Ann Vause
Ann Vause - Town Clerk

TOWN OF NORTH TOPSAIL BEACH
REGULAR BOARD MEETING
APRIL 3, 1991

PRESENT: Mayor W. Rodney Knowles, Mayor Pro-Tem Marian Harkins, Aldermen Edward Warsaw, Stella Tripp, Peter Hillyer and Melinda Whitney, Town Attorney Marshall Dotson and Town Clerk Ann Vause. Town Manager Gary Britt was absent because of family illness.

CONVOCATION: Mayor Knowles called the meeting to order at 7:10 p.m., in the North Topsail Beach Fire Department building and declared a quorum present.

**APPROVAL OF
AGENDA:**

Mayor Knowles advised Mr. McElwee, North Topsail Beach Development Services Coordinator, requested items b & c, Ordinance to Adopt Various Standard Codes relating to Inspection Activities and discussion on zoning signs, be removed from the agenda because he is unable to attend this meeting. After a brief discussion the Board removed these items and requested they be on the April 17th, agenda.

**MUTUAL AID
AGREEMENT -
FIRE:**

Mayor Knowles said the Town has individual mutual aid agreements with some volunteer fire departments in the county. The proposed mutual aid agreement would give us a county wide mutual aid agreement on fire service. A motion was made by Mayor Pro-Tem Harkins and seconded by Alderman Tripp to authorize the Mayor and Town Clerk to sign the mutual aid agreement with Onslow County, for fire protection service, on behalf of the Town. After a brief discussion on why it was necessary to have this type of agreement when the Town is part of the county the motion passed unanimously.

**ATTORNEY'S
REPORT:**

1. A copy of the Jacksonville dog ordinance has been given to the Town Manager. We plan to work on this and see how it applied to North Topsail beach. When draft is prepared it will be presented to the Board for their review.
2. A letter was sent to Representative Grady requesting special legislation on increase of penalty for violation of Town ordinances. This should be presented to the Legislature on April 4th.
3. EEO complaint filed as a result of former police chief not hiring a particular applicant has been denied on the local level. The applicant has until April 8, 1991, to appeal and then an additional 90 days to file another complaint, if desired.

MINUTES:

A motion was made by Mayor Pro-Tem Harkins and seconded by Alderman Whitney to approve minutes of Regular Board Meeting held March 20, 1991, as written. Passed unanimously.

ALDERMEN'S
REPORTS:

Alderman Whitney:

We are working hard on garbage issue and the fire department for the north end. These items are up front and forth coming. She asked citizens to bear with them during this process.

Alderman Tripp:

I wish to thank Ann for Town flowers and card while I was hospitalized.

MAYOR'S
REPORT:

Attended Mayors conference March 21st. It was refreshing to know other towns our size, with our tax base, have similar problems. The budget problem for Fiscal Year 1991-92 is a result of the States financial problems, which will be passed down to the local level. North Topsail Beach, along with all other municipalities, may see a tight budget crunch next year.

CITIZENS
COMMENTS:

Dan Tuman:

The last 6 months we have not had very much press coverage on Town meetings. Mayor Knowles said he talked with the press and they will be attending more regularly.

Margaret Stackleather:

Recycling containers have been removed from the Food Lion store. Is the town going to do anything to help with recycling? Mayor Knowles renewed what is being negotiated with property owner for temporary site. A brief discussion was held on the meetings with Surf City and Pender County concerning recycling center. The Board requested the Town Manager talk with Surf City and Topsail Beach regarding their recycling center and whether or not North Topsail Beach could join with them.

Sue Bedell:

She said she was interested in a leash law and that she sent a copy of Jacksonville's ordinance and a petition to the Town. Town Attorney Dotson reviewed the information he was presenting to the Town Manager, what Onslow County has done on their new dog pound, the process used now when a dog is impounded and how long it would take to adopt and enforce a leash law. Police Chief Taylor reviewed complaints he has received and problems encountered with Onslow County Dog Control Department.

Bill O'Donnell:

He said he was opposed to a leash law. There is already a county ordinance in place and if dogs are running loose the county should be called

Dan Tuman:

Does the county have jurisdiction for animal control or the Town, when our ordinance is in place? Attorney Dotson said the county enforces the leash law in the county only.

Benny Tripp:

Why can't we enforce the county leash law? Attorney Dotson said when a problem occurs in town the county control officer does not like to enforce a county ordinance because of conflicts that may occur.

Alderman Tripp:

What about stray cats? Can we have a mutual agreement on dog control? Attorney Dotson said it may be possible to include these items.

Alderman Hillyer:

We don't want to assume everyone is for a leash law. He said he has not heard much sentiment from citizens on this issue. Mayor Knowles advised before an ordinance was adopted a public hearing would be held.

Frank Stolman:

There are several dilapidated signs in town. When and how can they be removed and can we have an ordinance to address this issue? Mayor Knowles requested he talk with the Inspections Department about this issue.

Margaret Stackleather:

Will we get street signs? Mayor Knowles said they are in next years budget.

Bea Wallace:

Has gravel been put on any roads? Mayor Knowles said the Town Manager is working on this project.

James Davis:

How are streets dedicated? Attorney Dotson reviewed the process.

Dan Tuman:

Are there legitimate town streets and if so, how did they become town streets? Attorney Dotson explained the process of dedicating streets. Mr. Tuman requested something be presented to the public so they would know what street standards are and how they are dedicated. Attorney Dotson advised the Planning Board has been trying to address this issue.

Leland Newsome:

Ocean City Subdivision residents dedicated two streets 70' wide to the State for their maintenance. He said their attorney drew up the papers and gave each property owner 5'. Attorney Dotson said this type of thing could be part of the budget process and he explained how this would work.

Bill O'Donnell:

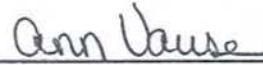
Is it possible to use North Topsail Beach with Holly Ridge zip code for our mailing address? Mayor Knowles advised someone was working on establishing a post office for North Topsail Beach. A brief discussion was held on this subject.

Cora Nellon:

Can a copy of reports from Police, Inspections and Fire Marshall be picked up at Town Hall each month? Mayor Knowles advised yes. Alderman Tripp said it would be nice if we had a copy of these reports for citizens so they would know what these departments are doing each month.

ADJOURNMENT:

A motion was made by Alderman Tripp and seconded by Alderman Hillyer to adjourn the meeting at 8:00 p.m. Passed unanimously.



Ann Vause - Town Clerk

TOWN OF NORTH TOPSAIL BEACH
REGULAR BOARD MEETING
APRIL 17, 1991

PRESENT: Mayor W. Rodney Knowles, Mayor Pro-Tem Marian Harkins, Aldermen Edward Warsaw, Stella Tripp, Peter Hillyer and Melinda Whitney, Town Manager Gary Britt, Town Attorney Marshall Dotson and Planning/Zoning Administrator Susan Daughtry. Town Clerk Ann Vause was absent due to illness.

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

APPROVAL OF AGENDA: After a brief discussion the board decided to remove the Board of Adjustment minutes of April 3, 1991, from the agenda.

APPROVAL OF MINUTES: Aldermen Whitney requested two typing errors be corrected. On page 2 the word desires should be desired and 1991-91 should read 1991-92. A motion was made by Mayor Pro-Tem Harkins and seconded by Alderman Tripp to approve minutes of the Regular Board Meeting held April 3, 1991, with 2 typing corrections requested. Passed unanimously.

REFUSE COLLECTION UPDATE: Town Manager Britt presented the following update on refuse collection:

Refuse Site:

Discussed with Mr. Roger Page the possibility of using either his property at the intersection of Highway 210 and S.R. 1568 or his property across from Hampton Colony for a refuse site. Town Manager Britt recommended the site across from Hampton Colony and advised Mr. Page would lease the property to the Town for \$500 a month. The Town would use a number of small containers for trash because they are more convenient than the large container that would be compacted on the site.

Recycling Sites:

Surf City has authorized North Topsail Beach citizens to use their recycling facility located near the water tower in Surf City. Mr. Rick Leary, Onslow County Manager, said recycling containers will be available at the Folkstone Road site by May 20, 1991.

A lengthy discussion was held on what could be recycled, services the Town would provide at the proposed site, county approval needed for the site, and whether or not an employee would be required at the site. Town Manager Britt advised the funds for the site would need to come from the contingency fund this year. After the discussion the Board requested more information before making a decision.

BEACH CLEAN
UP:

Town Manager Britt said there was a good turn out at the last beach clean up. Some volunteers are working on clean up efforts now but more volunteers are needed at the north end. He recommended another beach clean up be scheduled for the first or second week in May. N.C. Department of Transportation has donated a case of large orange bags and the town would collect filled bags. After a general discussion the Board scheduled the beach clean up for Saturday, May 11th, from 9:00 a.m. to 12 noon and requested the Town Manager advertise for volunteers.

SPEED LIMITS
- HIGHWAY 210
& S.R. 1568:

Town Manger Britt said currently the speed limit on Highway 210 from south city limits to North Topsail Beach Fire Department is 45 mph and from the fire department to S.R. 1568 the speed limit is 55 mph, from S.R. 1568 to S curve it is 35 mph and from the S curve on the old section of S.R. 1568 to the Shipwatch Villas it is 45 mph then from Shipwatch Villas to north end it is 35 mph. A general discussion was held and comments from citizens received on changing city wide maximum limit to 45 mph, setting one speed limit for summer and one for winter, the possible use of radar for speed limit enforcement, what National Highway Safety Committee recommends on setting speed limits and possible use of crosswalks. After the discussion a motion was made by Alderman Hillyer and seconded by Mayor Pro-Tem Harkins that a resolution be prepared requesting 45 mph speed limit be established for Highway 210 from Surf City Town limits to high rise bridge and down S.R. 1568 to within 1,000 feet of S curve and that 35 mph speed limit be established from 1,000 feet of S curve to the north end of town. Voting aye: Alderman Hillyer and Mayor Pro-Tem Harkins. Voting nay: Aldermen Warsaw, Tripp and Whitney. Motion did not pass. After further discussion the Board requested the Town Manager obtain further information on speed limits and put this item back on the agenda of the first May meeting.

FIRE DEPART-
MENT LAND &
BUILDING:

A motion was made by Mayor Pro-Tem Harkins to accept First Citizens Bank & Trust Company proposal of 7.34% fixed rate for 60 month loan on the fire department land and building. Alderman Tripp asked if an audit was received before the fire department was taken over. Town Manager Britt said a review was done but not an audit. Mayor Pro-Tem Harkins said the county does an annual audit on all volunteer fire departments and we could get a copy from them. After a brief discussion on refinancing the loan and whether or not all conditions of the proposed First Citizens contract have been met Alderman Warsaw seconded the motion to accept the proposal from First Citizens Bank and Trust Company for refinancing the loan on the fire department land and building. Passed unanimously.

RECESS:

Mayor Knowles called for a break at 8:10 p.m. At 8:20 p.m., Mayor Knowles called the meeting back to order.

AN ORDINANCE
TO ADOPT
VARIOUS
STANDARD CODES
RELATING TO
INSPECTION
ACTIVITIES:

Development Services Coordinator Bill McElwee presented an ordinance to adopt various standard codes relating to inspection activities. He said this ordinance was a part of the N.C. State Building Code and needs to be part of the Town ordinances. Mayor Pro-Tem Harkins recommended the last sentence in Section 2 be changed to read, "..... to that extent any existing ordinance below standards of N.C. Code are hereby repealed." After a discussion on current standards a motion was made by Alderman Whitney to adopt first reading of An Ordinance to Adopt Various Standard Codes Relating to Inspections Activities of the Town of North Topsail Beach and Enforcement of Building Provisions as provided in Said Codes with the last sentence in Section 2 changed to read, "... to that extent any existing ordinance below standards of N.C. Code are hereby repealed." Attorney Dotson advised if they left the sentence in Section 2 that refers to repealing North Topsail Beach Zoning Ordinance Section 3 they would have to have a public hearing on this ordinance. After a brief discussion Alderman Whitney amended her motion to include eliminating the phrase "and that Section 3 - Administration of the North Topsail Beach Zoning Ordinance is hereby repealed and," from Section 2 of the ordinance. The motion was seconded by Alderman Tripp. Passed unanimously.

AN ORDINANCE TO ADOPT VARIOUS STANDARD CODES RELATING TO
INSPECTION ACTIVITIES OF THE TOWN OF NORTH TOPSAIL BEACH AND
ENFORCEMENT OF BUILDING PROVISIONS AS PROVIDED IN SAID CODES

SECTION 1: WHEREAS, it is the desire of the Town of North Topsail Beach to adopt, in all respects, the various Standard Codes relating to amusement devices, building, fire prevention, gas, grading, housing, mechanical, plumbing and swimming pools; and

WHEREAS, the adoption of these Codes is done to facilitate proper inspection activities by the Town of North Topsail Beach relating to construction and to maintenance of buildings within the corporate limits of said town and relating to public safety, health and general welfare.

NOW, THEREFORE, BE IT ORDAINED by the Town of North Topsail Beach Board of Aldermen that the following Codes are hereby adopted by reference as though they were copied herein fully:

Standard Amusement Device Code - 1985
Edition
Standard Building Code - 1988 Edition

Standard Excavation and Grading Code -
 1975 Edition
 Standard Existing Buildings Code - 1988
 Edition
 Standard Gas Code - 1988 Edition
 Standard Housing Code - 1988 Edition
 Standard Mechanical Code - 1988 Edition
 Standard Plumbing Code - 1988 Edition
 Standard Swimming Pool Code - 1985 Edition
 Standard Unsafe Building Abatement Code -
 1985 Edition

SECTION 2: BE IT FURTHER ORDAINED by the North Topsail Beach Board of Aldermen that any matters in said Codes which are contrary to existing Ordinances of the Town, shall prevail to the extent that any existing ordinance below standard of N.C. Code are hereby repealed.

SECTION 3: BE IT FURTHER ORDAINED that within said Codes when reference is made to the duties of certain officials named therein that designated official of North Topsail Beach who has duties corresponding to those of the named official in said Code shall be deemed to be responsible official in so far as enforcing the provisions of said Code are concerned.

SECTION 4: BE IT FURTHER ORDAINED that this Ordinance shall take effect and be in force from and after its passage, the public welfare requiring it.

FIRST READING ADOPTED APRIL 17, 1991.

ZONING
 SIGNS:

Development Services Coordinator McElwee said signs should be posted on property where rezoning has been requested and they should be provided by the individual requesting the rezoning. Planning Board Chairman Bill Parr said the current ordinance reads signs "may be posted" and it should be changed to "shall be posted." After a discussion on changes to the zoning ordinance being prepared by the Planning Board and how signs on property proposed for rezoning would help people identify the property, the Board instructed the Town Manager to enforce the posting of signs on property when a rezoning request has been made.

RESOLUTION -
 HR 2377
 FUNDS:

Town Manager Britt presented a resolution requesting the State restore automatic statutory distribution of House Bill 2377 funds and advised the League of Municipalities was recommending local governments pass this resolution. After a brief discussion a motion was made by Alderman Whitney and seconded by Alderman Tripp to authorize the Mayor and Town

Clerk to sign the resolution on House Bill 2377. Passed unanimously.

RESOLUTION REQUESTING THE GENERAL ASSEMBLY TO RESTORE THE AUTOMATIC STATUTORY DISTRIBUTION OF HOUSE BILL 2377 FUND

WHEREAS, the intangibles tax is levied to provide revenues for local governments, and the State of North Carolina levies and collects this tax for uniformity of rates and efficiency of collection; and

WHEREAS, before 1949, municipalities levied local franchise taxes on the sale of electricity, natural gas and telephone sales within each municipality, and the state franchise tax replaced these local taxes with the agreement that municipalities would receive the proceeds from sales within municipal corporate areas; and

WHEREAS, the General Assembly raised the beer and wine tax in 1947 with a share of proceeds from this tax to be distributed to local governments that allow beer and wine sales within their boundaries; and

WHEREAS, prior to the 1990-91 fiscal year, proceeds from the above three taxes were distributed to local governments in accordance with state statutes and were not subject to annual appropriation; and

WHEREAS, the General Assembly passed in 1990 House Bill 2377 making these long standing local revenues subject to annual appropriations because of the need to balance the state's balance sheet on an accrual basis; and

WHEREAS, the General Assembly, in levying these taxes, designated all or a substantial portion of the proceeds to be local revenues;

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN OF NORTH TOPSAIL BEACH respectfully requests that the General Assembly restore the automatic, statutory distribution of these important local revenues, thereby eliminating the necessity of the General Assembly to make an annual appropriation to return these local revenues to local governments.

DULY ADOPTED THE 17TH DAY OF APRIL, 1991.

STREET
MAINTENANCE:

Town Manager Britt explained the street survey prepared by Charles Riggs in 1990. He said there are 3 miles of streets with at least 16' width and that Powell Bill Funds from the State can only be used on these streets. Aldermen and citizens asked Town Manager Britt to explain how streets are dedicated. A general discussion was held on street standards, survey on worst streets and State guidelines for use of Powell Bill Funds. The Board also discussed how someone could petition the Town to accept a street and why

private streets in subdivisions are maintained by homeowner associations.

BUDGET
PROCESS -
FY 1991-92:

Town Manager Britt explained the process of preparing the proposed budget before it is presented to the Board for consideration. He advised Alderman Whitney was requesting a workshop to receive the board members input before the budget is prepared. A discussion was held on budget process, possible workshop date, and why the classification plan for employees needs to be addressed. After the discussion, Mayor Knowles advised a workshop would be scheduled sometime in May.

MANAGER'S
REPORT:

1. Town Manager Britt said he needed clarification on the Planning Board members re-appointment. In reading the ordinance it appears the initial members will be re-appointed.
2. Onslow County Tourism Board is providing two signs for each town in the county. One of North Topsail Beach's signs will be at the highrise bridge and the other at the Surf City limits. The tourism board pays for the signs and the town installs them.
3. The first draft of the municipal codes has been received. It will be reviewed, obvious errors removed and then copies will be made for the boards review.
4. Hopefully, by the middle of next week the trailer used by the Police and Inspections Departments will be moved immediately adjacent to Town Hall.

ALDERMEN'S
REPORTS:

Mayor Pro-Tem Harkins:


What happened with the Chamber of Commerce? Town Manager Britt gave an update.

CITIZENS
COMMENTS:

Mrs. Jane Warsaw said she loved the new sign near the highrise bridge and requested the signs at the corner of Highway 210 and S.R. 1568 be cleaned up.

ADJOURNMENT:

A motion was made by Alderman Tripp and seconded by Alderman Warsaw to adjourn the meeting at 9:40 p.m. Passed unanimously.


Susan Daughtry
Planning/Zoning Administrator

TOWN OF NORTH TOPSAIL BEACH
Regular Board Meeting
May 1, 1991

PRESENT: Mayor W. Rodney Knowles, Mayor Pro-Tem Marian Harkins, Aldermen Stella Tripp, Peter Hillyer and Melinda Whitney, Town Manager Gary W. Britt, Town Attorney Marshall Dotson & Sharon Braswell, Assistant to the Town Clerk. Alderman Edward Warsaw and Town Clerk Ann Vause were absent.

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

APPROVAL OF AGENDA: Mayor Knowles requested the letter from Don Herman regarding a Post Disaster Damage Assessment class be added to the agenda. A motion was made by Alderman Tripp and seconded by Alderman Hillyer to add letter from Mr. Don Herman under New Business. Passed unanimously.

APPROVAL OF MINUTES: Alderman Tripp asked when Board of Adjustment meeting minutes would be approved. After a brief discussion the Board decided to hold a Board of Adjustment meeting May 15, 1991, prior to the regular board meeting.

A motion was made by Alderman Whitney and seconded by Alderman Hillyer that the minutes of the regular board meeting held April 17, 1991, be approved as written. Passed unanimously.

SPEED LIMITS-
HIGHWAY 210 &
STATE ROAD
1568:

Town Manager Britt explained recommendations from Mr. Archie Wells, Department of Transportation (DOT), based on State's study of Highway 210 and State Road 1568 and introduced Mr. Wells. Mr. Wells explained the speed limit set up in relation to curves, traffic, etc. He gave the background on how DOT determines speed limits. A discussion was held with Board members and citizens on why current speed limits are used, why they should be lower or higher, potential hazards by slower drivers, people exceeding speed limit and the type of accidents that have occurred on these roads. Mr. Doug Bowers, DOT representative, advised that 45 mph speed limit on State Road 1568 was the original speed limit, but was reduced to 35 mph because the bridges were not yet completed. He stated that 45

mph was fine and that it could be changed again if its not sufficient. He said they give serious consideration to requests from local governments on speed limit changes. If the Town is not satisfied with the DOT's ideas on speed limits all they need to do is write and request a change. Mayor Knowles read Police Chief Taylor's recommendations. A motion was made by Alderman Tripp that Chief Taylor and Archie Wells, DOT representative, get together and review speed limits before the next board meeting.

Mr. Bowers said their concerns are the same as the Town's as long as they are enforceable. After a general discussion on concerns the motion was seconded by Mayor Pro-Tem Harkins and passed unanimously. The board thanked Mr. Wells, Mr. Bowers and Chief Taylor for their recommendations.

SOLID WASTE
COLLECTION-
UPDATE:

Town Manager Britt reviewed the possibility of using bulk containers at a site until curb side pickup could be established and explained the cost of 8 yard containers versus 30 yard containers. He also reviewed the two sites being considered for solid waste collection (Hampton Colony area and lot beside North Topsail Beach Fire Department) and advised that both sites would require a conditional use permit which takes 60-90 days for approval. He recommended the board review a curb side pickup plan and said he would give them some figures as soon as possible. A motion was made by Alderman Whitney to instruct Town Manager Britt to get 3 estimates on curb side pickup, with recycling if possible, within the next 2-4 weeks and put subject back on agenda. After a discussion on possibly needing someone to man site, objection of Mrs. Chestnut to put site on property she sold to the Town, and possible payment options for part-time residents, Alderman Whitney withdrew her motion.

COMMERCIAL
ACTIVITIES ON
BEACH:

Town Manager Britt advised the Town does not have an ordinance regulating commercial activities on the beach, however, one is listed in the proposed codification draft. He reviewed a request by Mr. Bill Stein to sell products on the beach strand.

Town Attorney Dotson said there is no ordinance that prohibits this activity so if the individual meets licensing provisions they can not be turned down. A general discussion was held on authority to enact an ordinance and what individual proposes to sell, but no action was taken.

BUDGET
AMENDMENT-
CONTINGENCY
FUNDS:

Town Manager Britt said the Town needs street signs, but funds were not budgeted this year and Powell Bill Funds cannot be used to purchase signs. He requested \$1,700.00 be transferred from contingency account to Public Works account to purchase street signs. Alderman Tripp asked why \$10,000 was budgeted in Powell Bill Fund but \$17,880.72 was listed on financial report. Town Manager Britt advised the \$10,000 was estimated and \$17,880.72 was funds actually received. A discussion was held on the type of signs to be purchased, where they would be installed and two "Welcome to North Topsail Beach" signs provided to the Town by the Onslow County Tourism Board. After discussion a motion was made by Alderman Whitney and seconded by Alderman Hillyer to authorize the transfer of \$1,700.00 from contingency account to Public Works account for purchase of street signs. Passed unanimously.

MANAGER'S
REPORT:

1. Monday, May 13th, a Damage Assessment Course will be held from 9:30 a.m. till 11:45 a.m. and from 1:30 p.m. till 3:45 p.m. by Onslow County EMS. The course will provide information about site damage assessment after a major storm.
2. Charles Riggs is preparing a list of streets that appear to be privately owned, state maintained and Town maintained for the Board's review. Also, we are getting estimates on cost to repair streets.
3. We are reviewing the Onslow County Animal Control Ordinance to decide the merits in adopting the ordinance for North Topsail Beach and allowing the Onslow County Control Officer to enforce the ordinance. A copy will be included in your May 15th package.
4. The final draft on the Cable Franchise Ordinance is being completed and will be presented to the Board in the near future.

ALDERMEN'S
REPORTS:

Alderman Whitney

Beach Access #2 does not have a sign to remind people to put refuse in receptacles. If you contact Sarah Humphries she will give you a sign.

Mayor Pro-Tem Harkins

North Topsail Beach Fire Department and West Onslow Beach Volunteer Rescue Squad is planning a Rummage/Bake Sale Saturday, May 25th. Please help as much as you can.

Mayor Pro-Tem Harkins (cont.)

Please review the zoning ordinance regarding the height of fences on the ocean side of Town.

Alderman Hillyer

Concerning the promise on relocation of State Road 1568, Roger Page is now suing the State and the State litigation is dragging on. Is the whole thing going to fall apart? What can we do as a Board and Town to get the remainder of the road completed?

DOUG BOWERS,
DOT:

Mr. Bowers introduced Mrs. Marilyn Williams, new DOT Representative for Onslow County.

DOT has filed suit against Mr. Page and Mr. Page has filed suit against DOT, so the status of the road relocation is in limbo. It is evident that Mr. Page has no intention of completing the last mile of road. The DOT can either wait until legal action is completed or proceed, let legal action take its course, and then seek financial reimbursement from Mr. Page. If DOT elects to proceed, an environmental impact statement must be completed and this will take about a year. A general discussion was held on Mr. Page's contract with DOT and why road was not relocated when the State was presented with a petition. Town Attorney Dotson asked about an emergency road from Galleon Bay area up through and behind Shipwatch Villas to the new section of State Road 1568. Mr. Bowers said permits would be needed and environmentalists would need to be contacted. Alderman Tripp asked if there was some way the road could be moved quicker since 2/3 of the population live beyond this area and depend on the road to enter or exit their property. No further comments were received.

CITIZENS
COMMENTS:

Mr. Jamey Sanders, Representative of Citizens Involvement Association, asked the board to seriously consider all candidates for appointment to the Planning Board.

ADJOURNMENT:

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



Sharon Braswell, Asst. to Town Clerk

TOWN OF NORTH TOPSAIL BEACH
REGULAR BOARD MEETING
May 15, 1991

PRESENT: Mayor W. Rodney Knowles, Mayor Pro-Tem Marian Harkins, Aldermen Edward Warsaw, Stella Tripp, Peter Hillyer and Melinda Whitney, Town Manager Gary Britt, Town Attorney Marshal Dotson and Town Clerk Ann Vause.

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

APPROVAL OF AGENDA: Alderman Tripp requested Item 6-C - Discussion of Ordinances Regulating Town Traffic, Motor Vehicles and Wrecker/Towing Services & Impoundment, under New Business, be removed because the board needs more time to review these ordinances. She requested they be put on the next meeting agenda. Town Manager Britt requested input, on these ordinances, from the board members.

MINUTES: A motion was made by Mayor Pro-Tem Harkins and seconded by Alderman Whitney to approve the minutes of the regular board meeting held May 1, 1991, as written. Passed unanimously.

SPEED LIMITS
HIGHWAY 210
AND SR 1568:

Town Manager Britt said at the May 1st meeting the board discussed speed limits on Highway 210 and SR 1568 and requested the Police Chief to meet with Department of Transportation to review recommendations. The meeting was held Friday, May 10th and Department of Transportation indicated the speed study on Highway 210, shows the limit of 55 mph 3.35 miles from Surf City limits to the high rise bridge is the proper speed limit. They recommended the speed limits be as follows: 45 mph from Surf City limits on highway 210 north approximately 3.35 miles; 55 mph on Highway 210 3.35 miles from Surf City limits to the high rise bridge; 45 mph on SR 1568 from Highway 210 and SR 1568 intersection to "S" curve; 35 mph on SR 1568 from "S" curve to the end of town limits on the north end.

Acting Police Chief Taylor said he recommended turn lanes on Highway 210 near SR 1568 and Highway 210 intersection and from Myrtle Drive to just beyond St. Moritz and is waiting for Department of Transportation recommendations. He advised he agreed with speed limits proposed by Department of Transportation.

A discussion was held on proposed speed limits, previous Department of Transportation study on SR 1568 speed limits, possibility of eliminating some passing zones and article on Driver Speed Behavior presented by Alderman Warsaw.

After discussion, a motion was made by Mayor Pro-Tem Harkins to request the State to go ahead with 45 mph speed limit from Surf City limits north 3.35 miles; 55 mph 3.35 miles from Surf City limits to the high rise bridge; 45 mph on SR 1568 from

Highway 210 intersection to "S" curve; 35 mph from "S" curve to the end of town limits on the north end and request Department of Transportation to put in turn lanes on Highway 210 from the high rise bridge to SR 1568 intersection and from St. Moritz to Myrtle Drive. Alderman Tripp seconded the motion. Voting aye: Mayor Pro-Tem Harkins, Aldermen Tripp, Hillyer and Whitney. Voting nay: Alderman Warsaw. Motion carried.

STREETS-
TOWN VS.
PRIVATE:

Town Manager Britt said a list of Town streets 16' wide and a list of streets less than 16' wide, not eligible for Powell Bill Funds, was provided to the Board. He advised Wicker Street was listed as a Town street and should be listed as a private street. He recommended the Town streets less than 16' wide in width be widened so they would be eligible for Powell Bill Funds next year. A discussion was held on street right-of-way, obstructions in right-of-ways, and Powell Bill Funds available.

Town Manager Britt advised he received 3 three informal bids on the repair of 16' wide streets. The bidders would grade gravel (3" thickness) and dirt roads, rock grade surfaces and level, crush and run and grade streets. The following bids were received: Johnson Marine Construction - \$49,594.00, includes providing rock material; Justice Construction - \$5.25 per foot, includes providing rock materials and Marlow F. Bostic, Jr. - \$21,335.00, for 3" gravel thickness and \$11,027.50 for 2" gravel thickness, with the Town providing all rock materials.

A discussion was held on bid process, 3" gravel vs. 2" gravel, bids received, streets being repaired on most needed basis, Town individual who will supervise and inspect contractors work, liability and workman's compensation insurance required of contractors, and possibility of delaying bid award until next regular meeting date so the Town Manager could request insurance information from bidders.

Alderman Tripp said there is a lot of work to be done. We have \$17,000.00 to use and bidders are all qualified contracts so we need to proceed with bid award.

After further discussion on contracts, which roads to begin with and problems with obstructions in right-of-way, a motion was made by Alderman Tripp and seconded by Alderman Hillyer to award the bid to the low bidder, Marlow Bostic, Jr. with a bid of \$11,027.50 for 2" of gravel thickness, and begin work as soon as the Town gets proof of Workman's Compensation and liability insurance. Passed unanimously.

Mayor Pro-Tem Harkins requested a record of completed streets and the Board requested the Town Manager coordinate inspections with public works maintenance and inspections departments.

SOLID WASTE
UPDATE:

Town Manager Britt advised another site for solid waste disposal has been presented to the Town. The property owned

by H.H. Estates, located adjacent to the Town Hall, is accessible and well hidden from view. He said he checked the site and it looks good. Also, he talked with Mr. Dotson, attorney and one of the Trustees, and he feels if the Town presented an offer to the Board of Trustees, they would be receptive. The cost for 11 leased, 8 yard containers, based on 3 pick-ups per week, would be approximately \$2900.00 a month. After a brief discussion, a motion was made by Alderman Warsaw and seconded by Mayor Pro-Tem Harkins to make Hunter Heath Estates an offer of \$1.00 nominal fee for use of property on Highway 210 for solid waste site. After further discussion on cost to clear and prepare site, Mayor Knowles requested a vote on the motion. Voting aye: Mayor Pro-Tem Harkins and Alderman Warsaw. Voting nay: Aldermen Tripp, Hillyer and Whitney. Motion did not pass.

A motion was made by Alderman Tripp and seconded by Alderman Hillyer to offer \$100 a month to Hunter Heath Trust for use of their property, adjacent to Town Hall on Highway 210, for refuse collection site with improvements and terms to be set out in writing by the Town Manager and Town Attorney. Voting aye: Aldermen Warsaw, Tripp, Hillyer and Whitney. Voting nay: Mayor Pro-Tem Harkins. Motion passed.

PLANNING
BOARD
MEMBERSHIP AND
VACANCIES:

Attorney Dotson said he requested an interpretation of the Town ordinance establishing the Planning Board, particularly the section on membership and vacancies, however, it is difficult to get an opinion because of the busy general assembly session. He said he reviewed the ordinance and would be willing to give his opinion on this section, if requested. The Board requested his opinion.

Attorney Dotson said in reading the ordinance, it is clear that the initial appointment of the Planning Board members was for one year and then they must be re-appointed. On subsequent appointments, it's clear that two of the initial members should be re-appointed for two years but on other appointments for two and four year terms, as he interprets the ordinance, it is not necessary they be appointed from the initial membership. The ordinance compels the Board to re-appoint two of the initial members, not the entire membership. This is done so two members of the Planning Board carry over and can advise new members on procedures, projects, etc. The Board of Aldermen can use their talent bank to select new members for the Planning Board.

A discussion was held on initial adoption of the ordinance, number of times it has been revised, when a public hearing would be required on this type ordinance, and authority the Board has to revise or remove ordinance.

Alderman Hillyer said he disagreed with the attorney's opinion and felt we should wait for a written interpretation from the State and then discuss the issue at the next meeting.

A motion was made by Alderman Hillyer and seconded by Alderman Warsaw to table discussion on Planning Board membership and

vacancies until the next meeting when we have a written determination from the State and the Institute of Government. Voting aye: Mayor Pro-Tem Harkins, Aldermen Warsaw, Hillyer and Whitney. Voting nay: Alderman Tripp. Motion passed.

CABLE TV
FRANCHISE
ORDINANCE:

Mayor Knowles advised the Board has had two meetings and two public hearings on the proposed cable television ordinance. The Town is losing money by not having the ordinance in place. We can either choose to have or not have a cable system. A discussion was held on concerns on approval by cable company's home office, citizens comments, schedule requirements of Cable Act, Board members desire to review with new revisions and how soon after acceptance the ordinance could be adopted.

RECESS:

Mayor Knowles requested a recess at 8:27 p.m. He called the meeting back to order at 8:38 p.m.

ONSLow
COUNTY BEACH
ACCESS #4:

Mayor Knowles advised Onslow County was requesting a Conditional Use Permit to build Beach Access #4 on SR 1568. The Planning Board reviewed the request and forwarded the following recommendations:

Upon consideration, the Planning Board has recommended that the following conditions be imposed on this Conditional Use Permit:

- 1) Lifeguards be provided by the county.
- 2) Turning lanes shall be provided along the entire road frontage of the park.
- 3) Berms and swales shall be provided to prevent runoff and flooding of the road.
- 4) Asphalt or other impervious surfaces shall not be applied to the parking facility.
- 5) An emergency vehicle beach access with unrestricted availability shall be included in the design and construction of the park.
- 6) No buses, trailers or oversized vehicles shall be permitted to use the park during the tourist season (from Memorial Day to Labor Day).
- 7) All conditions shall be met before the park is opened.

Mayor Knowles introduced Mr. Charles Hedgepath, Onslow County Planning Director. Mr. Hedgepath said the county wanted to build a regional access with a design similar to the one used for Access #3 on Highway 210, with a handicap access and parking area. He explained the grant received by Onslow County and the county funds available for this project. Each issue addressed by the Planning Board is valid but some of the items need to be on a future agenda because of the grant

guidelines and if all the requested restrictions are imposed, the access project would possibly be canceled. The grant money has been received and the county is ready to start the project. A discussion was held on requested restrictions and possibility of Department of Transportation installing a turn lane at project site.

Alderman Tripp said we do not need to impose restriction #1, #2 or #5 from the Planning Board recommendations. This is a \$300,000.00 project and if we put a lot of restrictions on the Conditional Use Permit, the county might change their plans and put the project on Stump Sound.

Mayor Pro-Tem Harkins said she was concerned about emergency vehicle access. Mr. Hedgepath advised this could be accomplished in a short period of time by talking with Mr. Leary, Onslow County Manager. Mayor Knowles said he discussed this with Mr. Leary and they want to put emergency vehicle access just south of the project.

Mr. Bill Rogers, Vice-Chairman of the Planning Board, reviewed their reasons for recommending restrictions.

After further discussion on possible turn lane and requested restrictions, a motion was made by Mayor Pro-Tem Harkins and seconded by Alderman Tripp that the Board grant a Conditional Use Permit to Onslow County for construction of Public Beach Access #4 on SR 1568, pursue best effort with Department of Transportation for turning lane and berms and swales, to prevent runoff, as needed by engineering study, and that all conditions shall be met before the access is opened. Passed unanimously.

COUNTY ANIMAL
CONTROL
ORDINANCE:

Town Manager Britt said if the Town adopted Onslow County Animal Control Ordinance in entirety, by resolution, the county control officer would enforce the ordinance. However, if we adopted additional procedures such as a leash law, we would have to enforce them locally. A discussion was held on wording of ordinance, and holding area for animals. After discussion, a motion was made by Alderman Warsaw and seconded by Mayor Pro-Tem Harkins, to adopt Onslow County Animal Control Ordinance in entirety. Voting aye: Mayor Pro-Tem Harkins, Aldermen Tripp, Warsaw; Voting nay: Alderman Hillyer. Motion passed.

BUDGET
AMENDMENT
FY 91-92:

Town Manager Britt said he was requesting authority to transfer \$2000.00 from Contingency Fund to Sanitation Fund to cover expenses for Town and Beach trash collection. A motion was made by Mayor Pro-Tem Harkins and seconded by Alderman Whitney to adopt the following Budget Amendment authorizing a \$2000.00 transfer from Contingency Fund to Sanitation Fund for trash collection fees. Passed unanimously.

AN ORDINANCE AMENDING TOWN OF NORTH TOPSAIL BEACH
BUDGET ORDINANCE FOR FISCAL YEAR 1990-1991

BE IT ORDAINED BY THE TOWN OF NORTH TOPSAIL BEACH BOARD OF ALDERMEN MEETING IN REGULAR SESSION THIS 15TH DAY OF MAY, 1991, THAT THE BUDGET ORDINANCE FOR FISCAL YEAR 1990-91 ADOPTED JUNE 19, 1990, AMENDED FEBRUARY 6, 1991, AMENDED MAY 1, 1991, IS AMENDED AS FOLLOWS:

REVENUES:

Current year's property taxes	\$425,000.00
Prior year's property taxes	55,000.00
Penalties & Interest on property taxes	3,000.00
Utilities Franchise Tax	10,000.00
Intangible Property Tax	6,000.00
Beer & Wine Tax	1,000.00
Powell Bill Allocation	10,000.00
Local Option Sales Tax	404,697.00
Other State Revenues	500.00
Interest on Investments	5,000.00
Miscellaneous Revenues	200.00
Building Permits	13,000.00
Inspection Fees	13,000.00
Refuse Collection Fees	-0-
Federal Government Grants - CAMA	9,000.00
License & Permits: Privilege License	<u>100.00</u>
 TOTAL	 \$955,497.00

EXPENDITURES:

Governing Body	\$ 22,260.00
Administrative	179,472.00
Planning & Zoning Inspections	98,474.00
Public Buildings	106,671.00
Police	304,202.00
Public Works	34,873.00
Street Department	10,000.00
Street Improvements	10,000.00
Fire	106,462.00
Raw Water Supply	34,000.00
Elections	1,500.00
Building & Grounds Maintenance	1,000.00
Sanitation	3,000.00
CAMA Grant	9,000.00
Contingency	<u>34,583.00</u>
 TOTAL	 \$955,497.00

BUDGET
WORKSHOP
DATE:

Town Manager Britt requested a budget workshop. After a brief discussion, the Board decided to hold a workshop on the FY 1991-92 budget, and cable franchise ordinance, Tuesday, May 21, 1991, 7:00 p.m., North Topsail Beach Fire Department building.

The meeting date for presentation of the budget will be scheduled at or after the May 21st meeting.

MANAGER'S
REPORT:

- 1) We are in the process of determining the cost for spraying mosquitoes. These figures will be presented to the Board at the next meeting.
- 2) We are pursuing preparation for construction of the fire department at the north end. We have determined the elevation to be 7' but, we need a study of the site. The initial estimate for an elevation study is \$1500.00, but we will get two more estimates. This work must be done before construction begins.

ATTORNEY'S
REPORT:

Attorney Dotson requested, and Town Manager Britt provided, an update on lease purchase on fire department land and building with First Citizen's Bank.

ALDERMEN'S
REPORTS:

Mayor Pro-Tem Harkins

May 25th, the North Topsail Beach Fire Department and West Onslow Beach Volunteer Rescue Squad will hold a rummage/bake sale. Anyone from the Board or citizens who would like to volunteer help is welcome.

Alderman Warsaw

There is a likelihood, by this fall, we will have a zip code for North Topsail Beach.

MAYOR'S
REPORT:

- 1) The Planning Board Meeting scheduled for Thursday, May 16th, has been canceled and the public hearing has not been rescheduled. The next Planning Board Meeting has been scheduled for June 11, 1991.
- 2) I wish to thank the individuals for helping with our Beach Sweep, May 11th. Thirty-six people helped pick up trash along the beach strand.
- 3) There was a meeting Monday, May 13th, on damage assessment, at Onslow County Health Department. The first segment concerning values and repair costs for publicly owned facilities was attended by the Police Chief, Fire Marshal and myself. The second session concerning site damage assessment for private businesses and homes was attended by nine citizens. This type of support and interest is greatly appreciated.

CITIZENS
COMMENTS:

Jamie Sanders:

Will there be other damage assessment meetings? Mayor Knowles advised yes. A notice will be sent out on the next meeting, when scheduled.

Sam McGinn:

Congratulated the Board for getting street work done and be

said he was proud of the Board for voting yes on the beach access and working on the fire department for the north end.

ADJOURNMENT:

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



Ann Vause - Town Clerk

TOWN OF NORTH TOPSAIL BEACH
SPECIAL BOARD MEETING
MAY 21, 1991

PRESENT: Mayor W. Rodney Knowles, Mayor Pro-Tem Marian Harkins, Aldermen Stella Tripp, Peter Hillyer and Melinda Whitney, Town Manager Gary Britt, and Town Clerk Ann Vause. Alderman Edward Warsaw and Town Attorney Marshall Dotson were absent.

CONVOCATION: Mayor Knowles called the meeting to order, in the North Topsail Beach Fire Department building, and declared a quorum present.

WORKSHOP -
CABLE TV:

A lengthy discussion was held on the service offered by Falcon Cable Company, proposed term of the contract, prices charged for service, quality of service offered, public relations problems and the reasons the north end of the island does not have quality of service the other parts of town have.

The Falcon Cable Company representative said there were not more funds in this years budget for upgrade of the north end service. It could be two to four years before the service is upgraded. He said the problem was not the equipment in the area but, the head-in equipment in Folkstone Road area. The Board requested the following changes be made to the draft franchise:

Section 13: Change time to 18 months;

Section 18: Add the word "Upon" to the beginning of the first sentence. Also, change the fine amount from \$500 a day to \$100 a day;

Section 26: Change the franchise bond from \$250,000 to \$25,000;

Section 27: Change the letter of credit amount from \$20,000 to \$2,000.

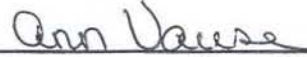
Mayor Knowles advised the contents of the January 2, 1991, draft was approved by the Town Attorney.

WORKSHOP -
FY 91-92
PROPOSED
BUDGET:

Town Manager Britt gave an overview of the preliminary budget for Fiscal Year 1991-92. He said the tax base was 190 million, the proposed tax rate was 40 cents per 100 valuation and an 87% collection rate was used. He said there was still a lot of fine tuning to be done and more back-up would be provided. The revenues in question in question from the State next year were reviewed, as well as, the change in the sales tax distribution from Onslow County. Town Manager Britt said the estimated revenues totaled \$936,000, but, the requested expenditures totaled \$1,094,752, which leaves a deficit of \$158,072 at this time.

After a brief review of how salaries were figured the Board decided they would meet with the Town Manager, one at a time, to discuss the budget and ask questions. The Board also requested a special meeting Thursday, May 30, 1991, 7:00 p.m., in the North Topsail Beach Fire Department building for presentation of the budget for Fiscal Year 1991-92.

ADJOURNMENT: A motion was made by Alderman Tripp and seconded by Alderman Harkins to adjourn the meeting at 9:15 p.m. Passed unanimously.



Ann Vause - Town Clerk

TOWN OF NORTH TOPSAIL BEACH
SPECIAL BOARD MEETING
MAY 30, 1991

PRESENT: Mayor W. Rodney Knowles, Mayor Pro-Tem Marian Harkins, Aldermen Stella Tripp, Melinda Whitney, Peter Hillyer and Edward Warsaw, Town Manager Gary Britt, Assistant to Town Clerk Sharon Braswell. Town Attorney Marshall Dotson and Town Clerk Ann Vause were both absent.

CONVOCATION: Mayor Knowles called the meeting to order at 8:00 p.m. at the North Topsail Beach Volunteer Fire Department building and declared a quorum present. Mayor Knowles also apologized to those citizens, employees and reporters present for the delay in starting the meeting.

FISCAL YEAR
1991-92 BUDGET
PRESENTATION:

Mayor Knowles explained that this special meeting is a formal presentation of the budget for Fiscal Year 1991-92 and called on Town Manager Britt for the budget message.

Town Manager Britt told the board members that the presentation received was for the new budget for the upcoming fiscal year. He advised the board that other information regarding salary range and job classification was included in the Job Classification Ordinance.

Town Manager Britt advised the board that the total budget amount is \$1,041,101.00 with a recommended tax rate of \$.40 per \$100 valuation with an 87% collection rate. This rate is taken from what was received in the current fiscal year, which is a great improvement over the 1990-91 budgeted collection rate of 67%. The State has cut back the amount that Local Governments have been receiving on state shared revenues do to the State budget crisis. The County has changed their distribution to Local Governments from ad valorem to per capita, which will reduce our revenues by approximately \$300,000. Good news is that revenues have been greater than we originally anticipated.

Town Manager Britt advised the board that he is recommending that \$93,045 be taken from the Fund Balance to balance the new budget.

JOB
CLASSIFICATION
& DESCRIPTIONS:

Town Manager Britt explained job classifications/descriptions. He said that he planned to change the classification in consistence with the Job Classification Ordinance instead of having a straight across the board raise. Merit increases of 2.5% are included in the budget for 1/2 the employees. He advised that this Town is service oriented. He will make

every effort to control labor costs, but that well compensated employees work better and more efficiently.

BENEFIT/
HEALTH
COVERAGE:

The town has received a notice from M.I.T., our current health coverage carrier, regarding a 30% increase in costs. The Town is currently taking proposals from other carriers, and at this point Blue Cross/Blue Shield has given us a very attractive proposal. They provide equivalent coverage with lower rates. Town Manager Britt said that good benefits attract better employees.

In the 1991-92 proposed budget, the Town is asking for health coverage for employee and their family, but that dental and life will be provided for the employee only. If the employee wishes to have his/her family covered it will be at the employee's expense.

BULK
CONTAINER
SITE:

Town Manager Britt advised the board that the area of land just North of the current North Topsail Beach Town Hall has been approved by Marshall Dotson for a Bulk Container site at a cost of \$3,000 per month. This would be for the months of July, August and September. A conditional use permit is needed before site can be used. He also advised the board that \$9,000 has been put aside to finance this.

STREET
REPAIR:

Town Manager Britt advised the board that today street repairs began. All insurance has been proven by company doing the work. Unfortunately, Powell Bill Fund money will not cover all streets listed. The only streets that can be covered are those that are listed on the Powell Bill Fund map. An extra \$10,000 has been allotted to the Public Works/Maintenance account to provide for these few streets that are not included in the Powell Bill Fund map. All streets will be sent in to the Powell Bill Fund so that they will be included on the next map produced.

PUBLIC WORKS:

The public works department has been operating with one full time employee and one part time employee with an average of 32 hours per week. With the beach season coming, extra drums needed on the beach for garbage. Public Works will also be involved with the street repair and its the towns opinion that we should utilize our employees with this project and the bulk container site will need some supervision. It is in the best interest of the Town that the part time position be made into a full time position. This will add additional costs to the Public Works department of \$6,000 for the fiscal year.

INSPECTIONS:

The Inspections department brings in approximately \$30,000 in revenues a year. In order to save some money in this department, it is advised that Mrs. Lisa Warren be utilized by the Inspections department in her current classification and by the Police department in the position of Records Clerk. This will save the Town approximately \$7,000 a year to do this.

TOWN HALL

LAND:

With finances the way they are, we recommend waiting until after Fiscal Year 1991-92 to begin work on the new Town Hall. The current Town Hall modular unit is under a two year lease agreement that doesn't expire until October of 1992. If we pulled out of the lease now, we would still owe the total amount for the two year lease. It would be a waste of money to begin a new Town Hall now. We have received word that the land adjacent to the Fire Department is suitable for a one story building, and we will be able to build a nice Town Hall there at a later date.

POLICE

DEPARTMENT:

It is the belief of the Town that our police officers have been overworked, considering the amount of officers we have at one time, and the amount of overtime worked has been great. It is in the best interest of the police department and the safety of the Town that I am recommending that two additional police officers be added to the force. One officer will be full time and the other part time, with the part time officer being utilized more in the summer.

FIRE:

Regarding the property purchased from the Hunter Heath Estate located at the North End of the island, soil test results have not been received yet, but we have been advised that it is good for building on. A ladder truck is needed but the cost is too great at this time. However, \$150,000 has been put aside for the purchase of two used pumpers to be housed at the new fire department building on the North End. Installment payments on these two pumpers, plus the various equipment that will be needed at the new fire house will be with us for a number of years.

Town Manager Britt read aloud the closing paragraphs from his budget statement:

"Although we have made great strides since incorporation, we must proceed cautiously into the future. We find ourselves in the challenging position of attempting to provide reasonable services to our taxpayers, while establishing a new town during difficult economic times.

The goals of this administration are to provide those services essential for public health, safety, and welfare, and those desired by our taxpayers to maintain the quality of life at a level which they expect and deserve.

Furthermore, we will strive to perform all functions in the most efficient and cost effective manner.

Respectfully yours,

Gary W. Britt
Town Manager"

Mayor Knowles said that we need to go over this, meetings needed. He asked the board if they had any comments or questions

Alderman Warsaw

He congratulated Town Manager Britt on the work that he has done with the budget considering all the problems he has faced both personally and economically with the State's problem.

Peter Hillyer

He asked Town Manager Britt to explain what the Fund Balance is, since not everyone may understand the term.

Town Manager Britt explained to those present what the fund balance means.

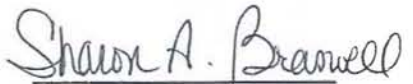
Melinda Whitney

She asked what the difference is between the fund balance and the contingency fund. Town Manager explained the difference, when each can be utilized.

Mayor Knowles said that workshops are needed for the budget, and a meeting to be held on June 3, 1991 at 7:00 p.m. at the North Topsail Beach Town Hall was set.

ADJOURNMENT:

Alderman Warsaw made a motion at 8:25 p.m. to adjourn the meeting. Alderman Hillyer seconded the motion. Passed unanimously.


Sharon A. Braswell
Asst. to Town Clerk

TOWN OF NORTH TOPSAIL BEACH
SPECIAL BOARD MEETING
June 3, 1991

PRESENT: Mayor W. Rodney Knowles, Mayor Pro-Tem Marian Harkins, Aldermen Edward Warsaw, Stella Tripp, Peter Hillyer and Melinda Whitney, Town Manager Gary Britt and Town Clerk Ann Vause. Attorney Marshall Dotson was absent.

CONVOCATION: Mayor Knowles called the meeting to order at 7:00 p.m., in the Town Hall, and declared a quorum present.

FY 91-92
BUDGET
WORKSHOP:

Town Manager Britt advised the Fire Department Uniform Account 10-690-36 needed to be reduced \$7,000.00 and Town Hall Land Account 10-420-73 needed to be increased \$6,000.00 for the second year rental of land.

The Board reviewed and discussed the following items:

- 1) Total budget increase over last year;
- 2) Request to decrease tax rate five cents;
- 3) How funds are invested;
- 4) Budget Ordinance, Section 4-a: add, "with a limitation of \$2000.00 and report being required"; omit, "without limitation and without a report being required". Section 5: Change "60 days" to "30 days".
- 5) Unappropriated fund balance from FY 89-90;
- 6) Salary ranges for personnel and how they were set;
- 7) Powell Bill Funds;
- 8) How department totals were figured;
- 9) Contingency fund;
- 10) Inspections Department.

Alderman Tripp requested a breakdown on revenues/expenses from May 1989 to present.

RECESS: The Board requested a recess at 8:15 p.m. Mayor Knowles called the meeting back to order at 8:25 p.m.

Proposed budget expenditures discussed were:

- 1) Governing Body Travel/Training;
 - what items were included;
 - need for travel policy with per diem rate.
- 2) Governing Body Contracted Services;
- 3) Administration Travel/Training;
 - provision for employee to stay after training received;
 - Board requested this be changed to two schools, per employee for FY 91-92;
- 4) Administration Building Rent;
 - setting aside funds for future term

- hall.
- 5) Administration Office Supplies;
-Alderman Whitney requested total
for all departments for FY 90-91 and
91-92.
 - 6) Administration Miscellaneous Account;
 - 7) Administration Capital Outlay Account;
-The Board requested the Manager to give
more facts and information on computer
terminal.
 - 8) Rescue and Emergency Medical Services request;
-Supplementing Onslow County Funds;
-Board requested this figure be
increased.

NEXT
BUDGET
WORKSHOP:

The Board decided to hold the next budget workshop on
Wednesday, June 12th, at 5:15 p.m., at Town Hall.

ADJOURNMENT:

A motion was made by Alderman Tripp and seconded by Alderman
Hillyer to adjourn the meeting at 10:02 p.m. Passed
unanimously.



Ann Vause
Town Clerk

TOWN OF NORTH TOPSAIL BEACH
Regular Board Meeting
June 5, 1991

- PRESENT: Mayor W. Rodney Knowles, Mayor Pro-Tem Marian Harkins, Aldermen Edward Warsaw, Stella Tripp, Peter Hillyer and Melinda Whitney, Town Manager Gary Britt, Town Attorney Marshall Dotson and Town Clerk Ann Vause.
- CONVOCATION: Mayor Knowles called the meeting to order at 7:00 p.m. at the North Topsail Beach Volunteer Fire Department building and declared a quorum present.
- MINUTES: Mayor Knowles presented the minutes from the Regular Board Meeting of May 15th, Special Board Meeting May 21st, and Special Board Meeting May 30th, 1991 and asked if there were any corrections. He said the tax base listed in the minutes of May 21st should be 190 million instead of 1.9 million. No other corrections were requested. A motion was made by Mayor Pro-Tem Harkins and seconded by Alderman Hillyer to approve the minutes of Regular Board Meeting May 15, 1991, Special Board Meeting May 21, 1991 and Special Board Meeting May 30, 1991 as written, with correction of tax base on May 21, 1991 meeting from 1.9 million to 190 million as requested. Passed unanimously.

ORDINANCE
REGULATING
TOWN TRAFFIC:

Town Manager Britt reviewed Articles and Sections of proposed Ordinance on Town Traffic. A discussion was held on all articles and the following changes requested:

Article I, Section 1 - Definitions:
Add the words "and other vehicles" after the word "ambulance." Remove the words "and such."

Article IV, Section 3 - Remove words "provided, however, that no such alteration shall be less than twenty-five (25) miles per hour in a nonbusiness zone and twenty (20) miles per hour in a business zone."

Mayor Pro-Tem Harkins asked if Section 8, of Article I, limited the owners right to park in front of their houses. Attorney Dotson advised no.

After discussion, a motion was made by Alderman Whitney and seconded by Mayor Pro-Tem Harkins to adopt the Ordinance Establishing Traffic Control for the Town of North Topsail Beach, with requested corrections to Article I, Section 1 and Article IV, Section 3 listed above. Passed unanimously.

AN ORDINANCE ESTABLISHING TRAFFIC CONTROL FOR THE TOWN OF
NORTH TOPSAIL BEACH

BE IT ORDAINED BY THE NORTH TOPSAIL BEACH BOARD OF ALDERMEN
THAT THE FOLLOWING ORDINANCE IS HEREBY ESTABLISHED FOR
TRAFFIC CONTROL IN NORTH TOPSAIL BEACH:

SECTION 1: CHAPTER: TRAFFIC

ARTICLES:

I	In General
II	Operation of Vehicles
III	Traffic Control Devices
IV	Speed Limitations
V	Stopping, Standing & Parking
VI	Bicycles

ARTICLE I. IN GENERAL

Section 1 - Definitions:

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them:

Authorized emergency vehicle. Vehicles of the fire department, police vehicles, ambulances and other vehicles designated or authorized by the Chief of Police.

Block. The length of that portion of any street which is located between two (2) street intersections.

Business district. The territory contiguous to a highway when fifty (50) percent or more of frontage thereon, for a distance of three hundred (300) feet or more, is occupied by buildings which are in use for business purposes.

Crosswalk. That portion of a roadway which lies between the prolongation of the lateral sidewalk or boundary lines over an intersection. Any portion of a roadway distinctly indicated for pedestrian crossing, by lines or other markings on the surface.

Driver. Every person who drives or is in actual physical control of a vehicle.

Intersection. The area embraced within the prolongation of the lateral curblines or, if none, then the lateral edge of roadway lines of two (2) or more highways which join one another at any angle whether or not one such highway crosses the other.

Where a highway includes two (2) roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event that such

intersecting highway also includes two (2) roadways thirty

(30) feet or more apart, then every crossing of two (2) roadways of such highways shall be regarded as a separate intersection.

Motor vehicle. Every vehicle which is self propelled and every vehicle designed to run upon the highways which is pulled by a self propelled vehicle. This shall not include bicycles with helper motors rated less than fifty cubic centimeter engine displacement which produce only ordinary pedaling speeds up to a maximum of twenty (20) miles per hour on a level surface.

Official traffic control devices. All signs, signals, markings and devices not inconsistent with this chapter, placed or erected by authority of the governing body or an official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

Official traffic signals. Any device, whether manually or automatically operated, by which traffic is alternately directed to stop and to proceed.

Park. The standing of a vehicle, whether occupied or not, other than temporarily for the purpose of loading or unloading.

Pedestrian. Any person afoot.

Police officer. Every officer of the Town police department or any officer authorized to direct traffic or to make arrests for violation of traffic regulations.

Private road or driveway. Every road or driveway not open to the use of the public for purposes of vehicular travel.

Public conveyance. Any vehicle which is engaged in the business of transporting persons for fare.

Residence district. The territory contiguous to a highway not comprising a business district, when the frontage on such highway, for a distance of three hundred (300) feet or more, is mainly occupied by residential dwellings but also by dwellings or buildings which are in use for business purposes.

Right of way. The privilege of the immediate use of the roadway not inconsistent with regulations and conditions.

Roadway. That portion of a street which has been improved and designed for, or which is ordinarily used for vehicular travel.

Safety zone. The area officially set apart within a roadway for the exclusive use of pedestrians, which area is either protected or plainly marked at all times while so set apart as a safety zone.

Sidewalk. That portion of a street between the curblines, or the lateral lines of a roadway, and the adjacent property lines exclusively intended for the use of pedestrians.

Standing. Any stopping of a vehicle whether occupied or not.

Stop. When required, means complete cessation of movement.

Stop or stopping. When prohibited, means any stopping of a vehicle, except when conflict with other traffic is imminent, or when otherwise directed by a police officer.

Street or highway. The entire area between lateral property lines which is open to the use of the public, as a matter of right, for purposes of vehicular traffic.

Traffic. Pedestrians, ridden or herded animals, vehicles, street cars and other conveyances, either singly or together, while using any street for purposes of travel.

Traffic signs. Traffic signs are authorized signs or markers which are assumed to be permanently or temporarily placed or erected or installed at certain places and which purport to give notice of direction or to convey a prohibition or warning; the presence of such signs, though not compulsory, is generally dictated by necessity or common sense, with a view to furtherance of public safety.

Vehicle. Every device in or upon which any person or property may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks; provided that, for the purpose of this chapter, a bicycle or a ridden animal shall also be deemed a vehicle.

Section 2 - Obedience to Chapter:

It is a misdemeanor for any person to do any act forbidden, or fail to perform any act required, in this chapter.

Section 3 - Obedience to Police:

No person shall refuse to comply with any lawful order or direction of a police officer.

Section 4 - Application of Chapter - Drivers of Governmental Vehicles:

The provisions of this chapter shall apply to the driver of any vehicle owned by, or used in the service of, the United States Government, this State, county or town and it shall be unlawful for any such driver to violate any of the provisions of this chapter or the state laws.

Section 5 - Same - Persons, Propelling Pushcarts, Riding Bicycles:

Every person propelling any pushcart, or riding a bicycle or an animal, upon a roadway, also every person driving any animal drawn vehicle, shall be subject to the provisions of this chapter which are applicable to any driver of any vehicle, except for those provisions of this chapter, which by their very nature, can have no application.

Section 6 - Same - Authorized Emergency Vehicles:

The provisions of this chapter regulating the operation, parking, and standing of vehicles shall also apply to authorized emergency vehicles, except as follows:

- (a) Unless other wise directed by a police officer, a driver, when operating such vehicle in any emergency, may:
- (1) Park or stand, notwithstanding the provisions of this chapter;
 - (2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
 - (3) Exceed the prima facie speed limits so long as he does not endanger life or property;
 - (4) Disregard regulations governing direction or movement, or turning in specified directions, so long as he does not endanger life or property.
- (b) The foregoing exemptions shall not, however, protect the driver of any such vehicle from the consequences of his reckless disregard for the safety or property of others.

Section 7 - Same - Certain Private Property:

The provisions of this chapter shall apply to private property which is expressly or impliedly held open to the general public for the purpose of vehicular traffic.

Section 8 - Authority of Police in Special Cases:

In the event of a fire or other emergency, or when it is necessary to expedite traffic or to safeguard pedestrians, police officers may direct traffic as conditions may require, notwithstanding the provisions of this chapter.

Section 9 - Boarding, Etc., Moving Vehicles, Etc.:

No person shall board, or alight from, any public conveyance or other vehicle while such conveyance or vehicle is in motion.

Section 10 - Entering, Etc., Vehicles Without Permission:

No person shall enter, jump on or ride any automobile or other vehicle, without the consent of the owner or driver.

Section 11 - Keeping Body Wholly Within Vehicle, Etc.:

No person shall allow any part of his body to protrude beyond the limits of the vehicle in which he is riding, except to give such signals as are by law required, and no person shall hang on to any vehicle whatsoever.

Section 12 - Front Seat Passengers Restricted:

of any motor vehicle to permit more than three (3) persons, including driver, to ride in the front or driver's seat.

Section 13 - Clinging to Moving Vehicles:

Any person riding upon any bicycle, motorcycle, coaster, sled, roller skates, skateboard or any other toy vehicle, shall not attach the same, or himself, to any public conveyance, or moving vehicle, upon any roadway.

Section 14 - Riding Other Than In Places Intended for Passengers:

No person shall ride on any public conveyance or vehicle not designated or intended for the use of passengers, or on a bicycle or motorcycle except on the seat provided for that purpose. This provision shall not apply to an employee engaged on the necessary discharge of a duty nor to persons riding within truck bodies in spaces intended for merchandise.

Section 15 - Vehicles, Etc., With Lugs, Etc., Prohibited:

No person shall drive over any hard surfaced asphalt paved street any vehicle with sharp blades, discs, or spikes that will drag on the pavement, or any traction engine with caterpillar wheels or any heavy piece of machinery that will in any way damage or injure the paving.

ARTICLE II. OPERATION OF VEHICLES:

Section 1 - Moving Cars from Parked Positions:

Parked cars shall move out in the direction headed, or if they are parked at an angle with the curb, they shall back out at that angle until they have cleared the other cars and shall then proceed in the direction they are most nearly head.

Section 2 - Driving on Roadways Laned for Traffic:

All vehicles operated on any roadway which has been clearly marked with traffic lanes shall be driven, as nearly as practical, entirely within a single lane and shall not be moved out of such lane until the driver has first ascertained that such movement can be made with safety.

Section 3 - Driving Through Barricaded Streets:

No person shall drive any vehicle of any kind into or upon any alley or street when such street or alley has been barricaded by the Town.

Section 4 - Driving Over Fire Hose:

No vehicle shall be driven over any hose of the fire department without the consent of the fire department official in command.

Section 5 - Driving on Sidewalks:

The driver of a vehicle shall not drive within any sidewalk area except at a permanent or temporary driveway.

Section 6 - Obstructing Intersections Prohibited:

No driver shall move his vehicle across an intersection, or a marked crosswalk, unless he knows that there is sufficient space on the other side of the intersection or crosswalk, to accommodate his vehicle without obstructing the passage of other vehicles or pedestrians, although a traffic control signal may be indicating his right to proceed.

Section 7 - Manner of Making Left Turns:

In making left turns at street intersections, all traffic when approaching an intersection shall keep close to the center line of the street and the left turn shall then be made beyond the center of the intersection as may, or may not, be indicated by buttons, markers or other directing signs, and shall proceed in the new direction along the righthand lane, except certain intersections which may be expressly designated by the Town.

Section 8 - Driving Through Funeral Processions:

No vehicle may be driven through a funeral procession, except fire department vehicles, police patrols and ambulances, and only if the same are responding to calls.

Section 9 - Limitations on Backing:

The driver of a vehicle shall not back it into any intersection, or over a crosswalk, nor shall he back it otherwise unless such movement can be made in safety, and ample warning has been given by hand and horn or other signals.

Section 10 - Limitations on Turning Around:

No driver shall turn any vehicle and proceed in the opposite direction on any town street.

ARTICLE III. TRAFFIC CONTROL DEVICES.

Section 1 - Designation of Traffic Zones, Through Streets, etc., Erection and Installation of Devices:

The police department shall have the power to designate, lay off and indicate, when authorized by ordinance, by appropriate signs and markings. Park spaces and zones, no-parking zones, limited parking zones, reserved parking zones, zones in which vehicles shall be parked at an angle to the curb, loading zones, safety zones, hospital zones, quiet zones, traffic zones other than the above, crosswalks, truck routes, through streets, stop streets and intersections, yield-right-of-way intersections, one-way streets, streets to be laned for traffic, play streets, bus stops, taxicab stands and passenger loading zones. It shall also have the power to designate and indicate, when

authorized by ordinance, intersections at which traffic shall be controlled by traffic signals, intersections at which left turns, right turns or "U" turns shall be prohibited, and intersections at which markers, buttons or other indications shall be placed to indicate the course to be traveled by vehicles traversing or turning at such intersections.

Whenever any designation is made in accord with this section, the police department shall erect and install such signs, markings, lines, signals, and other traffic-control devices as may be necessary to clearly indicate such designation and to put drivers of vehicles on notice of the restriction, limitation or prohibition resulting from such designation.

All designations made in accordance with this section shall be clearly shown and indicated on the official traffic-control device and regulation of parking signs, markings and other devices schedule on file in the office of the traffic division.

Section 2 - Ratification of Existing Devices:

All traffic control signs, signals, devices and markings placed or erected in the Town prior to the adoption of the Code and in use for the purpose of regulating, warning or guiding traffic are hereby affirmed, ratified and declared to be official traffic-control devices, provided such traffic-control devices are not inconsistent with the provisions of this chapter or state law.

Section 3 - Duty to Obey:

The driver of any vehicle shall obey the directions of any official traffic control device placed in accordance with this chapter, subject to certain exceptions which are granted the driver of an authorized emergency vehicle in Article I, Section 6, unless either are otherwise directed by a police officer.

Section 4 - Necessity of Signs:

No provision of this chapter which provides for signs shall be enforced against an alleged violator if, at the time and place of the alleged violation, such official sign was not in proper position or was not sufficiently legible to an ordinarily observant person. Whenever a particular section does not stipulate signs, such section shall be effective without signs being placed to give notice thereof.

Section 5 - Moving or Damaging Devices:

No person shall move, deface or otherwise damage any sign, signal or other traffic-control device placed upon the streets of the Town.

Section 6 - Display of unauthorized signs, signals or markings:

No person shall place, maintain or display upon or in view of any highway an unauthorized sign, signal, marking or device which purports to be, is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal.

Section 7 - Traffic-Control Signal Legend:

Whenever traffic is controlled by traffic-control signals exhibiting the words "go", "caution" or "stop," or exhibiting differently colored lights, successively, one at a time, the following colors only shall be used, and such terms and lights shall indicate as follows:

(a) Green alone or "go":

- (1) Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection at the time such signal is exhibited.
- (2) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk, unless otherwise directed by pedestrian-control signals.

(b) Yellow alone or "caution" when shown following the green or "go" signal.

- (1) Vehicular traffic facing the signal shall stop before entering the nearest crosswalk at the intersection, but if such stop cannot be made in safety, a vehicle may be driven cautiously through the intersection.
- (2) Pedestrians facing such signal are thereby advised that there is insufficient time to cross a roadway, and any pedestrian then starting to cross shall yield the right of way to all vehicles.

(c) Red alone or "stop".

- (1) Vehicular traffic facing the signal shall stop before entering the nearest crosswalk at an intersection or at such other point as may be indicated by a clearly visible line, and shall remain standing until green or "go" is shown alone; provided, however, that except where prohibited by an appropriate sign, vehicular traffic, after coming to a full stop, may enter such intersection to make a right turn if such movement can be made in safety.

- (2) No pedestrian facing such signal shall enter the roadway unless otherwise directed by a pedestrian-control signal.
- (d) Red with green arrow.
 - (1) Vehicular traffic facing such signal may cautiously enter the intersection, only to continue movement in the direction indicated by such arrow, but shall not interfere with other traffic.
 - (2) No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.

Section 8 - Flashing Signals:

Whenever flashing red or yellow signals are used they shall require obedience by vehicular traffic as follows:

- (a) Flashing red, stop signal. When a red lens is illuminated by rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection, or at a limit line when marked, and the right to proceed shall be subject to the rules of safety and noninterference with other traffic.
- (b) Flashing yellow, caution signal. When a yellow lens is illuminated by rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

Section 9 - Manner of Entering Through Street:

When stop signs are placed upon highways which intersect a through street, the driver shall bring his vehicle to a stop before entering the intersection, and he shall not proceed into, or across the through street until he has first determined that no conflict with traffic will ensue.

Section 10 - Stop Intersections:

When signs are placed at stop intersections, every driver of a vehicle shall stop before entering the intersection, and he shall not proceed into, or across, the through street until he has first determined that no conflict with traffic will ensue.

Section 11 - Yield Right-of-Way Intersections:

When yield right-of-way signs are placed, erected or installed upon streets, roads or highways intersecting a through street at the entrance thereto, or at the entrance to any intersection, every driver of a motor vehicle shall, in obedience to such signs, slow down and yield the right-of-way to any vehicle in movement on the main traveled or through street which is approaching so as to arrive at the intersection at approximately the same time as the vehicle entering the main traveled or through street.

ARTICLE IV. SPEED LIMITATIONS.

Section 1 - Reasonable, Prudent Rule:

It shall be unlawful for any person to operate any motor vehicle upon any street or highway in the town at a speed greater than is reasonable and prudent under the conditions then existing.

Section 2 - Residential Streets:

Except as may otherwise be permitted under the provisions of this article, it shall be unlawful for any person to operate a motor vehicle upon any street or highway in a residential section of this town at a greater speed than () miles per hour.

Section 3 - Variation of Maximum Speed Limits:

The Town Board of Aldermen may alter the maximum speed as established in this article on any street or portion thereof which is not a part of the state highway system and which is not maintained by the state highway commission in accordance with the provisions of General Statutes of North Carolina, Section 20-141(f). No such alteration of the speed limit shall become or remain effective unless signs have been conspicuously placed giving notice of such speed limit for such street.

ARTICLE V. STOPPING, STANDING AND PARKING.

DIVISION 1. GENERALLY

Section 1 - Emerging from Alleys or Private Driveways:

The driver of a vehicle shall sound his horn while emerging from an alley, driveway or building, shall stop such vehicle immediately prior to reaching the sidewalk, or the sidewalk areas extending across any alleyway, and, upon entering the roadway, he shall yield the right-of-way to all vehicles approaching on such roadway.

Section 2 - Stopping in Streets Prohibited; Exceptions:

No vehicle shall stop in any street, except for the purpose of parking as prescribed in this chapter, unless such stop is made necessary by the approach of fire apparatus, by the approach of a funeral or other procession which is given right-of-way, by the stopping of a public conveyance, by the lowering of railway gates, by being given countermanding traffic signals, by the passing of some other vehicle or a pedestrian, or by some emergency; in all cases covered by these exceptions such vehicles shall stop so as not to obstruct any footway, pedestrian aisle, safety zone, crossing, or street intersection if it can be avoided.

Section 3 - Lights on Parked Vehicles:

Parking lights upon a vehicle, when such is lawfully parked at night on a street, in accordance with this article, shall

not be required except where specifically demanded by the Town.

Section 4 - Parking for Certain Purposes Prohibited:

No person shall stand or park a vehicle upon any street for the principal purposes of:

- (a) Displaying it for sale.
- (b) Washing, greasing, or repairing such vehicle, excepting repairs necessitated by an emergency.
- (c) Storage thereof by garages, dealers or other persons.
- (d) Storage of any detached trailer, or van, when the towing-unit has been disconnected.
- (e) Transferring merchandise, or freight, from one vehicle to another.
- (f) For the primary purpose of advertising.

It shall be unlawful for any person to park or place upon or in any area used or maintained for park purposes in the town, a motor vehicle for the purpose of waxing, cleaning or repairing said vehicle. It shall be unlawful for any person to wax, clean or repair a motor vehicle in or upon any area in the town used or maintained by the Town for park purposes. Any person found guilty of violating this paragraph may be fined not more than five hundred dollars (\$500) or imprisoned not more than six (6) months. Each violation shall constitute a separate offense.

Section 5 - Prohibited at Certain Places:

No person shall stop, stand, or park a vehicle, except when conflict with other traffic is imminent or when so directed by a police officer or traffic control device in any of the following places:

- (a) On a sidewalk.
- (b) Within an intersection.
- (c) On a crosswalk.
- (d) Grade crossing approaches. No vehicle shall park on either side of any street leading to a grade crossing, within fifty (50) feet of the closest rail; provided, that where existing permanent structures are located closer than fifty (50) feet, parking may be permitted in front of such structures unless otherwise prohibited and if such parking does not block the view in either direction of the approach of a locomotive or train.
- (e) Alongside or opposite any street excavation or obstruction, if such stopping, or standing, or parking would obstruct traffic.
- (f) Upon any bridge or other elevated structure or within any underpass structure.
- (g) Within fifteen (15) feet in either direction of the entrance to a hotel or any public building.
- (h) On the roadway side of any vehicle stopping, standing, or parking at the edge or curb of a street.
- (i) Within ten (10) feet of any fire plug or hydrant.
- (j) Within fifteen (15) feet of any intersection.
- (k) In front of any driveway.

Section 6 - Public Conveyances Prohibited Except in Designated Zones:

Public conveyances shall not stop, stand, or park in any street except within zones specifically designated by the Town Board of Aldermen to be used for such vehicles.

Section 7 - Moving Vehicles into Prohibited Area:

No person shall move a vehicle not owned by such person, into any prohibited area, or sufficiently away from a curb to make such distance unlawful.

Section 8 - Residential Areas - Duration:

In residential areas of this town there shall be a limit of seven (7) days parking by the owner, lessee or tenant of the premises, or of a visitor in the premises of said owner, lessee or tenant. Parking of motor vehicles of anyone other than the persons mentioned above in residential areas shall be limited to twenty-four (24) hours. It shall be the duty and responsibility of any person cited for overtime parking in accordance with this subsection to prove to the satisfaction of the court hearing the case that he falls within one of the classes of persons mentioned herein.

Section 9 - Same-Commercial Vehicles:

There shall be no parking or storage of commercial vehicles, as that term is defined in the Town's Zoning Ordinance, in residential areas, except for the purposes of loading and unloading of fuel, oil, goods, wares or merchandise.

Section 10 - Continuous Parking Period Defined:

A change of position of a vehicle from one point directly to another point, within the same block, shall be deemed one continuous parking period.

Section 11 - Impoundment-Authorized:

Any motor vehicle found parked in violation of the provisions of this article may be towed or caused to be towed by the town or any police officer thereof to a storage site and shall be retained there until the owner of such vehicle pays all fines and costs imposed as a result of the violation of this article, and all towing, storing and advertising charges as provided for. The Town or any police officer is further authorized to tow or cause to be towed and impound motor vehicles parked in loading and unloading zones that are not in the actual performance of loading and unloading, and no parking zones.

Section 12 - Same-Redemption:

After storage, the owner of any motor vehicle seized may within ten (10) days prove his ownership of such motor vehicle, and upon such proof such motor vehicle will be returned to such owner upon payment of reasonable towing and storage charges and other costs of seizure of such vehicle,

and all fines and costs imposed as a result of the violation of this article.

Section 13 - Same-Effect of Failure to Redeem:

If after ten (10) days no proof of ownership is established, such motor vehicle seized under Article V, Section 10, shall be sold at public auction at the Town Hall, to the highest bidder for cash after first advertising such sale by posing a notice on the seized vehicle, on the Town Hall door, and in three (3) other public places in the Town for twenty (20) days, and out of the proceeds of such sale all costs and charges due for towing, storage and the expenses of seizure and sale of such vehicle or other motor vehicle shall be paid, and the surplus, if any, shall be deposited with the Town treasurer and by him held and paid to the owner of such motor vehicle upon proof of ownership.

DIVISION 2. PROHIBITED, RESTRICTED ON CERTAIN STREETS.

Section 1 - Designation of No-Parking Areas:

When signs are placed, erected or installed giving notice thereof, or the curbing has been painted yellow or red in lieu of such signs, no person shall park a vehicle at any time in any zone designated as a no-parking zone, as provided in Section 1, Article III. In the event that parking is prohibited in such zone only between certain hours, this section shall apply only between such hours, as indicated on the signs erected in such zone. Such zones

shall be clearly and distinctly marked and indicated upon the official traffic-control and parking regulation signs, markings, and other devices map on file in the office of the police department.

Section 2 - Parking in Limited Parking Zone:

Whenever a parking zone is designated in accord with Section 1, Article III, limiting the time or conditions under which such vehicle may be parked, no person shall park any vehicle in such zone, except in accord with the signs and markings, erected therein. Such zones shall be clearly and distinctly marked and indicated upon the official traffic-control and parking regulation signs, markings and other devices map on file in the office of the police department. A change of position of a vehicle from one point directly to another point in the same block shall be deemed one continuous parking period.

ARTICLE IV. BICYCLES

DIVISION 1. GENERALLY

Section 1 - Observance of Traffic Regulations:

Any person operating a bicycle shall be required to observe traffic-control signals in the same manner as is required of motor vehicles and shall also be required to have such

bicycle under complete control before entering any arterial highway within the town.

Section 2 - Impounding:

Any law enforcement officer of this town may impound any bicycle operated in violation of the provisions of this chapter and retain possession of the same until ownership is established; provided, that nothing herein contained shall be construed to limit the authority of law enforcement officers to take into custody any bicycle believed to have been stolen.

Section 3 - Clinging to Moving Vehicles:

It shall be unlawful for any person riding upon a bicycle to attach the same or himself to any moving vehicle upon any roadway.

Section 4 - Lamps and Reflectors:

Every bicycle shall be equipped with a lamp on the front exhibiting a white light visible from a distance of at least three hundred (300) feet to the front and with a lamp on the rear exhibiting a red light visible from a distance of two hundred (200) feet to the rear, except that a red reflector may be used in lieu of a rear light.

DULY ADOPTED THE 5TH DAY OF JUNE, 1991.

ORDINANCE
ESTABLISHING
MOTOR VEHICLE
REGULATIONS:

Town Manager Britt said this ordinance provides for regulation for abandoned and junked motor vehicles. He read the definition of an abandoned and junked vehicle. After a general discussion on the proposed ordinance a motion was made by Alderman Warsaw and seconded by Alderman Hillyer to adopt the Ordinance Establishing Motor Vehicle Regulations in the Town of North Topsail Beach as follows:

AN ORDINANCE ESTABLISHING MOTOR VEHICLE REGULATIONS IN
THE TOWN OF NORTH TOPSAIL BEACH

BE IT ORDAINED BY THE NORTH TOPSAIL BEACH BOARD OF ALDERMEN THAT THE FOLLOWING ORDINANCE PERTAINING TO MOTOR VEHICLES IS HEREBY ESTABLISHED FOR NORTH TOPSAIL BEACH:

SECTION I: CHAPTER: MOTOR VEHICLES

ARTICLES:

I	In General
II	Abandoned Vehicles
III	Removal & Disposition of Vehicles Declared to Be Public Nuisances

ARTICLE I - IN GENERAL:

Reserved.

ARTICLE II - ABANDONED VEHICLES:

DIVISION 1. GENERALLY:

Section 1 - Definitions:

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them:

- (a) Abandoned Motor Vehicle: A vehicle which:
- (1) Has been left upon a street or highway in violation of a law or ordinance prohibiting parking; or
 - (2) Is left on property owned or operated by the Town for longer than twenty-four (24) hours; or
 - (3) Is left on private property without the consent of the owner, occupant or lessee thereof for longer than two (2) hours; or
 - (4) Is left on any public street or highway for longer than seven (7) days.
- (b) Junked Motor Vehicle: An abandoned motor vehicle which also:
- (1) Is partially dismantled or wrecked; or
 - (2) Cannot be self propelled or moved in the manner in which it was originally intended to move; or
 - (3) Is more than five (5) years old and worth less than five hundred dollars (\$500.00); or
 - (4) Does not display a current license plate.

Section 2 - Immunity:

No person shall be held to answer in any civil or criminal action to any owner or other person legally entitled to the possession of any abandoned, lost, or stolen motor vehicle for disposing of the vehicle as provided in this article.

Section 3 - Exceptions:

Nothing in the provisions of this article shall apply to any vehicle in an enclosed building or any vehicle on the premises of a business enterprise being operated in a lawful place and manner if the vehicle is necessary to the operation of the enterprise, or to any vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the Town.

Note: Section 1-7 of Division II and Sections 1-3 of Division III of this article do not apply when the vehicle does not display a license plate and the vehicle identification numbers have been removed or defaced so as to

be illegible. Such vehicles may be destroyed or sold at private sale (without regard to value) after being held for forty-eight (48) hours.

Section 4 - Abandonment Prohibited:

No person shall abandon any vehicle coming under the provisions of this article within the Town; and no person shall leave or allow to remain any abandoned, junked or otherwise discarded vehicle on property under his control.

Section 5 - Duty of Owner:

If a motor vehicle is abandoned on a public street or upon property owned or operated by the municipality, it shall be the duty and responsibility of the owner of such vehicle, after due notice, to cause the removal of such vehicle immediately and pay all costs incidental to such removal.

Section 6 - Failure of Owner to Remove:

Any junked or abandoned motor vehicle located upon any occupied or unoccupied private property within the Town which has not been removed after ten (10) days notice from the Town to the owner or occupant, upon being declared a health or safety hazard by the Town Building Inspector, may be removed to a garage or storage area and disposed of, pursuant to the provisions of this article and G.S. 160A-303 and amendments thereto.

Section 7 - Removal Authorized:

Any junked or abandoned motor vehicle found to be in violation of this article may be removed to a storage garage or area, but no such vehicle shall be removed from private property without the written request of the owner, lessee, or occupant of the premises unless the council or a duly authorized Town official or employee has declared it to be a health or safety hazard. The Town may require any person requesting the removal of a junked or abandoned motor vehicle from private property to indemnify the Town against any loss, expense, or liability incurred because of the removal, storage, or sale thereof.

Section 8 - Notice of Removal:

When any junked or abandoned motor vehicle is removed under the provisions of this article, the Town shall give written notice of the removal to the registered owner at his last known address according to the latest registration certificate or certificate of title on file with the Department of Motor Vehicles. The notice shall inform the owner of the possible sale or other disposition that can be made of the vehicle under this article. Notice need not be given to the registered owner of the vehicle when it does not display a license plate and the vehicle identification numbers have been removed or defaced so as to be illegible.

Section 9 - Redemption:

The owner of any vehicle removed from property pursuant to the provisions of this article may regain possession of the vehicle by paying to the Town all reasonable costs incidental to the removal and storage.

DIVISION 2 - SALE, DISPOSAL OF ABANDONED VEHICLES:

Section 1 - Authorized:

After holding an unclaimed abandoned motor vehicle for thirty (30) days, the Town may sell or dispose of it as provided by this division.

Section 2 - Disposition as Junk:

If an abandoned vehicle appears to be worth less than one hundred dollars (\$100.00), the Town may dispose of the vehicle as a junked motor vehicle as provided by Division 3 of this article. With the consent of the owner, the Town may remove and dispose of any motor vehicle as a junked motor vehicle without regard to the value, condition or age of the vehicle, and without holding it for any prescribed period of time.

Section 3 - Sale at Auction:

If an unclaimed abandoned motor vehicle is worth one hundred dollars (\$100.00) or more, it shall be sold at public auction.

Section 4 - Notice of Sale:

Twenty (20) days written notice of a sale authorized under the provisions of this division shall be given to the registered owner at his last known address, the holders of all liens of record against the vehicle, and the Department of Motor Vehicles.

Section 5 - Redemption:

Any person having an interest in an unclaimed abandoned motor vehicle may redeem it at any time before the sale by paying all costs accrued to date.

Section 6 - Disposition of Proceeds:

The proceeds of a sale authorized by this division shall be paid to the Town treasurer who shall pay to the appropriate officers or persons the costs of removal, storage, investigation, sale, and liens in that order. The remainder of the proceeds of sale, if any, shall be paid over to the registered owner, or held by the Town for sixty (60) days if the registered owner cannot be located with reasonable diligence. If the owner does not claim the remainder of the proceeds within sixty (60) days after the sale, the funds shall be deposited in the Town's general fund and the owner's rights therein shall be forever extinguished.

Section 7 - Issuance of Title Certificate:

When it receives a Town's bill of sale from a purchaser or other person entitled to receive any vehicle disposed of as provided in this division, the Department of Motor Vehicles shall issue a certificate of title for the vehicle as required by law.

DIVISION 3. - SALE, DISPOSAL OF JUNKED VEHICLES:

Section 1 - Authorized:

After holding an unclaimed junked motor vehicle for fifteen (15) days, the Town may destroy it or sell it at private sale as junk.

Section 2 - Notice:

Within fifteen (15) days after final disposition of a junked motor vehicle, the Town shall notify the Department of Motor Vehicles that the vehicle has been determined to be a junked motor vehicle and disposed of as such. The notice shall contain as full and accurate a description of the vehicle as can be reasonably determined.

Section 3 - Disposition of Proceeds:

Any proceeds from the sale of a junked motor vehicle, after all costs of removal, storage, investigation and sale, and satisfying any liens of record on the vehicle have been deducted therefrom, shall be held by the Town for thirty (30) days and paid to the registered owner upon demand. If the owner does not appear to claim the proceeds within thirty (30) days after disposal of the vehicle, the funds shall be deposited in the Town's general fund and the owner's rights therein shall be forever extinguished.

ARTICLE III. REMOVAL AND DISPOSITION OF VEHICLES
DECLARED TO BE PUBLIC NUISANCES:Section 1 - Definitions:

For purposes of this article, certain words and terms are defined as follows:

- (a) Junked Motor Vehicle: A vehicle that does not display a current license plate and that:
- (1) Is partially dismantled or wrecked;
 - (2) Cannot be self propelled or moved in the manner in which it originally was intended to move; or
 - (3) Is more than five (5) years old and appears to be worth less than one hundred dollars (\$100.00).
- (b) Nuisance Vehicle: A junked motor vehicle on public or private property that is determined and declared to be a health or safety hazard, a public nuisance or unlawful, including a vehicle found to be:

- (1) A breeding ground or harbor for mosquitoes, other insects, rats or other pests;
- (2) A point of heavy growth of weeds or other noxious vegetation over eight (8) inches in height;
- (3) A point of collection of pools or ponds of water;
- (4) A point of concentration of quantities of gasoline, oil or other flammable or explosive materials as evidenced by odor;
- (5) One which has areas of confinement which cannot be operated from the inside, such as trunks, hoods, etc.;
- (6) So situated or located that there is a danger of it falling or turning over;
- (7) Any other vehicle specifically declared a health and safety hazard and a public nuisance by the Board of Aldermen; or
- (8) So offensive to the sight as to damage the community, neighborhood or area appearance.

Section 2 - Nuisance Vehicle Unlawful; Removal Authorized:

- (a) It shall be unlawful for the owner of a motor vehicle or for the owner, lessee or occupant of the real property upon which the vehicle is located to leave or allow the vehicle to remain on the property after it has been declared a nuisance vehicle.
- (b) Upon investigation, the Town Building Inspector may determine and declare that a vehicle is a health or safety hazard or a public nuisance as defined above and order the vehicle removed.

Section 3 - Removal of Vehicle - Pre-towing Requirements:

- (a) A vehicle to be towed or otherwise removed because it has been declared to be a nuisance vehicle, shall be towed only after notice to the owner or person entitled to possession of the vehicle. If the names and mailing addresses of the owners of the vehicle or the real property upon which it is located can be ascertained in the exercise of reasonable diligence, the notice shall be given to both by first class mail. The person who mails the notice(s) shall retain a written record to show the name(s) and address(es) to which mailed, and the date mailed. If such names and addresses cannot be ascertained, notice shall be given by affixing same on the windshield or some other conspicuous place on the vehicle. The notice shall state that the vehicle will be removed by the Town on a specified date, no sooner than seven (7) days after the notice is affixed or mailed, unless the vehicle is moved by the owner or legal possessor prior to that time.
- (b) If the owner or person entitled to possession does not remove the vehicle but chooses to appeal the determination that the vehicle is a nuisance vehicle, such appeal shall be made to the Town Board of Aldermen in writing, heard at the next regularly scheduled meeting of the Board.

proceedings to remove the vehicle shall be stayed until the appeal is heard and decided.

- (c) A nuisance vehicle may be removed without giving the minimum seven (7) days, prior notice only in those circumstances where the authorizing official finds, and enters such findings in appropriate records, a special need for prompt action to maintain the public health, safety and welfare.

Section 4 - Same - Post-towing Notice Requirements:

- (a) Any vehicle which has been determined to be a nuisance vehicle may be removed to a storage garage or area by a towing business contracting to perform such services for the Town. Whenever such vehicle is removed, the Building Inspector shall immediately notify the last known registered owner of the vehicle, such notice to include the following:
 - (1) A description of the removed vehicle;
 - (2) The location where the vehicle is stored;
 - (3) The violation with which the owner is charged, if any;
 - (4) The procedure the owner must follow to redeem the vehicles; and
 - (5) The procedure the owner must follow to request a probable cause hearing on the removal.
- (b) This notice shall be mailed to the owner's last known address, unless waived in writing.
- (c) If the vehicle is registered in North Carolina, notice shall be mailed within twenty-four (24) hours. If the vehicle is not registered in this state, notice shall be mailed to the owner within seventy-two (72) hours from the removal of the vehicle.
- (d) Whenever a nuisance vehicle is removed, and such vehicle has no valid registration or registration plate, the authorizing Town official shall make reasonable efforts, including the checking of the vehicle identification number, to determine the last known registered owner of the vehicle and to notify him/her of the information as set forth in items (a) 1 through 5 above.

Section 5 - Sale of Vehicle - Right to Probable Cause Hearing Before Sale:

After removal of a vehicle declared to be a nuisance vehicle, the owner or other person entitled to possession may request, in writing, a hearing to determine if probable cause existed for removing the vehicle. The request must be filed with the magistrate in the county where the vehicle was towed. The magistrate will set the hearing within seventy-two (72) hours of receipt of the request, and the hearing will be conducted in accordance with the provision of General Statute 20-219.11.

Section 6 - Same - Procedure for Unclaimed Vehicles:

- (a) With the consent of the owner, the Building Inspector may dispose of any vehicle as a junked motor vehicle without holding it for any prescribed period of time.
- (b) Any unclaimed junked motor vehicle as defined by this article shall be held for a period of at least fifteen (15) days. The owner of any such vehicle may claim his vehicle during the fifteen day retention period by exhibiting proof of ownership to the Building Inspector and after paying all reasonable costs incident to the removal and storage of the vehicle plus administrative expenses. If, after the vehicle is held fifteen (15) days it remains unclaimed, such vehicle may be destroyed or sold at private sale as junk.
- (c) Within fifteen (15) days after final disposition of a junked motor vehicle, written notice thereof shall be given to the Department of Motor Vehicles that the vehicle has been determined to be a junked motor vehicle and disposed of as such. The notice shall contain as full and accurate a description of the vehicle as can be reasonably determined.

Section 7 - Same - Disposition of Proceeds of Sale:

The proceeds of the sale of a junked motor vehicle declared to be a nuisance, after all costs of removal, storage, investigation and sale, and satisfaction of any lien of record on the vehicle, have been deducted therefrom, shall be held by the Town finance officer for thirty (30) days and paid to the owner upon demand. If the owner does not appear to claim the remainder of the proceeds within thirty (30) days after disposal of the vehicle, the funds shall be deposited into the Town's general fund and the owner's rights therein shall be forever extinguished.

Section 8 - Immunity:

Neither the Town nor any person shall be held to answer in any civil or criminal action to any owner or other person legally entitled to the possession of any junked, lost or stolen vehicle for disposing of such vehicle as contemplated by this article.

Section 9 - Exceptions:

Nothing in this article shall apply to any motor vehicle in an enclosed building, any motor vehicle kept or stored at a bona fide "automobile graveyard" or "junkyard" as defined in General Statute 136-143, or to any motor vehicle that is used on a regular basis for business or personal use.

SECTION II: ALL LAWS AND CLAUSES IN CONFLICT WITH THIS ORDINANCE ARE HEREBY REPEALED.

SECTION III: THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ADOPTION.

DULY ADOPTED THE 5TH DAY OF JUNE, 1991.

ORDINANCE TO
ESTABLISH
WRECKER/TOWING
SERVICES AND
IMPOUNDMENT:

Town Manager Britt advised this ordinance establishes the required steps and manner in which vehicles will be removed by the wrecker service and the liability of the owner and the Town. After comments from some citizens and a discussion, a motion was made by Alderman Hillyer and seconded by Mayor Pro-Tem Harkins to adopt the Ordinance to Establish Wrecker/Towing Services and Impoundment as presented. Passed unanimously.

AN ORDINANCE TO ESTABLISH WRECKER/TOWING SERVICES AND
IMPOUNDMENT

BE IT ORDAINED BY THE NORTH TOPSAIL BEACH BOARD OF ALDERMEN THAT THE FOLLOWING ORDINANCE IS ESTABLISHED FOR THE TOWN OF NORTH TOPSAIL BEACH:

SECTION I: Chapter: WRECKER/TOWING SERVICES AND
IMPOUNDMENT

<u>Section</u>	<u>Title of Section</u>
1	Definitions
2	Administrative responsibility
3	Wrecker service application/agreement
4	Duties and requirements of wrecker tow services
5	Availability and storage requirements; location and towing to be within city limits
6	Liability; insurance
7	Wrecker equipment
8	Inspections
9	Regulations governing wrecker operations
10	Rate schedule and responsibility for charges
11	Duties and responsibilities of police officers-Wrecker and tow service; rotation list
12	Same - Impoundment
13	Duties and responsibilities of wrecker firms providing towing for impoundment purposes
14	Appeal
15	Private towing

SECTION 1. - Definitions:

For the purposes of this chapter, the following words and phrases shall have meanings respectively ascribed to them by this section:

Rotation list: The list of eligible wrecker or towing

Wrecker applicant or applicant: Any person or company that can provide wrecker and towing service within the Town of North Topsail Beach.

SECTION 2. - Administrative responsibility:

The Chief of Police or his designee is hereby designated as a responsible agent for maintaining a list of eligible wrecker/towing services and ensuring that criteria as set out in this chapter is strictly adhered to both initially and following execution of the agreement.

SECTION 3. - Wrecker service application/agreement:

It is the policy of the Town that any applicant desiring to perform wrecker/towing service at police request shall submit a wrecker service application/agreement in duplicate to the chief of police. The application form shall be obtained from the office of the chief of police. Failure to accept this chapter or to adhere to it at any time shall enable the chief of police or his designee to rescind or nullify this agreement.

SECTION 4. - Duties and requirements of wrecker tow services:

It will be the responsibility of any applicant to assure continued compliance with all provisions and requirements set forth in the agreement and this chapter.

SECTION 5. - Availability and storage requirements; location and towing to be within city limits:

- (a) The applicant shall provide continuous twenty-four hour on-duty or on-call service each day of the year, and there shall be an attendant on duty or on call at all times for the purpose of receiving and releasing stored vehicles. The applicant must, at his/her garage, or in its immediate vicinity, provide sufficient fenced storage space with security lights for storage of vehicles and indoor storage for motorcycles.
- (b) All applicants for town rotation must have his or her towing business separate and apart from any other towing business. Applicants applying for rotation towing service for the town police department must have a storage lot and facilities.

SECTION 6. - Liability; insurance:

The applicant shall assume all liability and shall indemnify and save the Town harmless from such liability for damages sustained by vehicles while being towed or stored and for all personal injuries occurring to any of the applicants and employees and other persons and maintain sufficient liability insurance to cover damage, personal injury or loss of property while the vehicles are in the applicant firm's custody.

SECTION 7. - Wrecker equipment:

- (a) Each wrecker used by the applicant must be a minimum of one-ton capacity and equipped with the following service equipment, each of which shall be specifically designed for the purpose of assisting at an accident scene:
- (1) Broom
 - (2) Shovel
 - (3) Two (2) snatch blocks
 - (4) Fire extinguisher
 - (5) Power take-off (eight-ton pulling capacity)
 - (6) Cable (one (1) spool at least one hundred (100) feet in length and three-eighths (3/8) inch or more in diameter).
 - (7) Dollies for transporting vehicles with severe damage.
- (b) In addition, wreckers must be equipped with the following safety equipment as required by North Carolina law:
- (1) Brakes (reference G.S. 20-124)
 - a. Hand brakes (electric brake lock).
 - b. Foot brake.
 1. Hydraulic, with booster.
 2. Hydraulic, with air.
 - (2) Lights (reference G.S. 20-129, 20-129.1, 29-130, 20-130.1, and 20-131)
 - (3) Mirrors (reference G.S. 20-126)
- (c) In general, an applicant must assure the town that he or it will have available equipment capable of towing any automobile or truck from the streets and other public or private places upon request by the police department. All wreckers must be kept in good working condition and meet the minimum safety requirements, not only as specified above and elsewhere, but in all applicable sections of Chapter 20, Motor Vehicles, or the North Carolina General Statutes.

SECTION 8. - Inspections:

The applicant will agree to permit periodic inspections by the Chief of Police or his designee to assure that all criteria of this chapter are met.

SECTION 9. - Regulations governing wrecker operations:

- (a) Driver's License. Any individual operating a wrecker must have in his possession a valid Class A, B or C driver's license, and must be eighteen (18) years of age or older.
- (b) Registration plate. Each wrecker vehicle must conform to General Statutes 20-50 or 20-79 in that each

wrecker is required to have a proper registration plate. No dealers' plates may be displayed on wreckers.

- (c) Chasing or running wrecks. Wreckers are specifically prohibited from "chasing or running wrecks" or soliciting business at accident scenes. Any violator will be immediately removed from the rotation list.
- (d) Response to calls. Wreckers on the rotation list are expected to respond to calls. The police department shall notify the towing firm after the second call with no response. If the towing firm does not respond to the third consecutive rotation call without prior notification to the police department, the towing firm shall be automatically removed from the Town of North Topsail Beach rotation list until further notice from the chief of police or his designee.

SECTION 10 - Rate schedule and responsibility for charges:

- (a) All costs incident to towing and storage shall be paid by the owner or person in charge of possession of the towed and stored vehicle, to the owner of the wrecker company, and a receipt for payment shall be issued to such person. The Town shall assume no liability or responsibility for any vehicle removed from an owner's premises without the Town's authority or the collection of the established fee. It is the responsibility of any applicant under agreement with the Town that it notify the police department prior to removing a vehicle not authorized by the police department from private property.
- (b) Each applicant will agree to the standard as may be prescribed by the Town Board of Aldermen.
- (c) The Chief of Police shall be required to furnish to the Town Board of Aldermen an update of the rate schedule on a semi-annual basis.
- (d) The rates shall be recommended by a study committee comprised of the Chief of Police, his designee and three (3) towing firm owners who will be selected by the general body of those towing firms who are members of the town rotation system. The rates shall be based upon current standard insurance company rates, plus additional fees for towing under exceptional circumstances and conditions.

SECTION 11. - Duties and responsibilities of police officers - Wrecker and tow services; rotational list:

- (a) The Chief of Police shall ensure that wreckers are called to the scene of an accident on a rotational basis, distributing the calls on an equitable basis from the towing rotation list. The towing list will be composed of the approved applicants under this policy. The Chief of Police or his designee shall not call or cause to be called any wrecker not having executed an agreement with the Town unless he declares that an emergency exists and that all other wreckers are unavailable. In addition, the following specifically regulates the operation of the

the North Topsail Beach Police Department. Police and accident investigations personnel will ascertain from each owner or operator of the vehicle if he/she desires any particular towing firm. The officer will dispatch the wrecker of the owner's or operator's choice, provided the wrecker driver did not "chase" the accident, is not at the scene and did not solicit the business from the street or highway. Wreckers at the scene will not be permitted to pull a wrecked vehicle unless the officer determines that an emergency exists, a person is trapped in a vehicle or traffic congestion is such that requires immediate service.

- (b) If the owner or operator of the vehicle does not request a particular towing firm, then the officer will have the police dispatcher call the next wrecker service on the rotation list.
- (c) The Chief of Police may remove the name of a towing firm from the rotation list for violations of this chapter, for failure to comply with any provision hereof or any fraudulent information made in the application or agreement or a violation of North Carolina Statutes or town ordinances or for a lack of cooperation while rendering service or for other justifiable causes.

SECTION 12 - Same-Impoundments:

In compliance with the policy of the North Topsail Beach Police Department, the following procedure shall be followed by all police department personnel when they have a vehicle towed or stored:

- (a) The officer causing the vehicle to be towed or stored shall:
 - (1) Complete the storage/towed vehicle report at the scene prior to the vehicle being towed or stored.
 - (2) Fill in all available information including the towing vehicle driver's name on the front part of the stored/towed vehicle report.
 - (3) Conduct a complete inventory of all items in the vehicle (i.e. C.B. radios, tape decks, tools, and all other items of value). Make note if AM/FM radio or spare tire is missing, or if there is any damage to the vehicle's interior or exterior.
 - a. If the vehicle is locked, if possible, open the vehicle, inventory all items inside, including the trunk. If a crime has been committed, all loose items of value shall be turned into the evidence technician as evidence, otherwise for safekeeping.
 - b. If the vehicle is locked and cannot be opened, list all items that can be seen from the outside of the vehicle to be stored or towed.

- c. Have the towing vehicle (wrecker) driver verify and sign the inventory. Provide a copy of inventory to the towing firm.
 - d. When applicable, the officer will issue a parking citation to each towed vehicle and attach to the stored/towed vehicle report.
- (b) When an officer finds that an illegally parked vehicle cannot be identified by registration or by VIN, the officer shall place on the windshield, or other conspicuous place, a notice that the vehicle will be towed in seven (7) days if not removed prior to that time. After the seven day period has expired, the officer may have the vehicle towed. Notice by posting on the windshield or other conspicuous place need not be given when the vehicle is impeding the flow of traffic or otherwise jeopardizing the public welfare so that immediate towing is necessary.
- (c) The officer causing the vehicle to be towed or stored shall turn the report into the records center at the first opportunity.
- (d) If the vehicle is registered in North Carolina, the officer must, within twenty-four (24) hours after the towing, notify the owner by telephone and provide the following:
 - (1) A description of the vehicle.
 - (2) The location of vehicle storage.
 - (3) The violation with which the owner is charged, if any.
 - (4) The procedure that the owner must follow to have the vehicle returned.
 - (5) The procedure that the owner must follow to request a probable cause hearing about the towing.
- (e) If the vehicle has an out-of-state registration, the notice must be given to the owner within seventy-two (72) hours.
- (f) If the owner of the vehicle does not have a telephone, or contact cannot be made by telephone, no further attempts are required. However, this shall be noted in the remarks section of the stored/towed vehicle report.
- (g) Pursuant to General Statutes 20-220 and 20-225, if the owner of the vehicle requests a hearing on the probable cause of the towing, he/she shall be requested to contact the magistrate to make the arrangements. The magistrate shall then have seventy-two (72) hours to set up a hearing to determine if the officer had probable cause for the towing. If a hearing is requested, the magistrate shall notify the owner of the vehicle, the law enforcement officer and the person who towed the vehicle of the time, date and location of the hearing.
- (h) If the magistrate finds probable cause in the hearing for vehicle towing, the owner is responsible for towing fees to be paid to the tower. If the magistrate finds that there is not probable cause for towing, the officer and the agency are responsible for

- paying the towing fees.
- (i) Release of the stored/towed vehicle when:
 - (1) The stored/towed vehicle is marked "safekeeping:"
 - a. The owner shall be required to come to the records center with the proof of ownership of the vehicle and obtain a written release.
 - b. The stored/towed vehicle shall be pulled from the stored vehicle file, a copy of the release form shall be attached to the back, and all copies placed in the released vehicle file.
 - (2) The stored/towed vehicle report is marked "Hold" (meaning the vehicle is being held for investigation, evidence, etc.) and only the storing officer may sign the release form.
 - (j) A report shall not have to be made for request tow.
 - (k) The completion of the stored/towed vehicle report in no way diminishes the requirement of making stolen or recovered vehicle reports and investigative reports.

SECTION 13 - Duties and responsibilities of wrecker firms providing towing for impoundment purposes:

Any individual or wrecker firm (applicant) providing impoundment services for the Town under this chapter will execute an agreement with the Town similar to the agreement addressed in the accident towing policy with the exception of the following additional requirements:

- (a) The applicant will agree to work closely and cooperatively with the North Topsail Beach Police Department, and if error is made in the impoundment of a vehicle, to promptly release such vehicle at the order of the police department without financial liability to either the individual vehicle owner or the Town.
- (b) If an owner of a stored vehicle requests a hearing by a magistrate, and the magistrate does not find probable cause for the vehicle to be stored, the towing firm must release the vehicle to the owner or person in charge of possession of the stored vehicle without any financial liability to the officer or the Town of North Topsail Beach or the owner or legal possessor of the vehicle.
- (c) Any vehicle seized by the police department as evidence in a crime shall be towed to the Town storage lot by a regular rotation wrecker. Firms that tow such vehicles will remain on top of the rotation list for next rotation call. The towing firm shall release any vehicle that is awarded to the police department by the courts without any financial liability to the police department or the Town of North Topsail Beach, North Carolina.

SECTION 14 - Appeal:

Any towing firm on the Town rotation or impoundment list may appeal the enforcement action of any provision of this chapter taken by the Chief of Police to the Town Manager. The appeal must be made in writing to the Town Manager within five (5) days of the enforcement action being taken. The Town Manager shall establish any and all rules concerning such hearings and shall set a hearing date within a reasonable period of time.

SECTION 15 - Private Towing:

All private individuals and/or all towing firms, after towing or causing to be towed a vehicle from private property without the owner's consent, within the town limits of North Topsail Beach, North Carolina, shall immediately notify the police department giving a description of the vehicle being towed, the vehicle registration number, the vehicle identification number, the date, time and location from which the vehicle was towed, the location to which the vehicle was towed and the name of the person who requested that the vehicle be towed.

DULY ADOPTED THE 5TH DAY OF JUNE, 1991.

PLANNING
BOARD
MEMBERSHIP AND
VACANCIES:

Town Attorney Dotson reviewed the previous questions on the re-appointment of Planning Board members and their terms. He advised he sent a letter to the Institute of Government requesting their legal interpretation of the North Topsail Beach Ordinance Establishing a Planning Board, particularly the section on membership and vacancies. He said he received a reply from Mr. Ducker, Institute of Government associate that specializes in planning, zoning, etc. Listed below are the questions and Mr. Ducker's answers:

1. Must the Board of Aldermen make appointments to the planning board now that the one year term of each initial appointee has expired? Answer: Yes.
2. Must the present Board of Aldermen reappoint all the members of the present planning board for the terms set forth in Section 1 or may other persons be considered for these appointments? Answer: In my opinion, the ordinance compels the present Board of Aldermen to reappoint all the current (initial) members of the planning board. New persons may be appointed to the planning board only after the second term of each of the initial board members expires.
3. Even if members of the initial board must be (re)appointed for a term of 2 years, must members of the initial board also be appointed for the board seats for which the terms are three or four years? Answer: In my opinion, these appointments as well must be made from members of the initial board.
4. May the Board of Aldermen appoint a person to a Town Advisory Board who is a spouse or member of the same family as a member of the current Board of Aldermen?

Answer: My colleague, Steve Allred, who works in the area of personnel law, informs me that although many NC cities and counties have adopted policies prohibiting the employment of relatives in certain instances, these prohibitions rarely extend to appointments to advisory boards. We know of no statute that would prohibit the practice you describe.

Attorney Dotson said the only thing this board needs to do is put the re-appointment on the next agenda and then set the staggered terms of planning board members. A discussion followed on the legal interpretation of the ordinance. Former Mayor Pro-Tem Newsome said their intent was to only re-appoint two of the initial members of the planning board. Mr. Jamie Sanders, Citizens Involvement Association, said his association feels that some members of the planning board are not qualified to be on the board and they strongly feel the Board of Aldermen needs to go over their credentials and act accordingly. After further discussion and comments from citizens, a motion was made by Alderman Warsaw to authorize re-appointment of the planning board members, that random method be used to determine terms of individuals and that the Mayor choose the most appropriate method, ratify it and report to the Board of Aldermen at their next meeting, June 19, 1991. After further discussion on legal interpretation the motion was seconded by Mayor Pro-Tem Harkins. Voting aye: Mayor Pro-Tem Harkins, Aldermen Hillyer, Whitney and Warsaw. Voting nay: Alderman Tripp. Motion carried.

Planning Board Chairman Bill Parr said alot has been said about qualifications and he accepted that. If someone disagrees with membership they need to show him who is not qualified to serve and, if justified, steps would be taken to remove them from the board.

Alderman Tripp said the problem was not qualifications. The present planning board has done the best they could. She said they feel that 2 of the present members should continue for 2 years and then have 3 new ones added so they could get new ideas and opinions.

Mayor Knowles said anytime you start a new venture it is a learning experience. It was difficult for the past board and is difficult for this one because no one is infallible. We voted to accept the ordinance as it is, now we need to continue.

Alderman Warsaw said any new organization needs new blood and that is why the planning board has staggered terms. The only decision was to change members now or later, and by using interpretation, 2 years from now this will be done. We have received an interpretation and acted accordingly, now we need to put the issue to rest.

Planning Board Chairman Parr made the following statement: "The recent issue about the planning board is that Ginny Hillyer is misplaced. No one has worked harder for the good of the Town and when she was appointed her husband was not on the Board of Aldermen. Anyone willing to help the

Planning Board can be used. He said he was sorry there was resentment against him. The planning board has not stopped development. Everything presented is acted on and has not been turned down. The planning board is only an advisory board to the Board of Aldermen. The economy is stopping development. I will continue to do my job for the Town in the best manner possible."

ZONING CHANGE-
OCEAN WYNDS:

Mayor Knowles said the rezoning request from Ocean Wynds was tabled by the Board of Aldermen at their February 20th meeting and a motion and vote are required to reactivate the issue.

A motion was made by Mayor Pro-Tem Harkins and seconded by Alderman Tripp to request the rezoning of property located on NCSR 1568, east of North Topsail Shores Baptist Church, known as Ocean Wynds Subdivision, from CU R-5 and B-3 to R-15 on both sides of NCSR 1568 (approximately 34 acres), tabled at a previous meeting be put on the agenda for discussion. Passed unanimously.

Alderman Whitney said she believes there is an error in the memo to the Planning Board because it says the rezoning would be CU R-5 and CON D to R-5. Planning Board Chairman Bill Parr said it was not intended for the Planning Board to recommend a change in the conservation district. The rezoning is for all property except the CR5 and B-3 CON-D in the area of the property.

Mr. John Pierce, Developer for Ocean Wynds, said the property was originally for 460 units but this rezoning would be to R-15, limiting them to 53 lots, restricted to single family development. All services will be provided and if zoning is changed it will provide less density. After a brief discussion a motion was made by Alderman Whitney and seconded by Alderman Hillyer to approve the request to rezone property located on NCSR 1568 east of North Topsail Shores Baptist Church, known as Ocean Wynds Subdivision, from CU R05 & B-3 to R-15 on both sides of NCSR 1568. Passed unanimously.

OCEAN RIDGE
DEVELOPMENT:

Town Manager Britt advised that Mr. Marlow Bostic is interested in continuing to develop the Ocean Ridge Development, however, the 35' height moratorium prevents further development. There are 10 structures in the development now and when they were approved by Onslow County they were within the 42' height restriction. If the remaining units were constructed under the 35' height restriction it would change the continuity of the development. Mr. Bostic is requesting the 35' height moratorium be removed on this project. A general discussion was held on the exact height of the existing structures, how the height is measured, fire equipment available and safety of residents.

Mr. Bill McElwee, North Topsail Beach Development Services

Coordinator, presented the following statement on Ocean Ridge Development to the Board:

REFERENCE OCEAN RIDGE DEVELOPMENT:

Present height limit on residential, or any other structure in North Topsail Beach, is 35' from finished floor (1st floor) to highest point of structure or ridge of roof.

Ocean Ridge Development was approved by Onslow County Permits Board before the conception of the Town of North Topsail Beach and the last existing house was completed approximately 5 months ago.

Ten (10) homes have been completed in Ocean Ridge, not totally grouped but spread across the extent of the development.....therefore, on visual impact imparts a definite building characteristic on dwelling height.

RECOMMENDATION:

I recommend the established height of approximately 42' be maintained in Ocean Ridge to enhance the already established height conformity.

Mr. Marlow Bostic said the development contained 88 lots and all but 26 have been sold. The owners have been waiting 3 - 4 months to build their homes. He said there was not alot of difference in 35' and 40'.

After further discussion on fire protection requirements and prior approval by Onslow County a motion was made by Alderman Whitney and seconded by Alderman Warsaw to approve height variance for Ocean Ridge Development, with the understanding this is not setting a precedence and the 35' height restriction in North Topsail Beach still stands. Passed unanimously.

RESOLUTION-
TROOP
CELEBRATION:

Mayor Knowles reviewed planned action throughout North Carolina to salute the troops returning from the Middle East. Town Manager Britt read the proposed resolution declaring June 29th - July 4th as "Salute to the Troops Celebration." After a brief discussion, a motion was made by Mayor Pro-Tem Harkins and seconded by Alderman Whitney to adopt the following resolution proclaiming the week of June 29 - July 4, 1991, as "Salute to the Troops Celebration":

RESOLUTION PROCLAIMING THE WEEK OF JUNE 29 - JULY 4, 1991, AS "SALUTE TO THE TROOPS CELEBRATION"

WHEREAS, United States active and reservist troops were required to deploy to the Persian Gulf to repel aggression; and

WHEREAS, the majority of the troops deployed came from bases in North Carolina; and

WHEREAS, the United States troops performed admirable and the war was won; and

WHEREAS, the troops have been coming home for the past two months and we wish to demonstrate our pride and appreciation for a job well done.

NOW, THEREFORE, BE IT RESOLVED BY THE NORTH TOPSAIL BEACH BOARD OF ALDERMEN MEETING IN REGULAR SESSION THIS 5TH DAY OF JUNE, 1991, THAT:

The week of June 29 - July 4, 1991, be proclaimed "Salute to the Troops Celebration" week.

BE IT FURTHER RESOLVED THAT:

The North Topsail Beach Board of Aldermen say to the returning troops "WELCOME HOME AND THANKS FOR A JOB WELL DONE".

DULY ADOPTED THE 5TH DAY OF JUNE, 1991.

EXECUTIVE
SESSION:

A motion was made by Mayor Pro-Tem Harkins and seconded by Alderman Hillyer to go into executive session to discuss a personnel matter. Passed unanimously.

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

Mayor Knowles advised the 35 citizens present that a personnel matter was discussed and no action was taken at this time.

MANAGERS
REPORT:

1. Mosquito Problem:

Talked with Rick Leary, Onslow County Manager. He advised the county would spray for mosquitos if the Town would reimburse them for chemicals, about \$120 per week. Town Manager Britt recommended the Town take this approach and if the Board agrees he will prepare a budget amendment for this item. After a discussion on chemicals used, and number of times, per week, the County would spray, the Board directed the Town Manager to contact Onslow County and start program.

2. Waste Disposal:

Hunter Heath Trust has accepted the Town's proposal on the lot next to Town Hall for a waste disposal site. After the paper work is completed, the next step will be to request a conditional use permit. This will be

done next week.

ALDERMEN'S
REPORTS:

Alderman Whitney:

She said she was pleased with the support for the troops and encouraged everyone to take part in the celebration.

Mayor Pro-Tem Harkins:

She thanked the board members and others that supported the fund raiser held by the Fire and Rescue Departments.

Alderman Tripp:

She requested an update on the Town signs being received from Onslow County Tourism Board. Town Manager Britt said the signs have been approved and ordered. We anticipate receiving the signs within a week and we need to determine where to put them. He requested anyone with an idea on the location to contact him.

Alderman Warsaw:

He requested an update on the proposed fire station for the north end. Town Manager Britt advised an engineering firm will need to evaluate what needs to be done. He said he has received proposals from two engineering firms and is looking for a third. At the Board's next meeting, he plans to make a recommendation on the engineering firm and provisions for

funds to employ the firm. Once the report is received the Town will be able to discuss construction next year. A general discussion was held on what would be built and what has to be done to the land when the building is put on a slab.

MAYOR'S
REPORT:

The fate of the relocation of the remaining portion of SR 1568 is still in the hands of the DOT attorneys.

OPEN FORUM/
CITIZENS
COMMENTS:

Jamie Sanders - Citizens Involvement Association:

What process do we have to go through to consider absentee ballots for voting? Town Manager Britt advised he would check the process with the County Board of Elections.

Dan Tuman - River Road:

Mr. Tuman presented the Board of Aldermen with petitions, from property owners, requesting River Road become a Town street. Town Manager Britt said the criteria for accepting streets has not been established but he would check into it.

Jane Warsaw:


A number of people have asked about signs that are a menace in town. She requested the Board to consider establishing a Beautification Committee to handle this problem and beautification projects.

Waller Love:

Is there anyway to get the down payment on the property across the sound back now that the lease-purchase has been canceled? Mayor Knowles advised no, and explained the process.

ADJOURNMENT:

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


Ann Vause, Town Clerk

TOWN OF NORTH TOPSAIL BEACH
SPECIAL BOARD MEETING
JUNE 12, 1991

- PRESENT:** Mayor W. Rodney Knowles, Mayor Pro-Tem Marian Harkins, Aldermen Edward Warsaw, Stella Tripp, Peter Hillyer and Melinda Whitney, Town Manager Gary Britt, Assistant to the State Treasurer Don Horton and Town Clerk Ann Vause. Town Attorney Marshall Dotson was absent.
- CONVOCATION:** Mayor Knowles called the meeting to order at 5:20 p.m. at the Town Hall and declared a quorum present.
- BUDGET WORKSHOP:** Mayor Knowles introduced Mr. Don Horton, Assistant to the State Treasurer and requested he explain budget procedures.
- Mr. Horton briefly reviewed his background and explained the functions of his office at the Local Government Commission (LGC). He also explained the General Statutes local governments operate under, how LGC monitors local governments, chart of accounts used by municipalities, audits required and reports required by LGC. Mr. Horton advised the Board there were actually three parts of the budget. First is the budget message, second is the budget ordinance and the third is the budget document. He explained the contingency fund appropriate and what the State requires, the fund balance and why a reserve is necessary. He said the State recommends Town's never spend more than minor amounts of fund balance funds.
- A general discussion was held on how the fund balance is acquired, and capital reserve funds.
- The Board thanked Mr. Horton for his assistance and information.
- RECESS:** Mayor Knowles requested a recess at 7:15 p.m. and called the meeting back to order at 7:25 p.m.
- WORKSHOP CONTINUED:** Town Manager Britt advised the cost of computer terminal for his office has been reduced to \$2,300 so the capital outlay cost in administration can be reduced by \$1,700.
- Other expenditures discussed were Governing Body; Administration; Elections; Inspections; Raw Water line; Public Buildings; Buildings & Grounds; Police Department; Utilities; Street Improvements; Sanitation; Fire Department.
- Ms. Hester Meadows, Chief of West Onslow Beach Volunteer Rescue Squad, requested the board consider a donation of \$12,000 as a matching portion of a grant they plan to apply for. Originally, the rescue squad requested \$8,468 donation, which is part of the \$12,000 request. Ms. Meadows reviewed what the funds would be used for and benefits to the Town citizens.

NEXT

WORKSHOP:

The Board decided to hold the next workshop Wednesday, June 19th. The workshop will be added to the regular agenda items.

ADJOURNMENT:

A motion was made by Mayor Pro-Tem Harkins and seconded by Alderman Whitney to adjourn the meeting at 9:35 p.m. Passed unanimously.



Ann Vause
Ann Vause, Town Clerk

TOWN OF NORTH TOPSAIL BEACH
PUBLIC HEARING
JUNE 13, 1991

PRESENT: Mayor W. Rodney Knowles, Mayor Pro-Tem Marian Harkins, Aldermen Edward Warsaw, Stella Tripp, Peter Hillyer and Melinda Whitney, Town Manager Gary Britt and Town Clerk Ann Vause. Town Attorney Marshall Dotson was absent.

CONVOCATION: Mayor Knowles opened the public hearing at 7:00 p.m. and declared a quorum present.

PUBLIC HEARING: Mayor Knowles advised the 35 citizens present that the public hearing was being held to receive citizens comments on the proposed budget for Fiscal Year 1991-92. He said the budget was presented to the Board on May 30, 1991 and has been available for public inspection in Town Hall. He requested the Town Manager review the budget information for the citizens present.

Town Manager Britt reviewed the following:

- 1) Revenues:
 - projected revenues;
 - reductions caused by change in distribution method on sales tax and State budget problems.
- 2) Tax Rate:
 - 190 million tax base;
 - proposed tax rate of \$.40 per 100 valuation.
- 3) Fund Balance:
 - appropriation of \$93,045 to balance the budget;
 - projected fund balance of \$657,000, after appropriation requested.
- 4) Personnel:
 - no across the board cost of living;
 - establishment of position classification and pay ranges will result in increase of 3.1% when employees placed in pay ranges;
 - 2 1/2% merit increase proposed for 1/2 of employees;
 - total personnel proposed: 16 1/2 positions;
 - hospital insurance to be provided for employees and dependents; dental, life and disability insurance for employees. Current carrier increasing by 30% so other proposals are being reviewed for submission to the Board, to reduce cost.
- 5) Proposed capital outlay items such as fire department at the north end, police cars, fire equipment, etc.

Town Manager Britt said the increase in the overall budget over this year (1990-91) is 9%.

Leland Newsome - 304 Washington Drive:

1. There is \$657,000 in the bank. Wouldn't it have been wise to use this and start on the fire department for the north end? It appears you are saving money and not giving services such as lights, garbage, etc. Mayor Knowles advised the State Local Government Commission recommends we keep 60% of annual fund balance in reserve for emergencies. He briefly reviewed the items discussed with Mr. Don Horton, Assistant to the State Treasurer, at the June 12th budget workshop.
2. Everything over 62 1/2% of taxes collected last year was to go toward building the fire station at the north end.
3. Mileage driven by employees, excluding police, seems to be excessive. Are employees paid to go from home to work and back? Town Manager Britt advised no one other than him and that was an agreement during contract negotiations with the previous board until a car allowance could be determined.

Sam McGinn:

For a town this size, the budget is ludicrous. The town has good employees but should not pay their dental bill. If their salaries are not high enough for them to pay their own dental bills then raise the salaries. He said he objected to paying insurance for employees. If you have competent employees pay them. If they are not competent get rid of them. This town can be operated on a "0" budget if we did not have so many employees. You need to roll around and take this budget back to the drawing board.

Bill O'Donnell:

I was disappointed in this budget. In reading it I find alot of fat and feel the board should make an effort to trim it.

1. The \$650,000 reserve bothers me. Wrightsville Beach's fund balance is not more than 33%. If we use the reserve we can cut the tax rate to \$.20 per 100 valuation.
2. Ten percent of the budget is for administration and another twenty percent for inspections. The figure of \$106,000 for inspections is too high. If revenues don't match expenditures in this department then you should raise fee accordingly.
3. Do not tax citizens for employee benefits such as insurance. He said paying insurance for single employee and employee with a family is inequitable and explained what he meant.
4. Travel/training sessions scheduled for administration totals 14. This is excessive and six for one employee is not right.
5. Mileage arrangement reimbursing the manager for driving back and forth for lunch should not be paid.
6. \$210,000 for administration is absurd. So is a car and computer for the manager, which are luxury items. Mr. O'Donnell said he believes the tax rate can be cut.

Alderman Hillier

He said he did not believe the Town Manager having a computer was a luxury but a basic tool. The fund balance is recommended for all towns. It provides funds to operate

with when money is not available, such as between July and when the citizens pay taxes in December. Also, these funds are available to clear streets, etc. after a major storm or disaster. If we cut taxes now, when we are down to \$360,000, sooner or later everyone that pays taxes will have to have a large increase. He said comparing North Topsail Beach with Wrightsville Beach is unfair and explained why.

Alderman Warsaw

You can reduce the tax rate and use fund balance but you can only do it for one year. If you not continue to live off of the surplus. There are 16 1/2 employees requested for fiscal year 1991-92. 6 1/2 of this total is for police which leaves 10 employees for administration, inspections, fire and public works.

Bill O'Donnell

The budget for our inspections department is higher than Wrightsville Beach. Mayor Knowles advised this department, in addition to inspections, etc. is responsible for the minutes, correspondence, etc. of the planning board. Also, Wrightsville Beach contracts with New Hanover County for inspections and their budget is large.

Marty Bostic

Onslow County Inspections Department budget was \$162,000. This includes \$125,000 for salaries. Their revenues last year were \$144,000. Why are our expenses so high? Town Manager Britt explained some inspection departments do better than others. North Topsail Beach revenues are 29% of expenditures, Surf City revenues are 98% of expenditures and Topsail Beach revenues are 38% of expenditures. In addition, he explained percentages for other towns such as Wrightsville Beach, Carolina Beach, Atlantic Beach and Holden Beach. North Topsail Beach inspections has collected \$23,625 in revenues since May of 1990, and expended \$80,724.

Harold Naumann

Most employers are cutting dependents insurance coverage because of cost. This is one way of saving money on taxes. Alderman Warsaw said up north the salaries are double what they are here so they can afford to cut insurance benefit.

Sam McGinn

He said he would like to see the budget cut, and requested information on the hourly rate for the police chief and public works supervisor. He said the Town has a good inspector that is liked by the public. Alderman Warsaw said he did not believe we were paying employees enough but the current salaries is taking 43% of the budget.

Bill Parr

Health insurance is such an important issue but alot of companies are deleting coverage. The problem is so great that the Federal Government is in the process of trying to force companies to provide insurance for their employees. He said he supported the budget, was proud of the people the Town had, the progress made to date, and he was proud to be a part of the Town.

Dan Tuman - River Road

He requested a clarification on fire department expenditures. Town Manager Britt explained purchase of property, site preparation for new building, engineering services, and equipment requested. If the budget is approved and all work completed the department at the north end should be in operation by next year.

Marty Bostic

He requested information on cost of used pumper, and why the Town could not purchase a ladder truck instead of a pumper. Town Manager Britt advised a ladder truck would cost \$70,000 a year for 10 years and used pumpers can be purchased for \$75,000 each. A discussion was held on the need of a ladder truck vs. a pumper, ISO requirements, how to drop insurance rating for homeowners, water situation and grants available to the department.

Dan Tuman

Requested information on cable franchise fees anticipated. Town Manager Britt advised once the ordinance was in place the Town would receive 3% of the cable revenue that is now being paid to Onslow County.

Marty Bostic

He requested information on telephone expense increase for the fire department. Town Manager Britt explained that in 1990-91 budget expenses were for 4 months. Also, next years expense includes telephone and postage for 2 stations.

Alderman Whitney

She expressed thanks to citizens attending this meeting. In addition, she reviewed what the board has discussed at the budget workshops, ways to reduce cost, information received from Mr. Horton, LGC, items that need to be closely looked at such as personnel, benefits, garbage collection system, etc., requested decrease in the tax rate, different services the town could provide, and requirements of fire and EMS. She advised the Town needs trained volunteers and the board needs more input from the citizens.

Dan Tuman

Please advise what the goals are for the Town. The budget should be behind us and we should be working on accomplishing goals. Alderman Warsaw said he agreed. The goals for our Town are to make it a first rate town with first rate service. We realize there are restraints and we are trying to build our organization starting with good personnel who receive adequate benefits and feel they belong to a good organization.

Ginny Hillier

She said voluntary activity, with educated volunteers, is good for the Town. Continuing education, whether on equipment or procedures, would be beneficial to the Town.

Marty Bostic

1. Is \$1,800 enough for mosquito control? Town Manager

from the State.

2. The anticipated dump site is for summer months to help determine what type of curb service will be offered, but the winter months would cost much less. How many employees are requested for Public Works? Town Manager Britt advised 2. This current year we have 1 full time worker and 1 part time worker that works 24 to 32 hours per week.

Mayor Pro-Tem Harkins

She thanked the citizens for coming to the meeting and voicing their opinion. She said the board is working on the budget and is trying to do the best they can with the money available.

Mayor Knowles

The budget process is interesting. There is diversity which makes it a good board and nothing is over looked. Citizens comments are appreciated and needed. The board wants to be sure the Town is run as efficiently and economically as possible.

No further comments were received, so Mayor Knowles closed the public hearing at 8:31 p.m.

ADJOURNMENT:

A motion was made by Alderman Tripp and seconded by Alderman Hillyer to adjourn the meeting at 8:32 p.m. Passed unanimously.

Ann Vause

Ann Vause, Town Clerk

TOWN OF NORTH TOPSAIL BEACH
REGULAR BOARD MEETING
JUNE 19, 1991

- PRESENT:** Mayor W. Rodney Knowles, Mayor Pro-Tem Marian Harkins, Aldermen Edward Warsaw, Stella Tripp, Peter Hillyer and Melinda Whitney, Town Manager Gary Britt, Town Attorney Marshall Dotson and Town Clerk Ann Vause.
- CONVOCATION:** Mayor Knowles called the meeting to order at 7:00 p.m. at the North Topsail Beach Volunteer Fire Department building and declared a quorum present.
- APPROVAL OF AGENDA:** Alderman Tripp requested a presentation by Mr. Wade Farrier, on an aerial ladder truck, be added to the agenda under new business. After a brief discussion a motion was made by Alderman Tripp and seconded by Mayor Pro-Tem Harkins to add the presentation on an aerial ladder truck under New Business Item 6-e, to the agenda. Passed unanimously.
- APPROVAL OF MINUTES:** A motion was made by Mayor Pro-Tem Harkins and seconded by Alderman Whitney to approve minutes of Special Board Meeting held June 3, 1991, as written. Passed unanimously.
- Mayor Pro-Tem Harkins requested the minutes of the regular meeting held June 5, 1991, be changed to reflect that on the discussion of the Town Traffic Ordinance, Article 5, Division 1, Section 8 she asked the attorney if Section 8 limited the owners right to park in front of their houses and was advised no. After brief discussion a motion was made by Mayor Pro-Tem Harkins and seconded by Alderman Tripp to approve the minutes of the regular board meeting held June 5, 1991, with the correction in discussion to reflect the question and answer concerning Article 5, Division 1, Section 8 and that it does not limit the owners right to park in front of their houses. Passed unanimously.
- A motion was made by Alderman Hillyer and seconded by Alderman Whitney to accept the minutes of the Special Board Meeting held June 12, 1991, as presented. Passed unanimously.
- LEASE AGREEMENT BULK CONTAINER SITE:** Town Manager Britt advised the Hunter Heath Trust has agreed to lease their property on Highway 210, adjacent to Town Hall, to the Town for a bulk container site for \$100 per month. The request for a Conditional Use Permit has been filed with the Planning Board and they will review this request at the June 20th meeting. Bids from contractors for pick-up and containers will be requested and presented to the Board of Aldermen at their July 3rd meeting. After a brief discussion a motion was made by Alderman Warsaw and seconded by Mayor Pro-Tem Harkins to approve the lease-

at the rate of \$100 per month. Passed unanimously.

Attorney Dotson advised the money received on this lease-agreement would be donated to the University of North Carolina Noble Center Foundation.

APPOINTMENT
OF PLANNING
BOARD MEMBERS
TERMS:

Mayor Knowles said as instructed by the Board of Aldermen he selected a random method for appointment of terms for the planning board members. He did not have a yardstick to work with so he took absentee record of their meetings to determine who attends the meetings and how often. These were put in various hats and randomly drawn to determine terms. The recommended terms are: 2 years: Bill Rogers and Margaret Stackleather; 3 years: Bill Parr & Ginny Hillyer; 4 years: Jack Dempsey. After a brief discussion a motion was made by Alderman Warsaw and seconded by Alderman Hillyer to appoint Bill Rogers and Margaret Stackleather to 2 year terms, Bill Parr and Ginny Hillyer to 3 year terms and Jack Dempsey to a 4 year term, on the North Topsail Beach Planning Board. Voting aye: Mayor Pro-Tem Harkins, Aldermen Warsaw, Hillyer and Whitney. Voting nay: Alderman Tripp. Motion carried.

RIVER ROAD
PETITION:

Mayor Knowles requested the Aldermen's comments on the petition to accept River Road as a Town street.

Alderman Hillyer said this is a bumpy road and he would like to see the Town vote on this but he would have to abstain from voting since he lived on River Road. He advised River Road is a public road that gives access to the county beach access but the county said it is not their problem and expects the owners to maintain it. The road has to be kept open and it is a dilemma for property owners. He said he hoped with private individuals, Powell Bill Funds and the county the road could be corrected to what it should be.

Alderman Warsaw advised he lived at the beginning of the road and has watched emergency vehicles trying to navigate down it. When the road is covered with water they cannot see the pot holes and this is dangerous.

Alderman Tripp said she sympathized with the property owners but she would like to see the Town consider all areas in Town, if they consider this one. A general discussion was held on roads less than 16' in width and why Powell Bill Funds cannot be used on them.

Mayor Pro-Tem Harkins said there are standards to be met before the road is accepted and that we could possibly assess the property owners for bringing the road up to standards.

Mayor Knowles advised that about a year ago the county

of the money to put the road back into a useable condition but this was not done. He said he received a letter from County Manager Rick Leary to this effect. He said he would like to have this verified and go from there.

The board discussed the assessment process, how gravel could be used as a temporary measure to repair the pot holes, whether or not the board is required to accept the street for maintenance, and the State road system.

After the discussion, Mayor Knowles requested the Board delay action on this request until the July 3rd meeting so the Town Manager could talk with Mr. Leary to see if the county is still in the mode to honor the letter to pay for 1/2 of the cost to repair River Road and he can determine who owns River Road.

**ABSENTEE
BALLOTS:**

Town Manager Britt advised he talked with Mrs. Boney, Onslow County Board of Elections, about allowing absentee ballots for elections. Mrs. Boney said if the Board elects to allow absentee ballots they should approve a resolution approving absentee ballots, provide the resolution to the county within 10 days of adoption ;and at least 60 days before election.

A motion was made by Alderman Whitney and seconded by Alderman Tripp to accept the proposal for absentee ballots for the November election, for citizens not here.

Alderman Hillyer said he was concerned about absentee ballots, not because of residents who are not here and want to vote but because of the way voters are registered in the county. He reviewed what was published in the Bugle Sounds concerning 30 day residence requirement. Elections affect the health and welfare of people who live here year around and you are not suppose to vote here and then somewhere else. He said he was against the idea and believes it should be delayed. Alderman Whitney said we may need more information from Mrs. Boney. Mayor Pro-Tem Harkins said there are restrictions for registration and voters can be challenged. A general discussion was held on possible problems.

Jamie Sanders, Citizens Involvement Association, said his group feels absentee ballots are necessary. It is up to the Board of Elections to monitor registrations. He urged the Board to vote and allow absentee ballots.

Harold Nauman explained questions they ask when he registered to vote.

Bill O'Donnell said he was in favor of absentee ballots. You will never be able to make air tight provisions to prevent fraud so let the county take care of enforcement.

Town's money.

Ginny Hillyer explained what she found out about registering to vote. Also, she explained the definition of resident as stated by Mr. Brock, North Carolina Board of Elections in Raleigh.

Wendy Pumphrey asked the percentage of voters they were talking about.

A lengthy discussion was held on the various aspects of absentee ballots, how often this decision is made and whether or not the Board needed to make a decision tonight. After the discussion, Alderman Whitney withdrew her motion pending more information on absentee ballots. Alderman Tripp said she would not withdraw here second and explained why. After further discussion on pro's and con's of absentee ballots and concerns about registration Mayor Knowles called for a vote on the motion. Voting aye: Mayor Pro-Tem Harkins and Alderman Tripp. Voting nay: Aldermen Warsaw, Hillyer and Whitney. The motion was not approved.

BUDGET
AMENDMENT -
NORTH END FIRE
DEPARTMENT &
WATER IMPROVE-
MENTS:

Town Manager Britt advised this amendment is being requested to provide funds, in this years budget, for engineering services on the north end fire station. The funds would be transferred from Contingency (\$20,000) and Police Salaries Line Item (\$32,800) and would be placed in a Capital Reserve Fund for engineering fees and site preparation cost. He also, recommended the \$27,800 remaining in the Water Study Line Item be placed in the Capital Reserve Fund for Water Improvements. After a brief discussion a motion was made by Alderman Warsaw and seconded by Alderman Hillyer to approve the budget amendment transferring \$20,000 from Contingency Fund, \$32,800 from Police Salaries Line Item to Capital Reserve Fund for engineering fees and site preparation cost for the north end fire station and transferring \$27,800 from Water Study Line Item to Capital Reserve Fund for Water Improvements. Passed unanimously.

BULK CONTAINER
SITE:

Town Manager Britt requested \$2,500 be transferred from Contingency Fund to Sanitation Line Item for gravel and gate at the bulk container site. A motion was made by Alderman Whitney and seconded by Alderman Hillyer to transfer \$2,500 from Contingency Fund to Sanitation Line Item for gravel and gate at the bulk container site. Passed unanimously. (The following amendment includes Capital Reserve Fund and transfer to Sanitation Line Item).

AN ORDINANCE AMENDING TOWN OF NORTH TOPSAIL BEACH
BUDGET ORDINANCE FOR FISCAL YEAR 1990-91

BE IT ORDAINED BY THE TOWN OF NORTH TOPSAIL BEACH BOARD OF ALDERMEN MEETING IN REGULAR SESSION THIS 19TH DAY OF JUNE, 1991, THAT THE BUDGET ORDINANCE FOR FISCAL YEAR 1990-91 ADOPTED JUNE 19, 1990, AMENDED FEBRUARY 6, 1991, AMENDED MAY 1, 1991, AMENDED MAY 15, 1991, IS AMENDED AS FOLLOWS:

GENERAL FUND - :

REVENUES:

Current year's property taxes	\$425,000.00
Prior year's property taxes	55,000.00
Penalties & Interest on property taxes	3,000.00
Utilities Franchise Tax	10,000.00
Intangible Property Tax	6,000.00
Beer & Wine Tax	1,000.00
Powell Bill Allocation	10,000.00
Local Option Sales Tax	404,697.00
Other State Revenues	500.00
Interest on Investments	5,000.00
Miscellaneous Revenues	200.00
Building Permits	13,000.00
Inspection Fees	13,000.00
Refuse Collection Fees	-0-
Federal Government Grants - CAMA	9,000.00
License & Permits: Privilege License	<u>100.00</u>

TOTAL \$955,497.00

EXPENDITURES:

Governing Body	\$ 22,260.00
Administration	179,472.00
Planning & Zoning Inspections	98,474.00
Public Buildings	106,671.00
Police	271,402.00
Public Works	34,873.00
Street Department	10,000.00
Street Improvements	10,000.00
Fire	106,462.00
Raw Water Supply	34,000.00
Elections	1,500.00
Building & Grounds Maintenance	1,000.00
Sanitation	5,500.00
CAMA Grant	9,000.00
Contribution to Capital Reserve Fund	80,600.00
Contingency	<u>12,083.00</u>

TOTAL

\$955,497.00

CAPITAL RESERVE FUND:REVENUES:

Reserved for Fire Dept. North-End/ Water System Improvements	<u>\$ 80,600.00</u>
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TOTAL	\$ 80,600.00
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EXPENDITURES:

Fire Department - North End	\$ 52,800.00
Water System Improvements	<u>\$ 27,800.00</u>

TOTAL	\$ 80,600.00
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DULY ADOPTED THE 19TH DAY OF JUNE, 1991.

AERIAL
LADDER TRUCK:

Mr. Wade Farrier reviewed all aspects of an aerial ladder truck for the Board's consideration. He said new aerial ladder trucks cost approximately \$512,000, however, demonstrator models with equipment are available for about \$481,000. Mr. Farrier briefly explained the following: financing terms, facts about the truck, such as height, reach, platform, gpm pump, warranties, operations, life expectancy, prices of apparatus and ISO ratings needed to decrease insurance premiums for property owners. Several questions were asked by the Board of Aldermen and citizens present concerning the number of individuals required to operate the truck, number of high rise buildings in town, type of used trucks available and possible problems with current water system. Mr. Farrier reviewed each of the questions asked.

Mayor Knowles thanked Mr. Farrier for attending the meeting and presenting information on an aerial ladder truck.

RECESS: Mayor Knowles requested a recess at 8:32 p.m. He called the meeting back to order at 8:48 p.m.

EXECUTIVE
SESSION:

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

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

Mayor Knowles advised a personnel matter was discussed, but, no action was taken.

MANAGER'S
REPORT:

- 1) I plan to meet with the Planning Board Thursday, June 20th, at 7:00 p.m., concerning our request for a Conditional Use Permit on the bulk container site.
- 2) A meeting is being scheduled with Mr. Marty Bostic to discuss the possible need for more rock for our streets.
- 3) Lt. Monroe contacted the Town about a clean up project. He missed our last one. I plan to meet with Lt. Monroe and possibly arrange another clean up project for July 13th. I will advise the Board of the date at our July 3rd meeting.
- 4) A copy of a map, with proposed no parking areas, has been presented to the Board. Please provide me with your comments on this. This subject will be on the July 3rd, agenda.

ATTORNEY'S
REPORTS:

- 1) The deed to the beach access, near Mrs. Denton's property, has been forwarded to a title insurance company. The beach access walkway, in Old Settlers Beach, has been deeded to the county, however, if the county does not want it they can deed it to the Town.
- 2) The Corps of Engineers will start dredging in Galleon Bay this fall. They will be moving sand from the waterway to the beach.

ALDERMEN'S
REPORTS:

Alderman Whitney:

- 1) What is the potential for getting more trash barrels on the beach? Town Manager Britt advised he talked with Clean County and they can provide additional barrels, at no cost, after the 4th of July weekend.
- 2) Some individuals walking on the dunes. Can we educate and encourage them to keep off the dunes?
- 3) A neighbor, who is elderly and handicapped, was not aware of the beach access for him. Can we advertise in the newspaper and have handouts at Town Hall showing where these accesses are? Town Manager Britt will check into this.

MAYOR'S
REPORT:

- 1) A car is parked illegally in the emergency access. Is there a waiting period before the police can have the car removed? Attorney Dotson advised no, not if they are parking at an emergency access.
- 2) DOT will meet July 8th, and will present an official statement on the relocation of S.R. 1568.

CITIZENS
COMMENTS:

Marlow Bostic:

Is the county going to relocate the water line when S.R. 1568 is relocated? Mayor Knowles advised yes, and they will increase the size of the line.

What is the status on Port, Coastal and Oyster Drives? Town Manager Britt advised these are paved town streets and once the work is completed on gravel streets there should be about \$5,000 remaining to work on the paved streets.

Wendy Pumphrey:

Are you planning to have barracks in the north end fire station? Town Manager Britt advised he has ask for bids with and without barracks. Mrs. Pumphrey explained why barracks are needed for volunteers.

Harold Malman:

There is no one at the police department on the weekend. He said someone should be at the police department and town hall on Saturday and Sunday. Acting Police Chief Taylor explained when and how Onslow County Sheriffs Department dispatches the police officers.

Marty Bostic:

The town newsletter should encourage people to call 911 when they need the police department.

RECESS: Mayor Knowles called for a recess at 9:28 p.m. He called the meeting back to order at 9:45 p.m.

OCEAN CITY
STREET LIGHTS:

Alderman Tripp asked about the request from a citizen for more street lights in the Ocean City area. Town Manager Britt advised the street light budget for Fiscal Year 1991-92 was the same as this year. The additional lights requested would cost the Town \$950 more a year.

BUDGET
WORKSHOP:

A lengthy discussion was held on all aspects of the proposed budget for Fiscal Year 1991-92. After the discussion, Mayor Knowles suggested the board members look at the budget over the weekend and come back Monday with recommendations on where to save, where to cut and what items needed to be changed.

RECESS: A motion was made by Mayor Pro-Tem Harkins and seconded by Alderman Whitney to recess the meeting until Monday, June 24th, at 6:00 p.m., at Town Hall. Passed unanimously.



Ann Vause - Town Clerk

TOWN OF NORTH TOPSAIL BEACH
CONTINUED REGULAR BOARD MEETING
JUNE 24, 1991

PRESENT: Mayor W. Rodney Knowles, Mayor Pro-Tem Marian Harkins, Aldermen Edward Warsaw, Stella Tripp, Peter Hillyer and Melinda Whitney, Town Manager Gary Britt and Town Clerk Ann Vause. Attorney Marshall Dotson was absent.

CONVOCATION: Mayor Knowles called the meeting to order at 6:07 p.m., at Town Hall, and declared a quorum present.

EXECUTIVE SESSION: A motion was made by Alderman Hillyer and seconded by Mayor Pro-Tem Harkins to go into executive session to discuss a personnel matter. Passed unanimously.

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

Mayor Knowles advised a personnel matter was discussed but no action was taken.

BUDGET WORKSHOP: Each board member reviewed what they felt could be cut from the proposed budget. A discussion was held on the proposed cuts but no formal action was taken. After the discussion a motion was made by Mayor Pro-Tem Harkins and seconded by Alderman Hillyer to recess the meeting until Wednesday, June 26, 1991, at 7:00 p.m., at Town Hall. Passed unanimously.



Ann Vause - Town Clerk

TOWN OF NORTH TOPSAIL BEACH
CONTINUED REGULAR BOARD MEETING
JUNE 26, 1991

PRESENT:

Mayor W. Rodney Knowles, Mayor Pro-Tem Marian Harkins, Aldermen Edward Warsaw, Peter Hillyer, and Melinda Whitney, Town Manager Gary Britt, Town Attorney Marshall Dotson and Town Clerk Ann Vause. Alderman Stella Tripp was absent because of an accident that occurred returning from the doctors office and the death of her mother-in-law.

CONVOCATION:

Mayor Knowles advised that because the meeting location was changed from Town Hall to the North Topsail Beach Fire Department the start of the meeting would be delayed until 7:15 p.m. to give individuals a chance to come from Town Hall to the Fire Department.

At 7:15 p.m., Mayor Knowles called the meeting to order and declared a quorum present.

BUDGET WORKSHOP:

Town Manager Britt said he talked with Mr. Don Horton, Local Government Commission, and he was concerned that we were getting close to the deadline, required by General Statute, for adopting a budget for Fiscal Year 1991-92. Mr. Horton said he realized there were some problems which involved policy determinations but rather than delay the budget he said it was reasonable to adopt the budget as presented with restrictions in areas such as salaries, travel, etc. With the restrictions the Town Manager would not be able to increase salaries, approve travel, etc. until the policies are set.

Town Manager Britt advised the following changes have been made in the proposed revenues for Fiscal Year 1991-92:

- 1) Increased investment income from \$36,000 to \$49,000;
- 2) Increased tax collection based on 87.61% instead of 87%.

The total increase in revenues is \$17,636.00.

Alderman Warsaw:

Mr. Horton advised, during his recent visit, that the proposed budget was conservative. He said he agreed and feels the budget should be adopted with amendments suggested by the Town Manager. Line items can be adjusted, as we go along, during the year.

Mayor Pro-Tem Harkins:

We have worked quite a bit on this budget and it's nice to say do not worry about line items, however, a lot is based on policy, such as capital outlay, and we need to look at this before the tax rate is set, not after.

Alderman Hillyer:

We have spent a lot of time talking about citizens and checking salaries. We just go around and around. I am willing to compromise to some extent and some money can be taken out. he said he agreed that items such as salaries, travel, etc. can be controlled by the board. He said he would agree to anything reasonable so the budget could be passed.

Alderman Whitney:

We are required to have a balanced budget but we should only spend what comes in. We have discussed budget projects such as fire station, town hall, etc. There is some fat in the budget. We have to allot the money coming in and can only put a certain amount in savings. Just because money is budgeted in a particular area that does not mean it has to be spent. I would like to see the money appropriated from last year's fund balance cut out. A lot of items discussed are controlled by policy statement and can be worked out. I am concerned about spending more money than we have coming in.

Mayor Knowles:

Everyone understands that because of the change in the distribution of sales tax funds we will lose approximately \$350,000 - \$400,000 in FY '91-92. We have gone through the proposed budget and I believe the Town Manager has done a good job. We are young and there is still a lot of capital outlay items that need to be purchased. Expenditures in the 1990-91 budget were \$100,000 less than budgeted. A lot of thought has gone into this budget and I would like for the Board to seriously consider adopting this budget tonight, with restraints.

After a brief discussion a motion was made by Alderman Warsaw and seconded by Alderman Hillyer to adopt the budget for Fiscal Year 1991-92 as presented. Voting aye: Alderman Warsaw and Alderman Hillyer. Voting nay: Mayor Pro-Tem Harkins and Alderman Whitney. Mayor Knowles broke the tie, voting aye. The budget for Fiscal Year 1991-92 was adopted as follows:

TOWN OF NORTH TOPSAIL BEACH
BUDGET ORDINANCE
FISCAL YEAR 1991-92

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, 1991, and ending June 30, 1992,

in accordance with the chart of account heretofore established for this Town:

Governing Body	\$ 21,451.00
Administration	224,452.00
Inspections	100,999.00
Police	259,798.00
Public Works	58,996.00
Street Department	10,000.00
Street Improvements	17,000.00
Fire	297,699.00
Contingency	50,433.00
Elections	2,000.00
Buildings & Ground Maintenance	2,000.00
Sanitation	<u>12,500.00</u>
TOTAL	\$1,057,328.00

Section 2. It is estimated that the following revenues will be available in the General Fund for the Fiscal Year beginning July 1, 1991, and ending June 30, 1992:

Current year's property taxes	\$ 665,836.00
Taxes, Prior Year (1989/90 & 1990/91)	78,000.00
Inventory Tax Reimbursement	14,000.00
Tax Penalties/Interest	7,000.00
Privilege License	1,200.00
Cable Franchise	5,000.00
Interest - Investments	49,000.00
Miscellaneous	1,000.00
Utilities Franchise Tax	23,000.00
Intangibles Property Tax	15,000.00
Beer & Wine Tax	1,500.00
Powell Bill allocation	17,000.00
Local Option Sales Tax	40,000.00
Grant/Dept. of Insurance - Fire	11,376.00
Building Permits	18,000.00
Mechanical Permits	480.00
Electrical Permits	2,580.00
Plumbing Permits	1,020.00
No Permit Fees	1,200.00
Inspection Fees	7,000.00
CAMA Permits	1,000.00
Tax Refunds	3,000.00
Tax Refunds - Gasoline	2,000.00
Other State Revenues	500.00
Appropriated Fund Balance	<u>91,636.00</u>
TOTAL	\$1,057,328.00

Section 3. The following amounts are hereby appropriated in the Capital Reserve Fund for the fire department at the north end of Town and water system improvements, in accordance with the chart of accounts heretofore established for the Town:

Fire Department - North End	\$ 52,800.00
Water System Improvements	<u>27,800.00</u>
TOTAL	\$ 80,600.00

Section 4. The following revenue has been transferred to the Capital Reserve Fund, per Board of Aldermen action.

Reserved for fire station/water improvements	\$ 80,600.00
Interest Income	\$ <u>-0-</u>
TOTAL	\$ 80,600.00

Section 5. There is hereby levied a tax at the rate of forty cents (.40) per one hundred (\$100) valuation of property as listed for taxes as of January 1, 1991, for the purpose of raising the revenues listed 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 \$190,000,000.00 and an estimated rate of collection of 87.61%. The estimated rate of collection is based on the Fiscal 1990-91 collection rate of 87.61%

Section 6. The Budget Officer is hereby authorized to transfer appropriations as contained herein under the following conditions:

- a. He may transfer amounts between objects of expenditure within a department without limitation and without a report being required.
- b. He may transfer amounts up to \$1,000 between departments, including contingency appropriations, within the same fund. He must make an official report on such transfers at the next regular meeting of the Board of Aldermen.
- c. He may not transfer any amounts between funds, except as approved by the Board in the Budget Ordinance as amended.

Section 7. The Budget Officer may make cash advances between funds for periods not to exceed 60 days without reporting to the governing board. Any advances that extend beyond 60 days must be approved by the board. Any advances extending beyond June 30 must also be approved by the board regardless of the number of days the advance is outstanding.

Section 8. 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 26TH DAY OF JUNE, 1991.

Mayor Pro-Tem Harkins said she did not believe the Board should have voted on the budget with one member absent.

ADJOURNMENT:

A motion was made by Alderman Warsaw and seconded by Alderman Hillyer to adjourn the meeting at 7:31 p.m. Passed unanimously.

Ann Vause

Ann Vause - Town Clerk

TOWN OF NORTH TOPSAIL BEACH
 REGULAR BOARD MEETING
 JULY 3, 1991

- PRESENT: Mayor W. Rodney Knowles, Mayor Pro-Tem Marian Harkins, Aldermen Edward Warsaw, Stella Tripp, Peter Hillyer and Melinda Whitney, Town Attorney Marshall Dotson, Town Manager Gary Britt and Town Clerk Ann Vause.
- CONVOCATION: Mayor Knowles called the meeting to order at 7:00 p.m. in the North Topsail Beach Volunteer Fire Department building and declared a quorum present.
- APPROVAL OF AGENDA: A motion was made by Mayor Pro-Tem Harkins and seconded by Alderman Tripp to add an executive session, to discuss a personnel matter, under new business #6-i. Passed unanimously.
- APPROVAL OF MINUTES: Mayor Pro-Tem Harkins requested the percentage numbers on Mr. O'Donnell's statement at June 13, 1991 meeting be corrected (she will provide these to the Town Clerk). A motion was made by Alderman Whitney and seconded by Alderman Hillyer to approve the minutes of Special Board Meeting on June 13, 1991; Regular Board Meeting on June 19, 1991 and Recessed Board Meeting on June 24, 1991, as written, with corrections to June 13th minutes as requested. Passed unanimously.
- RIVER ROAD PETITION: Town Manager Britt said at their June 19th meeting citizens living on River Road petitioned the Board to accept the road as a Town road. As directed, he said he met with Rick Leary, Onslow County Manager, to discuss the county contributing 1/2 of cost to repair the road since it is used as access to the county beach access. Mr. Leary advised it would be considered with the county participating as a property owner provided other property owners agreed to participate in share of the cost to repair the road. Town Attorney Dotson is reviewing the situation concerning ownership and dedication on this road and we plan to get an opinion from DOT on cost to repair the road. After a discussion Mayor Knowles requested the Town Manager talk with Department of Transportation District Engineer J. R. Robinson concerning cost estimates for road repair.
- ABSENTEE BALLOTS: Alderman Whitney said alot of citizens have asked her why she made the motion at the last meeting for absentee ballots and then withdrew the motion. She reviewed her reasons and information received from Mr. Brock, State Board of Elections. She requested comments from the 50 citizens present, on allowing absentee ballots.

Bill O'Donnell:

The most general issue is absentee ballots, yes or no, then deal with mechanics of the issue.

decision from this Board on absentee ballots.

Doris Naumann:

The responsibility of the county, state and local government is to protect the citizens right to vote. It is not your responsibility to worry about eligibility requirements, etc. Mayor Knowles advised no one wants to deny individuals right to vote. Alderman Hillyer said at the last meeting the vote was 3-2 against absentee ballots with understanding that they would look into this again.

Bill Parr:

He explained problem, several years ago, when they wanted to establish a fire district for West Onslow Beach. Because of the situation in our community regarding registration he urged the Board not to approve absentee ballots at this time.

Alderman Hillyer:

I feel the citizens, especially senior citizens, want absentee ballots. If we are not happy with registration requirements we need to lobby the legislature and request changes be made. Everyone should have the right to vote.

Alderman Warsaw:

The law is clear. The problem is enforcement. We reviewed the last vote and postponed action until we could find out about law enforcement. He said he supported absentee ballots, but he does not agree that we should adopt the principal when we do not know how mechanics work.

Jim Harris:

I do not want anyone to move here for 30 days, vote and then leave us with their choice on the Board.

Leland Newsome:

He said he was involved in a registration dispute case in New Hanover County and explained the outcome.

Ginny Hillyer:

General Statutes 163-57, paragraph 1 & 3, list questions the Supreme Court requested be asked of potential voters. She advised this list has been presented to the Mayor.

Marty Bostic:

Has anyone asked Ms. Boney if anyone in her office sends a notice to the prior state when a person registers to vote here? Attorney Dotson said yes and the county says they do send a notice.

Sam McGinn:

We must send the message to elderly and military that they count and they do not have to show where they bank to have the right to vote.

Marty Bostic:

Did you have absentee ballots prior to incorporation?
Advised yes.

Chris Schmidt:

I do not believe the issue is absentee ballots, but if you support this the responsibility does not end there. You will need enforcement, procedures, etc. to consider before you vote.

After the discussion a motion was made by Mayor Pro-Tem Harkins and seconded by Alderman Tripp to send the following resolution to the County Board of Elections allowing absentee ballots for the November election in North Topsail Beach. Alderman Whitney asked if parameters on registration needed to be added. After discussion, the Board decided to do this as a separate item. Mayor Knowles called for a vote and the motion passed unanimously.

RESOLUTION AUTHORIZING ABSENTEE BALLOTS FOR NORTH TOPSAIL BEACH ELECTIONS

WHEREAS, a municipal election for the Town of North Topsail Beach is scheduled for November 5, 1991,; and

WHEREAS, provisions for absentee ballots were not made when the North Topsail Beach Charter was enacted by the General Assembly; and

WHEREAS, the North Topsail Beach Board of Aldermen desire for all citizens domiciled within the corporate limits of North Topsail Beach, as required by North Carolina General Statutes, to have the right to vote whether they are in town or absent during election time; and

WHEREAS, absentee ballots are authorized if the local election is conducted by the county board of elections; and

WHEREAS, North Topsail Beach elections will be conducted by the Onslow County Board of Elections.

NOW, THEREFORE, BE IT RESOLVED BY THE NORTH TOPSAIL BEACH BOARD OF ALDERMEN MEETING IN REGULAR SESSION THIS 3rd DAY OF JULY, 1991, THAT:

Absentee ballots are hereby authorized for North Topsail Beach elections.

BE IT FURTHER RESOLVED THAT:

A copy of this resolution be forwarded to the Onslow County Board of Elections and the North Carolina State Board of Elections as required by law.

DULY ADOPTED THE 3RD DAY OF JULY, 1991.

VOTERS
REGISTRATION
CARDS:

A discussion was held on the need for a committee to monitor election polling places and criteria for voter registration. After the discussion a motion was made by Alderman Whitney and seconded by Mayor Pro-Tem Harkins to adopt criteria for

voter registration and requesting the county Board of Elections follow this criteria for registration and registrars. Alderman Whitney said the election committee could be appointed later. The Board agreed and requested names for this committee be submitted to the Mayor and Town Manager. After further discussion on the election fact finding committee previously established by the Mayor, Aldermen Whitney and Tripp withdrew their motion until the attorney could prepare a resolution for the Board's consideration.

CABLE TV
FRANCHISE:

Town Manager Britt said the Board met May 21, 1991, and discussed the proposed cable franchise ordinance and made some corrections. A lengthy discussion was held on new draft of the proposed ordinance, the difference in service before and after SR 1568, financial condition of proposed vendor, franchise fees to be paid, whether or not other cable companies are available, what the franchise would mean, whether or not the franchise would be exclusive and length of the proposed contract. After the discussion the Board requested the Town Manager and Town Attorney meet to discuss concerns and possible changes to the proposed franchise ordinances.

CONDITIONAL
USE PERMIT
FOR BULK
CONTAINER
SITE:

Town Manager Britt said the Town requested a conditional use permit for the proposed container site and at their meeting held June 20th, the planning board voted to recommend the Board of Aldermen approve the request. He said there would be eleven (11) containers on the site and the lease has been approved through November 15, 1991. A motion was made by Alderman Whitney and seconded by Alderman Hillyer to approve the recommendation of the planning board and grant a conditional use permit for the Town's bulk container site. Passed unanimously.

BID AWARD-
CONTAINER
SITE:

Town Manager Britt said he received a good response on request for containers and trash removal at the bulk container site. He reviewed the bid requirements and bids received. Bids were received as follows:

COM SAN: Monthly charge for eleven 8 yard containers emptied 3 times a week is \$1,715. Monthly charge for seven 8 yard containers emptied 3 times a week is \$1,091. Monthly charge for five 8 yard containers emptied twice a week is \$520. No bid given on monthly recycling. Note: Containers are rear load, which may reduce container fill capacity by 20% - 30%.

WASTE INDUSTRIES: Monthly charge for eleven 8 yard containers emptied 3 times a week is \$2,314. Monthly charge

for seven 8 yard containers emptied 3 times a week is \$1,472. Monthly charge for five 8 yard containers emptied twice a week is \$732. Monthly recycling cost of \$106.

WASTE MANAGEMENT: Monthly charge for eleven 8 yard containers emptied 3 times a week is \$2,302. Monthly charge for seven 8 yard containers emptied 3 times a week is \$1,465. Monthly charge for five 8 yard containers emptied twice a week is \$700. Monthly recycling cost of \$166.

WINDFISH: Monthly charge for eleven 8 yard containers emptied 3 times a week is \$2,365. Monthly charge for seven 8 yard containers emptied 3 times a week is \$1,505. Monthly charge for five 8 yard containers emptied twice a week is \$900. No bid on monthly recycling given.

ONSLow CONTAINER SERVICE: Monthly charge for eleven 8 yard containers emptied 3 times a week is \$2,560. Monthly charge for seven 8 yard containers emptied 3 times a week is \$1,629. Monthly charge for five 8 yard containers emptied twice a week is \$849. Monthly recycling cost of \$325.

After a discussion on recycling capabilities, contractor disposal site and type of container needed, a motion was made by Alderman Warsaw and seconded by Alderman Hillyer to accept the bid from Waste Industries, Inc. as follows: Monthly Solid Waste Removal at a rate of \$2,314 per month for eleven 8 yard containers emptied 3 times a week; \$1,472 per month for seven 8 yard containers emptied 3 times a week; \$732 per month for five 8 yard containers emptied twice a week. Monthly recycling at \$106 per month. The total cost for all three months at a rate of \$7,260 for eleven 8 yard containers emptied 3 times a week; \$4,734 for seven 8 yard containers emptied 3 times a week; \$2,514 for five 8 yard containers emptied 2 times a week, per Town Managers recommendation. Passed unanimously.

Town Manager Britt said he would negotiate with Waste Industries for plastic recycling.

Questions were received from citizens concerning the date the site would be open and 4th of July clean up. Town Manager Britt said he hopes to have the site ready on Thursday of next week and he explained preparations for the 4th of July weekend. Questions were also asked, and answered, concerning length of lease for site and what would happen after the lease expires.

RECESS:

Mayor Knowles requested a recess at 8:40 p.m. and called the meeting back to order at 8:53 p.m.

RESOLUTION-
VOTER
REGISTRATION
CRITERIA:

Attorney Dotson reviewed the proposed resolution which sets criteria for Onslow County Board of Election registrars and voter registration. Mayor Pro-Tem Harkins said she objected

to the question about bank accounts. Also, she wanted people to understand that if an unfavorable answer is received on a question it would not be used to deny registration. These are only general guidelines. After a general discussion a motion was made by Alderman Hillyer to adopt the following resolution for the Onslow County Board of Elections, with criteria as prepared by the Town Attorney. Passed unanimously.

RESOLUTION ON VOTING CRITERIA FOR NORTH TOPSAIL BEACH

WHEREAS, the Board of Aldermen of the Town of North Topsail Beach has immediate and sincere concerns about improper voter registration and unlawful voting by persons who are not domiciled in the Town of North Topsail Beach; and

WHEREAS, the Board of Aldermen of the Town of North Topsail Beach desires that sufficient legal criteria be adopted and put into effect by the Onslow County Board of Elections to insure that only persons domiciled in the Town of North Topsail Beach and are otherwise qualified, be permitted to register and vote in any election or referendum conducted by the Town of North Topsail Beach.

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

1. That the Board of Aldermen for the Town of North Topsail Beach respectfully requests that the Onslow County Board of Elections include the following questions to be asked by registrars to all persons registering to vote in elections for the Town of North Topsail Beach:

- a. Are you a permanent resident of the State of North Carolina, Onslow County and the Town of North Topsail Beach?
- b. Are you registered to vote in any other county, city or state?
- c. Have you ever been convicted of a felony or lost your citizenship?
- d. Where do you pay your personal property taxes?
- e. Where is your car registered?
- f. In what county do you maintain your checking account?
- g. What address appears on your property tax bill?
- h. Do you intend to return to another town, county or state, when the resort season is over or within the year?
- i. When did you move to the Town of North Topsail Beach, month and year?

2. That the Board of Aldermen of the Town of North Topsail Beach respectfully requests that the Onslow County Board of Elections reinstruct its registrars as to the residence requirements set forth in General Statutes 163-57.

3. That the Board of Aldermen of the Town of North Topsail Beach respectfully requests that the Onslow County Board of Elections take such other steps and procedures as may be necessary and legally appropriate to insure that persons registering to vote and voting in any election or referendum conducted by the Town of North Topsail Beach have permanent residences in the Town of North Topsail Beach as required by law.

BE IT FURTHER RESOLVED by the Board of Aldermen of the Town of North Topsail Beach that copy of this resolution be sent to the Onslow County Board of Elections.

ADOPTED THIS 3RD DAY OF JULY, 1991.

LA COSTA BAY
FINAL PLAT:

Planning Board Chairman Bill Parr said the planning board reviewed the final plat for La Costa Bay Subdivision and voted unanimously to approve the plat with the following 2 stipulations:

1. Approval from Environmental Management on sewer availability;
2. Confirmation that each lot meets the 5,000 square foot lot requirement.

He said the reason for stipulations were because of their concern that if approved, without stipulation on DEM approval, the developer could legally sell lots without assurance that provisions for waste disposal are in place.

Town Manager Britt advised he talked with Mr. Watson about his letter of credit which expires in July. He said because of the delay with sewer approval it has not been renewed. Town Manager Britt requested the approval of the final plat be contingent upon renewal of the letter of credit.

After a brief discussion a motion was made by Mayor Pro-Tem Harkins and seconded by Alderman Hillyer to approve the final plat of La Costa Bay Subdivision subject to DEM approval for sewer hook-up, requirement for 5,000 square foot per lot be met and developer renewing \$25,000 letter of credit. Passed unanimously.

Alderman Tripp said she would like to hear from the developer concerning the length of time it took for this to come to the Board and the amount of money spent on this project to date. Mr. Rick Watson said he was thankful the project finally passed, however, due to the recession and difficulty in getting this project approved he does not want to develop any more property. He said it took a year to get the project approved and they spent approximately \$16,000 on the project.

PROPOSED
NO PARKING
AREAS:

Town Manager Britt said when the traffic ordinance was approved, he presented the Board with a copy of the Police Chief's recommendations on no parking areas in Town. The recommended no parking areas are:

1. Dirt portion of Shore Drive between Scotch Bonnet Pier and the paved portion;
2. NC 210, both sides of the roadway at the County park, stretching from Taylor Street to 24th Avenue;
3. All of Topsail Road on the right side;
4. NC 210, both sides of the roadway from Town Hall to the last driveway of the St. Moritz.
5. SR 1568, both sides of the roadway, 100 yards before the access to 100 yards beyond the access.
6. SR 1568, both sides of the roadway, 100 yards before Villa Capriani and 100 yards beyond Villa Capriani;
7. SR 1568, both sides of the roadway, starting 100 yards before the "S" curve and entailing the entire portion of old 1568 to the driveway at the County Park.

After a discussion on signs designating parking areas, encouraging individuals to use beach access areas, whether or not residents along Topsail Road were notified, and the requirements for public hearing and advertising the Board directed the Town Manager to advertise a public hearing set for July 17, 1991, on this issue.

RECONSIDERATION
OF VOTE ON
FISCAL YEAR
1991-92
BUDGET:

Attorney Dotson advised that after the last meeting, when the Fiscal Year 1991-92 budget was adopted with one board member absent, he was asked if the vote was appropriate. After he left the meeting, he had some concern about this so he contacted the Institute of Government. David Lawrence, IOG, indicated the vote was appropriate. After a brief discussion, Mayor Pro-Tem Harkins requested the board to instruct the Town Manager to prepare an amendment to the Fiscal Year 1991-92 budget as follows:

1. Reduce general operating expenses \$93,045 in all departments except fire and police;
2. Return \$93,045 to fund balance;
3. Present budget amendment to the Board July 17, 1991.

Alderman Whitney seconded the motion. Alderman Hillyer asked Attorney Dotson if this motion was necessary. Attorney Dotson said a vote was not necessary. Board members have instructed the Town Manager to make the amendment. The time to vote on this would be when the amendment is presented on the 17th. The motion was not voted on or withdrawn.

RESOLUTION
DESIGNATING
OFFICIAL TO
SIGN DOCUMENTS-
MOSQUITO
CONTROL:

Town Manager Britt reviewed the resolution designating him as Town official to sign application/agreements for State funds on mosquito control. After a brief discussion, a motion was made by Alderman Whitney and seconded by Alderman Hillyer to adopt the following resolution designating Town Manager Gary Britt as the Town Official authorized to sign application/agreements for State funds on mosquito control. Passed unanimously.

RESOLUTION DESIGNATING OFFICIAL TO SIGN NECESSARY PAPERS AND TO OTHERWISE REPRESENT THE BOARD OF ALDERMEN OF THE TOWN OF NORTH TOPSAIL BEACH IN CONNECTION WITH MOSQUITO CONTROL.

WHEREAS, mosquito control is necessary for the health, safety and welfare of the North Topsail Beach citizens; and

WHEREAS, Onslow County has agreed for their agent to spray for mosquitos in the Town of North Topsail Beach provided the Town pays for the chemicals and labor to operate the sprayer; and

WHEREAS, the State of North Carolina has funds available to assist in the cost of this project; and

WHEREAS, the State requires the Board of Aldermen designate an official to represent them in connection with application for State funds.

NOW, THEREFORE, BE IT RESOLVED BY THE NORTH TOPSAIL BEACH BOARD OF ALDERMEN MEETING IN REGULAR SESSION THIS 3RD DAY OF JULY, 1991, THAT:

Gary W. Britt, Town Manager, 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 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, Gary W. Britt, on behalf of said Town of North Topsail Beach, are in all respects validated, approved and confirmed.

DULY ADOPTED THE 3RD DAY OF JULY, 1991.

BEACH
CLEAN UP:

Town Manager Britt advised Lt. David Monroe, resident on the north end, was coordinating a clean up project for the beach. He has put up a notice requesting volunteers but has not received many responses, however he plans to continue with plans and has requested the Town's support. DOT is providing the orange bags and the Town will provide public works truck and driver. The clean up is planned for Saturday July 13th.

FIREMEN'S
RELIEF FUND:

Town Manager Britt said since the Town accepted the responsibility of the fire department they need to appoint 2 members to the Firemen's Relief Fund board. The board is comprised of 5 members, 2 appointed by the fire department, 1 by the Insurance Commission and 2 by the Board of Aldermen. After a discussion on current members, terms of office, appointing new individuals or re-affirming ones appointed by Onslow County, a motion was made by Alderman Whitney to approve the names submitted and previously approved by the county. After a discussion on how the county handles the appointments and others that might be interested in this appointment, Alderman Whitney withdrew her motion. Mayor Pro-Tem Harkins will discuss this matter with the fire department at their next association meeting.

EXECUTIVE
SESSION:

A motion was made by Mayor Pro-Tem Harkins and seconded by Alderman Whitney to go into executive session to discuss a personnel matter. Passed unanimously.

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

Mayor Knowles advised a personnel matter was discussed but no action was taken.

SPECIAL
MEETING:

A motion was made by Alderman Tripp and seconded by Mayor Pro-Tem Harkins to hold a Special Meeting Monday, July 8, 1991, at 6:00 p.m. at Town Hall to discuss a personnel matter, in executive session. Passed unanimously.

MANAGER'S
REPORT:

1. Town Manager Britt encouraged everyone to attend the Hurricane Preparedness Meeting July 9th, at Surf City Town Hall.
2. Town Manager Britt advised he talked with 4 engineering firms about the north end fire station. Copies of their proposals will be presented to the Board for their review and discussion.
3. We still have 4 loads of stone to be put on avenues, but we are holding off on the roads across from Scotch Bonnet until we receive clarification as to whether or not they are Town streets

MAYOR'S
REPORT:

Bill 682 has been presented and passed on increasing penalty for violation of Town ordinances, from \$50.00 to \$500.00 depending on the judges determination.

CITIZEN'S
COMMENTS:

Harold Naumann

No parking areas is a good idea, but you need signs requesting people walk on the right of way, not sand dunes.

Marty Bostic

We need education for citizens along with no parking signs so they will not park in the wrong areas or walk on the dunes.

ADJOURNMENT:

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

Ann Vause

Ann Vause - Town Clerk

TOWN OF NORTH TOPSAIL BEACH
SPECIAL BOARD MEETING
JULY 8, 1991

PRESENT: Mayor W. Rodney Knowles, Mayor Pro-Tem Marian Harkins, Aldermen Edward Warsaw, Stella Tripp, Peter Hillyer, Melinda Whitney. Town Manager Gary Britt, Town Attorney Marshall Dotson and Town Clerk Ann Vause did not attend the meeting.

CONVOCATION: Mayor Knowles called the meeting to order at 6:00 p.m., in the Town Hall, and declared a quorum present.

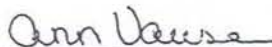
EXECUTIVE SESSION: A motion was made by Alderman Warsaw and seconded by Alderman Whitney to go into executive session to discuss a personnel matter.

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

CANCELLATION OF MEETING: A motion was made by Alderman Tripp and seconded by Alderman Hillyer to cancel the public hearing and regularly scheduled meeting for July 17, 1991. Passed unanimously.

The public hearing and meeting was cancelled because two Aldermen will be absent and unable to attend.

ADJOURNMENT: A motion was made by Alderman Tripp and seconded by Alderman Warsaw to adjourn the meeting at 7:30 p.m.



Ann Vause - Town Clerk

TOWN OF NORTH TOPSAIL BEACH
PUBLIC HEARING/REGULAR BOARD MEETING
AUGUST 7, 1991

PRESENT: Mayor W. Rodney Knowles, Mayor Pro-Tem Marian Harkins, Aldermen Edward Warsaw, Stella Tripp, Peter Hillyer and Melinda Whitney, Town Manager Gary Britt, Town Attorney Marshall Dotson and Town Clerk Ann Vause.

CONVOCATION: Mayor Knowles called the meeting to order and declared a quorum present.

POLICE CHIEF: Mayor Knowles introduced the new police chief, Ron Perozzi, to the 40 citizens present. Chief Perozzi said he was pleased to be in North Topsail Beach. Early this fall he said he hoped to start an ID Program that would involve resident and non-resident property owners. The system would identify all property owners in case a dangerous or disastrous situation occurred. Chief Perozzi said he would be available to meet and speak to any group. The North Topsail Beach department is in good shape. It has enthusiastic, dedicated, unselfish personnel that are true civil servants. Most of them are volunteer members of the fire and rescue squad. He said he believed in training and hoped to begin programs this winter. The more training officers have the better equipped they are to do their jobs.

PUBLIC HEARING: Mayor Knowles opened the public hearing on the proposed "No Parking" areas, at 7:12 p.m., and requested Town Manager Britt review the proposed areas. Town Manager Britt explained how the no parking areas were determined and advised the citizens that if there were any other areas they feel should be added they need to bring them to him so he can check them out and forward them to the Board of Aldermen for their review. The proposed "No Parking" areas are:

1. Dirt portion of Shore Drive between Scotch Bonnet Pier and the paved portion, bordering on trailer park;
2. NC 210, both sides of the roadway at the County park, stretching from Taylor Street to 24th Avenue;
3. All of Topsail Road on the right dune side;
4. NC 210, both sides of the roadway from Town Hall to the last driveway of the St. Moritz;
5. SR 1568, both sides of the roadway, 100 yards before the access to 100 yards beyond the access;
6. SR 1568, both sides of the roadway, 100 yards before Villa Capriani and 100 yards beyond Villa Capriani;
7. SR 1568, both sides of the roadway, starting 100 yards before the "S" curve and entailing the entire portion of old 1568 to the driveway at the County Park.

Jim Harris

Will there be no parking areas on paved roads and when will police start issuing tickets? Town Manager Britt said parking was not allowed on paved roads. Tickets are being ordered and we will enforce the ordinance when they are received.

Alderman Tripp

How long will you give citizens to get used to no parking areas? Town Manager Britt advised the police would not enforce no parking right away unless a safety factor is involved. We plan to notify the public through news media. By the time we get the tickets they will have had time to know where the areas are.

Bea Wallace

How far apart will the signs be? Town Manager Britt said they would be placed like the ones on Highway 210, according to State Law.

Bill O'Donnell

What are the consequences for parking in a no parking area? Town Manager Britt said the Board of Aldermen could set the fine from \$3.00 to \$5.00.

Bill Stein

Can fine be raised to \$20 or \$25. Town Manager Britt advised no. The fine amount is controlled by the State and the only way to change it is through the Legislature.

Chris Schmidt

How many offenses are you allowed? Mayor Knowles said he was not sure. We need to see how this will work.

Joe Sommers

When will it start and how will it be enforced? Town Manager Britt said it would start in 6-8 weeks and would be enforced by the police department.

Jim Harris

What about a litter law? Town Manager Britt advised we are using the State law while we work on our own.

No further comments were received. A motion was made by Alderman Whitney and seconded by Alderman Hillyer to close the public hearing at 7:26 p.m.

REGULAR
MEETING:

Mayor Knowles called the regular meeting to order at 7:26 p.m.

AGENDA:

Mayor Knowles asked if there were any additions or deletions to the agenda. Mayor Pro-Tem Harkins said several people were here about the beach driving ordinance and requested it be moved up on the agenda. The beach driving ordinance was moved from item "f" to item "b" under old business. Alderman Whitney requested item "c" under new business, selection of employee insurance provider, be moved to old business and combined with item "i", setting meeting date to discuss/approve Town Salary Schedule. so it can be discussed

at a workshop.

NO PARKING
AREAS:

Town Manager Britt recommended the Board approve the no parking areas as designated and set the fine at \$5.00, until we can request the Legislature increase the fine. A motion was made by Mayor Pro-Tem Harkins and seconded by Alderman Whitney to approve the no parking areas as designated and set the fine at \$5.00 with the proviso to direct the Town Attorney to prepare request for the Legislature to increase the fine. Passed unanimously.

BEACH DRIVING
ORDINANCE:

Town Manager Britt said last year was the first time the Town passed a beach driving ordinance. Our ordinance prohibits driving on the beach from April 15th - October 15th. This is comparable to the county ordinance which allowed beach driving from September 15th - May 15th. The county ordinance allowed driving from Paradise Pier to the New River Inlet and the Town's allowed driving from Surf City limits to the New River Inlet. The fee was the same as the countys but they allowed commercial fishermen on the beach earlier than the town. The Town has received a request from a commercial fisherman to be allowed on the beach earlier than October. The ordinance is on the agenda for this request and any changes the Board desires to make. Last year we had some problem, in different areas, with people driving on the dunes and driving too fast. The police did a good job but it was difficult for them to keep up with these problems.

Jim Harris

Has anyone asked the fishermen for their comments? Town Manager Britt said a public hearing was held last year and they have asked to be allowed on the beach earlier this year.

Bill O'Donnell

I am dissatisfied with this ordinance. 87% of the citizens, in response to the Land Use Plan Survey, indicated they do not want to allow beach driving. The dunes are being destroyed and people abuse the driving privilege. The permits should be limited to commercial fisherman with State license and keep the same dates as last year.

Mr. Weidlin

He said he agreed with Mr. O'Donnell's comments.

Bill Stein

The Board should consider talking to Dr. Grant about the turtle hatching season before allowing commercial fishermen on the beach. Mayor Pro-Tem Harkins said turtles are still nesting and hatching occurs 60 days after the eggs are laid which will be October.

Joe Sommers

Given the ecological situation people should not be driving on the beach anytime.

Jim Harris

Most of the people who would like to drive on the beach are not here tonight to say how they feel. They have been driving on the beach for years and have not destroyed the dunes. I feel they are entitled to express their opinion the same as the property owners who live here.

After a brief discussion a motion was made by Alderman Tripp and seconded by Alderman Whitney to have a public hearing September 4th, 1991, to allow others to voice their opinion on the beach driving ordinance. Passed unanimously.

PUBLIC BEACH
ACCESS POLICY:

Town Manager Britt said there are a lot of areas of concern and inquiry on public beach access. Some areas discussed have accesses, others do not. The Land Use Plan Committee is completing a study with a map that shows where the accesses are. Town Manager Britt recommended the Board wait for the Land Use Plan Committee and the Planning Board recommendations and then formulate a town wide beach access policy. By doing this the Board can determine what is adequate and fair to all citizens, as well as, the short and long term impact. After a discussion a motion was made by Alderman Whitney and seconded by Mayor Pro-Tem Harkins to accept the Town Manager's recommendation and review recommendations from the Land Use Plan Committee and the Planning Board to treat all areas in a uniform manner. Passed unanimously.

DUNE
PROTECTION
ORDINANCE:

Town Manager Britt reviewed the previous discussions on an ordinance to protect the sand dunes and advised this subject was also being reviewed by the Land Use Plan Committee. He reviewed the Kitty Hawk Ordinance and said if the Board desired he would work with the attorney to prepare an ordinance for their review. Attorney Dotson suggested a public hearing on this subject. Also, there will be certain requirements developers, etc. will need to know when they submit plans. After a brief discussion, the Board decided to hold a public hearing September 4, 1991 on the Sand Dune Protection Ordinance.

Mr. Weidlin

Is there a way to educate tourist on dune protection? Mayor Knowles advised information is put in rental brochures. Town Manager Britt advised we are in the early stages of preparing a fact sheet for North Topsail Beach and this information could be added.

Bill Stein

A lot of people do not live here and don't care.

Sam McGinn

I am a sports fisherman and have been fishing here for 40 years. You have an efficient police department and you should not stop people from driving on the beach.

Joe Sommers

If you have a handicapped access over dunes you may be able to get federal funds. Maybe we need fencing to protect the dunes and well marked crosswalks plus a fine for violation, if necessary. Are there any crosswalks that are accessible for the handicapped and does the county pay for making them accessible? Mayor Knowles suggested Mr. Sommers talk with the Town Manager and then let him talk to the county.

Alderman Tripp asked about nourishment of dunes before accesses are built. Mayor Knowles advised we are waiting for the Corp of Engineers to notify us and the Town Attorney is talking to them now. Town Attorney Dotson said State Funds are available for parks and recreation and this may encompass the dune ordinance with a requirement that property owners made a physical effort to prevent damage. He said most municipalities have a parks and recreation committee to advise them. Mayor Pro-Tem Harkins suggested the Board establish a parks and recreation committee to study bike trails, when and where funds are available, etc. She suggested the discussion of appointment of a parks and recreation committee be on the September 4, 1991 agenda. Mayor Knowles suggested this committee be combined with the Beautification Committee. A general discussion was held on these suggestions and the county's accesses and problems. The Town may have when they spend public funds on private easements or accesses.

Joe Sommers

Maybe crosswalks program can be handled by businesses.

Jack Woessner

He said they could get grants from the federal government and explained some of the requirements.

Darla Winstead

The Land Use Plan Committee is working on the access information to determine what is kept up by the county, what is deeded to the county and what developers have given to the county. The committee has scheduled a meeting for August 15, 1991, to discuss these issues and receive citizens comments. This issue is important because it will effect the Town now and in the future. Documentation will be presented that shows easements that can be developed as crosswalks. The committee has worked hard in putting this information together and they have located the crosswalks.

Bill Stein

Oyster Lane and River Road have a deeded access but it is blocked. He said he would like to see this opened.

BUDGET
AMENDMENT
FY 1991-92:

Town Manager Britt said he prepared a budget amendment to the FY 1991-92 Budget as directed. The budget amendment contains a reduction of \$91,636. This is the amount of fund balance appropriated. He said it was very difficult to reduce this budget and reviewed all aspects of the reductions.

Mayor Pro-Tem Harkins said she introduced this subject at the last meeting and was looking forward to seeing the amendment. However, she said she was disappointed in what was presented because she expected operating expenditures to be cut, not the contingency fund. She requested this be given back to the Town Manager for further study and advised she would meet with him and go over these amendments.

Town Manager Britt advised he was also disappointed. The process, as he understood it, was to make recommendations for the Board's review, and if they were not satisfied they would reduce the budget according to their wants and desires. It is difficult to make reductions you do not feel are justified, particularly when you are directed not to touch fire and police which is 50% of the overall budget.

Alderman Warsaw said he was disappointed in the Board for declining to accept the recommendations of the Town Manager. To suggest he revise it again is absurd. He is a professional and has done the best job he could. If the Board wants the budget modified they should advise him what to change or leave it alone.

Alderman Hillyer said he supported the original budget. It was a good budget with only a 10% increase over last year. As a new town we have a lot of capital expenditures and we will be \$400,000 short because of the county's decision to change the sales tax distribution. He reviewed what the LGC representative explained to the Board and said 3 alderpersons were bent on cutting the budget but he did not know why. Even with the \$400,000 cut in revenue the tax rate was not increased. We need money to do the work and pay the personnel decently. He explained why he felt the budget meetings were unproductive. He did vote to pass the budget with one member absent but he thought it was the right thing to do. Mayor Pro-Tem Harkins' amendment exempted police and fire and told the Town Manager to cut \$91,636 out of 1/2 the budget. The Town Manager is trying to make this a good town and help employees feel good about their jobs. He reviewed the figures he compiled on cost to taxpayer for health insurance for employees and training. He said he trusted the manager's professionalism and understood that 3 Board members wanted to lower the tax rate but said the Town is only 18 months old. The budget amendment is a bad idea. If you cut taxes and make this a poor town all the money you spend for taxes would be

useless.

Bill O'Donnell

Please tell the citizens what you put in the letter to Ms. Harkins. Alderman Hillyer said if the situation occurred again he would wait for the other Board member. He said he received her message and would wait in the future before voting because it was an important vote.

Alderman Whitney

We represent all the people and are here to do the best job for the Town. She asked citizens not to assume sides were drawn because any budget is a compromise and this is what we wanted to do. She said she was not happy about the contingency fund but the amendment does represent a 5% decrease in the budget. This year, fire and police are major concerns of the people, next year may be different. The Town Manager knows we want him to be frugal in spending and because money is allotted it does not mean it will be spent.

A lengthy discussion followed on why the budget should not have been passed, why the amendment was requested and why they should not have voted with one member absent because of accident and family death. After discussion, a motion was made by Mayor Pro-Tem Harkins and seconded by Alderman Hillyer to defer the budget amendment until the next meeting. Passed unanimously.

RECESS:

Mayor Knowles called for a recess at 8:50 p.m. He called the meeting back to order 9:06 pm.

FIREMEN'S
RELIEF FUND
BOARD:

Mayor Knowles advised that at an earlier meeting Gunnar Matthews and Pat Jordan had been recommended by the fire department to serve on the Firemen's Relief Fund Board. Mayor Pro-Tem Harkins said she checked and both individuals do want to serve on this board. A motion was made by Mayor Pro-Tem Harkins and seconded by Alderman Whitney to appoint Gunnar Matthews and Pat Jordan to serve on the Firemen's Relief Fund Board. Passed unanimously.

SPEED LIMIT

HWY. 210/SR1568:

Town Manager Britt advised the recommended speed limits for Highway 210 and State Road 1568, approved by the Board of Aldermen on May 15, 1991, were forwarded to the DOT for their approval. They agreed with all recommendations except the extension of the 45 mph speed from Surf City limits to the high rise bridge. DOT recommends this speed limit stay 55 mph. Before the speed limits can be approved by DOT they require an ordinance designating areas and speed limits. An ordinance designating these speed limits was presented to the Board for their consideration. After a brief discussion a motion was made by Alderman Whitney and seconded by Mayor Pro-Tem Harkins to approve the following ordinance designating speed limits on Highway 210 and State Road 1568:

AN ORDINANCE ESTABLISHING SPEED LIMITS FOR N.C.S.R. 1568 AND
N.C. HIGHWAY 210 IN THE TOWN OF NORTH TOPSAIL BEACH

BE IT ORDAINED by the Board of Aldermen of the Town of North Topsail Beach, North Carolina, that the Town of North Topsail Beach does hereby establish the following speed limits on N.C.S.R. 1568 within the town limits:

The speed limit on N.C.S.R. 1568 for a distance of 2.70 miles east from it's intersection with N.C. Highway 210 shall be 45 miles per hour.

The speed limit on N.C. Highway 210 from a point 0.98 miles east of the Pender County Line to a point 4.33 miles east of the Pender County Line shall be 45 miles per hour.

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

This ordinance shall be in full force and effect upon adoption of the Department of Transportation of a concurring ordinance and the erection of signs giving notice of the authorized speed limit.

Adopted by the Town of North Topsail Beach at it's regular meeting held on August 7, 1991.

Joe Sommers

He suggested caution signs at crosswalk. Mayor Knowles advised him the pedestrian crossing signs were at crosswalks. The Board suggested the Mayor check into yellow lines and a no passing zone at crosswalks and he advised he would look into this.

RIVER ROAD
REPAIR:

Town Manager Britt said the residents on River Road have a problem because the road is impassable. The property owners have requested the Town accept this street as a Town street. Town Manager Britt advised he met with a DOT representative to evaluate the road. They found the road was built on an easement, the base under the road is not standard, there is a drop off at the edge of the road, and they were concerned about the condition of the bulk head. Of course, it was being compared to State standards. He said he met with several contractors for estimates to repair this road. The bids range from \$10,560 to \$19,365. There is approximately 900 feet to be repaired. Mr. Ricks, contractor from Topsail Beach, at no cost to the Town, inspected the bulkhead and advised it was not in bad condition but there are some areas that need to be repaired because of ponding water. The bulkhead is 5 years old and if repaired it would last another 5-8 years. The estimated cost to repair the bulkhead is \$150.00 per foot. Town Manager Britt recommended the low bid of \$10,560 from Onslow Paving Company, be accepted. He said he discussed the county paying for repair of the road, because it leads to County Access, with Mr. Leary and he advised he was with the comment until...

estimates are in he will talk with Mr. Leary again. A discussion was held on ways the county might agree to participate in repair cost, options to bring the road up to standard and concern about spending public funds on a private road. The Board also discussed the original location of the road and why it changed, map that shows dedication for use of property owners and what the GS say about the State or Town taking over a private road. Attorney Dotson suggested they consider filling in pot holes to prevent wreck or injury.

Dan Tuman

The petition from the 12 property owners are effected, not Bostic. The only issue is the petition from the property owners requesting the road be accepted by the Town. The county documents show this to be a private road and the property owners are asking it be declared a Town road. Any discussion on ways to repair the road is irrelevant. River Road is actually the most public road in North Topsail Beach because it leads to a beach access and is shown on the State map as an access to the beach. He requested the Board take action on the petition.

Ginny Hillier

We have not been able to get documentation to nullify covenant to property owners. Will this weigh in the factoring and will it make the covenants null and void? Town Attorney Dotson advised no and explained why.

Bill Stein

A lot of people use River Road, including Fire and Rescue.

Alderman Warsaw said he was in general agreement to put rock on the road. Also, 18 of the 19 property owners want to deed this road to the Town.

Attorney Dotson said the problem is if the road was turned over to the Town how would it be accepted. If it's dedicated it must be brought up to standard because if the Town accepts one that is not brought up to standard they may create a problem and set precedent for someone developing a road. You have 18 property owners asking for assistance. While accepting the road may personally benefit them it would also benefit the public at large. The Town has a right to spend money in the interest of public safety. You are looking at a short term fill in without accepting the street. He said River Road was something that needed to be discussed with the planning board. Town Manager Britt said it should take a few loads of gravel costing approximately \$400 to \$500 to temporarily fix the road.

Dan Tuman

River Road should be given the same consideration as other roads accepted in the Town. He said he did not recall anyone questioning roads not meeting State standards. It seems reasonable for River Road to be considered a Town

road.

A general discussion was held on possibly setting precedent, public use of River Road and acceptance of other streets when incorporated.

Bill Stein

There are 2 emergency accesses in this area so acceptance for emergency service should be considered.

Bill O'Donnell

He said he did not think the Town could accept this road until the problem was resolved and the road is brought up to standard.

Joe Mosley

Other roads were taken over but this one was not. Mayor Knowles advised private roads were not taken over.

Dan Tuman

This petition was presented in May, deferred in June and July and now in August you want to defer it again. The property owners want the road accepted.

Attorney Dotson advised the property owners were asking for action on the petition. Either the Board accept or decline the street.

After discussion a motion was made by Mayor Pro-Tem Harkins and seconded by Alderman Tripp to decline petition to accept River Road as a public road until such time as the policy can be determined and with understanding the Town Attorney is working on a policy to accept roads in Town. Passed unanimously.

After further discussion on temporary repairs a motion was made by Mayor Pro-Tem and seconded by Alderman Hillyer to direct the Town Manager to pursue temporary repairs on River Road, by filling in pot holes, because it is necessary for safety. Passed unanimously.

Sue Tuman

The road Bill Parr lives on was a private road and was taken over by the Town because it had a beach access. Mayor Knowles advised it had the proper easements on the side of the road.

Dan Tuman

Where do we go from here? Mayor Knowles said in this particular case the Town will have the issue studied by the Town Attorney and then the Board will determine what to do. We are not putting this off, but, we want to be sure it is done the right way.

MEETING DATE ON
SALARIES/HEALTH
INSURANCE:

Alderman Whitney recommended a workshop on Monday, August 19, 1991, at 6:00 p.m., at Town Hall to discuss employees salaries and health insurance and then put the item on the August 21, 1991 agenda. The Board agreed.

AUDITOR FOR
FY 1990-90:

Town Manager Britt reviewed the proposals received on auditing town records for Fiscal Year 1990-91. Of the three bids submitted, the \$2,750 bid from John Carraway was the lowest. Mr. Carraway audited the records for Fiscal Year 1989-90 and Town Manager Britt recommended the Board accept his bid for Fiscal Year 1990-91. A motion was made by Alderman Hillyer and seconded by Alderman Whitney to accept the bid of \$2,750 from John Carraway, to audit Town records for FY 1990-91. Passed unanimously.

ENGINEERING
SERVICES -
NORTH END
FIRE STATION:

Town Manager Britt said he, Tommy Best and Bill McElwee interviewed several firms interested in doing the engineering work on the north end fire station and they recommended the Board award the contract to McKim & Creed because they have in-house capability to do what we need. A discussion was held on the cost of the building, funds already set aside for the project, water supply available and how the new department will reduce the fire rating for property owners insurance premiums. After discussion a motion was made by Alderman Whitney and seconded by Mayor Pro-Tem Harkins to award the contract for engineering to evaluate the proposed fire station at the north end to McKim & Creed for their bid of \$18,630. Passed unanimously.

TOWN FIRE
CODES:

Town Manager Britt presented an ordinance that establishes procedures for enforcement of the Town Fire Codes. After a brief discussion a motion was made by Mayor Pro-Tem Harkins and seconded by Alderman Hillyer to adopt the following ordinance:

AN ORDINANCE ESTABLISHING PROCEDURES FOR ENFORCEMENT OF
ADOPTED FIRE CODES FOR THE TOWN OF NORTH TOPSAIL BEACH.

CHAPTER _____

SECTIONS:

Section 1	Rules & Regulations
Section 2	Violation of Ordinance
Section 3	Enforcement of Code
Section 4	Items Covered by Fire Code
Section 5	Investigations Required
Section 6	Inspection Requirements For Permits
Section 7	Periodic Inspections of Premises
Section 8	Removal of Fire Hazards
Section 9	Records Required
Section 10	Annual Report Required

Section 11	Responsibility for Recommended Changes to Code
Section 12	Provision Application
Section 13	Preservation/Protection of Public Health, Safety & Welfare
Section 14	Permit Fee Schedule
Section 15	Violation Remedies
Section 16	Authority for Fee Schedule
Section 17	Effective Date

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF NORTH TOPSAIL BEACH that the present Article of Chapter ___ of the North Topsail Beach Code entitled "Fire Prevention Code" is hereby amended with the following ordinance.

Section 1 - Rules & Regulations:

An Ordinance to provide the Town of North Topsail Beach with rules and regulations to improve public safety by promoting the control of fire hazards; regulating the installation, use and maintenance of equipment; regulating the use of structures, premises, and open areas; providing for the abatement of fire hazards; establishing the responsibilities and procedures for code enforcement; and setting forth the standards for compliance and achievement of these objectives.

Section 2 - Violation of Ordinance:

It shall be unlawful for any person to violate this ordinance, to permit or maintain such a violation, to refuse to obey any provision thereof, or to fail or refuse to comply with any such provisions or regulations except as variation may be allowed by the action of the Fire Preventions Inspectors, Fire Marshal or Fire Chief, in writing. Proof of such unlawful act or failure shall be deemed prima facie evidence that such act is that of the owner or other person in control of the premises. Prosecution of lack thereof of either the owner, occupant, or the person in charge shall not be deemed to relieve any of the others.

Section 3 - Enforcement of Code:

The Fire Marshal or his qualified designee shall be responsible for the enforcement of the North Carolina Fire Prevention Code. The Fire Marshal of the North Topsail Beach Fire Department may detail qualified members of the Fire Department as inspectors as shall from time to time be necessary. To assist in the performance of the responsibilities and duties placed upon the Fire Chief or Fire Marshal of the North Topsail Beach Fire Department, a Bureau of Fire Prevention in the Fire Department of the Town of North Topsail Beach is hereby created.

This Bureau shall operate under the supervision of the Fire Marshal of the North Topsail Beach Fire Department. The Fire Marshal shall be the administrator of the Bureau of Fire Prevention. The Fire Marshal shall be responsible for the direct administration and enforcement of the North Carolina Fire Prevention Code. The Fire Marshal may also designate such number of Technical Inspectors as shall from time to time be authorized by the Town Manager of the Town

of North Topsail Beach. Such Technical Inspectors shall be selected through an examination to determine their fitness for the position.

Section 4 - Items Covered by Fire Code:

It shall be the duty of the officers of the Bureau of Fire Prevention to enforce all laws and ordinances of the Town of North Topsail Beach covering the following:

1. The prevention of fires;
2. The storage, sale and use of combustible, flammable or explosive materials;
3. The installation and maintenance of automatic and other fire alarm systems, and fire extinguishing equipment;
4. The maintenance and regulation of fire escapes;
5. The means and adequacy of exit in case of fire, from factories, schools, hotels, lodging houses, asylums, hospitals, churches, halls, theaters, amphitheaters, and all other places in which numbers of persons work, live, or congregate, from time to time, for any purpose.
6. The investigation of the cause, origin, and circumstances of fires;
7. The maintenance of fire cause and loss records;
8. Parking areas designated as "No Parking" areas at fire hydrants and fire lanes.

They shall have such other powers and perform such other duties as are set forth in other sections of this ordinance, and as may be conferred and imposed from time to time by law. The Fire Marshal of the Town of North Topsail Beach may delegate any powers or duties under this ordinance to the Assistant Fire Marshal.

Section 5 - Investigations Required:

The Bureau of Fire Prevention shall investigate the cause, origin, and circumstances of every fire occurring in the Town of North Topsail Beach by which property has been destroyed or damaged and, so far as possible, shall determine whether the fire is the result of carelessness or design. Such investigations shall begin immediately upon the occurrence of such a fire. The Fire Marshal shall take charge immediately of the physical evidence, shall notify the proper authorities designated by law to pursue the investigation of such matters, and shall further cooperate with the authorities in the collection of evidence and in the prosecution of the case. Every fire shall be reported in writing to the Fire Marshal within three (3) days after the occurrence of the same by the Fire Department officer in whose jurisdiction such a fire has occurred. Such report shall be in such form as shall be prescribed by the Fire Marshal of the Town of North Topsail Beach and shall contain a statement of all facts relating to the cause, origin, and circumstances of such fire, the extent of the damage thereof, and the issuance upon such property, and such other information as may be required, including the injury, death, or rescue of persons.

Section 6 - Inspection Requirement for Permits:

Before permits may be issued as required by this Code, the Fire Marshal or the Fire Marshal's assistants shall inspect and approve the receptacles, processes, vehicles, buildings, or storage places to be used for any such purposes.

Section 7 - Periodic Inspections of Premises:

The Fire Marshal shall inspect; or cause to be inspected all premises on a periodic basis, and shall make such orders as may be necessary for the enforcement of the laws and ordinances governing the same and for safeguarding of life and property from fire.

Section 8 - Removal of Fire Hazards:

Whenever any inspector, as defined above, shall find in any building, or upon any premises or other places, combustible or explosive matter or dangerous accumulations of rubbish or unnecessary accumulation of waste paper, boxes, shavings, or any highly flammable materials especially liable to fire, and which is so situated as to endanger property; or shall find obstructions to or on fire escapes, stairs, passageways, doors, or windows, liable to interfere with the operations of the Fire Department or egress of occupants in case of fire, the inspector shall order the same to be removed or remedied, and such other shall forthwith be complied with by the owner or occupant of such premises or buildings, subject to the appeals procedure provided for in the Fire Prevention Code.

Any owner or occupant failing to comply with such order within a reasonable period after the service of the said order shall be liable to penalties as hereinafter provided.

The service of such order may be made upon the occupant of the premises to whom it is directed, either by delivering a copy of same to such occupant personally, or leaving it with any person in charge of the premises, or, in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of said premises. Whenever it may be necessary to serve such an order upon the owner of premises, such order may be served either by delivering to and leaving with the said person a copy of the said order, or, if such owner is absent from the jurisdiction of the officer making the order, by mailing such copy by certified mail to owner's last known post office address.

Section 9 - Records Required:

The Fire Marshal shall compile and keep a record of all fires and of all the facts concerning the same, including injuries, deaths, rescue of persons, and statistics as to the extent of such fire and the damage caused thereby, and whether such losses were covered by insurance, and if so, in what amount. Such record shall be made daily from the reports made by the Technical Inspectors under the provisions of this ordinance.

Section 10 - Annual Report Required:

The Fire Marshal shall make an annual report of the activities of the Bureau of Fire Prevention and shall transmit this report to the Town Manager of the Town of

North Topsail Beach. The report shall contain all proceedings under the Fire Prevention Code.

Section 11 - Responsibility for Recommended Changes to the Code:

The Fire Chief of the North Topsail Beach Fire Department or the Fire Marshal shall also recommend any amendments to the Fire Prevention Code or ordinance which shall be desirable.

Section 12 - Provision Application:

The provisions of the Fire Prevention Code shall apply equally to both public and private property, and it shall apply to all structures and their occupancies, except as otherwise specified.

Section 13 - Preservation/Protection of Public Health, Safety & Welfare:

This act shall be deemed in exercise of the police powers of the Town of North Topsail Beach for the preservation and protection of the public health, peace, safety, and welfare, and all the provisions of the North Carolina Fire Prevention Code shall be liberally construed for that purpose.

Section 14 - Permit Fee Schedule:

A fee schedule for permits required under this section shall be as follows:

Special Use Permit: For a one time event involving any process known to be life threatening or to constitute a fire hazard. For example, a large fireworks display - \$100. fee.

A permit will be issued on an event-by-event basis upon demonstration of compliance with the applicable code regulations.

Burning Permit: \$2.00 fee.

All Other Permits: Inspections Department

If an applicant procures more than one \$10.00 permit at the same time on the same day, the permits are \$10.00 each, not to exceed \$40.00. For example, two \$10.00 permits procured on the same day at the same time would be \$20.00. Six individual \$10.00 permits procured on the same day at the same time would be \$40.00.

Printed schedules of the permit fees established by this section shall be available to the public at the Fire Prevention Bureau.

Section 15 - Violation Remedies:

Any person who shall violate any of the provisions of the code hereby adopted or shall fail to comply therewith or shall violate or fail to comply with any order made thereunder or shall build in violation of any details, statements, specifications or plans

thereunder or shall operate not in accordance with the provisions of any certificate, permit or approval issued thereunder and from which no appeal has been taken or who shall fail to comply with such an order as affirmed or modified by the Fire Marshall or by a court of competent jurisdiction within the time fixed herein shall severely, for each and every violation and noncompliance, respectively, be guilty of a misdemeanor punishable by a fine of not to exceed \$500 or by imprisonment not to exceed six (6) months, or both such fine and imprisonment in the discretion of the Court. The imposition of a penalty for any violation shall not excuse the violation nor shall the violation be permitted to continue. All such persons shall be required to correct or remedy such violations or defects within a reasonable time, and when not otherwise specified, the application of the above penalty shall be held to prevent the enforced removal of prohibited conditions.

Section 16 - Authority for Fee Schedule:

The Town of North Topsail Beach Board of Aldermen may establish a schedule of fees for the permits, certificates, approvals, and other functions performed under this code and shall be payable to the Town of North Topsail beach. Such fees shall accompany each application for the permit, approval, certificate, or other fee related code provision.

Section 17 - Effective Date:

All formal ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or of the code hereby adopted are hereby repealed.

This ordinance shall take effect and be in force from and after its approval as required by law.

DULY ADOPTED THE 7TH DAY OF AUGUST, 1991.

MAYOR'S
COMMITTEE
APPOINTMENTS:

Alderman Tripp read a letter, about the way the Mayor's Committees are appointed, from a concerned citizen. Mayor Knowles explained how and why the first Fair Elections Committee was appointed. In addition, he advised that Aldermen Hillyer and Warsaw were no longer on the Fair Elections Committee. He said temporary committee appointments was one of the few things the Mayor is authorized to do. However, these committees do not have voting power. A general discussion was held on the Census Committee appointments and how pleased the State was with their work, reasons some Board members are against the Mayor appointing committees, when and why the Board wants to be advised and the talent bank for committees being accumulated.

VILLAGE OF
STUMP SOUND
LETTER OF
CREDIT:

Town Manager Britt advised the Village of Stump Sound Development was requesting the letter of credit on oceanside

improvements be released. He said all requirements had been met. A motion was made by Alderman Hillyer and seconded by Alderman Warsaw to release the letter of credit on the oceanside improvements of the Village of Stump Sound. Passed unanimously.

CONTRACT FOR
ISSUANCE OF
MINOR CAMA
PERMITS:

Town Manger Britt said the contract with the N.C. Department of Environment, Health & Natural Resources for the issuance of minor CAMA permits expired July 1st. He requested approval of the new annual contract which runs from July 1, 1991, to July 1, 1992. After a brief discussion, a motion was made by Mayor Pro-Tem Harkins and seconded by Alderman Warsaw to approve the contract with the N.C. Department of Environment, Health & Natural Resources for the issuance of minor CAMA permits and authorize the Town Manager to sign the contract. Passed unanimously.

JOINT MEETING
ON THE LAND
USE PLAN:

The Board agreed to hold a joint meeting with the Planning Board and Land Use Plan Committee Wednesday, September 11, 1991, at 7:00 p.m., in the North Topsail Beach Fire Department Building to review the preliminary draft of the North Topsail Beach Land Use Plan.

TOWN BASE MAPS:

Town Manager Britt said the Planning Board recommended and was requesting the Board of Aldermen approve the updating of the town base maps. We are currently using the ones done by Onslow County. After a brief discussion the Board directed the Town Manager to get estimates from engineering firms to update the town base maps.

RULES OF
PROCEDURE:

Town Manager Britt presented a copy of the Rules of Procedure used by Jacksonville and advised the Town Attorney recommended the Board consider adopting similar procedures. After a brief discussion, a motion was made by Alderman Tripp and seconded by Alderman Hillyer to table this matter until a later date. Passed unanimously.

VARIANCE
REQUEST:

The Town Attorney suggested this item not be on the Board of Aldermen's agenda. Two members of the Board, acting as Board of Adjustment, should send out a meeting notice, similar to special meeting notice used by the Board of Aldermen. The attorney also, recommended the Board appoint a Board of Adjustment with rules and procedures.

MANAGER'S
REPORT:

1. The bulk site is working well. We should hear about plastic recycling this week. Please advise people we can recycle paper, glass and aluminum.
2. The Planning Board is having a meeting Thursday, September 5, 1991, at 9:00 a.m., at the North Topsail Beach Fire Department Building on vested rights of zoning and is requesting the Board members attend.
3. A Beach Sweep is scheduled for September 21, 1991.

Mrs. Sara Humphrey has been asked to attend a Board meeting to discuss this.

4. The Surf City Surfing Ordinance has been included in your information, for your review. This item will be on the August 21st, agenda for consideration.

CITIZENS
COMMENTS:

Bill O'Donnell:

1. Complimented the Town on the bulk site, but, three/four containers are not being used. Town Manager Britt advised Waste Industries had been contacted to remove unused containers.
2. When Village of Stump Sound was approved they agreed to build an access. Now that a lot of improvements are done, can we request they build the access?

Bea Wallace:


Have you heard anything from the Department of Transportation on the turn lane requested at the proposed County beach access on S.R. 1568? Town Manager Britt said no, but within two weeks Onslow County Parks/Recreation will request a turn lane for the access and that may help us.

Joe Sommers:

1. When individuals send in applications for committees the Town needs to acknowledge them, in writing.
2. We recently lost Karen Beasley, but last year she wanted something done about Town street lights that were affecting turtles. Maybe the Town and Jones Onslow can share the cost of light shields for lights on the beach side. A general discussion was held on this and Mayor Pro-Tem Harkins requested a policy on street lights that would have them 300' from the dunes. Mr. Sommers advised he would start a petition to have the lights removed.

ADJOURNMENT:

A motion was made by Alderman Hillyer and seconded by Aldermen Whitney to adjourn the meeting at 10:45 p.m. Passed unanimously.


Ann Vause - Town Clerk

TOWN OF NORTH TOPSAIL BEACH
SPECIAL BOARD MEETING
AUGUST 19, 1991

PRESENT: Mayor W. Rodney Knowles, Mayor Pro-Tem Marian Harkins, Aldermen Edward Warsaw, Peter Hillyer and Melinda Whitney, Town Manager Gary Britt and Town Clerk Ann Vause. Aldermen Tripp was absent due to illness. Attorney Dotson was absent.

CONVOCATION: Mayor Knowles called the meeting to order at 6:05 p.m., at Town Hall, and declared a quorum present.

WORKSHOP -
PERSONNEL PAY
SCALE;

Town Manager Britt said employees were hired before the Town had a salary range, job descriptions or job classifications. He reviewed the salary range proposed for the Fiscal Year 1991-92. The range has 20 grades with 5% increments between each grade and 12 steps per grade with 2 1/2% increments between each step. He said he reviewed each position, incorporated it into the salary range. Next he reviewed each employees current salary and then placed the individual in the proper step of their salary schedule. Currently the Town has 13 full time employees. The Fiscal Year 1991-92 Budget requested an additional 2 1/2 positions (1 full time police officer, 1 part time police officer, 1 part time police records clerk and 1 part time public works employee), for a total of 15 1/2 employees, which includes the Police Chief and a recommended Police Captains position. In addition, Town Manager Britt said he recommended the Town Clerk position be changed from hourly to salaried and explained why.

A lengthy discussion was held on the following: Proposed salaries, structure of salary grades and ranges; comparing salaries to other areas of Onslow County; merit factor, how current salaries were determined; and changes requested in the salary schedule.

After the discussion the Board requested the Town Manager remove the last 3 steps in salary grades 13 through 20 (reduction of 7.7%) and that all anniversary dates of employees be July 1st, when salary schedule would be effective, if approved.

WORKSHOP - JOB
DESCRIPTIONS:

Alderman Whitney requested this item be added to the agenda for a future workshop and the Board agreed.

WORKSHOP - HEALTH
INSURANCE:

Town Manager Britt reviewed proposals received for health insurance for employees and dependents. He said the proposed deductible was \$250, however, if this was increased to \$500 Blue Cross/Blue Shield advised we might save 3% on premiums with their company. Principal Mutual has not yet advised what could be saved on their premiums. The maximum on savings per year, with higher deductibles, might be \$1,200 - \$1,500.

A discussion was held on the following items: Deductible on medical insurance; short term disability coverage; life insurance; drug cards and how they effect premiums; and dental insurance.

After the discussion the Board agreed they would go with lowest cost on proposals received. They also requested employees be advised of the dollar amount this benefit added to their annual salary. The Board requested the Town Manager check on the deductible for dental insurance because it appears to be very low. Dental insurance will be provided for the employee but the employee would pay for their family.

ADJOURNMENT:

A motion was made by Alderman Warsaw and seconded by Alderman Hillyer to adjourn the meeting at 10:10 a.m. Passed unanimously.



Ann Vause - Town Clerk

TOWN OF NORTH TOPSAIL BEACH
REGULAR BOARD MEETING
AUGUST 21, 1991

- PRESENT:** Mayor W. Rodney Knowles, Mayor Pro-Tem Marian Harkins, Aldermen Edward Warsaw, Stella Tripp, Peter Hillyer and Melinda Whitney, Town Manager Gary Britt, Town Attorney Marshall Dotson and Town Clerk Ann Vause.
- CONVOCATION:** Mayor Knowles called the meeting to order at 7:00 p.m., at the North Topsail Beach Fire Department Building, and declared a quorum present.
- MINUTES:** Mayor Pro-Tem Harkins requested the following corrections be made to the minutes of the regular board meeting held August 7, 1991:
1. Beach Driving Ordinance: Mayor Pro-Tem Harkins comments to be changed to read: "turtles are still nesting and hatching occurs 60 days after the eggs are laid which will be October". (page 4)
 2. Firemen's Relief Fund Board: Add, "had been recommended by the fire department" to the first sentence. (page 7)
 3. River Road Repair: Add, "Town Manager Britt said it should take a few loads of gravel costing approximately \$400 to \$500 to temporarily fix the road." (page 10)

After a brief discussion, a motion was made by Alderman Whitney and seconded by Aldermen Hillyer to approve the minutes of the Regular Board Meeting held August 7, 1991, with requested corrections. Passed unanimously.

**BUDGET AMENDMENT
FISCAL YEAR
1991-92:**

Town Manager Britt advised that at the August 7th, meeting he presented recommendations, as directed, to reduce the Fiscal Year 1991-92 Budget by \$91,636, fund balance appropriated without reducing the fire and police appropriations. The Board deferred the discussion and vote on the proposed amendment until this meeting. He said he still recommended the expenditures not be reduced any further than the proposed amendment.

Mayor Pro-Tem Harkins said she met with the Town Manager and discussed his response to the Boards direction on reductions. After a brief discussion on this meeting a motion was made by Mayor Pro-Tem Harkins to reduce expenditures as follows: Administration \$9,604; Inspections \$1,349; Public Works \$149. This will increase Contingency Fund by \$11,102. These amounts are in addition to reductions proposed by the Town Manager in his budget amendment presented for the Boards consideration.

A lengthy discussion was held on the areas to be cut, the reasons for reductions, how other Board members felt on additional reductions, overall effect of the reductions on the budget and whether or not the Board can change or amend

the budget again if they feel this does not work out. Town Manager Britt said these new cuts would leave insufficient funds to adequately run certain departments, especially administration.

After the discussion Aldermen Whitney seconded the motion and explained why. Voting aye: Mayor Pro-Tem Harkins, Aldermen Tripp and Whitney. Voting nay: Aldermen Hillyer and Warsaw.

AN ORDINANCE AMENDING THE TOWN OF NORTH TOPSAIL BEACH
BUDGET ORDINANCE FOR FISCAL YEAR 1991-92

BE IT ORDAINED BY THE TOWN OF NORTH TOPSAIL BEACH BOARD OF ALDERMEN MEETING IN REGULAR SESSION THIS 7TH DAY OF AUGUST, 1991, THAT THE BUDGET ORDINANCE FOR FISCAL YEAR 1991-92 ADOPTED JUNE 26, 1991, IS AMENDED AS FOLLOWS:

REVENUES:

Current year's property taxes	\$ 665,836.00
Taxes, Prior Year (1989/90 & 1990/91)	79,940.00
Inventory Tax Reimbursement	14,000.00
Tax Penalties/Interest	7,000.00
Privilege License	1,200.00
Cable Franchise	5,000.00
Interest - Investments	49,000.00
Miscellaneous	1,000.00
Utilities Franchise Tax	23,000.00
Intangibles Property Tax	15,000.00
Beer & Wine Tax	1,500.00
Powell Bill allocation	17,000.00
Local Option Sales Tax	40,000.00
Grant/Dept. of Insurance - Fire	11,376.00
Building Permits	18,000.00
Mechanical Permits	480.00
Electrical Permits	2,580.00
Plumbing Permits	1,020.00
No Permit Fees	1,200.00
Inspection Fees	7,000.00
CAMA Permits	1,000.00
Tax Refunds	3,000.00
Tax Refunds - Gasoline	2,000.00
Other State Revenues	500.00
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TOTAL	\$ 967,632.00

EXPENDITURES:

Governing Body	\$ 19,441.00
Administration	197,254.00
Inspections	78,967.00
Police	259,798.00
Public Works	45,469.00
Street Department	10,000.00
Street Improvements	17,000.00
Fire	297,699.00
Contingency	26,004.00
Elections	2,000.00

Buildings & Ground Maintenance	1,500.00
Sanitation	<u>12,500.00</u>
TOTAL	\$ 967,632.00

INSURANCE
 COVERAGE FOR
 EMPLOYEES -
 FISCAL YEAR
 1991-92:

Town Manager Britt said the Board discussed insurance coverage for employees at their workshop held August 19th. The lowest bid was submitted by Blue Cross/Blue Shield with an amount of \$29,166 for medical, life, short term disability and dental insurance. At the workshop, the Board requested the short term disability be removed. Also, the Board requested he check the savings with a higher deductible. A \$500 deductible would decrease the cost to \$25,227, however, if the deductible remained at \$300 and the drug card was eliminated the cost would be \$24,864. A general discussion was held on importance of medical coverage, and the benefits the Town is providing employees.

Alderman Tripp asked Town Manager Britt how much the Town would save by not paying dependent insurance for employees. Town Manager Britt advised about 50%.

Mayor Pro-Tem Harkins asked if changing dental deductible from \$25 to \$50 would make a difference. Town Manager Britt advised he checked with the Blue Cross/Blue Shield representative and he advised the \$25 deductible was the only one they allowed on dental. After a brief discussion on entire insurance package, who is covered, and savings if it only covered employees, a motion was made by Alderman Warsaw and seconded by Aldermen Hillyer to award the contract for insurance coverage for Fiscal Year 1991-92 to Blue Cross/Blue Shield, with \$300 deductible and without a drug card, for \$24,864, at the current level. Passed unanimously.

PAY SCHEDULE FOR
 FISCAL YEAR
 1991-92:

Town Manager Britt said the pay schedule presented was based on the workshop held by the Board August 19th. The top three steps, per Board request, has been removed from ranges 13-20.

A motion was made by Alderman Warsaw and seconded by Alderman Hillyer to accept the classification and pay schedule as presented. An amendment to the motion changing some positions to a different grade was made by Mayor Pro-Tem Harkins. After a discussion on why some positions should be changed, what the Board agreed to at the workshop, and how difficult it is to get comparisons on salary without a formal study the amendment motion was seconded by Aldermen Tripp. Mayor Knowles requested a vote on the motion amendment. Voting aye: Mayor Pro-Tem Harkins and Alderman Tripp. Voting nay: Aldermen Warsaw, Hillyer and Whitney. The motion did not pass. Mayor Knowles called for a vote on the original motion. Voting aye: Aldermen Warsaw, Hillyer and Whitney. Voting nay: Mayor Pro-Tem Harkins and

Alderman Tripp.

TOWN OF NORTH TOPSAIL BEACH
 ASSIGNMENT OF CLASSES TO PAY GRADES
 BY POSITION

GRADE	RANGE	POSITIONS
1	10-400 - 13,603	Public Works/Maintenance Worker
2	10,920 - 14,290	Police Records Clerk Permits Clerk
3	11,461 - 15, 018	
4	12,043 - 15,746	
5	12,646 - 16,536	
6	13,270 - 17,368	
7	13,936 - 18242	Asst. Fin. Offcr/Dep. Town Clerk Planning/Zoning Adm./ Sec. to Planning Board
8	14,643-19,157	Public Works/Maintenance Supervisor Police Officer I
9	15,371 - 20,134	Police Officer II
10	16,141 - 21,133	Police Sergeant
11	16,952 - 22, 194	
12	17,805 - 23,296	
13	18,699 - 22,734	Police Captain
14	19,635 - 23,878	Assistant Fire Marshall
15	20,613 - 25,064	
16	21,653 - 26,312	
17	22,734 - 27,622	Town Clerk/Finance Officer Fire Marshall
18	23,878 - 28,995	Development Services Coordinator
19	25,064 - 30,451	
20	26,312 - 31,970	Police Chief

SURFING
ORDINANCE:

Town Manager Britt said he has received a few complaints from individuals at the Scotch Bonnet Pier concerning surfers being too close to the pier. He advised he talked with the Police Chief and they believe the 300' distance from a pier addressed in the Surf City Surfing Ordinance is reasonable. A discussion was held on the safety leash attached to some surf boards and whether or not the ordinance should only address commercial fishing piers or all piers. After the discussion, a motion was made by Alderman Whitney and seconded by Aldermen Hillyer to approve an ordinance similar to Surf City Surfing Ordinance, that all piers should be included, and that the Town Attorney prepare the ordinance for consideration at their September 4, 1991, meeting. Passed unanimously.

EXECUTIVE
SESSION:

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

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

MANAGER'S
REPORT:

1. At the Boards last meeting, they directed me to take action on River Road. Two estimates were received, however, they were higher than anticipated. Yesterday, Horne & Casteen Paving Company of Beulaville called and advised they would do the work for \$650.00. He said he gave them the contract and they advised the work would be completed by this weekend.
2. Per previous Board request, the cost for making copies for individuals has been reviewed. He recommended the cost be 15 cents for the first page and 8 cents for each additional page, instead of the 15 cents per page cost charged now.

ALDERMEN'S
REPORTS:

Alderman Warsaw:

Are we being penny wise and pound foolish to put rock on River Road? Town Manager Britt advised yes, but the road must be repaired. The county has not concluded what they will do but, I am working with the County Manager to determine what part they will play.

MAYOR'S
REPORT:

1. I wish to extend a special thank you to police, fire, rescue, emergency management and others who worked during the possibility of a hurricane. It turned out to be a good drill and the coordination between the Town, County Emergency Management and the Sheriffs Department was good.
2. September 4th, public hearings will begin around 5:30 p.m., right after the Board of Adjustment meeting, instead of 7:00 p.m.
3. A management meeting, sponsored by several groups, to discuss protecting the sound, rivers and creeks will be held August 22nd, 1991, in Wilmington.

CITIZENS
COMMENTS:Jerry Edens:

My family has been fishing at the beach for over 100 years. Why do you want to stop this now? We will not be allowed on the beach until after October but, the fishing season is August, September, and October. He explained the number and type of vehicles they use and the area they usually fish. He said they do not fish at night and always clean up the area before they leave.

Bill Rogers:

I've always been protective of the turtles and against beach driving however, after talking with the fishermen I feel they will protect the turtles.

John Szary:

Surf City has different rules for commercial fisherman. Mayor Pro-Tem Harkins said the Town of North Topsail Beach has made no distinction between individuals and commercial fishermen but they have asked the Town Manager to bring information on this subject to the public hearing scheduled for September 4, 1991. Alderman Hillyer explained the public hearing process and purpose.

John Muscada:

Several citizens would like for the Board to schedule executive sessions at the end of their meeting. The Board agreed.

ADJOURNMENT:

A motion was made by Alderman Hillyer and seconded by Alderman Tripp to adjourn the meeting at 9:40 p.m.

Ann Vause

Ann Vause - Town Clerk

TOWN OF NORTH TOPSAIL BEACH
 REGULAR BOARD MEETING
 SEPTEMBER 4, 1991

PRESENT: Mayor W. Rodney Knowles, Mayor Pro-Tem Marian Harkins, Aldermen Edward Warsaw, Stella Tripp, Peter Hillyer, and Melinda Whitney, Town Manager Gary Britt, Town Attorney Marshall Dotson and Town Clerk Ann Vause.

CONVOCATION: Mayor Knowles called the meeting to order at 6:05 p.m., at the North Topsail Beach Fire Department Building, and declared a quorum present.

MINUTES: Alderman Tripp requested the following be added to the August 21, 1991, minutes, under Insurance for Employees:

"Alderman Tripp asked Town Manager Britt how much the Town would save by not paying dependent insurance for employees. Town Manager Britt advised about 50%".

A motion was made by Alderman Hillyer and seconded by Mayor Pro-Tem Harkins to approve minutes of the Regular Board Meeting held August 21, 1991, as written with corrections requested by Alderman Tripp. Passed unanimously.

PUBLIC HEARING
 - BEACH DRIVING
 ORDINANCE:

Mayor Knowles opened the public hearing on the Beach Driving Ordinance at 6:08 p.m., and requested Town Manager Britt explain the ordinance to the 58 citizens present.

Town Manager Britt said last year the Board approved the ordinance and stated they would review and evaluate the performance of the ordinance again this year to determine the effectiveness, problems, etc. He said he has received requests from commercial fishermen that they be allowed on the beach before October 15th. Copies of Surf City, Topsail Beach and Onslow County Beach Driving Ordinances have been provided for the Board's review. Surf City allows beach driving from September 15th, to May 15th, and commercial fishermen are allowed year round, however, they are limited to one vehicle. Topsail Beach had the same dates but it was amended last year to delay entry until November 15th, because of the turtles. This year they are considering moving this date forward but, the date is unknown. Onslow county allowed driving from September 15th, to May 15th, with additional time of January 1st, to May 15th, and August 1st, to December 31st, for commercial fishermen. North Topsail Beach ordinance only allowed driving October 15th, to April 15th, for both sport and commercial fishermen.

John Zarry - Edens Fishing Company:

October 15th, is not an acceptable date for commercial fishermen to go on the beach because by that time 2/3 of the season would be over. August 15th, through November 15th, is the fishing season. He said he was asking the Board to make the date September 1st, so they could catch the mullet that are going by because once they go by they will not come

back. He advised his company uses 4 or 5 4 wheel drive vehicles at a time and explained why. Mr. Zarry said they also wanted permission to use the three entrances to the beach that are available, north end at New River Inlet, S.R. 1568 near curve and the one at Scotch Bonnet Pier. He advised that the men working with him need the fish for their livelihood. He was asked if they fish at high tide and he advised no. He was also asked how many men worked at one time and he advised 15 or 20.

Chris Schmidt:

The land in question is a public trust. I have no problem with commercial fishermen using it for the purpose of providing their livelihood, however, I do have a problem with sport fishermen. The beach is fragile and when we open it up we take a chance because of certain wildlife we are trying to protect, as well as, risking the destruction of the beach.

Linda Knowles:

She said she objected to a lot of driving on the beach and asked Mr. Zarry how much driving on the beach they do. Mr. Zarry said the fishermen drive up and down the beach to spot fish because they do not want to miss an opportunity.

Bill Parr:

He said he has lived at the beach for 8 years and has only seen the beach abused by sports fishermen once and that was before incorporation. He said he was in favor of letting the commercial fishermen on the beach now, even if the Board continues to deny sports fishermen.

Harold Engle:

He said he was a sports fishermen. When these fishermen are out there they are not reckless. They look forward to the season. The problems encountered are from outsiders without permits, not sports fishermen with permits. He requested the Board consider issuing permits so he could enjoy the season. He also asked about allowing handicapped on the beach.

Sue Tuman:

The handicapped are allowed on the beach all year. She said she did not see why the sports fishermen need to drive 4 wheel vehicles on the beach when they could walk.

Sam McGinn:

Our biggest industry is fishing and commercial fishermen have been coming here for 75-85 years. The true sports fisherman will not destroy the beach and we have a police force to control joy riders.

Mr. Wagoner:

The beach is for everyone and we want to preserve it. Fishermen do not have to drive on the beach. They can park and walk. However, we should make an exception for commercial fishermen.

Christy Carver:

We enjoyed the extra month without beach traffic. The turtles will be hatching for two more months. She said she had no problem with commercial fishermen, but, preferred the Board not allow people to drive on the beach.

Woody Atkinson:

He said he was in favor of letting commercial fishermen and handicapped individuals on the beach. The fishermen do not destroy the beach or sand dunes. Sand dunes have been damaged by heavy equipment used by developers.

Mr. Engle:

Sports fishermen do not tear up the beach or throw trash. In fact, they pick up trash left by weekend tourist.

Mayor Pro-Tem Harkins:

She asked about the license individuals, who own vessels, obtain. Town Manager Britt said according to Marine Fisheries, if you own any type boat you can obtain a commercial license.

Alderman Whitney:

How is the license obtained? Mr. Zarry said the individual goes to a store authorized to sell license, completes an application and then obtains their license immediately.

Bill Stein:

To play God with people who are commercial fishermen is wrong. Also, I have not seen sports fishermen tear up the beach. The ones destroying the beach are the young people going on the beach, with a permit, joy riding. To restrict others because of this is wrong. Alderman Hillyer said trying to find out facts and how people feel to come up with a fair, reasonable decision is not playing God.

Hoyst Wood:

Commercial fishermen need to be on the beach before October 15th. Maybe the Board should consider allowing them on after Labor Day so they can harvest mullets.

Roy Foyley:

He said he was a sports fisherman who enjoyed the beach. It is not right to deny sports fishermen on the beach. The trash comes from tourist, not fishermen.

Bill O'Donnell:

He said he would like to see the Board follow their policy of not voting on the issue the day of the public hearing because that way the citizens feel the Board is listening to their views. He said he was not against commercial fishermen, but, he was against sports fishermen driving on the beach. Driving on the beach creates erosion. Some places are eroding 5 foot per year. Also, during the recent survey, for the Land Use Plan, 87% of the residents said they were against any driving on the beach, except for emergency vehicles.

Pat McCarthy:

She said she was against people driving on the beach because of the danger to children walking/playing on the beach.

Clint Conner:

Commercial fishermen use trucks to remove fish and if the truck is carrying 10,000 pounds of fish there is no way to get to a speed that children cannot be seen.

Dan Tuman:

He said he was concerned about the number of vehicles commercial fishermen use. Can they drive the vehicle on the beach, unload equipment and then drive back to the road? Mr. Zarry advised no and explained why.

Further discussion was held on the possible damage to the beach by 4 wheel vehicles, reducing the speed limit allowed from 15 mph to 5 mph, when to allow commercial fishermen on the beach and identifying sports fishermen.

Alderman Warsaw said there were two issues, sports fishermen and commercial fishermen. Commercial fishermen need to be on the beach now, but, sports fishermen do not. He recommended the Board only address commercial fishermen tonight and deal with the sports fishermen issue at another time.

No further comments were received. A motion was made by Alderman Warsaw and seconded by Alderman Tripp to close the public hearing at 7:02 p.m. Passed unanimously.

BEACH DRIVING
ORDINANCE:

A discussion was held on speed limit being under 10 mph, defining commercial and sport fishermen, raising standard on commercial fishermen, limiting hours and dates for commercial fishermen, and reviewing the handicapped section of the beach driving ordinance.

After the discussion, a motion was made by Alderman Warsaw and seconded by Alderman Tripp to change Section 4 of the Beach Driving Ordinance and allow commercial fishermen on the beach after September 8th, through April 14th. Further discussion, held on work to be done on the ordinance, and not addressing sports fishermen issue until the September

18th, meeting. A motion was made by Alderman Whitney and seconded by Aldermen Hillyer to amend the motion by adding statement that commercial fishermen are only allowed to use three designated accesses, if rules are violated the permits are revoked and they are only allowed on the beach from sunrise to sunset.

Mayor Knowles called for a vote on the amendment, to the original motion, made by Alderman Whitney and seconded by Aldermen Hillyer. The motion passed unanimously.

Mayor Knowles called for a vote on the original motion made by Alderman Warsaw and seconded by Alderman Tripp. The motion passed unanimously.

RECESS:

Mayor Knowles requested a recess at 7:20 p.m. He called the meeting back to order at 7:32 p.m.

PUBLIC HEARING -
DUNE PROTECTION
ORDINANCE:

Mayor Knowles opened the public hearing on the Dune Protection Ordinance at 7:32 p.m., and requested the Town Manager explain the proposed ordinance. Town Manager Britt said the proposed was modeled after the ordinance used by Kitty Hawk and recommended for North Topsail Beach by Code Codification Corporation, individuals preparing the Town ordinances for review by the Board. Town Attorney Dotson has been checking enforcement of foot traffic across dunes because it was not addressed in this ordinance. Attorney Dotson said he does not know of any ordinance that addresses foot traffic because it would be difficult to show accruable damage. If there is concern about foot traffic maybe the Board needs to consider prohibiting it altogether. He said he was concerned about the original wording so some has been changed. Also, we will need appropriate signs that say "Walking Across Dunes Illegal", before it can be enforced. A discussion was held on who would enforce the ordinance, addressing activities of Federal and State agencies for beach re-nourishment and protection, and fine amount being changed from \$50 to \$500.

Bill O'Donnell:

He said he was glad to hear about signs because we need to educate some people. Maybe the sign also need to include wording about the dunes being fragile, walking on dunes destroys them and encouraging people to use beach accesses.

Ann Penter:

Some people walk right past signs.

Ted Bentley:

At Galleon Bay the pavement goes to the end of the street. How do they get access to the beach area? Are these people expected to go to another area and walk over? Attorney Dotson advised there was a crossover at the end of the road.

Mayor Pro-Tem Harkins:

Is it possible to require owners of vacant lots to put up snow fences? Attorney Dotson said at one time the County had a program to assist in providing snow fences but it doesn't now.

Bill Stein:

There used to be an access on the north end. Can it be put back? Mayor Knowles advised the Land Use Committee was working on the access problem. Currently, there is not an access from 2nd Avenue to Topsail Dunes.

Mrs. Driscall:

If a walkway is private can we put up signs that say "Public Not Allowed"? She was advised yes. She said Oyster Lane goes to the dune. The town took over these roads so why are accesses private? Town Manager Britt advised the situation was being reviewed and once the review is completed a report will be given to the Board for their decision on what to do about walkovers.

Ginny Hillyer:

The south end of Town has 13 accesses that are improved areas but, there are none on the north end of Town. We need to review how to provide access on the north end. We can't invite people down here to live but, then say you can't get to the beach without driving to a county park.

N. Wilkinson:

I'm glad to hear the Planning Board is reviewing accesses. As part of the plan when an area is developed we need to require dedication for a public access, with the developer paying part of the cost, so that we don't block people from the beach. Mayor Knowles advised this is already a requirement and explained.

Mayor Pro-Tem Harkins:

She said she did not believe some people realize some foliage is listed as endangered also.

Alderman Tripp:

The proposed ordinance we have is good but we need to go one step further and implement a program to rebuild and re-nourish dunes.

A general discussion was held on this idea, a possible committee to study this issue, and what State funds might be available. Alderman Tripp requested information on funds be brought to their next meeting.

Alderman Whitney:

We need to educate people by signs and word of mouth. Also, we need to advertise where private and public accesses are. A committee might be a good place to begin. Maybe we could tap into volunteer resources and charge the committee to look into dune re-nourishment, vegetation, etc.

Bill Rogers:

At one time Surf City had a program where they bought snow fence and dune grass, at cost, for citizens.

Henry Buckhart:

The main purpose of a sand dune is to sell ocean property. The programs discussed would create more problems and danger if you rebuild the dunes the sand goes back on the beach. He said he would not want 1 cent of his tax money put on sand dunes to try and protect a house.

Steve Elmore:

Nature built the beach. All we are trying to do is take over the beach. People who move here know the risk. He said he was not in favor of spending tax money on dune protection projects.

Sam McGinn:

Nature helped to build the dunes. In 1954 the Army Corps of Engineers pushed up sand dunes. A few foot prints will not hurt the area or the dunes.

Marty Bostic:

Prior to 1986 and 1987 storms on the road to Shipwatch Villas washed out. Three days prior to the Department of Transportation working on dunes Mr. Glenn Watson worked on the dune in front of his house, with vegetation. Other dunes near his house have since washed out but his still looks good. He said he would like for the Town to encourage people to use vegetation on their dunes.

Jim Harris:

Sand dunes must be protected or they will be gone.

Alderman Whitney:

Dunes have a multitude of purposes such as wind breaker, protection of animals and vegetation, natural water break, etc.

No further comments were received. A motion was made by Alderman Warsaw and seconded by Alderman Tripp to close the public hearing at 8:18 p.m. Passed unanimously.

DUNE PROTECTION
ORDINANCE:

A motion was made by Alderman Whitney and seconded by Mayor Pro-Tem Harkins to put the voting on the Dune Protection Ordinance on the next meeting agenda, with attorney's

revisions. Passed unanimously.

SURFER
ORDINANCE:

A motion was made by Mayor Pro-Tem Harkins and seconded by Alderman Whitney to adopt the ordinance on surfers.

Jim Orkas:

He said he had been surfing for 15 years and requested the Town not restrict surfers. In addition, he said he saw no reason to restrict surfers near damaged piers. If you are concerned about safety provide life guards.

After a discussion on safety, liability, and whether or not the restriction should apply to all piers Mayor Knowles called for a vote on the motion. Voting aye: Mayor Pro-Tem Harkins, Aldermen Tripp and Whitney. Voting nay: Aldermen Warsaw and Hillyer.

The following ordinance passed on a 3 to 2 vote:

AN ORDINANCE DESIGNATING DISTANCE BETWEEN
SURFERS AND PIERS IN NORTH TOPSAIL BEACH

BE IT ORDAINED BY THE NORTH TOPSAIL BEACH BOARD
OF ALDERMEN THAT:

- SECTION 1: Surfing shall be permitted within the Town limits of North Topsail Beach except in those areas located three hundred feet (300') on either side of any pier located within the Town.
- SECTION 2: All surfers, while engaged in the act of surfing, shall have their surf boards attached to them by a surfer's leash.
- SECTION 3: Violation of this Ordinance shall be subject to a fine up to \$500 or up to 6 months in jail or both in discretion of the court.
- SECTION 4: This Ordinance shall be in full force and effect from and after the date of its adoption.

ADOPTED THE 4TH DAY OF SEPTEMBER, 1991.

WORKSHOP - JOB
DESCRIPTIONS:

After a discussion on whether or not the review of job descriptions needed to be done, the Board decided to hold a workshop on Wednesday, September 18, 1991, at 5:30 p.m., at the North Topsail Beach Fire Station, prior to their regular meeting.

RESOLUTION ON
SAFETY PROGRAM
& SAFETY
COORDINATOR:

Town Manager Britt said the Town carries insurance coverage through the League of Municipalities and they have stringently recommended the Town adopt a resolution to provide for safety in the work place. Also, having a safety program in place will reduce the cost for workmans

compensation insurance. He said he recommended "Doc" Pumphrey be coordinator because he is qualified and has held a preliminary meeting on this subject.

A motion was made by Mayor Pro-Tem Harkins and seconded by Alderman Warsaw to adopt the following resolution establishing a Town Safety Program. After a brief discussion on the relationship of this program to OSHA the motion passed unanimously.

A RESOLUTION ESTABLISHING A SAFETY PROGRAM FOR THE
TOWN OF NORTH TOPSAIL BEACH

WHEREAS, the Town of North Topsail Beach realizes that it has the responsibility to provide a safe work environment for its employees and that each pursue the highest standards in his/her assigned activities, all municipal employees must recognize that the well being of persons involved in the protection of our physical resources are as important as the activity and work being performed.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF ALDERMEN OF THE TOWN OF NORTH TOPSAIL BEACH THAT:

The Town is establishing a safety and loss control program to be implemented and monitored on a continuous basis. At the first segment of the Town's program a safety coordinator will be appointed and assigned the responsibility of organizing the overall safety and loss control efforts.

A safety committee is to be created to establish loss control policy, investigate major losses and loss trends and assign other safety responsibilities as needed. This committee will be chaired by the Safety Coordinator and its members will include each department head.

Each municipal department director will be responsible for the safety and well being of the workers in his/her department as well as the required maintenance of facilities and equipment in his/her area of responsibility. Each municipal employee will be responsible for his/her own personal safety and for the safe completion of assigned tasks. The Town requires its employees to respond to all planned safety efforts and to perform their assigned job in the safest manner possible.

The Town of North Topsail Beach is committed to doing all in its power to make its safety and loss control program a success and expects all municipal employees to assist in this effort by contributing expertise and by following all established rules and procedures.

DULY ADOPTED THE 4TH DAY OF SEPTEMBER, 1991.

A motion was made by Mayor Pro-Tem Harkins and seconded by Alderman Whitney to instruct the Town Manager to appoint

"Doc" Pumphrey as Safety Coordinator. Passed unanimously.

RESOLUTION ON
SURPLUS
PROPERTY:

Town Manager Britt said the Police Chief was requesting permission to dispose of four (4) Motorola radios because they are expensive to purchase and maintain. We can purchase another system, Midland, that is stronger, less expensive, more efficient and provides the same capabilities as Motorola. He explained the problem with the current repeater system. After a brief discussion, a motion was made by Alderman Whitney and seconded by Mayor Pro-Tem Harkins to adopt the following resolution declaring certain police radios surplus.

Margaret Stackleather:

Will a tower be needed? Police Chief Perozzi advised no. Mayor Pro-Tem Harkins said the Police Chief advised if he did not get enough money, from the sale of the old system, to purchase the new system he would keep the present system.

After the discussion, Mayor Knowles called for a vote on the motion and it passed unanimously.

RESOLUTION AUTHORIZING THE DISPOSITION OF
CERTAIN PERSONAL PROPERTY BY PRIVATE SALE

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

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen that:

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

Motorola Radio	Serial # 621HQL0522
Motorola Radio	Serial # 621HQL0523
Motorola Radio	Serial # 621HQL0524
Motorola Radio	Serial # 621HQL0525
4 Portable Motorola Repeater Radios	

(2) The Town Manager, Gary Britt, is authorized to dispose of the described property by private sale at a negotiated price.

(3) The Town Clerk shall cause this Resolution to be published in accordance with G.S. 160A-267.

(4) The sale may be consummated not earlier than 10 days from the date of publication.

DULY ADOPTED THE 4TH DAY OF SEPTEMBER, 1991.

MANAGER'S
REPORT:

1. We have the tax map information on River Road. He said he has talked to Rick Leary, Onslow County

Manager, about a policy to repair this road.

2. Onslow county Recreation Department is requesting the Department of Transportation install a turn lane on S.R. 1568, site of new public beach access.
3. We are finalizing interviews on police officers and hope to complete them by next week.
4. The estimated cost to update the Town's base maps is \$3,000.00.
5. He briefly reviewed the drawing on the north end fire station and requested the Board members stop by his office and study it. It appears the cost will be in the ball park of the budgeted figure. More information will be provided to the Board in the future.

ALDERMEN'S
REPORT:

Alderman Tripp:

The new Welcome to North Topsail Beach signs look nice.

MAYOR'S
REPORT:

Mrs. Sara Humphrey, Clean County, requested I nominate three (3) individuals for appointment to the Clean County Committee. I have recommended Mrs. Margaret McGinn, Mrs. Beverly Green and Mrs. Nancy Armour.

We are still reviewing the possibility of a Beautification Committee. State law requires there be a minimum of seven (7) members on this committee. A brief discussion was held on this subject.

OPEN FORUM/
CITIZENS
COMMENTS:

Sue Tuman:

She said she was concerned about the number of people swimming in the New River Inlet because of the danger. There is one sign but, it cannot be seen on the beach. She requested another sign be placed out on the beach so people will know about the danger.

ADJOURNMENT:

A motion was made by Mayor Pro-Tem Harkins and seconded by Aldermen Tripp to adjourn the meeting at 8:53 p.m. Passed unanimously.



Ann Vause - Town Clerk

TOWN OF NORTH TOPSAIL BEACH
Special Board Meeting
September 11, 1991

PRESENT: Mayor W. Rodney Knowles, Mayor Pro-Tem Marian Harkins, Aldermen Edward Warsaw, Stella Tripp, Melinda Whitney, Town Manager Gary Britt, Town Attorney Marshall Dotson; Planning Board Members: Bill Parr, Bill Rogers, Margaret Stackleather, Jack Dempsey; Land Use Plan Committee: Ginny Hillyer, Melvin Altbaum, Bill Kalm, Pat Jordan, Herman Johnson, Homer Prince, Carol Robinson, Darla Winstead, Brad Minschew, Planning Consultant Ken Weeden, DEM representative Haskell Rhett, North Topsail Beach Planning/Zoning Administrator Susan Daughtry and Town Clerk Ann Vause. Alderman Peter Hillyer was absent.

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

PRELIMINARY
LAND USE PLAN:

Mayor Knowles advised this was a joint meeting with the Planning Board and the Land Use Plan Committee to review the Preliminary Land Use Plan for North Topsail Beach. He said there were many things the Board of Aldermen and Planning Board wanted to discuss with Mr. Ken Weeden, Planner, and the Land Use Plan Committee. Mayor Knowles said this was a work type situation and he requested the public wait until the committees review of the plan was completed before presenting their views. He requested Mrs. Ginny Hillyer, Chairman of the Land Use Plan Committee, present the plan to the committees.

Mrs. Hillyer said the Land Use Plan Committee started the development process on the plan almost a year ago. The first step was to mail a survey to all registered voters and a random mailing to approximately 700 resident and non-resident property owners. Next the surveys were tabulated and Mr. Weeden was selected as planner. The CAMA outline was used to put the preliminary Land Use Plan together.

Mr. Ken Weeden gave an overview of the preliminary plan. He said once the plan is reviewed and approved by the Board of Aldermen it must be sent to Coastal Management for their review. This should be done by September 30th. Coastal Management and other state and federal agencies will review the plan and then submit their comments back to the Town. A Land Use Plan presents the Town's policy on growth and development in a coastal environment. He said the Land Use Plan has had several public meetings to receive citizens input and tonight they were requesting the Board of Aldermen and the Planning Board input because it will be their job to adhere to guidelines and planning format.

The Board of Aldermen and Planning Board reviewed each section of the preliminary plan and asked questions about various sections. A discussion was held on how the information was gathered, what areas were used as examples,

how seasonal population was determined, water and sewer systems, history of first Land Use Plan developed by Onslow County and changes in the ORW regulations that must be included in the plan. The Boards also discussed Federal Flood Insurance Program and what areas of North Topsail Beach are covered by the program.

A discussion was held on public accesses, where they are located, how many are developed, how many are designated and undeveloped, and the committee evaluating beach access.

Other items discussed were: condition of protected waters, impact on areas away from the shoreline, restrictions on use of area by the state and ORW and the need for a goal or policy statement on the preliminary plan.

Mr. Haskell Rhett said his agency works with local governments on updating their Land Use Plans. He said they try to help as much as possible and that his office and the planner are both bound by State contracts to work out the problems of local governments such as North Topsail Beach.

Alderman Tripp said because there was so much material to review she recommended the Board schedule a workshop. Alderman Warsaw requested a time table on steps to be taken. Mayor Knowles requested Mrs. Hillyer meet with Mr. Weeden and develop schedule of dates when material is due to various agencies. Mr. Weeden said after the Board of Aldermen reviews the plan and gives their preliminary approval the plan will be submitted to Mr. Rhett for review. After Mr. Rhett and other state and federal agencies review the plan we will have the final plan, possibly January 1992. After the final plan is received the Board of Aldermen can hold a public hearing and adopt the final plan. This process should be completed early next year.

PUBLIC COMMENTS

Fred Hayler

He said he was a consultant and has a contract on some land. He said he has been working with an engineer and people in Raleigh and is concerned about the elasticity of this plan. Will there be room for input? The information presented is biased and 20,000 foot lot requirement is unheard of. He explained what they are planning to develop. He said this plan is anti-development and was developed without the tax base in mind. He suggested a economic study be done on this plan.

Nancy Armour

How do we get a copy of the plan? Mayor Knowles said it would be available at Town Hall.

Jamie Sanders

He said he agreed with Mr. Hayler. He said property was purchased years ago without 20,000 sq. ft. on beach front or sewer on beach in mind. It is easy for you to set square footage, but, you did not purchase land at a high cost like the developer did. You can not say land with 10,000 - 15,000 square footage is not good. Development only covers

4% of the total contamination of the environment. Keep in mind, you are cutting the tax base and causing land prices to go up.

Marlow Bostic

I have not heard you comment on the 10,000 sq. ft. on the north end bordering the public access that was given to the county. This property was given to Onslow County and they sold it. 10,000 sq. ft. was donated to the County and they sold 9,000 sq. ft.

Haskell Rhett

You have a fair amount of access for visitors. What you do not have, and hope you get, is more access for residents and people who live here. Also, activities that can be done on the back side of the island such as fishing, crabbing, etc., are important because they help make North Topsail Beach a desirable place to live and visit. You discussed protecting the environment and this is important because it makes North Topsail Beach a special place that is environmentally sound and enjoyable. You can discuss R-20 zone vs. R-10 zone but somewhere along the line someone will have to make a decision. Other areas such as Surf City have had an opportunity to develop and you can use their development as a source to study. North Carolina has top rated studies and one of the reasons is volunteers such as the Land Use Plan Committee. You have policies to address. My office will not tell you how to address them but, we will give guidance and policy to follow. Judging from citizens surveyed, this preliminary Land Use Plan is reflective of what the citizens wanted.

Fred Hayler

We want to enhance the quality of life. With this plan you will destroy the Town tax base.

Mayor Knowles advised the Board will decide the date for the workshop on the Land Use Plan at their September 18, 1991 meeting.

ADJOURNMENT:

A motion was made by Alderman Warsaw and seconded by Alderman Whitney to adjourn the meeting at 9:37 p.m. Passed unanimously.

Ann Vause
Ann Vause, Town Clerk

TOWN OF NORTH TOPSAIL BEACH
Special Board Meeting
September 18, 1991

PRESENT: Mayor W. Rodney Knowles, Mayor Pro-Tem Marian Harkins, Aldermen Stella Tripp, Peter Hillyer and Melinda Whitney, Town Manager Gary Britt and Town Clerk Ann Vause. Alderman Edward Warsaw and Town Attorney Marshall Dotson were absent.

CONVOCATION: Mayor Knowles called the meeting to order at 5:50 p.m., at the North Topsail Beach Fire Department building and declared a quorum present.


**WORKSHOP-
JOB
DESCRIPTIONS:** Mayor Knowles said the purpose of the meeting was to review job descriptions for North Topsail Beach positions. He requested Town Manager Britt review the job descriptions presented.

Town Manager Britt said job descriptions from other towns were received and changed to make them compatible to North Topsail Beach's needs. Also there have been some changes since the descriptions were given to the Board. The permit clerk position in Inspections has been eliminated and the duties assigned to the Planning/Zoning Administrator. There was no difference in Police Officer I & II. After reviewing these positions with the Police Chief, he said he recommended Police Officer I be an entry level position and Police Officer II position be based upon experience, training, qualifications, etc. Today a full time and a part time officer was hired. This leaves us with a part time police records clerk and a part time public works maintenance position vacant.

The Board reviewed all Town positions and made recommended changes to some. They also discussed Police Sergeant position requested by Chief Perozzi.

After the discussion, Town Manager Britt advised he would incorporate the requested changes in Town positions and present them to Board for approval.

ADJOURNMENT: A motion was made by Alderman Hillyer and seconded by Alderman Whitney to adjourn the meeting at 6:49 pm. Passed unanimously.


Ann Vause, Town Clerk

TOWN OF NORTH TOPSAIL BEACH
Regular Board Meeting
September 18, 1991

- PRESENT:** Mayor W. Rodney Knowles, Mayor Pro-Tem Marian Harkins, Aldermen Edward Warsaw, Stella Tripp, Peter Hillyer and Melinda Whitney, Town Manager Gary Britt, Town Attorney Marshall Dotson and Town Clerk Ann Vause.
- CONVOCATION:** Mayor Knowles called the meeting to order at 7:00 p.m. at the North Topsail Beach Fire Department building and declared a quorum present.
- APPROVAL OF AGENDA:** Mayor Knowles requested the minutes from the Special Board Meeting held August 19, 1991, not approved by the Board, be added to the agenda and the Board agreed.
- MINUTES:** Mayor Pro-Tem Harkins requested the following changes be made to the August 19, 1991 and September 4, 1991 minutes presented for approval:
- August 19, 1991
Page 2, Dental Insurance for Employees. Change the word "too" to "very" at bottom of paragraph.
- September 4, 1991
Date for commercial fisherman to drive on the beach be changed from "After Labor Day" to "after September 8th."
- A motion was made by Alderman Hillyer and seconded by Alderman Tripp to approve the minutes of the Special Meeting held August 19, 1991 and Regular Board Meeting held September 4, 1991, as written, with corrections as noted. Passed unanimously.
- JOB DESCRIPTIONS:** Town Manager Britt advised he would incorporate the changes in the job descriptions, as recommended at the workshop held earlier, and bring them to the Board at a later date.
- BEACH DRIVING ORDINANCE:** Town Manager Britt said the Beach Driving Ordinance has been changed. The changes were based on the discussion held and action on approval for commercial fisherman given 2 weeks ago. Items changed were: 1. time of day allowed on the beach; 2. adding the sentence, "Permit issued only for commercial/sport fishing" to item #11 on page 2; changing the date allowed on the beach from "October 15th", to "day after Labor Day". He said this date could be changed to September 8th, as the Board requested.

A motion was made by Alderman Warsaw and seconded by Alderman Tripp to amend the beginning date allowed on the beach to "the day after Labor day". Passed unanimously.

Town Manager Britt said since the legislation on fines was passed the punishment portion has been changed to read,

"...shall be punished by a fine not to exceed \$500 or by imprisonment not to exceed 6 months or by both."

A motion was made by Mayor Pro-Tem Harkins to amend the Ordinance Governing Motor Vehicles & Horses on the Dunes and Beach Within the Town of North Topsail Beach as follows:

1. Amend item 1 under Section III, Beach Access Driving Regulations, to read: "No motor driven vehicle shall operate on the beach strand and sand dune area at anytime, except those qualified under Section IV, Commercial Fishermen; and under Section VII, Handicapped Vehicles and Emergency Vehicles;
2. Delete item 2, under Section III, Beach Access Driving Regulations;
3. Delete last line of item #11, under Section III, Beach Access Driving Regulations;
4. Change item #7, under Section III, Beach Access Driving Regulations, to read: "The speed of any motor driven vehicle operating on the beach strand at North Topsail Beach shall not exceed 10 miles per hour.

Mayor Pro-Tem Harkins said the ordinance provides for commercial fishermen to go on the beach to earn a living and for handicapped to enjoy the beach. Other individuals may enjoy the beach by walking. Driving causes erosion damage, especially when speeding. Also, the police must be on the beach even though their vehicles do as much damage as other vehicles.

Alderman Whitney seconded the motion.

Alderman Warsaw said the ocean and fishing belongs to the people and they should have the opportunity to use them. As a practical matter, it is difficult to fish on foot. They must find the fish as commercial fishermen do. We have 12 miles of beach and with fishing gear you can not comfortably walk and fish various areas. He said he was not satisfied that the vehicles have much effect on the beach and explained why. There may have been litter on the beach in the past, but, they are becoming more conscious of the environment. Actually, they are now more aware than the average person. He said they are taking away peoples rights and it is wrong to close the beach to sports fishermen.

Alderman Tripp said she agreed with Alderman Warsaw and she was concerned about older people that enjoy sports fishing. Some of them may not be able to carry required gear. She said it was not right to take this activity away from citizens.

Mayor Pro-Tem Harkins said we are not taking away from sports fishermen. Several people fish without vehicles and still manage to catch fish. We are trying to preserve the beach for the future.

Alderman Hillyer said he did not think it was a big deal to park, carry equipment and fish. Alderman Warsaw is right to a point, but on the other hand, it is not so much erosion as it is traffic. When vehicles are on the beach, you do not

know which ones are sports fishermen and which ones aren't. We cannot enforce the policy with the police we have. He said he could understand both sides and wished there was a solution.

Alderman Whitney said the survey of property owners, for Land Use Plan, indicated over 70% did not want driving on the beach. The policing of the area is a nightmare. The police department has other things to do. Safety is another issue. There have been alot of near misses with children and we can only help by keeping all vehicles, except commercial and emergency vehicles, off the beach. Also, there is environmental concern. There is data that shows the negative impact on the beach.

Alderman Warsaw said we are only talking about October to April. Pedestrian traffic is light that time of the year and the police chief said there may be an enforcement problem, but he is capable of enforcing the policy. There is always a potential for an accident, but he has never heard of an accident that occurred.

After additional discussion, Mayor Knowles called for a vote on the motion. Voting aye: Mayor Pro-Tem Harkins, Aldermen Hillyer and Whitney. Voting nay: Aldermen Warsaw and Tripp.

Mayor Knowles said the motion passed on a 3-2 vote. The beach will only be open to commercial fishermen, handicapped and emergency vehicles, as specified in the ordinance.

DUNE
PROTECTION
ORDINANCE:

Town Manager Britt said the changes to the Dune Protection Ordinance discussed at the last meeting have been made. The changes are as follows: 1. The sentence, "Any activity conducted by a Federal or State agency for beach re-nourishment and protection," to Section 4, Exemptions; 2. The paragraph, "It shall be unlawful for any person other than the owner thereof to walk over or cross over any dune at any place except at an authorized marked cross over or designated beach access:", was added to Section 6, Damaging Sand Dunes; 3. The penalty amount in Section 8, Criminal Penalty, was changed from \$50 to \$500 and 30 days to 6 months; 4. The last 2 words in Section 6, Damaging Sand Dunes, paragraph (b), subsection 4, were changed from "Chapter 16" to "Coastal Area Management Act"; 5. Section 7, Repairing Damage Caused by Violations, changed wording after the word "activity" to read: "...any dune disturbing activity shall be immediately repaired in accordance with requirements of the Coastal Area Management Act."

A general discussion was held on the amendment enforcement of the ordinance, protection of dunes in land owners absence and waste disposal systems.

Alderman Whitney requested the word "designated" be added to Section 6, Damaging Sand Dunes, paragraph (b), subsection 5, after the word "surfaced" and the Board agreed.

Linda Knowles

The big beach sweep (clean-up) is scheduled for Saturday. Is there any way to make a provision for individuals to get on dunes to pick up trash? She was advised no.

Mr. McGilvey

Children of renters damage the dunes. How will you enforce the ordinance under these circumstances? Mayor Knowles advised it is done through neighborhood watch. Also, if you see someone, inform them of the rules.

Jack Woessner

On weekends you see about 30 people on the dunes. Maybe you need signs that say "Keep off the Dunes".

Barbara Lee

What about people who have to repair the dunes? Attorney Dotson said there are provisions in the ordinance for this.

Jim Harris

You have taken the fishing privilege away from the people and now they cannot walk on the dunes. He said he was upset that the Board stopped 4-wheel drive vehicles on the beach. People who own property here have no way to get on the beach to fish and now they cannot cross over dunes.

Sam McGinn

He said he could not believe what the Board has said tonight. I cannot understand what benefit you are getting by stopping 4-wheel drive vehicles. If the police see a vehicle, with a sticker, and fishing rods, they let them go on the beach. Otherwise they do not. You are taking recreation away from alot of people.

Roy Farley

I moved here 2 years ago and I fish 3 or 4 days a week. I have never seen sports fishermen do anything wrong.

Barbara Driscoll

How do we cross and get to the beach when crossovers are undeveloped and covered in sand? She was advised she could use it because it is still a designated cross over for her use.

Sue Tuman

Is it going to be possible to mark all designated crossovers? Town Manager Britt advised they are presently being identified. Once we know where they are, signs will be ordered.

Leland Newsome

Owners can walk on their dunes, but can they authorize someone to walk on their dunes? He was advised yes.

After the discussion, a motion was made by Mayor Pro-Tem Harkins and seconded by Alderman Whitney to adopt the Dune Protection Ordinance, with changes made tonight.

WORKSHOP ON
LAND USE
PLAN:

After a discussion, the Board scheduled a workshop for Monday, September 23, at 7:00 p.m. at Town Hall to review the preliminary Land Use Plan.

REQUEST TO
CHANGE STREET
NAME:

Town Manager Britt advised he received a request from Mr. Sandlin to name his street, between Highway 210 and Makepeace Street, Sandlin Street. He said he was the first resident on this street. Currently, it is listed as Public Street and it is a town street. A discussion was held on legal ramifications, required notice to residents in the area and the Boards right to change street names.

Town Manager Britt said he also had a request from citizens on "No Name Street" to change the name to "Goldsboro Street".

Bill Rogers, Vice-Chairman of the Planning Board, suggested they consider whether the requested name would duplicate others in the county.

After a brief discussion, the Board decided to have affected individuals advised of the requested change. Town Attorney Dotson suggested the Planning Board be requested to review the name change requests to avoid duplication of street names.

MANAGER'S
REPORT:

1. Saturday, September 21st, is Big Beach Sweep day. This is an annual event held by Onslow Clean County Committee. He introduced Ms. Sarah Humphries, Clean County Committee.

Ms. Humphries said she was pleased to find people who were interested in making decisions to keep the area clean, even though they are not always easy decisions. Saturday there will be about 300 volunteers in the beach sweep, sponsored by First Citizens Bank. She reviewed the past beach sweeps, what was accomplished and how they notified manufacturers where litter from their products were found. Ms. Humphries explained the future goals of the committee and how they plan to work with real estate agents on a flyer that will be presented to customers. She said RJ Reynolds Tobacco Co. is going to supply the committee with a portable ashtray about the size of a change holder, that will hold up to 1 pack of cigarette butts.

Ms. Humphries said the clean up volunteers will meet Saturday, at 9:00 am at Beach Access #2. She invited everyone to come out and join the clean up effort.

Mayor Knowles thanked Ms. Humphries for attending the meeting and said he looked forward to working with her.

2. Last week we received a report on River Road. We are in the process of reviewing the report and are planning to present the Board with information at their next meeting.
3. We have received a response from Mr. Leary on the water study. A report will be given to the Board at their next meeting.
4. Last Thursday I met with managers from Holly Ridge, Swansboro and Richlands to discuss mutual problems. We plan to meet, in alternate towns, once a month to take advantage of available services, etc. At some point, it will be necessary to involve the Mayor and Board of Aldermen and possibly set up a committee of Board members. The next meeting will be held in Holly Ridge.
5. I talked with Mr. Wilson of Falcon Cable. Within the next 5-6 weeks the north end of Town will receive 5 additional cable channels.
6. A meeting with FEMA officials will be held Thursday, September 19, at 10:00 am at the fire station.

ALDERMEN'S
REPORTS:

Alderman Tripp

She asked Town Manager Britt if he had a report on Federal/State assistance available on renourishment programs. Town Manager Britt said he has been making inquiries and hopes to have some information by the next meeting.

MAYOR'S
REPORT:

1. Please join us with Beach Sweep Saturday the 21st.
2. Citizens are invited to attend the FEMA meeting tomorrow morning.

CITIZENS
COMMENTS:

Jack Woessner

The sign on the exit door at the fire station is illegal. Please change it from black and white to red and white.

ADJOURNMENT:

A motion was made by Mayor Pro-Tem Harkins and seconded by Alderman Hillyer to adjourn the meeting at 8:32 p.m. Passed unanimously.

Ann Vause
Ann Vause, Town Clerk

TOWN OF NORTH TOPSAIL BEACH
Board of Aldermen Workshop
September 23, 1991

PRESENT: Mayor W. Rodney Knowles, Mayor Pro-Tem Marian Harkins, Aldermen Peter Hillyer, Edward Warsaw, Melinda Whitney and Stella Tripp, Town Manager Gary Britt and Deputy Town Clerk Sharon Braswell. Town Attorney Marshall Dotson and Town Clerk Ann Vause were absent.

CONVOCATION: Mayor Knowles called the meeting to order at 7:05 p.m. at the North Topsail Beach Town Hall and declared a quorum present.

RESIGNATION OF TOWN ATTORNEY: Mayor Knowles announced to the Board that at 5:00 p.m. he received Marshall Dotson's resignation from the position of Town Attorney. The resignation states that due to other responsibilities and commitments, it is in his best interest to resign as Town Attorney.

General discussion followed regarding the date of the resignation and possible replacements, etc.

ALDERMEN'S
REQUEST - LAND
USE PLAN:

Mayor Knowles advised the Board of a request submitted by Alderman Tripp. Alderman Tripp requested the Board not vote on anything concerning the Land Use Plan until her return from vacation. Mayor Knowles said that the Board as a whole would have to make any decision regarding a vote. Alderman Warsaw advised the Board that he would also be out of town for the next scheduled Board meeting. Further discussion followed regarding voting on the Preliminary Land Use Plan.

FALCON CABLE: Information regarding Falcon Cable's addition of seven channels to their program listing was given to the Board by Town Manager Britt.

Discussion followed on problems with Falcon Cables service, connections needed for homes located in Ocean Ridge area, etc.

LAND USE PLAN: Mayor Knowles advised that this is a questioning workshop for the Land Use Plan. He advised that we should make a list of questions to present to the Land Use Plan Committee for their meeting on Thursday, September 26, 1991.

Mayor Knowles said that this Land Use Plan has to be presented on a time schedule. There could be serious implications to homeowners if not turned in on time. Mayor Pro-Tem Harkins asked if all maps were included in packets. A discussion on the contents of the packets provided by Ken Weeden and the Land Use Plan Committee followed.

Alderman Warsaw stated that they should have received a finished document. This should have been proof-read and fixed. He said he does not approve an unfinished document. Mayor Knowles said this is a part of a procedure, not an approval of the finished document. The approval of the

Discussion on the meaning of "preliminary" and the approval of a preliminary document followed. Alderman Warsaw explained his discomfort with the guidelines. He said this document is missing goals, objectives, and a table of contents, it has no structure. Mayor Pro-Tem Harkins agreed with Alderman Warsaw on the non-clarity of the Land Use Plan. She said that due to the amount of mistakes and errors, it is difficult to make sense of the content. Alderman Whitney said this is the first time all information was put together. Much of the information is regarding mandated items so these items have to be there.

General discussion followed on the problems with grammar, organization and steps taken before the plan is officially signed. Town Manager Britt said that the plan will have to go to the State and Federal levels before adoption. They will look it over and send it back with a list of changes, comments, corrections, etc. needed. Once the Board has made these recommended changes, there will be a Public Hearing and approval of the final document. Then it will go to the State and Federal agencies again for their approval.

More discussion followed on problems understanding layout, word usage in document, topic with appropriate titles, etc. Alderman Warsaw asked if the Land Use Plan Committee could compile an outline to help in understanding the document. Alderman Whitney said she was pleased with the contents of the document, but the layout needs work and definitions need to be clearer. Alderman Tripp said she wants the figures used double checked for accuracy. Mayor Pro-Tem Harkins said that the lot coverage needed to be more clear. Questions regarding marinas, lot sizes and lot coverage were discussed. Alderman Whitney said the Public Information meeting held on August 15 helped explain some of these meanings. Comments were made regarding the next 5 years and the impact this Land Use Plan will have on the future. Suggestions for the sale of dune plants to help with the erosion, aerial surveys and the cost of each were discussed.

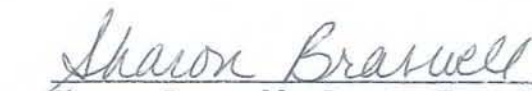
More general discussion followed on effect of Land Use Plan on property, conservation areas, platted land, conditional and non conditional use land, grandfather clause on new property purchases, etc.

Alderman Hillyer advised the Board that a table of contents will be provided by the next scheduled meeting. Alderman Warsaw requested a glossary with terms also.

Board members discussed meeting the following Monday, September 30, 1991. No time will be set until Haskell Rhett or Ken Weeden are contacted regarding their presence at this meeting.

ADJOURNMENT:

A motion was made by Mayor Pro-Tem Harkins and seconded by Alderman Melinda Whitney to adjourn the meeting at 8:35 p.m. Passed unanimously.


Sharon Braswell, Deputy Town Clerk

TOWN OF NORTH TOPSAIL BEACH
REGULAR BOARD MEETING
October 16, 1991

PRESENT: Mayor Rodney Knowles, Mayor Pro-Tem Marian Harkins, Aldermen Edward Warsaw, Stella Tripp, Peter Hillyer and Melinda Whitney, and Deputy Town Clerk Sharon Braswell. Attorney Marshall Dotson, Town Manager Gary Britt and Town Clerk Ann Vause were all absent.

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

AGENDA: Mayor Knowles asked the board if they had any questions or comments on the agenda. None were made.

APPROVAL OF MINUTES: The Board discussed the minutes from the September 4th, 1991 Regular Board Meeting, September 11th, 1991 Regular Board Meeting, September 18th, 1991 Special Meeting, September 18th, 1991, Regular Board Meeting and the September 23rd, 1991 Regular Board Meeting. The only comment made was that the Board of Adjustment meeting held on September 4, 1991 should be held until the attorney is present at a Board of Adjustment meeting and approved then. A motion was made by Mayor Pro-Tem Harkins to accept the minutes as written and to hold the minutes of the 9/04/91 meeting until the next Board of Adjustment meeting. Motion seconded by Alderman Whitney. Motion passed unanimously.

Mayor Knowles advised the Board and the approximately 40 citizens present that Town Manager Britt is absent due to his Mother's surgery. He said that Mrs. Britt is recovering and is stable. Mayor Knowles also told all present that Town Clerk Vause is absent due to the birth of her first grandchild, a 7 lb. 12 oz., 23" baby boy. He said that both baby and Mom are doing fine.

WATER SYSTEM: Mayor Knowles told all present that Town Manager Britt has received a letter from Onslow County Manager Rick Leary regarding the water problems on the island. Mayor Knowles read the following:

"Several months ago you provided me with copies of a report rendered by the engineering firm of McKim & Creed following North Topsail Beach's having engaged it to conduct an analysis of the water system serving the Town. Copies of this report were disseminated to our Utilities Department, Members of the Water and Sewer Advisory Commission, and Members of the Board of County Commissioners. During the time since this report was provided to us the information pertinent to the County's water system and the delivery of potable water to consumers has been reviewed and evaluated. Our water system was constructed with both grant and loan financial assistance from the Farmers Home Administration, and the intent of this system was, and continues to be, to provide potable water to consumers.

The County's water system currently meets the demand for potable water within your jurisdiction, and the County is constantly evaluating potential improvements to ensure a continued capability to meet the demands for potable water throughout the county as well as within your jurisdiction. Several projects have been undertaken or are being planned which will have a direct beneficial affect on North Topsail Beach and the water system's ability to continue to serve your town. These improvements are as follows:

1. Booster pump stations are being upgraded to overcome the increasing head pressure of the system. Specifically, the Verona booster pumps which provide water to North Topsail Beach are being increased in size from 750 gallons per minute to 1,250 gallons per minute.
2. The projects outlined in Number 1 above will increase flow capacity, but to assist in lowering head pressures a parallel 12" water main has been installed from the intersection of Highway 210 and Highway 17 to the Sneads Ferry elevated storage tank.
3. We concur that the remaining portion of the 6" water main along SR 1568 needs to be replaced. We are currently anticipating that the Department of Transportation will undertake to relocate the portion of SR 1568 along which this 6" line is located, and when this occurs the relocated water main will be increased to a 12" line. This will increase both flow and pressure at the north end of the island.
4. In an effort to ensure that the County will be able to continue to meet the demands resulting from increased consumption an alternate source of water is being pursued. A pilot test well has been installed in the Castle Hayne Aquifer in the Sneads Ferry area, and if the County proceeds to develop wells in the aquifer and to construct a treatment plant in this vicinity the result will be to increase system pressure at North Topsail Beach.
5. The County Engineer has been asked to begin preparation of plans and specifications for installing a water line crossing under the inland waterway from the Chadwick Acres area to the north end of the island. This crossing will provide a loop feed and would increase circulation and provide a secondary source of water flow to the island. Onslow County remains committed to ensuring that customers of its water system will continue to receive a high quality supply of potable water. When needed, projects will be undertaken to ensure this objective. These projects will be quite expensive, although necessary.

We are pleased to be able to provide potable water to the residents and visitors of North Topsail Beach. We are committed to ensuring that the current level of service will be continued and improved as time passes. Please contact me if you have any questions or comments regarding the County's position on this matter."

Alderman Tripp asked how the county feels about the water

tank proposed for the north end. Mayor Knowles advised that this is something we will have to work with the county on. He also said that the proposals from Rick Leary will take 3 - 5 years to be completed.

A general discussion on the problems with water pressure followed.

Mayor Knowles read a letter from Marshall Dotson to those present. This letter gave advisement on the issues discussed on this evenings agenda.

VESTED RIGHTS: Mayor Knowles asked Mr. Bill Parr, Chairman of the Planning Board, to address this subject.

Mr. Parr said that the N. C. Legislative passed the Vested Rights Law and it went into effect on the first of October of this year. He explained that Vested Rights are to protect people from Zoning changes after their property has been approved. He also explained the involvement of the League of Municipalities and the NC Home Builders Association. Chairman Parr advised the Board that proper ordinances must be adopted.

Chairman Parr said there are 2 options on length of time Vested Rights are good for, 2 years or 5 years. Chairman Parr advised the Board that it is the Planning Board's suggestion that a 2 years Vested Rights is the better choice for our Town.

Alderman Warsaw said that certain terms in the Model Ordinance on Vested Rights need to be defined. He also asked why a separate application was needed for Vested Rights. Chairman Parr advised that an application for subdivision only includes that subdivision, but an application for Vested Rights includes the subdivision it is referencing. He also said that all Vested Rights should be separate from each other. Chairman Parr requested a Public Hearing be held by the Board of Aldermen on Vested Rights.

Mayor Knowles polled the Board on possible dates for the Public Hearing on Vested Rights. The decision was made for November 6th, 1991, prior to the Regular Board of Aldermen Meeting.

ROYAL DUNES: Mayor Knowles asked Mr. John Parker, Vice President of James E. Stewart & Associates, to address the Board. Mr. Parker advised the Board that due to the situation of sewer unavailability, they were requesting a one year extension on their permit. Chairman Parr told the Board that Royal Dunes has the approval of the Planning Board.

Discussion followed concerning the public access in Royal Dunes. Mayor Pro-Tem Harkins said that the developers should provide the actual crossover with the public access.

A motion was made by Alderman Tripp to extend the Royal Dunes permits by one year. Motion was seconded by Alderman Hillyer. Passed unanimously.

PROPOSED
CHANGES TO
ZONING
ORDINANCE:

Planning Board Chairman Parr told the Board of Aldermen that major and minor changes have been made. The Planning Board has put in many hours trying to correct the Zoning Ordinance with workshops.

Chairman Parr explained some of the changes and advised the Board that the entire Section 17 has been changed. He suggested a workshop with the Board of Aldermen and the Planning Board to go over the Zoning Ordinance.

Alderman Warsaw made a motion for a workshop on the Zoning Ordinance with the Board of Aldermen and the Planning Board. Mayor Pro-Tem Harkins made a suggestion to have a public meeting on the workshop on November 6, 1991, with the Regular Board meeting. Motion for workshop was seconded by Alderman Hillyer. Passed unanimously.

CONFLICT OF
INTEREST:

Alderman Hillyer requested this section be postponed until the Aldermen's report. Request approved.

MINORITY
PARTICIPATION
IN BUILDING
CONTRACTS:

Mayor Knowles addressed the subject of minority participation in building contracts. Alderman Whitney asked what the present local percentage is on minority participation. She said that instead of basing our percentage goal at 8%, to multiply the current percentage by 2 and use that figure as our goal.

Further discussion on this subject will be continued at the November 6th, 1991 Regular Board meeting.

FINANCING
POLICE
VEHICLES:

Mayor Knowles advised those present that the interest rates to finance the new police vehicles to be purchased needed to be discussed. Mayor Pro-Tem Harkins said that she had requested the current interest rates on the money we have in the bank. She stated that interest received on bank accounts was less than the interest to be paid on financing. She said she had spoken with Attorney Dotson and is in agreement with him on why the Town should look at outright purchasing of the vehicles and not have to pay interest on financing.

General discussion followed on the budgeted amount provided for vehicles, the type of vehicles to be purchased, and why they were chosen, options and warranties included with vehicles purchased.

Mayor Knowles advised that there would have to be two motions made on this. One - a Budget amendment to transfer funds to the Police accounts. The other on the purchase of the vehicles.

Alderman Whitney asked Chief Perozzi if it would be cost efficient to keep the older Bronco if a third is purchased. Chief Perozzi said that it would cost approximately \$3,000 to get it in proper running order. He said that the Bronco's are necessities. If a third Bronco is purchased, the first one will be sold.

General discussion followed on the necessity of Broncos, the quantity of vehicles in the police department, etc.

A motion was made by Mayor Pro-Tem Harkins to purchase the 1 additional Bronco and 2 Taurus'. Motion seconded by Alderman Whitney. Passed unanimously.

MANAGER'S
REPORT:

In the absence of Town Manager Britt, Mayor Knowles read the literature provided by the Manager for his report.

Mayor Knowles read a memo from Manager Britt which explained that due to his absence the subject of River Road was not included on this agenda. He read the following letter from Attorney Dotson regarding River Road:

"I received a copy of a letter dated August 27, 1991, in my town package from Daniel Tuman regarding River Road and the Petition to the town by owners along a portion of River Road for the Town to accept the road as a Town street and maintain the same.

At a previous meeting it was my impression that the Board of Aldermen denied the Petition but did permit some minor improvements. Mr. Tuman was correct in his letter that the Town Attorney is not an elected member of the Board. However, his other assumptions are off the mark.

There are several issues in connection with accepting a Petition by property owners to undertake maintenance of streets through dedications. Some of the considerations are as follows:

1. The offer of dedication must be made by the legal owners or at least with their consent. In the case of River Road not all of the legal owners consented to the Petition that Mr. Tuman presented. The fact that the developer recorded a map depicting River Road and lots abutting the road and sold lots with reference to the map constitutes a dedication of purchasers of those lots acquired the right to have the street kept open. This does not make the streets "public".
2. The fact that these subdivided lots are now located in the corporate limits of the Town of North Topsail Beach does not constitute River Road as a public way within the meaning of the laws of this State. The Town may not be forced to maintain a Street by an offer of dedication such as the recording of a subdivision map and the sale of lots as in the case of the lots along River Road.
3. The fact that others use the road which runs through the subdivision in question to lands outside the actual

subdivided lots along River Road does not make the road a "public road" within the meaning of the laws of the State of North Carolina. Mr. Tuman and others purchased their property under a deed which referred to a recorded plat. The plat itself provides:

"all streets shown on the within platted property are for the private use of the property owners of lots 1 through 352."

Only lots 1 - 31 are shown on map recorded in Map Book 20, Page 27 (map attached); the balance of the lots are shown on sheet 2 recorded in Map Book 20, Page 106 (map attached).

Responsibility for Repairs: As to lot numbers 1-12 shown on map recorded in Map Book 20, Page 27, which includes Mr. Tuman's lot, these lots were purchased subject to a Declaration of Restrictive Covenants Conditions and Restrictions recorded in Book 631, Page 797. In addition to restricting the property to residential purposes Article V of the Declarations provide for the creation of a lien and personal obligation of assessments against each property owner for capital improvements, maintenance, re-construction, repair, re-surfacing of the road-way as appears on the recorded plat. This right of assessment continues and no one is exempted unless the property in question is dedicated to and accepted by a governmental body and devoted to public use. Apparently Onslow County is the owner of lots 29, 30 and 31 as shown on the recorded plat which lots were conveyed subject to the same Restrictions and Declarations Mr. Tuman's lot was conveyed. Obviously purchasers are deemed to know the status of the record when they purchased the lots, including the obligations to be incurred by virtue of Declaration of Restrictive Covenants such as assessments.

Combined with these facts there is another underlying problem. In 1955 there was a former division of the properties at the North end of the beach called the Grant division. In this division among family members a road-way easement was designated in the division for the perpetual use of the family members through the lots of the division leading to the inlet. A copy of this map is enclosed for your review as well as the judgment from the division. There are living descendants from the Grant family who are entitled to access over this easement. The only access that now exists is River Road.

An important factor to be considered is, assuming that all the requirements of the offer of dedication were present, that is all of the owners signed off on the Petition for Dedication, there must be an acceptance of the offer of dedication by the Town. This acceptance must be evidenced in some recognized legal manner such as maintaining the streets or opening the streets. Once accepted by the town the dedication is irrevocable. The town may close the street only by Statutory procedure after a public hearing upon a finding that access for adjoining property owners would not be adversely affected.

Possible Consequences: In the case of River Road, if the Town of North Topsail Beach assumes the responsibility and maintenance of River Road the Declaration of Covenants and Restrictions as it affects lots 1-12 on River Road and as it relates to requirement of property owners to maintain River Road, would no longer be in effect. Notwithstanding this fact the Town has the right to accept a legal dedication and maintain the road or streets or street in such a manner as the Town deems necessary. However in the case of the Town of North Topsail Beach the Town by it's own ordinances have established standards for the construction and maintenance of private road-ways. These standards must be reviewed as they may apply to River Road or streets like River Road. Then of course the question remains if that portion of River Road described in the Petition submitted by Mr. Tuman were to be accepted for maintenance by the Town, what about the remaining portion of River Road that extends to the other 321 lots referred to on the plat.

4. The final explanation but without solution is the fact that these lots were sold and purchased before the Town of North Topsail Beach came into existence. Obviously many property owners who bought lots on this island whether they knew it or not, entered into agreements with the developers. In the case of North Topsail Shores particularly lots 1-12 these purchasers agreed to assess each other for capital improvements, repairing and resurfacing the road-ways as appears on the recorded plat. These agreements should not now be a surprise to the property owners. Is it appropriate for the Town to assume the maintenance and construction of the "private streets" as agreed upon between the developer and the property owners any more so than they would go into a private development such as Ocean Ridge or Lacosta Bay and improve and maintain those streets with public funds.

Finally and on a personal note I would like to see River Road properly repaired. However, these repairs should be made according to a plan by persons with sufficient expertise to ascertain that the repairs would be durable and would not adversely affect underground lines or utilities which probably wander in and under the road bed in some fashion. Perhaps this could be a joint effort between the affected property owners by way of assessment or contribution, the County and the Town of North Topsail Beach. Obviously there is no easy approach to the problem and within certain limits it will ultimately be a policy decision for the Town Board to make."

Mayor Knowles advised those present that a presentation of the final report of the Steering Committee for the I-40 Economic Impact Study has been scheduled for November 6, 1991, the same night as our next scheduled meeting. Those interested in attending may do so. Town Manager Britt advised that the November 6, 1991 Board meeting would have to be delayed if this function is attended.

Mayor Knowles also reminded those present that on October 31st, 1991 at 1:00 p.m. the Department of Transportation will be meeting at the North Topsail Beach Fire Department to discuss the relocation of SR 1563.

At this time the Board decided to set a date for the joint workshop with the Planning Board on the zoning changes. A decision was reached to have this on Thursday, October 24th, during the Planning Board's regular scheduled meeting, with the workshop starting at 7:30 p.m.

ALDERMEN'S
REPORTS:

Alderman Whitney

She asked those present to please welcome home her husband, Ben Whitney, from Saudi Arabia.

Alderman Hillyer

He advised the Board members and the citizens present that what he had to talk about was personal. Alderman Hillyer referenced an article in the Wilmington Star addressing the fact that he and his wife, Ginny Hillyer, are Board members in the Town and the question of conflict of interest.

Alderman Hillyer stated that although he and Ginny are both members of Town boards, there is nothing illegal, unethical or conflict of interest in this situation. There is no law in the State of North Carolina or with the Institute of Government that prohibits spouses or family members to participate on different Boards in the same municipality.

Comments were made by various citizens present concerning this. Margaret Stackleather, Planning Board member and current candidate for Alderman, asked to address Alderman Hillyer's comments. Mayor Pro-Tem Harkins and Alderman Whitney advised Mrs. Stackleather that her comments would have to be made during the open forum section of this meeting.

No further comments were received from the Aldermen or the Mayor.

OPEN FORUM:

Margaret Stackleather

She said that she is the person that made the comments printed in the Star News to whom Alderman Hillyer referred. She explained her reasoning for thinking there is a conflict of interest with Alderman Hillyer and Planning Board member Hillyer being involved on Town Boards. She said that Alderman Hillyer should not be allowed to vote on the Land Use Plan because Planning Board member Hillyer had such a big part in creating the Land Use Plan.

Bill Parr

Planning Board Chairman Parr said there was no talk of conflict of interest when Planning Board member Hillyer was nominated to Chair the Land Use Plan.

Sam McGinn

He stated that he was the one to whom Alderman Hillyer referred. He said he felt there was a conflict of interest due to the fact that Mrs. Hillyer is on the Land Use Plan Committee and that Mr. Hillyer would be biased in voting to accept the Plan. He said he thought that one of the Hillyers should back out of the vote on the Plan.

Jamie Sanders

He stated that he was speaking in behalf of the Citizens Involvement Association and that they are not endorsing or a supporter of the Bugle Sounds. He also said that the CIA opposes family members working on appointed boards together. He also stated that Board meetings should not include campaign issues.

Melvin Altbaum

He stated that although Mrs. Hillyer is on the Planning Board and the Land Use Plan Committee, she has only one vote with the Planning Board. If people had a problem with her working on the Land Use Plan Committee and being able to vote on the Plan as a member of the Planning Board, why didn't these people show up at any of the public meetings for the Land Use Plan and say something then. He said the Land Use Plan went by the surveys received for their data. Meetings on the Land Use Plan were advertised, but no one ever showed up. He said that now everyone is saying that what was done is illegal. There is nothing illegal. Onslow County advised us on what was needed and we followed their advisement.

Jules Craifaf

He spoke about the Hillyers both being on appointed Boards. He said that it didn't matter that Mrs. Hillyer was appointed before Alderman Hillyer was elected. He said that once Alderman Hillyer was elected, the conflict of interest began and at that point one or the other should have resigned their position.

Sam McGinn

He reiterated his feelings about Mr. & Mrs. Hillyer being on Boards. He said neither should be allowed to vote on the Land Use Plan.

Dan Tuman

He asked about the River Road petition and what the Board will do next concerning River Road. He said he hoped that sometime soon the Board will take some sort of action.

Mayor Knowles advised that when Town Manager Britt returned he would need to speak with Onslow County Manager Rick Leary concerning River Road.

Sue Tuman

She said that due to the lack of volunteers for the various town committees and boards, that the conflict of interest is hard to get around. She said that it is wrong to say that because a member of a family is already on a Board that other family members cannot volunteer to serve. She said a conflict of interest is always there, whether the people are related or not.

Mayor Pro-Tem Harkins said that anyone should feel that they can become involved in any Town group.

Alderman Whitney stated that for clarification, Alderman Hillyer was asked by the Board of Aldermen, not his wife, to edit and index the Land Use Plan primarily because of his background in journalism.

Ginny Hillyer

She stated that because Ken Weeden, of Weeden & Associates, was hired to do this work with the Land Use Plan, she referred the indexing and editing to him rather than have Alderman Hillyer do the work.

Marty Bostic


He passed out a letter to the Board members concerning a problem he had obtaining copies of the Land Use Surveys that are kept in Town Hall. He said he tried to locate these items through Town Hall, and it wasn't until he contacted Town Clerk Vause that he was shown the surveys.

A comment was made to question Town Manager Britt concerning this when he returns.

No further comments were received from the citizens present.

ADJOURNMENT:

A motion was made by Alderman Tripp to adjourn the meeting at 8:45 p.m. Motion was seconded by Alderman Whitney. Passed unanimously.


Sharon Braswell, Deputy Town Clerk

TOWN OF NORTH TOPSAIL BEACH
SPECIAL BOARD MEETING
OCTOBER 21, 1991

- PRESENT: Mayor W. Rodney Knowles, Mayor Pro-Tem Marian Harkins, Aldermen Edward Warsaw, Stella Tripp, Peter Hillyer and Melinda Whitney, Town Manager Gary Britt, Planning Consultant Ken Weeden, Land Use Plan Committee Chairman Ginny Hillyer and Town Clerk Ann Vause. Town Attorney Marshall Dotson was absent.
- CONVOCATION: Mayor Knowles called the meeting to order at 7:00 p.m., at the North Topsail Beach Town Hall, and declared a quorum present.
- WORKSHOP -
LAND USE PLAN: Mayor Knowles advised this was a workshop on the Preliminary Land Use plan and that Ginny Hillyer and Ken Weeden were present to answer questions on the plan.

Mr. Ken Weeden reviewed the submission schedule, State agencies that will review the plan and submit comments, advertisement requirements and public hearing time frame. He said the preliminary plan would be available for public inspection thirty (30) days prior to the public hearing. The final plan should be available by April, 1992. Mr. Weeden said this is the first Land Use Plan for North Topsail Beach and it will give input on future growth of the Town, protection of the environment, etc. He said the Town could refuse to adopt the Land Use Plan, however, if they did the State would come in and do a plan for the Town because it is required.

A discussion was held on process to handle amendments, if required; why it was a five year plan instead of a two year plan; the misunderstanding about not being able to rebuild a destroyed structure on a lot less than 20,000 square feet; and the fact that the plan addresses unplatted property only.

After the discussion, the Board requested the following changes:

- 1) Page 15, #5 "Outstanding Resource Waters"
- change words on the 4th line from the bottom from "may be" to "are";
- 2) Page 36, "Police Protection"
- update the number of police officers;
- change words in 4th paragraph from "realignment" to "relocation";
- 3) Page 44, "Public Trust Areas: Policies"
- remove word "generally" from the 6th sentence from bottom of "c";
- removal wording "Bulkhead to Prevent Erosion";
- 4) Page 44 - "1. Policy Choices"
- a. decided to remove the words recreation/commercial but leave word marinas;
- 5) The Board requested a statement be added to advise property owners that rebuilding on

plated, recorded lot as of January 1, 1992, can be done, but, they must be rebuild according to current zoning policy.

ADJOURNMENT:

A motion was made by Alderman Whitney and seconded by Alderman Warsaw to adjourn the meeting at 10:25 p.m. Passed unanimously.



Ann Vause - Town Clerk

TOWN OF NORTH TOPSAIL BEACH
SPECIAL BOARD MEETING
OCTOBER 24, 1991

- PRESENT: Mayor W. Rodney Knowles, Mayor Pro-Tem Marian Harkins, Aldermen Edward Warsaw, Peter Hillyer and Melinda Whitney, Town Manager Gary Britt, Planning Board members Bill Parr, Bill Rogers, Jack Dempsey, Margaret Stackleather and Ginny Hillyer, Planning Board Secretary Susan Daughtry, and Town Clerk Ann Vause. Alderman Stella Tripp and Town Attorney Marshall Dotson were absent.
- CONVOCATION: Mayor Knowles called the meeting to order at 7:30 p.m., at the North Topsail Beach Fire Department, and declared a quorum present.
- STATEMENT FROM ALDERMAN TRIPP: The following statement from Alderman Tripp was presented to the Board of Alderman and Planning Board:
- "Due to the lack of legal counsel for the Town of North Topsail Beach at workshop and Planning Board meeting Thursday, October 24, 1991, at 7:00 p.m./7:30 p.m., I do not feel comfortable making decisions that will affect all the citizens of North Topsail Beach without legal counsel".
- WORKSHOP -
PROPOSED ZONING
ORDINANCE
CHANGES: Mayor Knowles said this was a joint meeting with the Planning Board to review proposed changes to the Zoning Ordinance.
- Mr. Bill Parr, Chairman of the Planning Board, requested questions/comments from the Board of Aldermen on the proposed changes.
- Questions were asked and a general discussion was held on the proposed changes, particularly definition of front and back yard as they pertain to ocean front property. Other items discussed were: satellite dish restrictions, zoning permit application time, making 35' height moritorium on buildings permanent, removing permission for adult establishments from zoning ordinance and public hearings by the Planning Board and Board of Aldermen.
- Mayor Knowles advised a public hearing, to receive citizens comments on the proposed changes, has been scheduled for Wednesday, November 6, 1991, at 7:00 p.m., at the North Topsail Beach Fire Department.
- ADJOURNMENT: A motion was made by Alderman Whitney and seconded by Alderman Hillyer to adjourn the meeting at 10:00 p.m. Passed unanimously.


Ann Vause - Town Clerk

TOWN OF NORTH TOPSAIL BEACH
REGULAR BOARD MEETING
NOVEMBER 20, 1991

- PRESENT: Mayor W. Rodney Knowles, Mayor Pro-Tem Marian Harkins, Aldermen Edward Warsaw, Stella Tripp, Peter Hillyer and Melinda Whitney, Town Manager Gary Britt, Town Attorney Marshall Dotson and Town Clerk Ann Vause.
- CONVOCATION: Mayor Knowles called the meeting to order at 7:05 p.m. at the North Topsail Beach Fire Department building and declared a quorum present.
- APPROVAL OF AGENDA: Alderman Hillyer said the planning board has requested the public hearing on zoning ordinances be postponed until the December meeting. A motion was made by Alderman Hillyer to postpone the public hearing on proposed changes to the North Topsail Beach Zoning Ordinance. Mayor Pro-Tem Harkins said all of the new board members were present and she did not like to postpone a public hearing once it was advertised and the public planned to attend. After a brief discussion, the motion to postpone the hearing was seconded by Alderman Tripp. Voting aye: Aldermen Hillyer, Tripp and Warsaw. Voting nay: Mayor Pro-Tem Harkins and Alderman Whitney. The motion carried.
- PUBLIC HEARING: VESTED RIGHTS-ZONING: Mayor Knowles opened the public hearing on vested rights under zoning at 7:07 p.m. and requested the Town Manager explain the purpose of this procedure to the 60 citizens present. Town Manager Britt said the proposed ordinance was modeled after one proposed by the League of Municipalities. Attorney Dotson said there are two ways vested rights under zoning are currently acquired. One is through the building permit which is good for up to 6 months. The second is having a contract, developing plans according to zoning ordinance requirements and expenditure of funds on project. If these requirements and the zoning changes are met the developer has common law vested right. Under the new legislation, if a developer/individual provides necessary information to the planning board, meets the criteria and is approved they will have a two year vested right under zoning. The North Carolina General Statutes allows five years vested rights, however, the League of Municipalities and most planning boards use two years.

Jim Harris - Surf/Sound Mobile Home Park

Does 2 year vested right apply to 5,000 sq. ft., or more, lots? Would individual have a maximum of two years to develop? Attorney Dotson said the new rules will be more intense. They will require site plans, that must be approved by the planning board, more detail information on the application and development plans, etc.

Mayor Pro-Tem Harkins

There was a schedule of fees. Would this be separate from the ordinance? Attorney Dotson advised it provides for fees to be set from time to time. He said some fees may increase and explained why.

No further comments were received. A motion was made by Alderman Hillyer and seconded by Alderman Whitney to close the public hearing on vested rights under zoning at 7:12 p.m. Passed unanimously.

PUBLIC HEARING:
MINORITY
PARTICIPATION
IN CONTRACTS:

Mayor Knowles opened the public hearing on the resolution establishing a percentage goal for participation by minority businesses in the awarding of building construction contracts pursuant to GS 143-128 at 7:12 pm and requested the Town Manager explain the resolution. Town Manager Britt said the setting of percentage goals for minority participation in building contracts over \$100,000 is required by State legislation. In 1989 the legislature established the requirement that towns/counties with \$100,000 projects adopt this resolution to enhance/encourage minority participation in contracts. He said he contacted towns and counties around our area to project an average percentage to use for minority participation. Some have not set goals because they have not had contracts of \$100,000 or more. The average percentage, for those that have set goals, is 10%. Town Manager Britt said he recommended the Town use 10%. We are in the process of obtaining a list of local minority businesses so they can be notified and given an opportunity to bid on any contract over \$100,000.

A discussion was held on relation to affirmative action, State agency that monitored this type of activity, possible number of minority businesses and contracts the Town may have that would be \$100,000 or more.

No citizens comments were received. A motion was made by Alderman Whitney and seconded by Alderman Hillyer to close the public hearing at 7:20 pm. Passed unanimously.

APPROVAL OF
MINUTES:

A motion was made by Alderman Warsaw and seconded by Alderman Hillyer to accept the minutes of the Regular Board Meeting held October 16, 1991, Special Board Meeting held October 21, 1991 and Special Board Meeting held October 24, 1991, as written. Passed unanimously.

FISCAL YEAR
1991-92 BUDGET
AMENDMENTS:

Town Manager Britt said the proposed budget amendment provides for one 4-wheel drive bronco and two Ford Taurus' and radio and lights for one (1) vehicle for the police department, a total of \$43,000. It also provides for the transfer of \$52,800 from the Capital Reserve Fund to the General Fund to pay for engineering fees and site

preparation cost on the new north end fire station. Alderman Tripp asked if the funds for the police vehicles was coming from the fund balance. Town Manager Britt advised yes.

After a brief discussion, a motion was made by Mayor Pro-Tem Harkins and seconded by Alderman Hillyer to adopt the following budget amendment:

AN ORDINANCE AMENDING THE TOWN OF NORTH TOPSAIL BEACH BUDGET ORDINANCE FOR FISCAL YEAR 1991-92.

BE IT ORDAINED BY THE TOWN OF NORTH TOPSAIL BEACH BOARD OF ALDERMEN MEETING IN REGULAR SESSION THIS 6TH DAY OF NOVEMBER, 1991, THAT THE BUDGET ORDINANCE FOR FISCAL YEAR 1991-92 ADOPTED JUNE 26, 1991, AMENDED AUGUST 21, 1991, IS HEREBY AMENDED AS FOLLOWS:

GENERAL FUND:

REVENUES:

Current years property taxes	\$ 665,836.00
Taxes, Prior Year (1989/90 & 1990/91)	79,940.00
Inventory Tax Reimbursement	14,000.00
Tax Penalties/Interest	7,000.00
Privilege License	1,200.00
Cable Franchise	5,000.00
Interest - Investments	49,000.00
Miscellaneous	1,000.00
Utilities Franchise Tax	23,000.00
Intangible Property Tax	15,000.00
Beer & Wine Tax	1,500.00
Powell Bill Allocation	17,000.00
Local Option Sales Tax	40,000.00
Grant/Dept. of Insurance-Fire	11,376.00
Building Permits	18,000.00
Mechanical Permits	480.00
Electrical Permits	2,580.00
Plumbing Permits	1,020.00
No Permit Fees	1,200.00
Inspection Fees	7,000.00
CAMA Permits	1,000.00
Tax Refunds	3,000.00
Tax Refunds - Gasoline	2,000.00
Other State Revenues	500.00
Fund Balance Appropriated	43,000.00
Transfer from Capital Reserve	52,800.00
TOTAL	\$1,063,432.00

EXPENDITURES:

Governing Body	19,441.00
Administration	197,254.00
Inspections	78,967.00
Police	302,798.00
Public Works	45,469.00
Street Department	10,000.00
Street Improvements	17,000.00

Fire	350,499.00
Contingency	26,004.00
Elections	2,000.00
Buildings & Ground Maintenance	1,500.00
Sanitation	<u>12,500.00</u>

TOTAL	\$1,063,432.00
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CAPITAL RESERVE FUND:

REVENUES:

Reserve for Water Improvements	\$ <u>27,800.00</u>
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TOTAL	\$ 27,800.00
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EXPENDITURES:

Water System Improvements	\$ <u>27,800.00</u>
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TOTAL	\$ 27,800.00
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DULY ADOPTED THIS THE 20TH DAY OF NOVEMBER, 1991.

TOWN BASE
MAPS:

Town Manager Britt said the Town is still using maps prepared when Onslow County controlled zoning. The planning board requested they be updated to assist them with the planning process. Updated maps would provide us with information we do not have, as well as, assist with the Land Use Plan review. The maps would provide platted property in Town, incorporate changes in zoning, subdivision, accesses, etc. Town Manager Britt advised he requested informal bids to update base maps. The following bids were received: 1) Roger A. Briggs, Planning Consultant - \$790.00; 2) James E. Stewart & Associates, Inc. - \$1,960.00; 3) McKim & Creed - \$2,800 to \$3,200.00.

A discussion was held concerning bids, and bidders qualifications. Town Manager Britt advised funds for this project were not budgeted, however, there is \$1,000 for consultants in the inspections line items and this item would qualify under that category.

After a brief discussion, a motion was made by Alderman Whitney and seconded by Mayor Pro-Tem Harkins to award the bid to update Town base maps to Roger A. Briggs, Planning Consultant, for his bid of \$790.00. Passed unanimously.

RULES OF
PROCEDURE:

Mayor Pro-Tem Harkins said she requested the rules of procedure, tabled by the Board at an earlier meeting, be brought to the Board for review. However, because we have a new board beginning in December, it seems appropriate for the new board to adopt their rules of procedure. A motion was made by Mayor Pro-Tem Harkins and seconded by Alderman Tripp to postpone the rules of procedure discussion until a later date. Passed unanimously.

BULK CONTAINER
SITE:

Town Manager Britt said the bulk container site has been open since the middle of July. After some adjustment, the schedule has been fine tuned. We now have 5 containers that are emptied twice a week. The conditional use permit for the site was a temporary one, as was the lease on the property. He said he would like to see the site continue and requested the extension conditional use permit be put on the planning board agenda for November 21st. Also, the lease agreement with Hunter Heath Estates needs to be renewed. He recommended the Town pay \$150 a month instead of \$100, extend the lease to June 30, 1992, with a provision to extend the lease through June 30, 1993. In addition, he recommended a 60 day termination of lease clause, for either party, because he did not believe the property owners would like to be tied to a two year lease. Attorney Dotson advised he has talked with trustees and they are willing to extend the lease but they wanted a 60 day clause so either party could cancel the lease.

Alderman Tripp requested figures on the cost to date. Town Manager Britt said at the end of November, the cost will be \$7,000, for property lease, improvements to lot, and containers from July through November. A full years cost is estimated to be \$16,000 which is minimal when you consider 6 months ago bids on curb side pick-up ranged from \$78,000 to \$100,000 for a year. He said even if the Board elected to open a second site on the north end it would cost less than curb side pick-up.

After a brief discussion, the Board requested the Town Manager proceed with the Planning Board and prepare information for final approval next month.

RIVER ROAD:

Town Manager Britt said River Road is a special situation. When the town incorporated it accepted all public streets that were not private or on the state system. Some qualified for Powell Bill Funds, some did not. River Road was not accepted because it is a private road, but, it is heavily used by the public and is the only road that leads to a county access. The Town has spent minimal funds (\$700) on repairs to River Road. He recommended for the public health, safety and welfare the Town take immediate action to repair this road while a permanent solution which includes the Town, County, and Property owners, is studied by the Planning Board. The county has offered to share certain costs for temporary repair but, if we include the County in temporary action now the County may feel they do not want to participate later in a permanent solution. He said he recommended the Town pay for temporary repairs and ask the county to share the cost when a permanent solution is determined.

A discussion was held on previous repairs, type of temporary repairs needed, previous way streets were determined private or public, problems with bulk head repair, amount of asphalt needed for temporary repairs, Towns liability if an accident occurred, and whether temporary repairs indicates acceptance

of street.

Sue Tuman

Is the county liable because they own property at the end of the road? Is this one reason they might respond? Town Attorney Dotson advised yes, the county has a significant interest. However, there is a General Statute that says counties do not maintain roads, this is what they are using.

Jamie Sanders

How much did the last temporary repair cost and did anyone other than the Town participate in paying cost? Town Manager Britt said the repair cost \$700 and no one else participated.

Dan Tuman

There is heavy traffic on this road. Temporary repairs were done in August but now further repair is needed. To make the road passable and safe repair work needs to be done as soon as possible. Repairs should be shared by the Town, County and property owners. River Road is an extension of SR 1568 and serves as access to the County beach access. The road needs to be made passable and then work towards a permanent solution.

Sam McGinn

Two weeks ago, I went to the north end. There were 37 vehicles with fishermen near the county access. In talking with the fishermen they said they would be happy to pay for fishing permit. The permit money could be used for repair work. I do not believe the adjacent property owners should pay for repairs to River Road.

Bill O'Donnell

I feel the property owners should pay for repair cost. Property owners on other private roads pay repair cost. Tax money should be handled in a more equitable way.

Marty Bostic:

The Town has worked on several non-town streets this past year. It amounted to more than it would cost to repair River Road. Town Manager Britt said the streets worked on were on the surveyors map as Powell Bill streets. We questioned streets but have not seen documentation on them yet.

Ginny Hillyer

Is there a statute of limitation on streets? Can we go back to the developer because he put a private road in a public area? Attorney Dotson said there is one difference. There are other sections of the road that were opened and sold but they are no longer there. He explained what happened to these sections. The county may be able to go against who ever they accepted the property from. There is no viable option and it may be best if the property owners closed the private road.

Dan Tuman

Town vehicles use the road. It looks like the options are to close the road or bring it up to standard.

After the discussion, Mayor Knowles suggested the Town Manager pursue the options with the planning board but not repair the road at this point in time.

SOLICITORS
PERMITS:

Town Manager Britt said the North Carolina Alliance Group has requested permission to canvas the North Topsail Beach area for donations. He reviewed proposed procedures for solicitors that have been reviewed by the Police Chief. A general discussion was held on how much solicitors are paid, information solicitors need to provide the Town, limiting type of organizations that come to Town and whether or not this type of activity would be considered peddling.

Attorney Dotson said he did not believe it would be permissible to provide the information requested by the Board. The Board can set regulations to make the drive difficult but, they can not specify only non-profit organizations.

Jack Woessner

I do not want any soliciting in my area. If you permit this, you should regulate hours they can solicit.

Jamie Sanders

He suggested they put the burden of proof on organizations and make them produce records. He explained what he did when someone wanted a donation.

Sue Tuman

She said she was concerned about children selling candy, etc. for their school. Would this activity be covered? Mayor Knowles advised all of these activities would have to be reviewed by the Board.

CLEAN COUNTY:

Mayor Knowles introduced Sara Humphries with Clean County.

Mrs. Humphries reviewed the establishment and purpose of the Clean County Committee. She said the Beach Sweep held in September was so successful that R.J. Reynolds Company plans to go nationwide with their advertising program and Mrs. Humphries has been requested to address a group in Washington, D.C. about the program. Mrs. Humphries explained how the first Onslow County Committee applications were reviewed, how the adopt a mile of the beach program was started and the large number of volunteers, from the beach, that work with them. She requested the Board consider forming a satellite Keep America Beautiful Committee to help with ideas, brainstorming, etc. She said she would work with this committee to ensure the beach stays cleaner and coordinate citizens efforts. Mrs. Humphries said Senate Bill 111 has made littering a felony. She presented a proposed ordinance for the Boards consideration. The ordinance is patterned after the County's and if all towns

in the county adopt this ordinance everyone will be operating under the same rules and regulations. She said once the ordinance is modified to fit North Topsail Beach, and is adopted, she will meet with the Board and the committee appointed to ensure the ordinance is followed and also, to help them coordinate programs.

Mayor Knowles advised Mrs. Humphries the Board would take the ordinance under consideration. He thanked her for attending and stated the Board was proud to have her as a representative for the County and the Town.

RESOLUTION -
SURPLUS
PROPERTY:

Town Manager Britt said with the approval of the purchase of a second new Bronco for the Police Department the 1984 Bronco will not be needed and should be disposed of. After a brief discussion, a motion was made by Mayor Pro-Tem Harkins and seconded by Alderman Tripp to adopt the following resolution declaring the 1984 Bronco surplus property:

RESOLUTION AUTHORIZING THE DISPOSITION OF
CERTAIN PERSONAL PROPERTY BY PRIVATE SALE

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

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

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

1984 Ford Bronco Serial # 1FMEU15F6ELA06531

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

DULY ADOPTED THE 20th DAY OF NOVEMBER, 1991.

MEETING DATE
FOR BOARD OF
ADJUSTMENT
MEETING:

The Board decided to schedule a Board of Adjustment meeting for Wednesday, December 4, 1991, prior to the regular board meeting. The purpose of the meeting is to review and approve minutes of the meeting held September 4, 1991.

MANAGER'S
REPORT:

1. We have received one informal bid on site preparation for the north end fire station. There are three other companies interested in bidding. Once all bids are received they will be reviewed and a recommendation will be prepared and brought to the Board for their approval.
2. Haskell Rhett has advised the Preliminary Land Use Plan is being reviewed by State and Federal Agencies. Comments should be returned to the Town by the first or second week of December.
3. The format on the monthly police report is new. The second page now includes employees time records and shows whether or not overtime was paid.
4. The audit for Fiscal Year 1990-91 is almost completed. The auditor will contact me next week to schedule a date for presentation to the Board.
5. A survey of the condition of Town streets is being done. This will enable us to coordinate future work on all Town streets, both Powell Bill and non-Powell Bill Streets.

ALDERMEN'S
REPORTS:

Alderman Warsaw:

He read a letter from Mr. William E. Mothorpe commending Town Manager Britt and Police Chief Perozzi for their actions to remove illegally parked vehicles on private property. He, also, commended Town Manager Britt for his high professional standards.

CITIZENS
COMMENTS:

Jamie Sanders

Why are the speed limits on Highway 210 and S.R. 1568 different than the ones approved by the Town? Mayor Knowles advised the Town could not set speed limits. They can only suggest speed limits to the Department of Transportation. Town Manager Britt said the requested speed limits have been sent to the Department of Transportation but, we have not received a response yet.

Bill O'Donnell:

The trash site is excellent. Is it possible to open the site earlier or close it later for the benefit of the working people? Town Manager Britt advised it was staying open later than the posted hours however, it gets dark earlier now and with no lights in the area it could be a hazard.

The area adopt a highway program is good, but, there is one section assigned to a marine unit that has not been maintained. Jamie Sanders advised the CIA is checking into taking over this section.

Lois Altbaum

Is anything being discussed about dogs on the beach without a leash? Mayor Knowles said the Town does not have a leash law but, it has adopted Onslow County Animal Control Ordinance. Alderman Whitney said when the county ordinance was adopted the Board requested the police department keep track of calls received to see if a leash law was needed.

Fred Hayler

He said he was happy with the election results and planned to submit a master plan for his development to the new board.

ADJOURNMENT:

A motion was made by Alderman Tripp and seconded by Alderman Hillyer to adjourn the meeting at 9:00 p.m. Passed unanimously.



Ann Vause - Town Clerk

TOWN OF NORTH TOPSAIL BEACH
REGULAR BOARD MEETING
DECEMBER 4, 1991

- PRESENT: Mayor W. Rodney Knowles, Mayor Pro-Tem Marian Harkins, Aldermen Edward Warsaw, Stella Tripp, Peter Hillyer and Melinda Whitney, Town Manager Gary Britt and Town Clerk Ann Vause. Town Attorney Marshall Dotson was absent.
- CONVOCATION: Mayor Knowles called the meeting to order at 7:08 p.m., at the North Topsail Beach Fire Department, and declared a quorum present.
- MINUTES: A motion was made by Alderman Hillyer and seconded by Alderman Whitney to approve the minutes of the regular board meeting held November 20, 1991, as written. Passed unanimously.
- BOARD MEMBERS COMMENTS:
- Melinda Whitney:
I am looking out among friends and cannot believe a year has already passed. I wish to thank everyone, especially my colleagues for working together. I hope this type of relationship will continue with the new board. Although, I will no longer be a board member I look forward to working with the Town. The new board needs to protect the safety, health and welfare of the citizens and the environment. If I can help, with the expertise gained this past year, I hope you will allow me too.
- Edward Warsaw:
I have obtained some interesting experience this past year. I am pleased to see the Town meeting atmosphere. Meetings have not always been run by the book, but, the Mayor did allow citizens to speak and participate in the meetings. I enjoyed working with my fellow aldermen and I will continue to be a citizen and keep an eye on the Town's progress. The Town Manager brought a lot of expertise to the job and I enjoyed working with him, however, I would not like to be in his chair.
- RECESS: Mayor Knowles called for a brief recess at 7:10 p.m. After the brief recess the new board members will be sworn in.
- OATHS: Onslow County Clerk of Court Edward T. Cole, Sr. wished success to everyone and said if his office could be of assistance please call. Mr. Cole administered the oath of office to Mayor Marlow F. Bostic, Jr. and Aldermen Margaret G. Stackleather and Sam McGinn.

MEETING CALLED

TO ORDER:

Mayor Bostic called the organizational meeting to order at 7:32 p.m., and declared a quorum present.

PLAQUES:

Mayor Bostic presented plaques of appreciation to former Mayor W. Rodney Knowles, and former Aldermen Edward Warsaw and Melinda Whitney.

MAYOR PRO-TEM:

Mayor Bostic said the next order of business was to appoint a Mayor Pro-Tem. Alderman Hillyer nominated current Mayor Pro-Tem Harkins. He said the Mayor Pro-Tem substitutes for the Mayor when he can not run the meeting and expertise is important. Alderman McGinn nominated Alderman Tripp.

Mayor Bostic requested, by advise of the Town Attorney, that each board member write the name of their choice for Mayor Pro-Tem on a slip of paper and sign it.

The vote tally on Mayor Pro-Tem selection was as follows:

Mayor Pro-Tem Harkins	2
Alderman Tripp	3

Mayor Bostic said Alderman Tripp was appointed the new Mayor Pro-Tem.

TOWN ATTORNEY:

A motion was made by Mayor Pro-Tem Tripp and seconded by Alderman Stackleather to continue to use Marshall Dotson as Interim Town Attorney until such a time as we can make a decision on who will represent us. Passed unanimously.

MONTHLY
MEETING:

Mayor Bostic said the regular board meetings are now held the first and third Wednesday of each month. Alderman Harkins said she would like for the Board to go to one meeting a month. Mayor Pro-Tem Tripp said one reason most people are unhappy is because Wednesday meetings conflicted with church meetings. Alderman Hillyer said the Board went to two meetings per month to catch up the backlog of work. He, also, recommended they return to one meeting per month. After a brief discussion, a motion was made by Alderman Harkins and seconded by Alderman Hillyer to set the first Thursday of each month, at 7:00 p.m., at the North Topsail Beach Fire Department building, as the regular meeting date and time for the Board of Aldermen. Passed unanimously.

MANAGER'S
REPORT:

Town Manager Britt said the police, fire and inspections monthly reports were given to the Board tonight for their review.

ALDERMEN'S
REPORTS:Alderman Hillyer:

It was a pleasure serving with the former board and I look forward to serving with the new members.

Alderman Harkins:

She thanked the former board members for their hard work and service to the Town.

Mayor Pro-Tem Tripp:

She said she enjoyed working with Ed Warsaw and Melinda Whitney and looked forward to working with the new board members.

Alderman Sam McGinn:

He said he applauded what Melinda Whitney has done. Also, he hopes the new board can operate in a manner people will be proud of and have harmony among people. We will strive to make this a good place to live for all people and we will need for everyone to help.

SPECIAL
MEETING:

A motion was made by Alderman Harkins and seconded by Mayor Pro-Tem Tripp to hold a special meeting Tuesday, December 10, 1991, at 5:30 p.m., at Town Hall. The purpose of the meeting is an executive session on a personnel matter. Passed unanimously.

ADJOURNMENT:

A motion was made by Mayor Pro-Tem Tripp and seconded by Alderman McGinn to adjourn the meeting at 7:45 p.m. Passed unanimously.


Ann Vause - Town Clerk

A reception for newly installed officials was held immediately following the meeting.

TOWN OF NORTH TOPSAIL BEACH
Special Board Meeting
December 10, 1991

- PRESENT:** Mayor Marlow Bostic, Jr., Mayor Pro-Tem Stella Tripp, Aldermen Sam McGinn, Marian Harkins, Margaret Stackleather, and Peter Hillyer, Town Manager Gary Britt, Town Attorney Marshall Dotson and Town Clerk Ann Vause.
- CONVOCATION:** Mayor Bostic called the meeting to order at 5:35 p.m. at the Town Hall and declared a quorum present.
- EXECUTIVE SESSION:** A motion was made by Mayor Pro-Tem Tripp and seconded by Alderman Harkins to go into executive session to discuss a personnel matter. Passed unanimously.
- The Board requested the Town Manager and Town Clerk not attend the executive session.
- A motion was made by Alderman Harkins and seconded by Mayor Pro-Tem Tripp to go back into regular session at 7:45 pm. Passed unanimously.
- Town Attorney Dotson said action on a personnel matter was discussed.
- A motion was made by Mayor Pro-Tem Tripp and seconded by Alderman Harkins to terminate Town Manager Gary Britt, effective tonight, December 10, 1991. Voting aye: Mayor Pro-Tem Tripp, Aldermen McGinn, Stackleather and Harkins. Voting nay: Alderman Hillyer.
- The Board briefly discussed an Interim Town Manager. After the discussion, a motion was made by Alderman Harkins and seconded by Alderman McGinn to appoint Ann Vause Interim Town Manager. Passed unanimously.
- Alderman Harkins said generally when someone works temporarily in a higher position they are given a 5% - 10% higher salary while in the position. Town Attorney Dotson suggested they discuss this at their next meeting.
- RESOLUTIONS-
BANK ACCOUNT:** Town Attorney Dotson said the Board needs to adopt a resolution to authorize individuals to sign payroll checks and other disbursements. The checks are counter signed by two individuals. He suggested 3 officials be designated, Mayor, Mayor Pro-Tem, and the Interim Town Manager, so there would be an alternate. The resolution would be effective immediately upon adoption.
- Mayor Pro-Tem Tripp advised, in this one instance, she would relinquish her authority. After a general discussion, a motion was made by Mayor Pro-Tem Tripp and seconded by Alderman Stackleather to adopt the resolution authorizing the following officers signatures on Town checks:

Mayor Marlow F. Bostic, Jr.
Alderman Marian L. Harkins
Interim Town Manager Ann Vause

Passed unanimously. (A copy of the resolution is filed in the vault, resolution #32).

Alderman McGinn said he had alot of respect for Ann and felt she could handle the job. He said he wished Mr. Britt success and he would be willing to help as a reference on future employment.

ADJOURNMENT:

A motion was made by Mayor Pro-Tem Tripp and seconded by Alderman Harkins to adjourn the meeting at 7:52 pm. Passed unanimously.

Ann Vause
Ann Vause, Town Clerk