

Town of North Topsail Beach

Joann M. McDermon, Mayor
Mike Benson, Mayor Pro Tem

Aldermen:
Richard Grant
Tom Leonard
Susan Meyer
Connie Pletl



Chief William Younginer
Interim Town Manager

Kate Winzler
Interim Town Clerk

Nature's Tranquil Beauty

Board of Aldermen Regular Meeting Agenda Thursday, September 5, 2021, at 6:30 P.M. Sneads Ferry Branch of the Onslow Public Library 1330 Highway 210, Sneads Ferry, NC 28460

- I. Call to Order (Mayor McDermon)
- II. Invocation (Alderman Grant)
- III. Pledge of Allegiance (Mayor McDermon)
- IV. Approval of Agenda
- V. Manager's Report
- VI. Open Forum*
- VII. Public Presentations
 - A. Coastal Engineer Update (Mr. Fran Way of ATM Consulting)
- VIII. Consent Agenda
 - A. Approval of Minutes (June 3, 2021; June 14, 2021 continued on June 18, 2021; June 22, 2021; June 25, 2021; June 28, 2021; July 1, 2021; August 5, 2021)
 - B. Department Head Reports
 1. Finance Department
 2. Fire Department
 3. Inspections Department
 4. Planning Department
 5. Police Department
 - C. Committee Reports
 1. Planning Board & PPI Committee

*All open forums are subject to a 3-minute limit

1000 NC HWY 210
Sneads Ferry, NC 28460

(910) 328-1349
www.ntbnc.org

- 2. Board of Adjustment
- 3. TISPC ([link to minutes](#))
- 4. ONWASA ([link to minutes](#))

- D. MOTV Tax Return
- E. Budget Amendment 2021-22.1

IX. Continuing Business

- A. Update on Capital and Beach Projects Planning (Alderman Grant)
- B. Parks and Recreation Committee Outline (Aldermen Meyer and Pletl)

X. New Business

- A. [Resolution](#) Opposing The US Fish & Wildlife Service's Proposed Designation of Critical Habitat Unit NC-5 for the Rufa Red Knot (Mayor Pro Tem Benson)
- B. [Resolution](#) in Opposition to Environmental Budget Provisions Included in Senate Bill 105 (The Appropriations Bill) (Planning Director Hill)

XI. Attorney's Report

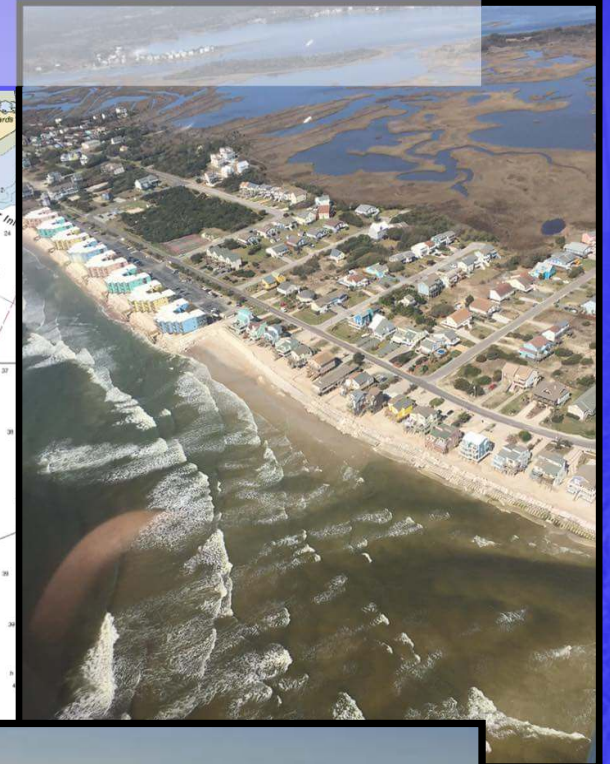
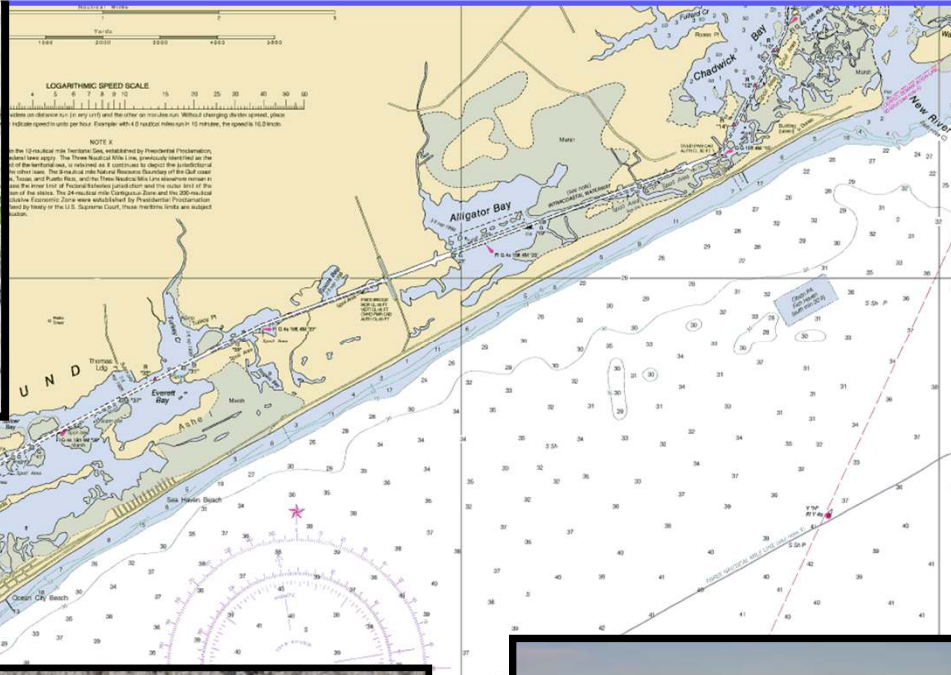
XII. Mayor's Report

XIII. Aldermen's Report

XIV. Closed Session: To address personnel matters (G.S. 143-381.11(a)(6)) and to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged (G.S. 143-381.11(a)(3)).

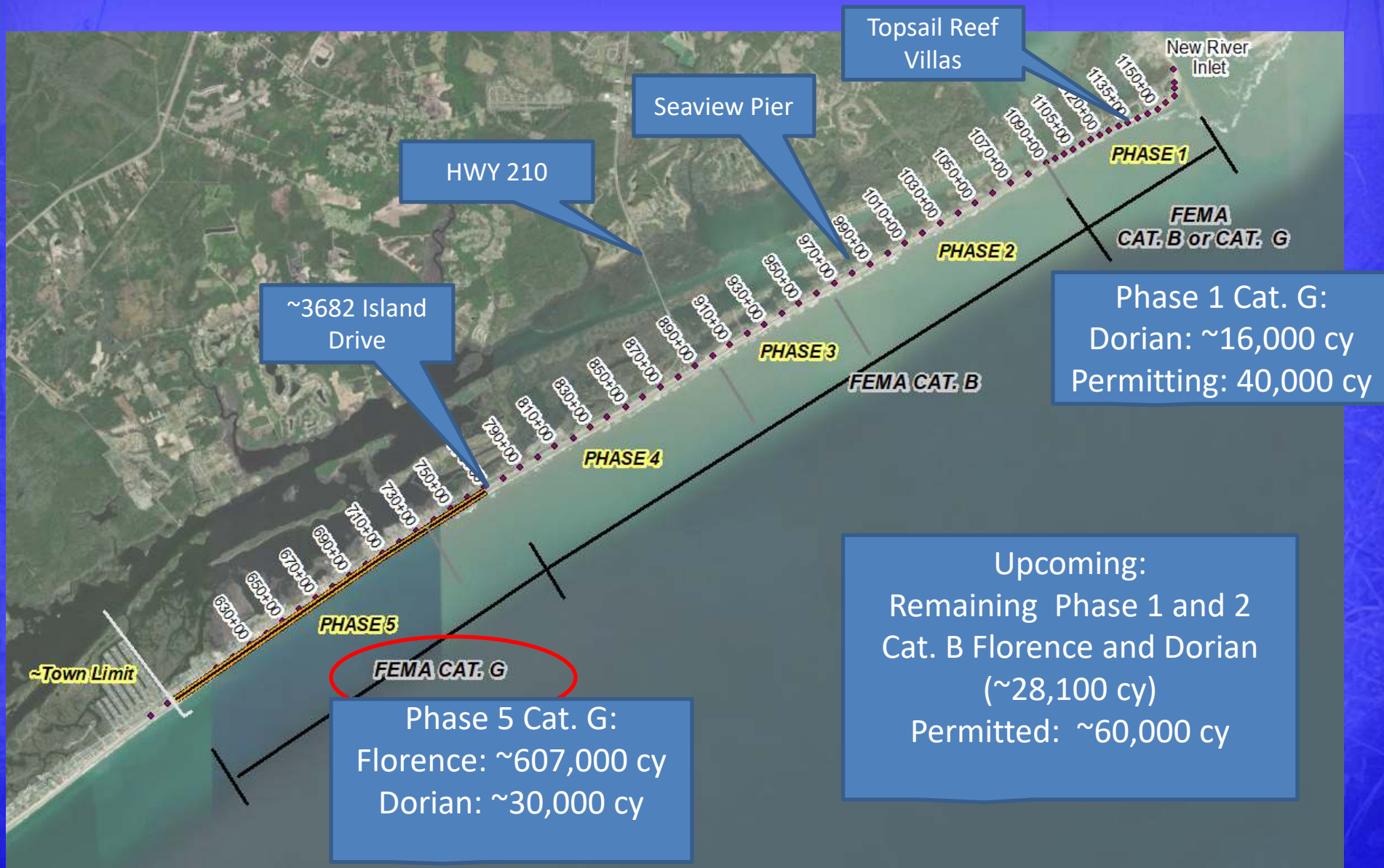
XV. Adjournment

North Topsail Beach Coastal Update – September 2021

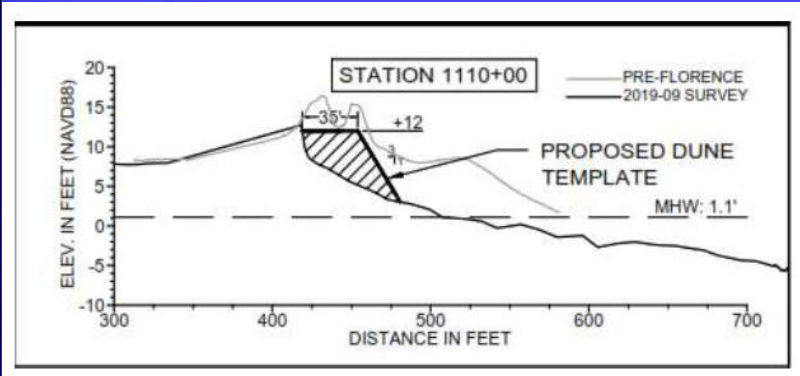


Marina, Coastal, Environmental
& Water Resources Engineers

Upcoming – Dorian and Florence FEMA Category G.



Truck Haul – North of Pier



Dorian Project
(& Sandbags
begin)

Completed

TRUCK ACCESS

Existing Beach Access

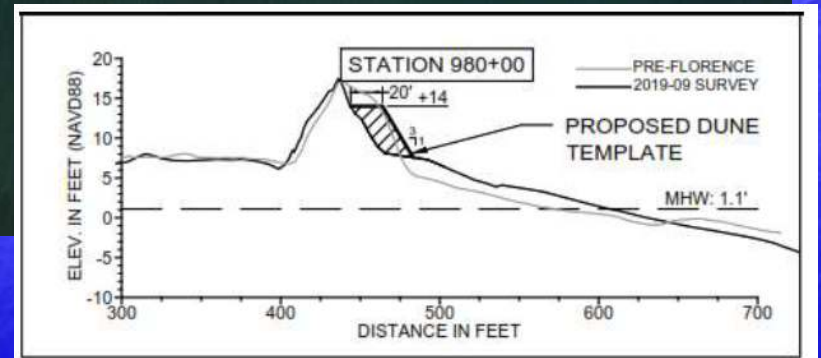
Completed down
to Surf City
(2019-2021)

Work to begin
November 16

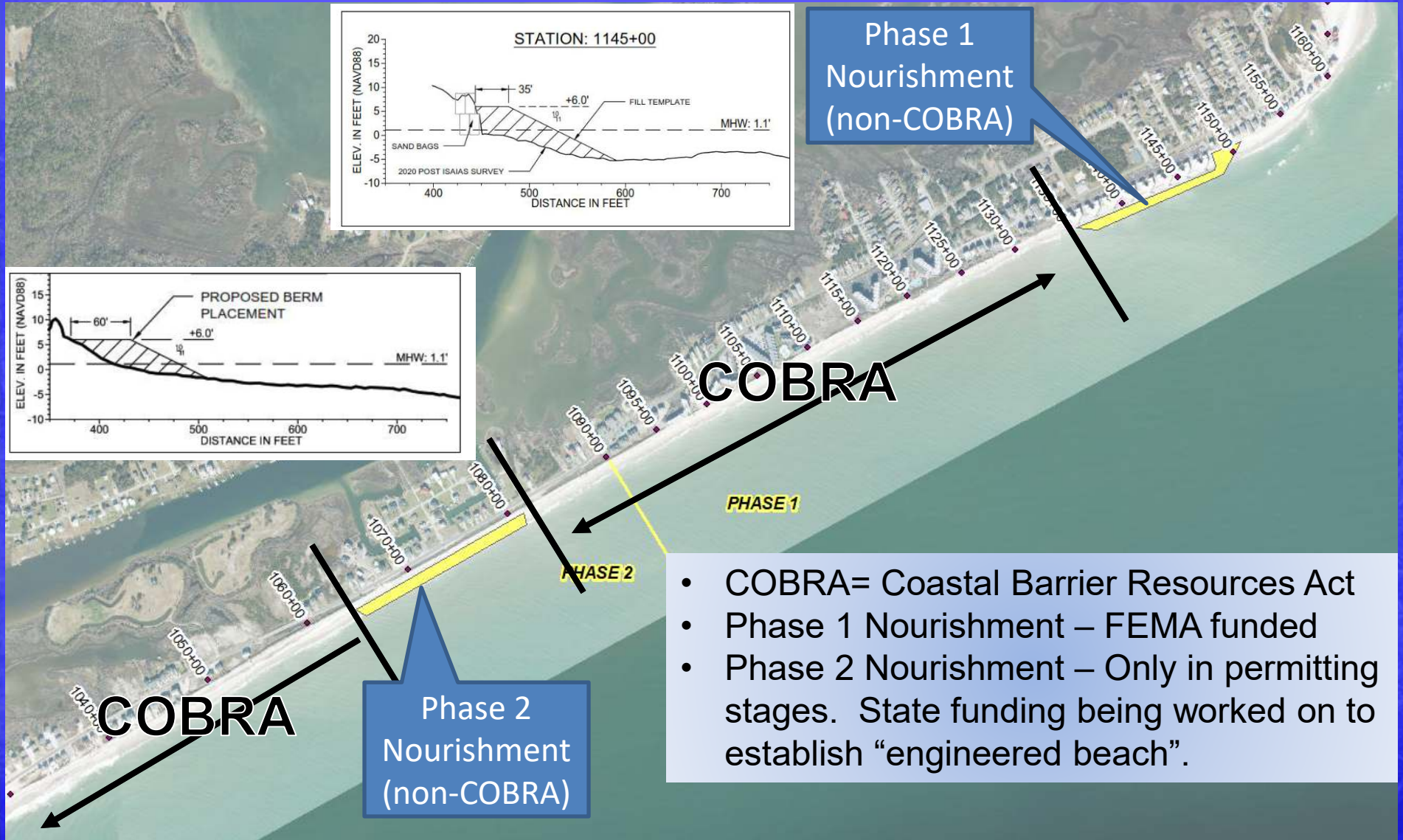
Completed May
Extension Work

PIER

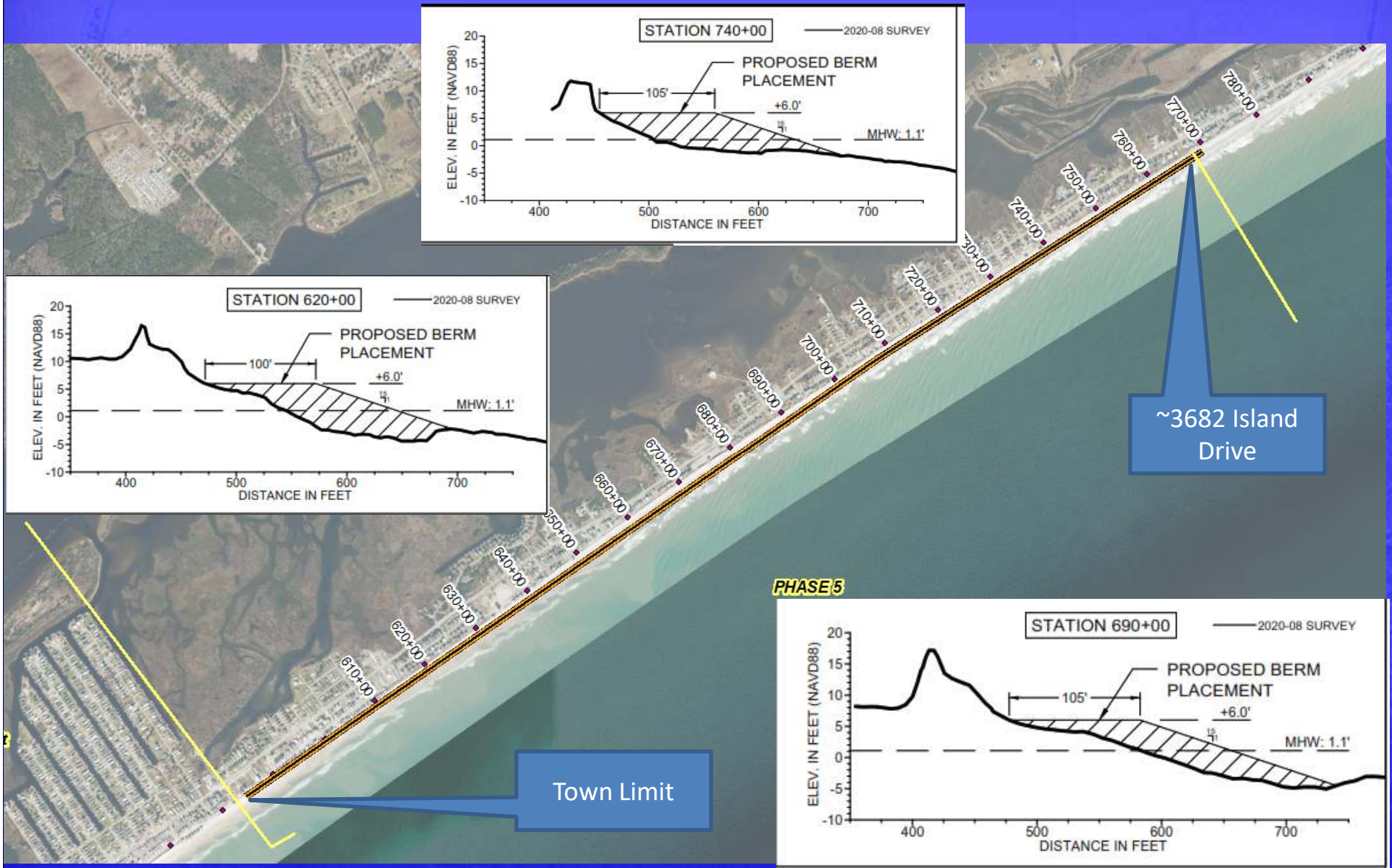
Work to begin
November 16



Nourishment Permitting of NON-COBRA Areas in Phase 1 and 2. Beach (not Dune) Nourishment



Planned Florence & Dorian Nourishment in Phase 5. Beach (not Dune) Nourishment



County Beach Access Dune Rehabilitation



Figure 1: Dune Material Placement (photo taken February 3, 2021).

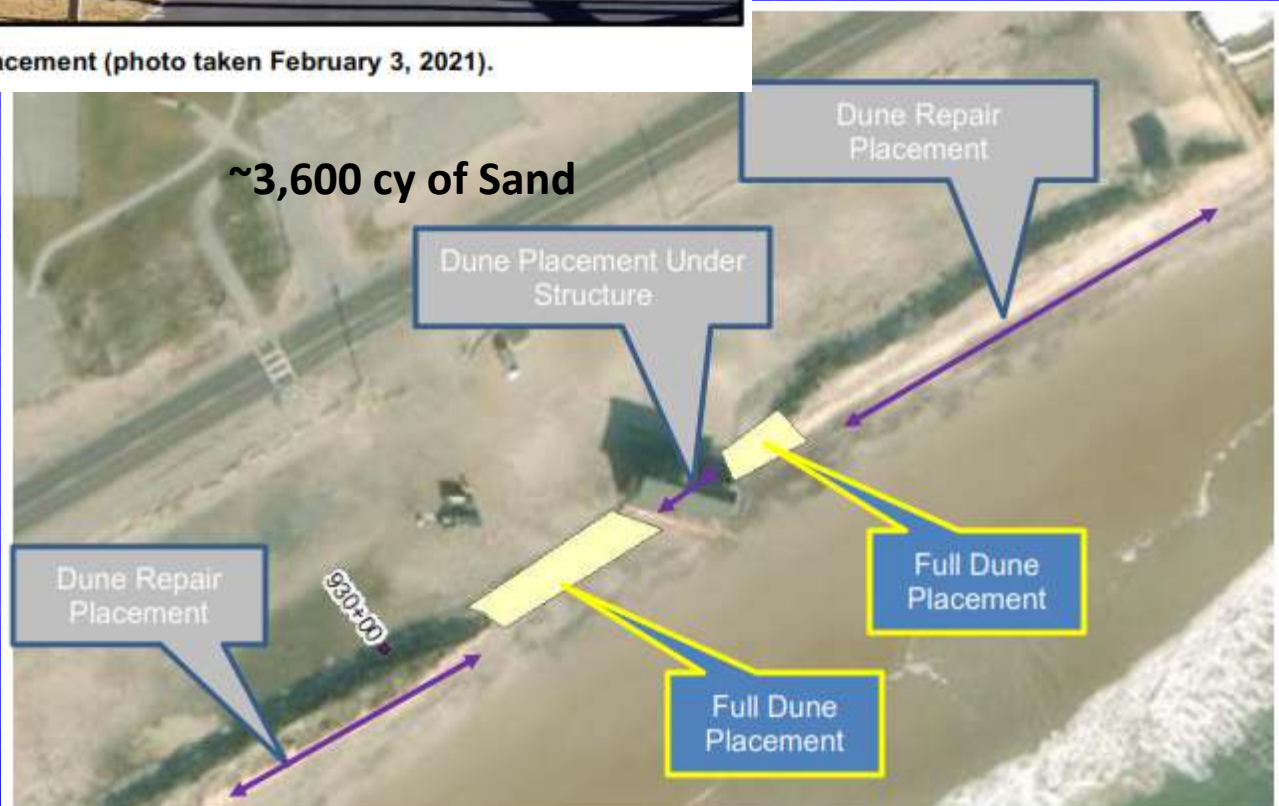


Figure 2: Plan view dune placement schematic.

Town Beach Projects Updates

- Phase 1 and Phase 2 Dune Truck Haul: Remaining ~1.8 miles to be completed starting November 16.
- Hurricane Florence & Dorian Phase 5 FEMA Category G: Permit application submitted to CAMA/DCM.
- Hurricane Dorian Phase 1 FEMA Category G: Separated from Category 5 permitting due to sandbags.
- Phase 2 Nourishment included in Phase 1 nourishment permitting but Phase 2 has no FEMA funding.
- New River Inlet Management Master Plan EIS: Continued EIS processing and meetings.
- Working with NTB Finance Officer and DEC Associates regarding funding for upcoming FEMA and State Grant projects
- CAMA/DCM updates to sediment criteria related to shells and rocks. NTB sampling for entire ~11.1 mile shoreline (per new state-wide requirements).
- USACE Intracoastal Waterway and other pipeline/navigation dredging projects not planned for NTB waterways this winter.
- Sea Oat Planting
- County Beach Access

Town of North Topsail Beach

Joann M. McDermon, Mayor
Mike Benson, Mayor Pro Tem

Aldermen:
Richard Grant
Tom Leonard
Susan Meyer



Chief Younginer
Interim Town Manager

Sherrie L. Hancock
Town Clerk

Nature's Tranquil Beauty

Board of Aldermen
Regular Meeting Minutes
Thursday, June 3, 2021
North End Fire Station, 2049 New River Inlet Road

Present: Mayor McDermon; Mayor Pro Tem Benson; Aldermen Grant, Leonard and Meyer; Interim Town Manager Younginer; Planning Director Hill; Town Clerk Hancock; Town Attorney Edes

- I. Mayor McDermon called the Meeting to order at 6:30 P.M.
- II. Mayor Pro Tem Benson led attendees in a moment of silence.
- III. Mayor McDermon led attendees in the Pledge of Allegiance
- IV. Approval of Agenda

The Board discussed the following changes to the Agenda ahead of its approval:

- Relocate "Alderman Selection" until after the Town Manager's report
- Switch the capital improvement and budget discussions

Alderman Meyer made a motion to approve the Agenda as amended. Alderman Leonard seconded. The Motion passed, 4-0.

V. Manager's Report

Revetment- Project Engineer Forman, Interim Town Manager Younginer, Alderman Leonard, Mayor Pro Tem Benson and Deb Hill recently walked the project area with property owners to discuss project requirements, available options and the timeline.

Town Hall- On May 20th, the Engineer held a status meeting with Town Staff and the Builder. The roof material has been approved and is still on order. Windows have arrived; other than missing six windows, the work continues with installation. Insulation has been

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installed on the interior walls and the ceiling areas. All materials have been slow to arrive due to shortages. Sheetrock is being installed now.

Covid 19-

Town hall is now open to the public with precautions taken. The bathrooms at Town Park are also open. The Public Works crew are keeping them in great shape; they are even working on weekends throughout the summer.

Paid Parking-

Paid Parking for North Topsail Beach continues to move forward. Complaints have been rapidly responded to by the parking company. Fewer complaints are being fielded at Town Hall and with PLICE. Appropriate signage has been placed on side streets and in designated parking areas. Usage of the lots and the north end have increased. Memorial Day Weekend was cold, and this may have slowed things down, but overall, it was a very successful weekend.

Budget-

Mr. Gilbride and Ms. Elliott have done a great job finishing up any changes made to the budget, and it is almost finished. The Board needs to set a public hearing.

Town Manager- Staff posted the position with the League. The Board will soon discuss the requirements needed for an interim.

Town Employee Cookout- An appreciation cookout was held at the South End Fire Station on 5-27-21 at noon in appreciation for all the hard work that the staff has been providing and in preparation for the summer season kickoff. Most of the Board was able to filter through at different times. Mr. Gilbride and his wife attended.

Sprigs- Sprigs are in the nursery and growing well. They should be ready for planting the last week in July or the first week in August.

VI. Open Forum- No one signed up.

VII. Presentations and Public Hearings:

A. Coastal Engineer Update

Mr. Fran Way presented.

- The dune truck haul began in February and extended into May. There are approximately 1.8 miles remaining, and this project will resume on November 16th.
- The Hurricane Florence and Dorian Category G permit application is under development. There are new state rules regarding upland borrow areas that must be addressed.
- Mr. Way recommended incorporating Hurricane Dorian losses into the Hurricane Florence project this upcoming winter.
- The New River Inlet Management EIS: “Terminal Groin” scoping matrix and draft chapters have been completed in preparation for submission to the Army Corps of Engineers.
- Mr. Way reported CAMA/DCM updates to sediment criteria related to shells and rocks. He also reported that the Town received a grant.

B. Public Hearing SUP 21-02

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Mayor McDermon opened the public hearing. Town Attorney Edes provided instruction to the Board to assist with their decision-making process. This is a quasi-judicial hearing. The applicant is entitled to an impartial, open-minded Board. All witnesses will be sworn-in and subject to cross-examination. The hearing will loosely follow North Carolina Rules of Evidence. The order of presentation, if it pleases the Mayor, will be staff, applicant and then those with standing.

To ensure an impartial body, Mr. Edes asked the Board, including the Mayor, to consider and answer the following questions:

1. Does anyone have a financial interest in the subject matter of the application?
2. Has anyone visited this site for the purpose of assessing the application?
3. Has anyone had ex-parte communication, meaning discussions outside this hearing, with staff members about the subject matter of this application?
4. Has anyone had any discussion with the applicant concerning the subject matter of the application?
5. Has anyone had discussion with a third party about the subject matter of application?
6. Is anyone close to or have a familiar relationship with the applicant?
7. Can anyone think of a reason why he or she cannot be open-minded and base the decision and vote solely on the competent evidence received in this hearing?

For each question, Mr. Edes paused and waited for the Board's response. At no point did a board member stop Mr. Edes and indicate an issue. Hearing no concerns, Mr. Edes called on Planning Director Hill.

Ms. Hill asked for a point of order clarification. Will comments be limited to three minutes?

Mr. Edes replied that he typically does not limit comments in a hearing. However, if it becomes repetitive, he may ask the chair to set limits. He also noted that the applicant has the burden of proof. The criteria are listed in the Agenda packet as well as the Town's UDO. Although the information was provided in the Board's packet and on the application itself, he read the criteria aloud for the public's benefit.

Mr. Edes announced that anyone who will be providing testimony must be sworn in. Town Clerk Hancock administered the oath.

Planning Director Hill presented Special Use Permit 21-02 to the Board. She noted the applicant is Kevin Padgett as the owner of Topsail Beach LLC. She read general information from the application, such as the tax parcel identification number and its zoning information. The Planning Board reviewed the application

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and recommended to the Board of Aldermen approval with conditions. Those conditions are included in the packet, but generally speaking, they are specific gravel that can accommodate emergency vehicles, no recreational vehicles, installation of a buffer and must have Fire Chief Soward's approval for emergency vehicle access. To that end, Ms. Hill identified an email that she sent to Chief Soward on May 24, 2021 at 1:06 PM.

Planning Director Hill asked the Mayor to accept the following items into evidence as exhibits:

- Staff Report as Exhibit 1
- Public Notice as Exhibit 2
- Response to Standards as Exhibit 3
- Application as Exhibit 4
- Parking Site Plan as Exhibit 5
- Previously Referenced Email to Chief Soward as Exhibit 6
- Background Supplement- Board of Aldermen Minutes from October 30, 1995 through December 1, 2016 as Exhibit 7
- Photograph of SUP 1901, 1902, 1903 and 1904 as Exhibit 8; the photo was taken today, June 3, 2021 at 4:27 PM
- Photograph of Property Owned by Topsail Beach, LLC as Exhibit 9; the photo was taken June 3, 2021 at 4:29 PM

Mr. Edes asked the applicant, Mr. Padgett, if he objected to the Board receiving any of these items into evidence. Mr. Padgett responded in the negative.

Mr. Edes then asked if anyone who was sworn in had any objections to the evidence. Hearing no objections, Mr. Edes recommend that the exhibits, identified by Ms. Hill, be entered into evidence without objection.

Mayor McDermon approved the request.

Ms. Hill continued her presentation with a summary of the application before the Board for consideration. She noted that the hearing was properly noticed on the property, town hall, the website and to adjacent property owners.

Referring to the Response to Standards document that the Mayor accepted into evidence, Planning Director Hill explained the conditions necessary in order to approve a special use permit.

As Exhibit 10, Ms. Hill asked that the Mayor accept into evidence the permit for the fence application.

Planning Director Hill acknowledged some of the ongoing issues in the Rogers Bay community. These issues did not evolve overnight. Relying on Board of Aldermen minutes, Ms. Hill touched on prior hearings from the late 90s to explain

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how these issues have grown with time. In January of 1999, a plat with 251 sites was signed. Since then, ownership has changed, and the last deed shows approximately 440 camp sites.

From staff's perspective, the biggest challenge is code enforcement. She is not aware of any other neighborhoods in Town that have approximately 500 units. It is a challenge to address non-conforming issues. She displayed the photo that was entered into evidence as Exhibit 8. She expressed a concern that if the Special Use Permit is permitted that the lot will become an extension of the non-conforming issues in Rogers Bay.

Planning Director Hill then displayed Exhibit 9, which is photo of the subject matter property. The perspective of the photo is across Island Drive, looking at the property.

Mr. Edes asked the applicant, Mr. Padgett, if he had any questions for Ms. Hill. Mr. Padgett deferred his time to Mr. Rochelle, as his representative.

Mr. Rochelle identified himself and thanked the Board for the opportunity to address the matter. His interest in the matter is that he is Mr. Padgett's "helper." Mr. Rochelle asked Ms. Hill if she remembered a requirement that she imposed two years ago on a similar property, owned by Mr. Bradshaw, that prohibited RVs.

Ms. Hill clarified that she, acting in her official capacity as code enforcement, could not allow the activity to continue until an applicant received permission through a special use permit.

Mr. Rochelle stated his concern for a photograph displayed by Ms. Hill; the photo showed RVs parked on the property. Mr. Rochelle maintains that those images were taken prior to the stipulations in the subsequent permitting. Now, only cars, tucks and boats are allowed. Those rules are still in effect and are followed.

Planning Director Hill offered a point of clarification. It is not that she, in her personal capacity, makes these decisions. Her job is to enforce what is allowable within a special use permit or ordinance.

Mr. Brian Kauffman asked to cross-examine Planning Director Hill. Mr. Kauffman identified himself as the Vice President of Roger's Bay Board of Directors, which is a neighboring property. If Mr. Padgett agrees to a restriction that no RVs will be parked in the lot, would that appease the Board and achieve

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approval? The intent is vehicle and boat overflow; RVs are not meant to be included.

Planning Director Hill responded that it was the Planning Board that recommended no RVs to the Board of Aldermen. She, as a staff member, had an overall concern for code enforcement.

Mr. Kauffman emphasized that the commercial lots in discussion are separate from Rogers Bay. There may seem like overlap, but the entities are distinct. He does not understand why the enforcement issues of the approximately 500 units in Rogers Bay has bearing on the matter before the Board.

Ms. Hill clarified that the Special Use Permit approved last June 2020 had a premise that the request would alleviate congestion. If the Town cannot enforce one year later, she has a concern that issues in this area will increase.

Mr. Kauffman believes that Rogers Bay, in terms of this matter, is not any different than the HOA across the street, St. Moritz. If there is a code enforcement problem within Rogers Bay, he welcomes open discussion and communication about how to address compliance.

Ms. Jill Schiefelbein, a resident of St. Moritz, then cross examined. She understands that the applicant is separate from Rogers Bay. She asked if the lot is a separate business from Rogers Bay.

Director Hill responded that it is her understanding that it is a separate entity. She suggested that the applicant or his agent could offer more clarity when addressing the Board.

Another speaker approached to cross-examine the Planning Director. The Meeting's audio did not pick-up her name, but it may have been Ms. Darlene Maillet. She understands code enforcement is an issue. However, she believes she has seen other enforcement issues, such as RVs in paid parking overnight and has concerns that Rogers Bay is being treated differently. In her opinion, Rogers Bay has a strong board, who will be the "eyes and ears" of enforcement. She does not believe RVs should be a concern for the Town, because the neighborhood will actively enforce the terms of the special use permit.

Mr. Mo Afify of 4125 Island Drive identified himself as an adjacent property owner. He asked if the Planning Director had reviewed the lease agreement from the property owner that consented to this use on the lot. The Planning Director answered that she had not.

Mr. Afify's reply was not audible.

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Mr. Edes responded to Mr. Afify by stating that if a condition of a special use permit is not honored, the Town can revoke the permit.

Mr. Frank Brown of Roger's Bay affirmed that he was sworn in. His understanding was that Mr. Padgett and Mr. Rochelle are in charge of the parking lot. As is true with any business, if there is a violation, call the people in charge and demand they address the issue. Why is this a code enforcement issue?

Mr. Padgett added that Ms. Hill has his lease agreement, liability insurance and other "supposed to have" documents. He specifically asked if she had a copy of the lease.

Planning Director Hill responded that if she saw the lease, she does not recall.

Town Attorney Edes then asked some questions. He first asked if the three criteria found in §2.06.04 was considered by the Planning Board in their recommendation. Ms. Hill answered in the affirmative.

Mr. Edes then asked if Planning Director Hill, in her official capacity, reviewed the criteria as well. Ms. Hill affirmed.

Mr. Edes asked Ms. Hill if she had enforcement concerns. Ms. Hill affirmed.

Mr. Edes stated if the Board of Aldermen approves the permit with conditions, such as no RVs, and that condition is violated, the permit is revoked. That would address violation concerns in the parking lot, would it not? Ms. Hill affirmed.

Mr. Edes asked if the Board had questions.

Alderman Leonard asked that Exhibit 8 be displayed. He asked if the photograph depicted the same parking lot that the Board of Aldermen issued a special use permit for one year ago. Ms. Hill affirmed.

Alderman Leonard asked if the Special Use Permit was granted to the same applicant. Ms. Hill answered in the negative.

Alderman Leonard asked who the applicant was in the prior permit. Ms. Hill responded that it was four separate lots and four owners.

Alderman Leonard asked if parking RVs and/or utility trailers was considered in the prior special use permit. Director Hill stated that she would have to review the

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minutes to be sure. She remembers that buffers were a part of the discussion, and the buffers were never installed.

Mr. Edes restated that if conditions on the permit are not being met, the Town can revoke the permit.

Planning Director Hill reminded the Board that after it makes a decision, it must reduce it to writing. The applicant must receive a copy of the decision with all conditions stated. This helps keep everyone stay on the same page.

Mr. Edes explained that it is the Town Manger who has the authority to revoke permits that are incompliant. He then asked if the applicant or designated agent had anything to present.

Mr. Rochelle approached the Board and began with a background. He was operating what is essentially a commercial lot without a special use permit until Planning Director Hill informed him of the violation. He could not operate for the following 9-12 months until the permit was approved. Mr. Rochelle is no longer directly involved with that parking lot, but to his knowledge, the permit is not being violated. He further explained that the driving force of this request is not an opportunity to make money. He was looking for a solution to the community's parking issue. Mr. Padgett called Mr. Jefferys, who agreed to a nominal fee to use his land. The spaces are not available to people outside of Rogers Bay. Fencing and other buffers are being prepared.

Mr. Rochelle continued to say that he does not believe all of the requested 80 lots will all be utilized. This is an overestimate to prevent future returns to the Board with requests to make adjustments. In reality, he believes it will be around 40-50 lots.

Mr. Rochelle believes the proposal will relieve congestion. If a fire truck is trying to maneuver through the neighborhood, parked cars are in the way. Hopefully, this will alleviate those issues. He ended by saying he is happy to address any concerns. Staff did not have any questions.

Mr. Edes asked Mr. Padgett to confirm for the record that Mr. Rochelle has his authority to speak on behalf of this application. Mr. Padgett affirmed.

Mr. Edes asked Mr. Rochelle on behalf of the applicant if there is any intent to allow RVs. Mr. Rochelle confirmed that there is no intent to allow RVs. Mr. Edes further asked if the applicant would have any objection to a condition prohibiting RVs. Mr. Rochelle responded that there would not be an objection.

Mr. Edes also asked Mr. Rochelle if he is familiar with the email to Fire Chief Soward that was referenced earlier. Mr. Rochelle answered in the affirmative. Mr. Edes asked if he also heard Planning Director Hill talk about the Planning Board's

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recommendation and conditions, for example the grade of gravel to allow for emergency vehicles. He asked if the Applicant had any issues with that.

Mr. Rochelle did express a concern. The recommended gravel must be able to withstand 75,000 pounds. For a point of reference, he stated that a loaded tractor and trailer is around 80,000 pounds. He believes this requirement is meant to accommodate the Town's ladder truck in the event a vehicle is on fire. In his opinion, the path and scenario being considered is unlikely.

Mr. Edes responded that it is within the Board's authority to impose restrictions to promote the health and safety of the public.

Mr. Rochelle suggested that the fire truck could stop short of entering the lot and run a hose to the fire. Mr. Edes suggested that those questions go to the Fire Chief when he comes forward to address the Board regarding his concerns.

Mr. Edes asked Fire Chief Chad Soward if he had an opportunity to review the plans. Chief affirmed that he had. Mr. Edes asked if he had any recommendations to the Board. Chief agreed with Mr. Rochelle's opinion that it is difficult to maneuver emergency equipment in Rogers Bay. The condition that gravel be placed that can withstand 75,000 pounds of weight was not his recommendation. It is in the State Fire Code, Appendix D, and it is mandatory. Mr. Edes asked the Fire Chief to confirm that his recommended condition is to apply Appendix D to any conditional use. Chief confirmed.

Mr. Rochelle asked the Fire Chief how much hose he has on his trucks. Chief provided corresponding lengths for various types of hose. Mr. Rochelle asked if that would be enough length to reach areas of the lot. Chief responded that it is not necessarily enough length. Citing concerns for how cars are parked and the location of the fire, Chief stated that going around obstacles decreases the length of ground he can cover.

Mr. Bryan Kauffman, Vice President of Rogers Bay HOA, then asked if the requirement in Appendix D is variable or the minimum requirement. Chief Soward responded that the gravel is not variable, but the width is variable. He offered to work with the applicant on that condition to find middle ground. He could go as low as 12 feet in width, but the diagram he received did not indicate any dimensions for the accesses. Mr. Padgett explained that the site plan actually does provide those figures. He believes the plan that the Chief received had some information inadvertently cut-off in a scan.

Mr. Edes responded that as he looks at the site plan, it seems like 12 feet is already considered in the road's width.

Ms. Jill Schiefelbein came forward to ask the Chief questions. She asked about audits or other gathered data that speaks to the frequency of emergency vehicle

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traffic in Rogers Bay and the current level of compliance. Furthermore, would 81 spaces be enough to remediate current issues?

Fire Chief Soward used the last emergency call to Rogers Bay as a reference point. He reported that it took longer to reach the camper than it took to drive from the fire station to the entrance of Rogers Bay. The roads in Rogers Bay are a concern.

Mr. Kauffman stated that firemen were on the property about a month ago measuring the roads. He asked if the Chief was aware of that.

Chief responded that he was aware. Some of the firemen just received their certification as drivers. They were walking the road to learn more about their ingress and egress options.

Another speaker, whose name was not audible, identified himself as a resident of Island Drive. He asked what type of gravel can withstand the discussed weight requirements. Chief believes mesh is placed that helps distribute weight. Then, the gravel is placed. He cannot speak to the specifics of the gravel. The speaker asked if this was NCDOT standards. The Chief reiterated that it is State Fire Code. The Speaker suggested that the parking lot managers could create an alternative emergency route off HWY 210. Chief believes that would be NCDOT's jurisdiction, and he believes the weight restrictions would still be applicable. Planning Director Hill added that she and Fire Chief Soward do not have ways to certify gravel. If an engineer puts his or her seal on the final documents, she accepts it as true. Mr. Rochelle offered an alternative; the managers could place the gravel to a certain point but not the entire road. Mr. Edes suggested that the Board continue hearing evidence and encourage Mr. Rochelle and the Fire Chief step aside to discuss possible compromises.

Mr. Kauffman, as a private citizen and not as a HOA representative, read a letter that he prepared. The community is growing, and the HOA cannot always provide the needed resources. Mr. Padgett came up with a solution for an ongoing issue. Mr. Kauffman believes the solution is good for Rogers Bay and North Topsail Beach. The solution limits congestion, which makes the area safer. Less owners will utilize their free parking ability, and thereby, keep more paid parking spaces opened to the public. Additionally, the parking plan helps the HOA offer more ADA accessible options for residents. The remainder of Mr. Kauffman's letter was inaudible.

Mr. Kauffman then addressed concerns he has heard from surrounding neighbors. First, St. Moritz's view is not impacted in his opinion. Not a single vehicle in the parking area will be taller than the bottom of the first floor of St. Moritz. Behind the parking lot are trees that are taller than the vehicles. He does not believe the neighbors' views are blocked by the parking lot. Second, regarding sea turtles, they are sensitive to slope. There are already sufficient protections in place to

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protect them. This point is also moot in Mr. Kauffman's opinion. Third, this area is separate from Rogers Bay. If the HOA was expanding its footprint, he would understand the need for extensive review. Also, an increase of the existing HOA could trigger issues for their grandfathered status, so the HOA wants to be clear that is not their intent. Fourth, from an enforcement standpoint, a towing company has been contacted. Signage will be displayed. Fifth, Mr. Kauffman understands the Fire Chief's concerns, which he shares. The HOA now has a compliance committee and is reviewing additional ways compliance can be met. On the parking lot side, he believes Mr. Padgett will also take measures to enforce.

Mr. Edes asked if there were any questions for Mr. Kauffman. No one came forward.

Alderman Grant asked a question, but the audio went out for the first part. For the part that was audible, he believes people are conflating issues and the discussion is going in circles. The application before the Board does not relate to issues in Rogers Bay.

Ms. Jill Schiefelbein presented her opinions as a resident of St. Moritz. When she saw the site plan, it did not provide explicit details as to what would define a car, truck or boat. Are there length or height restrictions? For example, is a truck with a camper attached a RV? She would like those concerns addressed. As for monitoring, she requests a strict line of enforcement on the permit, not just the discretion of a towing company. She believes a specifically-named responsible person is needed.

Ms. Schiefelbein also asked about the lease agreements on the parking spots. How long are vehicles allowed to sit without being moved. Will there be a tag protocol? What about a plan for evacuation in the event of a hurricane? The packet of distributed material stated that the proposal is compliant with CAMA regulations. However, this specific information was not provided to recipients, so it is difficult for her to do any additional research to understand.

Regarding sea turtles, slope is one concern, but another concern is lighting. She requests low-density lighting in the parking lot as a condition of the permit. Also, she suggests the Board discuss the specific types of trees or shrubs that must be placed to provide protection during storms.

Lastly, considering the plan incorporates gravel and grass, this solution will not be ADA compliant. In her opinion, Mr. Kauffman's opinion as to the ADA compliance factor is moot.

Another speaker presented his concerns. His name was inaudible, but later, Mr. Edes referred to the speaker as Mr. Afify. The speaker wants to build on a lot he owns near the proposed parking site. He purchased this specific lot believing he would be next door to a residential lot, creating a buffer between his property and

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Rogers Bay. He is now worried about additional traffic. He is not against the proposal; he is worried that there are not enough controls in place, such as lighting requirements.

Another speaker came forward to question Mr. Afify. Her name was inaudible, but Mr. Edes later referred to her as Ms. Simpson. The speaker asked Mr. Afify why he assumed there would be a traffic increase. Mr. Afify responded that he was addressing a concern about the lighting that will be installed in the parking lot for safety and security concerns and not lighting issues created by a higher volume of vehicles.

Ms. Holly Lorenzo presented her concerns. Mr. Edes asked for her to affirm that she has been sworn-in, which she did. She stated that while Rogers Bay is concerned with its internal issues, she hopes the Board will consider the effects of this decision on those who are external to Rogers Bay. She is alarmed that rules are already not being followed. She asked what other approaches Rogers Bay has explored to ameliorate the effects of their overpopulation. For example, has the HOA limited the number of vehicles each owner can have?

Second, Ms. Lorenzo is alarmed to hear that there may be an access added to HWY 210; this would create a lot of traffic issues for residents of St. Moritz. Third, if the Board allows this, will an expansion of the lots be needed in the future to accommodate the community's continued growth? She also expressed concerns that cars will deteriorate if not required to move; to that point, will auto repair be allowed? She would have liked the notice to be issued sooner so that more property owners could be present to voice concerns.

Also, Ms. Lorenzo noted the high pedestrian traffic, and asked the Board to consider adding a pedestrian crosswalk. The buffer zone is important; proper shrubs are needed to cut down on noise and lighting pollution. She would have liked to have seen a more finished product before the hearing so that she could better understand the specifics of the plan and speak to those.

Another speaker came forward to cross examine Ms. Lorenzo. Her name was inaudible, but Mr. Edes later confirmed that she was Ms. Darlene Maillet. She respects that some surrounding property owners had expectations about the lot, however, when someone purchases property, there is an understanding that unforeseen changes come about. The parking lot will alleviate a lot of problems, and she believes it is good for the community.

Mr. Frank Brown of Atlantic Street addressed the Board with his concerns. Rogers Bay has a safety issue. Rogers Bay is trying to find solutions to achieve more compliance and thereby be a safer community. He hopes that the concerns mentioned can be addressed, but he hopes that the safety concern is given a lot of weight. He also noted that if the residents are not using the Town's paid parking

Board of Aldermen Minutes
Regular Meeting- June 3, 2021

spaces as overflow, there is more opportunity for the Town to increase paid parking revenue.

Mr. Edes asked if there were any additional speakers. No one came forward. He then asked Planning Director Hill if lighting issues are addressed in the application or the UDO. Ms. Hill confirmed that the issue is not addressed in the application itself, but it is addressed in the ordinance. Mr. Edes asked about the buffers. Planning Director Hill reiterated that the Planning Board recommended a buffer, but it did not elaborate on the specifics. Staff recommends that the buffers must meet the minimum requirements in the UDO.

Mr. Edes then asked the Fire Chief if he and Mr. Rochelle were able to reach any mutual understandings.

Fire Chief Soward reported their resolution. Coming off of Atlantic, the lot managers will ensure gravel will be placed that can withstand 75,000 pounds of weight. This gravel will run up to the center of the parking lot. From there, the Chief can branch off and manage running hose. The applicant's engineer will come up with the specifics.

Mr. Edes asked the Fire Chief if in his official capacity, he is satisfied that the resolution meets safety and access concerns. The Fire Chief affirmed.

Mayor Pro Tem Benson addressed Mr. Rochelle and asked if overflow parking is essentially paid parking. Mr. Rochelle affirmed that it is paid overflow; he reiterated that it is only open to Rogers Bay residents. Mayor Pro Tem asked for clarifying information as to the structure of the parking space lease agreements. Mr. Rochelle explained that residents can apply for an annual tag at the rate of \$250 to \$300 per year. When asked, Mr. Rochelle confirmed that the special use permit application requests permission to park boats as well as cars and trucks.

Mayor Pro Tem Benson then asked how the lot's managers will collect due taxes. Mr. Edes assured Mayor Pro Tem Benson that this business will be treated as any other business in Town. However, he reminded the Board that the Town no longer institutes a privilege tax.

Mayor Pro Tem Benson asked about the surface of the parking spaces themselves. Mr. Rochelle reported that Fire Chief Soward agreed to material that is similar to asphalt and that the actual spots will be grass. Mayor Pro Tem noted that overtime, grass lots might be a problem as vehicles create wear and tear on the ground; he noted there is sand under the surface that may cause issues.

Alderman Leonard asked Mr. Rochelle if auto repair will be allowed. Mr. Rochelle assured the Board that it will not be allowed. Alderman Leonard asked if

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Regular Meeting- June 3, 2021

there will be access points to the lot from HWY 210. Mr. Rochelle confirmed there will not be any such accesses. It is not a feasible option for Mr. Padgett.

Mr. Edes noted that all interested parties had an opportunity to address the Board and cross-examine any witness. He recommended to the Mayor that the evidentiary portion of the hearing be closed, and the Board move to deliberation.

Alderman Leonard made a motion to close the evidentiary portion of the hearing. Alderman Meyer seconded. The vote passed, 4-0.

Mr. Edes noted that the Planning Board recommended the application with conditions. It seems those conditions are acceptable to the applicant, except the weight-bearing gravel which has been resolved. Mr. Edes did not hear evidence that controverted the three criteria, other than health and safety concerns. These objections can be addressed through added conditions.

Alderman Grant stated that he wanted pick-up trucks with campers attached to be addressed in the conditions. Alderman Leonard stated the buffer must be installed before the lot can open.

Town Attorney Edes stated that it is his opinion that the applicant presented cogent, competent evidence that shows the criteria was met, with the exception of the safety concerns; he believes conditions can be placed that will adequately address those concerns.

Mr. Edes read aloud the following conditions that he gathered during the evidentiary hearing that could be considered by the Board:

- No RV's (for purposes of this permit, a vehicle attached to a camper will be defined as a RV)
- No commercial vehicles; staff will research the different DMV classifications
- Lighting must comply with the UDO
- The buffer must be installed prior to parking
- Parking spots must be maintained so that vehicles can easily access and exit
- No auto repairs in the parking lot
- The only vehicles allowed are cars, pickup trucks, boats and utility trailers (for boats and golf carts)

Mayor McDermon asked about the timing. Mr. Edes believes the order can be ready next month. As soon as he drafts, he will distribute to the Board. Each official will have the opportunity to individually reply to Mr. Edes with any

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suggestions. He will send the final draft of the order to the Zoning Administrator, who by ordinance, must sign.

Alderman Grant made a motion to approve the application based on the conditions described. Alderman Meyer seconded.

For discussion, Mayor Pro Tem Benson addressed the public. As a board member, he represents all of the citizens of North Topsail Beach. The area addressed in the special use permit application is a small corner on a five-acre lot, which is zoned residential. The Town is losing a tax opportunity on the housing that could be built in the parking lot's place. He expressed his appreciation for the Jefferys family, and their continued support of the Town. However, he is concerned about a commercial parking lot residing in a residential area.

The Mayor asked the Clerk to call the role:

- Alderman Grant voted yes
- Alderman Meyer voted yes
- Alderman Leonard voted yes
- Mayor Pro Tem Benson voted no

The Motion passed, 3-1.

C. Selection of New Alderman- Town Attorney Edes led the Board by explaining the voting process as Town Clerk Hancock passed out paper ballots. After each Alderman voted, the votes were collected by Town Clerk Hancock and read aloud by Town Attorney Edes. The Board voted three times with each round ending in a tie; thus, no decision was made. The Board decided to revisit the item at a later time.

D. Federal Project Update-

Mr. Carter summarized three points: affordability, time and unknown future cost to the Town. This is a \$32 million project with no additional funding. North

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Regular Meeting- June 3, 2021

Topsail Beach is responsible for 60% of the cost. Mr. Carter is asking for the State's help with funding.

There were no questions from the Board for Mr. Carter.

VIII. Consent Agenda-

Alderman Leonard made a motion to approve the consent agenda as presented. Mayor Pro Tem seconded. The Motion passed, 4-0.

IX. Old Business-

A. Municipal Service District- The Board decided to meet on June 25, 2021 at 1:00 PM and June 28, 2021 at 10:00 AM to discuss.

B. Offer to Purchase –

Timothy Eastman offered to purchase L3 S2 B7 OLD SETTLERS BEACH for \$10,000. The offer was approved and met the 10-day requirement in the newspaper with no upset bids or feedback. This item meets all requirements and is ready to move forward. Alderman Leonard made a motion to approve the sale. Mayor Pro Tem Benson seconded. The Motion passed.

Craig Greif offered to purchase L2&L2A SEA RANCHES for \$10,000. The offer was approved and met the 10-day requirement in the newspaper with no upset bids or feedback. This item meets all requirements and is ready to move forward.

Alderman Leonard made a motion to approve the sale. Mayor Pro Tem Benson seconded. The Motion passed, 3-0.

C. Safety Repair/ Capital Improvement-
The Board will review bids.

D. Town Budget- Staff requested a meeting with the Board; after discussion, meetings were set for June 14, 2021 at 1:00 PM and June 22, 2021 at 10:00 AM. Both meetings will be at the North End Fire Dept.

X. Onslow Co. BA4 Dune Repair-

Mayor McDermon stated that the Town needs to do this Project to protect the Town Park. The Board asked staff to schedule a meeting with the Onslow County Board, ideally for July 13, 2021 at 10:00 AM.

XI. Mayor Report- Mayor McDermon stated that the Board has been quite busy lately and thanked everyone for their hard work. She reminded the Board of all the upcoming meetings and thanked Town staff for all their hard work.

XII. Attorney Report- Town Attorney had nothing else to report.

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XIII. Alderman's Reports-

Alderman Meyer wanted to remind everyone about the events in the Town Park. She spoke about the Town's recent equipment purchase. She said she was looking forward to movies and events in the park. Alderman Meyer also spoke about the Jazz Fest.

Alderman Leonard thanked the Board and Staff for their hard work.

Mayor Pro Tem Benson expressed his desire to return to the town hall building. The alternative meeting sites are not optimal; for example, a heavy down pour of rain at tonight's meeting made it difficult to hear some points. Mayor Pro Tem Benson also thanked Town Attorney Edes for doing a great job managing the meeting's public hearing.

Alderman Leonard made a motion to adjourn. Alderman Meyer seconded. The Motion passed, 3-0.

The Meeting ended at 11:06 PM

DRAFT

Town of North Topsail Beach

Joann M. McDermon, Mayor
Mike Benson, Mayor Pro Tem

Aldermen:
Richard Grant
Tom Leonard
Susan Meyer



William K. Younginer
Interim Town Manager

Sherrie L. Hancock
Town Clerk

Nature's Tranquil Beauty

Board of Aldermen Special Meeting Minutes Monday, June 14, 2021 North End Fire Station, 2049 New River Inlet Road

Present: Mayor McDermon; Mayor Pro Tem Benson; Aldermen Grant, Leonard, and Meyer; Interim Town Manager Younginer; Town Clerk Hancock

I. Call to Order

Mayor McDermon called the Meeting to order at 1:06 P.M.

II. Approval of Agenda

Alderman Meyer made a motion to approve the Agenda except for the MSD items, which she recommended be removed and discussed at a later meeting. The Motion was seconded by Alderman Leonard. The Motion passed, 4-0.

III. Budget FY 2021-2022 Workshop II

Mayor McDermon thanked department heads and staff for making themselves available to answer questions. Ahead of discussion, Finance Officer Elliott distributed information regarding the projected revenues for the North Topsail Beach tax levy and the proposed FY 2021-2022 Budget; these documents are attached. Mayor and Board agreed to go page by page through the proposed budget.

Finance Officer Elliott led the discussion by first explaining that Fund 30 is for the purpose of beach nourishment and to pay back the USDA loan from the 2015 Phase 5 Beach Renourishment Project. Fund 12 is a new

fund for capital improvement, such as the public safety building and a new ladder truck.

In reviewing the proposed budget, the Board asked for some follow-up information from staff that could not be provided at that time. The Board agreed to move the tax increase discussion to a later meeting when additional information could be reviewed.

Mayor and Board agreed to take a short recess at 2:36 P.M. The Meeting was called back to order at 2:48 P.M. Alderman Grant made a motion to go into closed session to consult with the Town Attorney. Alderman Leonard seconded the Motion. The Motion passed, 4-0.

Alderman Leonard made a motion to return to open session. Mayor Pro Tem Benson seconded the Motion. The Motion passed, 4-0. Mayor McDermon announced that no action was taken during closed session.

Mayor McDermon announced that the Meeting would be in recess until June 18, 2021 at 10:00 AM at the same location, the North End Fire Station.

Board of Aldermen
Special Meeting Minutes
Continued Meeting
Friday, June 18, 2021
North End Fire Station, 2049 New River Inlet Road

Present: Mayor McDermon; Mayor Pro Tem Benson; Aldermen Grant, Leonard, and Meyer; Interim Town Manager Younginer; Town Clerk Hancock; Attorney Edes (via video conference)

- I. Call to Order
Mayor McDermon called the Meeting back to order at 10:01 A.M.
- II. Budget FY 2021-2022 Changes

Town Finance Officer Elliott resumed the budget presentation on page three of the proposed draft budget, specifically the matter of the Town's property tax rate. The proposed property tax rate for the Town of North Topsail Beach is .46-cent /\$100.00 valuation. Finance Officer Elliott explained how the 5-cent tax increase would be distributed in the Budget: 4 cents distributed to the Capital Fund (Fund 12) and 1 cent distributed to the General Fund.

On page 4 of the proposed budget, Finance Officer Elliott explained that the Board salaries remained the same.

On page 7, the Board discussed a possible planning assistant. Town Planning Director Hill explained what she needed and what would not be helpful. The Town planning position was put on hold to review all the options and resources.

Mayor McDermon mentioned that she was not a fan of evening BOA meetings. She would like staff to go home at 5:00 P.M.; this item is something she said was for discussion for another time. Alderman Leonard asked Planning Director Hill when the Town contract ends with Eastern Carolina Council of Governments (ECC) and if there is interest in contracting with the Cape Fear Council of Governments. The Planning Director was not sure a switch was possible and advised the Board of all the items the ECC completed for the Town. Planning Director Hill stated that she felt this was a decision for the Board and Management to make.

Mayor McDermon did say that it was important for the Town Planning Director to communicate back to the Board tasks that she cannot complete, given the demands and time constraints of her position. Mayor and Board talked about possibly taking the IT Department off the Town Planning Director's responsibilities to help relieve some pressure and help with planning.

The next item for discussion was Town insurance. Finance Officer Elliott reported no changes to this line item.

On page 14 of the proposed budget, the Board discussed Public Works. Interim Town Manager Younginer said he is searching for military salvage vehicles for the Department.

There was discussion on revenues coming in for the parking lots/street parking. Town Attorney Edes cited state legislation that requires the funds be separated. Mayor and Board gave staff direction to investigate this item.

There were no changes in Fund 30.

The Mayor and Board thanked staff their hard work. A motion was made by Alderman Leonard to adjourn at 11:34 AM. The Motion was seconded by Alderman Grant. The vote passed, 4-0.

Town of North Topsail Beach

Joann M. McDermon, Mayor
Mike Benson, Mayor Pro Tem

Aldermen:
Richard Grant
Tom Leonard
Susan Meyer



Chief William Younginer
Interim Town Manager

Sherrie H. Hancock
Town Clerk

Nature's Tranquil Beauty

North Topsail Beach Board of Aldermen Special Meeting Draft Minutes Tuesday, June 22, 2021, at 1:00 p.m. North End Fire Station 2049 New River Inlet Road North Topsail Beach, NC 28460

Present: Mayor McDermon, Mayor Pro Tem Benson, Alderman Grant, Alderman Leonard, Alderman Meyer, Interim Town Manager Younginer, Finance Officer Elliott, Public Works Director Anders, Planning Director Hill, Deputy Town Clerk Winzler, Attorney Edes (via Zoom).
Absent: None.

CALL TO ORDER: Mayor McDermon called the meeting to order at 1:00 p.m.

ADOPTION OF AGENDA: Alderman Leonard made a motion to amend the agenda by removing items 4 and 5 and adopt the amended agenda. Alderman Grant seconded the motion. The motion passed unanimously, 4-0.

PUBLIC HEARING ON FY 2021-2022 BUDGET:

Mayor McDermon invited Finance Director Elliot to present the Budget Message for Fiscal Year 2021-2022. Finance Director Elliott reviewed the message as presented.

Alderman Grant noted the five-cent increase in the tax rate and a typo on the last page of the notice.

Alderman Leonard asked Ms. Elliot for the occupancy tax figure generated this year. Finance Director Elliott stated that she would look it up and share it with the Board. Mayor McDermon noted that there may be a slowdown in occupancy taxes generated in FY 2021-2022. Alderman Leonard offered the occupancy tax revenue may not slow down given the current new construction.

Mayor Pro Tem Benson asked for Ms. Elliott's comments on the Fee Schedule. Finance Director Elliott pointed out the increase in property tax, addition of a new Fire Department schedule of fees, and a new parking fee schedule. Mayor McDermon requested confirmation that the new Fire Department fees were primarily commercial. Ms. Elliott agreed so.

Alderman Leonard made a motion to open the public hearing at 1:13 p.m. Alderman Meyer seconded the motion. The motion passed unanimously, 4-0.

No one came forward to speak.

Alderman Grant made a motion to close the public hearing at 1:14 p.m. Mayor Pro Tem Benson seconded the motion. The motion passed unanimously, 4-0.

Alderman Leonard made a motion to approve the budget as presented today. Mayor Pro Tem Benson seconded the motion. The motion passed unanimously, 4-0.

Attorney Edes recommended that the Board of Aldermen schedule a second special meeting for the creation of a Municipal Service District prior to the end of the current fiscal year, to be effective in the following fiscal year. Because of the uniqueness of the MSD general statute, it must be voted upon twice. The Board decided to schedule the second MSD Special Meeting at 10:00 a.m. Monday, June 28, 2021, at the North End Fire Station, 2049 New River Inlet Road, North Topsail Beach, NC 28460.

ADJOURNMENT Alderman Meyer made a motion to adjourn. Alderman Grant seconded the motion. The motion passed unanimously, 4-0.

The Board of Aldermen special meeting adjourned at 1:18 p.m.

Town of North Topsail Beach

Joann M. McDermon, Mayor
Mike Benson, Mayor Pro Tem

Aldermen:
Richard Grant
Tom Leonard
Susan Meyer



Chief Younginer
Interim Town Manager

Sherrie L. Hancock
Town Clerk

Nature's Tranquil Beauty

Board of Aldermen Special Meeting Minutes Friday, June 25, 2021 North End Fire Station, 2049 New River Inlet Road

Present: Mayor McDermon; Mayor Pro Tem Benson; Aldermen Grant, Leonard, and Meyer; Interim Town Manager Younginer; Town Clerk Hancock

- I. Mayor McDermon called the Meeting to order at 1:00 P.M.
- II. Approval of Agenda
A suggestion was made by Mayor McDermon to switch the items of discussion for today's meeting, making closed session the first item on the Agenda. Alderman Grant made the Motion to adopt the Agenda with the proposed change and enter closed session. Mayor Pro Tem Benson seconded the Motion. The Motion passed, 4-0.

Alderman Leonard made a motion to come out of closed session. Alderman Grant seconded. The vote passed, 4-0.

Mayor McDermon announced that no action was taken during closed session.

Discussion of the Municipal Service Districts proceeded with Mayor McDermon reading the following statement.

Today's Special Meeting has been convened for the purpose of discussing and voting on the establishment of Municipal Service

Districts (MSD). There has been much discussion and confusion regarding MSD's and the Board has received a number of comments from homeowners, so to provide clarification let me state the following.

1. Property taxes for the year have been established and they are the same Town wide. Earlier this week the Board approved the budget for the 2021-2022 fiscal year. This included a property tax increase of \$0.05 per hundred of valuation "town wide" and there was no special or increased rate for properties in the proposed MSD's. The annual budget is the only time these rates can be established so this rate will not change during the 2021-2022 fiscal year. All taxpayers in the Town of North Topsail Beach will pay the same rate.

2. MSD's function—FEMA Hurricane Florence Project financing. While MSD's can and have been used to establish separate tax areas, they are also needed for financing/loans. This fall the Town will need "bridge" financing in place to do the FEMA Phase 5 Category G 637,000 cubic yards Florence and Dorian Project. FEMA reimburses the Town for their Projects which means the Town must initially pay or fund the Project and this will require the Town to initially finance the more than \$15 million needed. Without the establishment of the MSD's as proposed the Phase 5 FEMA Project will be at risk, thus it is critical that an MSD be established.

In summary the Board will discuss and vote on the establishment of MSD's and this will not affect the property tax rates for Fiscal year 2021-2022 ---the rates will be the same for all taxpayers.

- III. Establishment of Municipal Service Districts
Alderman Grant made a motion to pass an ordinance to establish two municipal service districts for possible financing of beach erosion and flood control. Alderman Meyer seconded the Motion. The Motion passed, 4-0.
- IV. Adjournment

Alderman Leonard made a motion to adjourn. Alderman Grant seconded. The Motion passed, passed 4-0.

The Meeting ended at 1:59 P.M.

Town of North Topsail Beach

Joann M. McDermon, Mayor
Mike Benson, Mayor Pro Tem

Aldermen:
Richard Grant
Tom Leonard
Susan Meyer



Chief Younginer
Interim Town Manager

Sherrie L. Hancock
Town Clerk

Nature's Tranquil Beauty

Board of Aldermen Special Meeting Minutes Monday, June 28, 2021 North End Fire Station, 2049 New River Inlet Road

Present: Mayor McDermon; Mayor Pro Tem Benson; Aldermen Grant, Leonard, and Meyer; Interim Town Manager Younginer; Town Clerk Hancock; Town Attorney Edes

- I. Mayor McDermon called the Meeting to order at 10:00 A.M.
- II. Approval of Agenda
Alderman Leonard made a motion to approve the Agenda as presented. Mayor Pro Tem Benson seconded. The vote passed, 4-0.
- III. Municipal Service District
Alderman Grant made a motion to approve the Municipal Service District as presented in the previous meeting. Mayor Pro Tem Benson seconded. The Board discussed.

Alderman Leonard stressed to the public that the vote established a municipal service district to be able to obtain a bridge loan if needed in

the fall for other projects. The action was not a vote on the federal project.

Mayor McDermon called for a vote on the Motion. The Clerk called the roll. The Motion passed, 4-0.

Alderman Meyer made a motion to adjourn. Mayor Pro Tem Benson seconded. The Motion passed, 4-0.

The Meeting ended at 10:18 A.M.

Town of North Topsail Beach

Joann M. McDermon, Mayor
Mike Benson, Mayor Pro Tem

Aldermen:
Richard Grant
Tom Leonard
Susan Meyer



Chief Younginer
Interim Town Manager

Sherrie L. Hancock
Town Clerk

Nature's Tranquil Beauty

Board of Aldermen Regular Meeting Minutes Thursday, July 1, 2021 North End Fire Station, 2049 New River Inlet Road

Present: Mayor McDermon; Mayor Pro Tem Benson; Aldermen Grant, Leonard and Meyer; Interim Town Manager Younginer; Planning Director Hill; Town Clerk Hancock; Finance Officer Elliott; Town Attorney Edes (via video conference); Mr. Doug Carter of DEC Associates (via video conference)

I. Call to Order

Mayor McDermon called the Meeting to order at 6:30 P.M.

II. Invocation

Mayor Pro Tem Benson led attendees in a moment of silence.

III. Pledge of Allegiance

Mayor McDermon led attendees in the Pledge of Allegiance

IV. Approval of Agenda

Mayor McDermon announced the minutes in the consent agenda need to be removed and revisited at a later date. Mayor Pro Tem Benson proposed removing the budget and fee schedule amendments from the consent agenda for discussion and vote.

Alderman Leonard made a motion to approve the agenda as amended by the Board. Alderman Meyer seconded. The Motion passed, 4-0.

V. Selection of Aldermen

Town Attorney Edes provided procedural guidance to the Board.

Board of Aldermen Minutes
Regular Meeting- July 1, 2021

The Clerk read the votes aloud. The Board voted, 3-1, to appoint Ms. Connie Pletl to the vacant Board of Aldermen seat.

VI. Manager's Report

Interim Town Manager Younginer provided a report to the Board. First, he noted that progress on townhall continues. Contractors are waiting on materials, but overall, the Manager believes the project is on schedule. Second, he noted that minor adjustments to paid parking continue, such as additional signage. Overall, the venture has been successful. Third, he noted the efforts made by staff to prepare for the upcoming holiday weekend. Fourth, he thanked Financial Officer Elliott for her work on the budget. Fifth, the Interim Manager spoke with those managing parking at Rogers Bay. They are making progress on the conditions imposed by the Board. Sixth, the Town Manager vacancy has been re-posted. The Town received a few applications.

VII. Open Forum

Mr. Will Evans of 209 Seashore Drive addressed the Board. He expressed concern for an abandoned home and property. He believes there is a health and safety hazard.

The second speaker's name was muffled on the audio. This speaker addressed the Board on the federal project subject matter. He expressed a concern for the debt of the project. He suggested the Board gather direct feedback from the property owners in the impacted area.

Mr. Keith Wilkerson of 149 Seagull Lane spoke in reference to a potential zoning change. If the approximately 40 homes are allowed to develop, Mr. Wilkerson has concerns for additional flooding and traffic.

VIII. Presentations and Public Hearings

A. Federal Project Update

Financial Advisor Doug Carter of DEC Associates was present via video conference. The Board did not have specific questions. Mayor McDermon asked Mr. Carter to remain on the line until the USACE Federal Project PPA agenda item.

B. Coastal Engineer Update

Mayor Pro Tem Benson provided a report. The Hurricane Florence dune restoration effort in Phases 2-3 is on pause for turtle season; the project will resume in November. In the meantime, there seems to be some confusion between the Town and the contractor regarding sand volumes. Mayor McDermon asked the Town Attorney to review the contract. Mayor Pro Tem Benson is looking at

Board of Aldermen Minutes
Regular Meeting- July 1, 2021

different funding options to help pay for additional sand materials as an option for the Board to consider.

In June, the Board approved the scope of work for the Hurricane Florence Category G work in Phase 5. The Coastal Engineer is working on permits. The Engineer suggests that the project be divided into two contracts to better manage the logistics of an extensive truck haul.

Recently, the Coastal Resources Commission (CRC) accepted the science panel's proposed changes to the inlet hazard area. The Town previously presented its opposition to these boundaries to the CRC.

Lastly, the Town of Topsail Beach received a variance to place beach mats over restored, unvegetated dunes that are not eligible for a crossover. Mayor Pro Tem Benson noted this may have set a precedent that North Topsail Beach can keep in mind in the future.

C. Text Amendment- Water Dependent Structures: Principal vs. Accessory

Planning Director Hill presented her staff report (attached). She explained that boat lifts and private boat ramps are permitted as accessory structures in North Topsail Beach. Boat houses are not addressed or defined. The Planning Board was charged with providing an opinion to the Board. CAMA does not make a distinction on water dependent structures between accessory or principal uses. At their regular meeting on June 10, 2021, the Planning Board discussed water dependent structures; staff recommended consistency with the Division of Coastal Management for permitting purposes.

Planning Director Hill presented the UDO text amendment that was prepared by staff and recommended by the Planning Board. Mayor Pro Tem Benson asked that "bulkheads" be removed from the text. Planning Director Hill requested that the term remain for now, and staff will conduct more research and work with the Planning Board to provide a deeper analysis. The Mayor Pro Tem also suggested that within the definition of "water dependent structures," staff consider a different phrase than "such as." Planning Director explained that it is the State's definition.

Mayor McDermon suggested that if the Town's conditions are more restrictive than the State's permitting standards, there is a concern that liability shifts to the Town. The Mayor asked for the Town Attorney's opinion. He recommended consistency with the State's Statute.

Alderman Grant made a motion to adopt the recommendations as presented by the Planning Director with respect to the text amendment for the water dependent structures. Alderman Leonard seconded. The Motion passed unanimously, 4-0.

D. Case #R-21-01 Rodriguez

Board of Aldermen Minutes
Regular Meeting- July 1, 2021

Planning Director Hill presented the request for rezoning (attached) from B-1 to R-8. Mr. Rodriguez, the property owner, made himself available for questions from the Board. Alderman Meyer asked about beach accesses. Mr. Rodriguez would like the opportunity to purchase land to create a beach access, but he does not know what is available for purchase. Planning Director Hill added that a later item on the agenda will incidentally speak to this; there may be an opportunity for an additional access and parking.

Alderman Leonard made a motion to open the hearing. Mayor Pro Tem Benson seconded. The Motion passed, 4-0.

Alderman Leonard made a motion to accept Mr. Rodriguez's testimony as well as Planning Director Hill's presentation as part of the public hearing. Alderman Grant seconded. The Motion passed, 4-0.

Mayor McDermon asked for any additional questions for Mr. Rodriguez. Hearing none, the Mayor asked if anyone else in the audience would like to speak during the hearing. Mr. Charles Rawls approached the Board. He is a land surveyor and licensed real estate broker. Speaking to the property's current zoning, he listed barriers and restrictions that have made it difficult to utilize the property to its full extent. He respectfully asks the Town to rezone.

Mr. Jeff Meyer of 2224 New River Inlet Road addressed the Board. He asked about turn lanes. With more units in this area of Town, he expressed a concern for traffic, especially with the 4x4 beach access being so close. He asked the Board to consider solutions, such as a reduced speed limit or turn lane access.

Planning Director Hill added that the Planning Board did recommend the rezoning from B-1 to R-8.

Alderman Leonard made a motion to close the hearing. Mayor Pro Tem Benson seconded. The Motion passed unanimously, 4-0.

Alderman Grant made a motion to approve the rezoning request. Mayor Pro Tem Benson seconded. The Clerk called the roll.

- Alderman Meyer- Yes
- Mayor Pro Tem Benson- Yes
- Alderman Leonard- Yes
- Alderman Grant- Yes

The Motion passed unanimously, 4-0.

Board of Aldermen Minutes
Regular Meeting- July 1, 2021

E. Case #R-21-02 Herring

Alderman Grant made a motion to open the hearing. Alderman Meyer seconded. The Motion passed unanimously, 4-0.

Planning Director Hill presented the staff report (attached). On behalf of his clients, the Herring Sisters, Mr. Charles Riggs requested a rezoning of 323 Goldsboro Lane from R-10 to R-5.

Mayor McDermon announced that she must recuse herself due to a conflict of interest. She asked the Mayor Pro Tem to lead the discussion. Alderman Leonard made a motion to accept the Mayor's recusal. Alderman Grant seconded. The Motion passed, 4-0.

Mr. Charles Riggs addressed the Board on behalf of the owners. The property is located on Goldsboro Lane. This lot has existed on record for decades. The six lots directly across (ocean side) are zoned R-10 and each are less than 10,000 square feet. The five lots to the east are second row oceanfront; they are each less than 10,000 square feet. The rezoning request is so the lot will be a compatible, usable lot. Mayor Pro Tem Benson called for questions from the Board. Hearing none, the Mayor Pro Tem invited members of the audience to come forward.

Mr. Arthur Miller of 327 Goldsboro Lane addressed the Board. He asked the Clerk to read an email from a property owner who was not present at the meeting. Mr. Edes did not object to the request, but he noted that if the email has already been distributed to the Board, there is no need for it to be read aloud at the Meeting. Mr. Miller proceeded to read the comment; the email is dated Thursday, July 1, 2021 at 10:34 AM from Mr. Ronald Longo at 203 Goldsboro Lane. Mr. Longo expressed his concerns with the request. He noted that this request was previously denied by unanimous vote. In his opinion, the request benefits a specific person or small group of people rather than the general public. Mr. Longo is also worried about foot traffic damage to the dunes in that area. If the Board does decide to grant the request, the writer asks the Board to require measures to guarantee beach access.

Mr. Miller then spoke for himself. In 2007, the Board unanimously decided the lot in question was not buildable. Mr. Miller purchased his lot in 2018, and he cited the feature of a non-buildable lot next door as a deciding factor in his decision to purchase. He is also concerned about beach access. Mayor Pro Tem asked about the beach access on the street. Mr. Miller explained that he does not have ownership, but he does have an arrangement with the owner that permits use.

Mr. Matthew Snyder, licensed real estate broker and representative of several homeowners on Goldsboro, addressed the Board. The lot does not have beach access. The property owners already experience a lot of issues with visitors on the dunes; he is concerned that the issues will only increase if the Board approves this rezoning request. He also believes the lots are non-buildable. Mr. Snyder is

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concerned about the precedent this decision may have on future owners' requests. Ultimately, he does not believe the Board should rezone a lot that is already unbuildable.

Mr. Riggs readdressed the Board. He emphasized that the request is to rezone the lot itself; rezoning would not impact the setback or other CAMA requirements. Furthermore, beach access for the lot is not a factor for the Board to consider. The Board must consider the compatibility with the adjoining properties, which are similar in size with dwellings.

Mr. Arthur Miller readdressed the Board. He believes beach access should be a primary factor in the decision-making process. In his opinion, he and the surrounding property owners purchased their homes under the pretense that this lot would not be developed. In fact, he has tried to purchase the lot. His concern is that there will be a lot of conflict over beach access if the lots are rezoned developed.

Mayor Pro Tem Benson invited any additional speakers to the podium. No one came forward or indicated otherwise. Alderman Leonard made a motion to close the public hearing. Alderman Meyer seconded. The Motion passed unanimously, 4-0.

The Town Attorney offered guidance to the Board for their deliberation. While Mr. Edes understands the surrounding owners' concerns, whether the lot is buildable or has beach access is not an appropriate concern for the Board's consideration on this application. Planning Director Hill added that the Planning Board did review the application and unanimously voted to approve the request.

Alderman Leonard made a motion to rezone the property as requested in the application. Alderman Grant seconded. The Clerk called the roll:

- Alderman Meyer- Yes
- Mayor Pro Tem Benson- Yes
- Alderman Leonard- Yes
- Alderman Grant- Yes

The Motion passed, 4-0.

F. Uniform Development Ordinance (NCGS 160D amendments)

Town Attorney Edes commended Planning Director Hill on her diligent work. He highly recommends the Board adopt the ordinances as presented by staff.

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Alderman Grant made a motion to open the public hearing. Alderman Leonard seconded. The Motion passed unanimously, 4-0.

Planning Director Hill presented her staff report. The portions of the proposed update that speak to code enforcement have been reviewed and endorsed by Building Inspector Canady. The section that speaks to fire code has been reviewed and endorsed by Chief Soward.

The Mayor opened the floor for the Board to ask questions. She then asked any member of the audience to come forward who has questions. No one had questions. Alderman Leonard made a motion to close the public hearing. Mayor Pro Tem Benson seconded. The Motion passed unanimously, 4-0.

Alderman Leonard made a motion to adopt the UDO ordinances as presented. Alderman Meyer seconded. The Motion passed unanimously, 4-0.

IX. Consent Agenda

~~a. Approval of Minutes~~

- ~~i. June 3, 2021 Regular Meeting~~
- ~~ii. June 14, 2021 Special Meeting Budget~~
- ~~iii. June 18, 2021 Special Meeting Budget~~
- ~~iv. June 22, 2021 Special Meeting Budget~~
- ~~v. June 25, 2021 Special Meeting MSD's~~
- ~~vi. June 28, 2021 Special Meeting MSD's~~

b. Department Head Reports

- i. Finance Department
 - ~~1. Fee Schedule Amendment~~
 - ~~2. Budget Amendment 2020-21.8~~
 - 3. MOTV- Tax Refund
- ii. Fire Department
- iii. Inspections Department
- iv. Police Department
- v. Planning Department

c. Committee Reports

- i. Planning Board
- ii. Board of Adjustment
- iii. TISPC
- iv. ONWASA

Mayor Pro Tem Benson made a motion to approve the Consent Agenda as amended. Alderman Grant seconded. The Motion passed unanimously, 4-0.

X. Old Business

a. Municipal Service District Update

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Mayor McDermon provided the update. The Board held two public hearings to review and consider a municipal service district (MSD). The Board voted to create a MSD for Phase 5, but it did not impose a special tax rate.

- b. Offer to Purchase- Update
 - i. L3 S2 B7 Old Settlers Beach by Timothy Eastman for \$10,000 - Update
 - ii. L2 & L2A Sea Ranches by Craig Grief for 10,000 – Update

Town Attorney Edes reported that the time for upset bids has closed. The next step is to schedule a closing.

- c. Public Safety Building Update

Mayor Pro Tem Benson spoke on the subject. The architectural firm is asking that the Town communicate back any final revisions. The Police and Fire Chiefs are reviewing; they are looking at Surf City's new facilities for additional ideas. Next, the Town will need to select or acquire property for the building; the final footprint cannot be set until that information is provided to the architecture firm.
- d. USACE Federal Project PPA – Discussion and Vote

Mayor McDermon provided a brief history of the project. The financial components have grown and greatly increased the Town's cost share. The project was not eligible for state or federal financing, which has also been difficult. Inevitably, the cost of the project would go back to property owners through increased taxes. Lastly, the Town has worked with FEMA on several areas of the beach strand, including the proposed project area; it is uncertain how the federal agencies, FEMA and the Army Corps of Engineers, would coordinate their projects.

Alderman Grant noted that Town officials have devoted a lot of time to researching financial avenues to support this project. Recently, the Town learned that it was required to pay a part of the project upfront before the contract could go out to bid; this initial payment was approximately \$19 million. To proceed, the Board would have to increase taxes town-wide nearly 300%. This would put other projects, for example other beach projects or the public safety building, at jeopardy. The Mayor has prepared a letter for the Army Corps of Engineers to outline the Town's concerns.

Alderman Leonard spoke to Representative Phil Shephard and legislative assistants to both Congressman Greg Murphy and Congressman David Rouzer. These offices have put in a lot of work and support for the project. Alderman Leonard explained the complications of the project, including the large increase to taxes, that are hindering the Town's participation. The representatives understood why the Town had to reconsider its involvement in the project. Alderman Leonard's concerns with the project are: 1) the overall cost, 2) the 50-year time commitment and 3) the project area only covers less than 40% of the Town's shoreline. The Town has other options in the same project area, so if the Town does not participate in the federal project, the

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area will still receive other nourishment efforts. Other Towns have had to make the difficult decision of walking away from projects that ultimately were not in the best interest of their residents and property owners. The Board of Aldermen is now faced with similar concerns to consider.

Mayor Pro Tem Benson echoed his colleagues' sentiments. The project was initially approved in 2010, and since that time, the cost has more than doubled. He believes the project is financially impossible.

Alderman Meyer agreed with her colleagues. She noted that roadblocks were constantly presenting themselves in this project, and eventually, it seemed to be too much.

Financial Consultant Doug Carter of DEC Associates, available via video conference, agreed with the aldermen's comments and added that the Board and staff's review of the project's scope, cost and timing has been exhaustive. The Town's work has been thorough.

Mayor Pro Tem Benson made a motion that the Town does not sign the Proposed Partnership Agreement with the Army Corps of Engineers. Alderman Grant seconded. The Clerk called the roll:

- Alderman Meyer- Yes
- Mayor Pro Tem Benson- Yes
- Alderman Leonard- Yes
- Alderman Grant- Yes

The Motion passed unanimously, 4-0.

XI. New Business

a. Onslow County BA4 Dune Repair

i. Meeting July 13, 2021

Mayor Pro Tem Benson reported that a joint meeting is scheduled on July 13th. The Town put together a scope of work and detailed summary of what is needed to adequately address the concerns of the breached dune. The Mayor Pro Tem asked his colleagues to support this proposal as they formally present to the Onslow County Board of Commissioners.

b. Discussion of BOA Meeting and Time Change

Mayor McDermon acknowledged that it is late in the evening, and staff has been working all day. Surrounding communities hold meetings during the workday. The Mayor would like for the Board to consider a new meeting time. The Board discussed. By consensus, the Board agreed to adjust to the first Thursday of the month at 11:00 AM. The Mayor asked the Clerk to follow-up.

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c. J. Powell Fisher Offer to Lease

Planning Director Hill presented. Mr. J. Powell Fisher is offering to lease his property at 2072 New River Inlet Road to the Town for public parking. The Planning Board made a recommendation to the Board of Aldermen to review and consider how it wishes to proceed. Mr. Charles Riggs presented a few different options for the Board's consideration. By consensus, the Board agreed that it was interested in more information to possibly pursue. Mayor Pro Tem stated his opposition, because it is zoned residential. Staff will follow-up with the Town Attorney.

d. Finance Department Reports

i. Fee Schedule Amendment

Finance Officer Elliott presented the Amendment. The Town's contract with its waste collection service allows for an annual rate adjustment. This year's adjustment was properly presented in the budget; however, the rate was not properly adjusted in the fee schedule.

Alderman Grant made a motion to approve the Fee Schedule Amendment as presented. Alderman Leonard seconded. The Motion passed unanimously, 4-0.

ii. Budget Amendment 2020-21.8

The Police Department participates in the Law Enforcement Support (LES) program, which helps the department obtain equipment at little to no cost. If the department sells the equipment, the proceeds of that sell must go back to the police department. Recently, North Topsail Beach's Police Department sold an ATV from the program. The amendment is meant to reflect the proper placement of funds. Alderman Grant made a motion to adopt the Amendment. Alderman Leonard seconded. The Motion passed unanimously, 4-0.

XII. Attorney Report

Town Attorney Edes did not have a report.

XIII. Mayor Report

Mayor McDermon thanked staff for their work on the budget and the federal project.

XIV. Aldermen's Report

Alderman Meyer reported that movies in the park will run on the following days: July 10th, July 24th and August 7th. Homes for Heroes is constructing a home in Jacksonville. There will be a key ceremony on July 12th. She thanked staff for their hard work.

Mayor Pro Tem Benson wanted to recognize Ms. India Mackinson, a UNC Fellow for the Town. She manages a lot of communications, such as the Town website and social media. She is pursuing a master's degree in Coastal Management at Duke University.

Alderman Leonard wished everyone a happy and safe holiday. He congratulated Ms. Connie Pletl on her appointment to the Board. Regarding the Town's decision on the

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PPA, it was not an easy decision. Town officials put a lot of time in the project. Now that the Town is not moving forward with the Army Corps of Engineers PPA, there may be other projects and funding sources that are available.

Alderman Grant also spoke to the difficult decision of the PPA and that Town officials will now pursue other projects and funding. He believes the Town is committed to spending money in the right way.

Alderman Leonard made a motion to go into closed session for the reasons presented. Alderman Meyer seconded. The Motion passed, 4-0.

XV. Closed Session

- a. § 143-318(a) (3) Consult with Town Attorney
- b. § 143-318.11 (a) (5) (i) Land Acquisitions
- c. § 143-318.11 (a) (6) Personnel

Alderman Grant made a motion to return to open session. Alderman Meyer seconded. The Motion passed, 4-0.

The Mayor announced that no action was taken.

XVI. Adjournment

Alderman Leonard made a motion to adjourn. Alderman Meyer seconded. The Motion passed, 4-0.



Town of North Topsail Beach
Board of Aldermen

Agenda Item:	PUBLIC HEARING
Date:	7/1/201

Issue: Water dependent structures: Principal vs. Accessory

Department: Planning

Prepared by: Deborah J. Hill MPA AICP CFM CZO

Presentation: Yes

BACKGROUND North Carolina is a riparian state, meaning that anyone who owns land adjoining surface water has the right to make reasonable use of that water.

Boat lifts and private boat ramps are permitted as an accessory structure, *not as a principal*. Boat launch/ramp is defined as, “a facility to launch and retrieve recreational boats from a trailer. Boat houses are not addressed in Table 4-1, nor defined in Chapter 11.

<i>Table 4-1 Use Table</i>											
<i>Use</i>	<i>MHR</i>	<i>R5</i>	<i>R8</i>	<i>R10</i>	<i>R15</i>	<i>R20</i>	<i>RA</i>	<i>COND</i>	<i>B1</i>	<i>B2</i>	<i>Use Specific Standard</i>
Accessory use											
Bed and breakfast	P	P	P	P	P	P	P				4.03.04
Boat lift	P	P	P	P	P	P	P				
Boat ramp, private	P	P	P	P	P	P	P	P	P	P	

ACCESSORY STRUCTURE (APPURTENANT STRUCTURE). A structure that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common ACCESSORY STRUCTURES. Poles, barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

ACCESSORY USE. A use on the same lot or in the same building with the principal use of the lot or building, the nature and extent of which is clearly incidental or subordinate to that of the principal use.

BUILDING, PRINCIPAL (MAIN). A building in which is conducted the principal use of the plot on which it is situated.

COMMUNITY BOATING FACILITY. A private, nonprofit boating facility including a dock, pier and/or launching ramp on property having water frontage, the use of which is intended to serve more than one residential lot. The right to use such facility must be conferred by an easement appurtenant to the residential lot it is intended to serve. No commercial activities of any kind shall be allowed within the confines of the facility. The facility shall be limited to one slip per one residential dwelling unit, not to exceed ten slips.

MARINA. Any publicly or privately owned dock, basin or wet boat storage facility constructed to accommodate more than ten boats and providing any of the following services: permanent or transient docking spaces, dry storage, fueling facilities, haulout facilities and repair service. Excluded from this definition are boat ramp facilities allowing access only, temporary docking and none of the preceding services. Boat ramp facilities providing access only are excluded.

(NCAC 10B.1401(9))

PIER. A water-related structure extending into the water from the shore, whether floating or fixed to the bottom, for use as a boat landing place or promenade, constructed of pylons and decking for mooring and access to a boat or watercraft. May also include structures designed and constructed to serve as a means of recreational access (fishing and the like) to the ocean and sound waters.

<i>Table 4-1 Use Table</i>											
<i>Use</i>	<i>MHR</i>	<i>R5</i>	<i>R8</i>	<i>R10</i>	<i>R15</i>	<i>R20</i>	<i>RA</i>	<i>COND</i>	<i>B1</i>	<i>B2</i>	<i>Use Specific Standard</i>
Dock, pier (accessory, principal,)	P	P	P	P	P	P	P	P	P	P	

15A NCAC 02B .0202 defines "Water dependent structures" as those structures that require access or proximity to or siting within surface waters to fulfill its purpose, such as boat ramps, boat houses, docks, and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots, and commercial boat storage areas are not water dependent structures.

At their regular meeting on June 10, 2021, the Planning Board discussed water-dependent structures defined by 15A NCAC 02B .0202 as a principal use.

RECOMMENDATION Mrs. Dixon made a motion to support what staff has brought up and that we go along with (Division of) Coastal Management as far as permitting or allowing these structures as a principle use. Chair McCloud read staff’s recommendation, that the Planning Board 1) consider “what constitutes reasonable use” relative to principal use, as applied to boat lifts, private boat ramps and boat houses; and, 2) if it is determined that boat ramps, boat houses, docks and bulkheads as principal use are desirable, recommend an amendment to Table 4-1 to the Board of Aldermen, accordingly. Mrs. Greene seconded the motion, The motion passed 7-0.

ATTACHMENT Proposed Ordinance to Amend UDO Table 4-1 and Article 11.

**AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE
OF THE TOWN OF NORTH TOPSAIL BEACH, NORTH CAROLINA BY
ADOPTING THE DEFINITION OF WATER DEPENDENT STRUCTURES AND
ALLOWING AS BOTH PRINCIPAL OR ACCESSORY USE**

Ordinance 21-__

WHEREAS, North Carolina is a riparian state, meaning that anyone who owns land adjoining surface water has the right to make reasonable use of that water; and

WHEREAS, the Planning Board has reviewed the proposed standards and recommended approval of this ordinance; and has considered “what constitutes reasonable use” relative to principal use, as applied to boat lifts, private boat ramps and boat houses; and 2) has determined that boat ramps, boat houses, docks and bulkheads as principal use are desirable; and

WHEREAS, the Board of Aldermen has found this ordinance to be consistent with the Town’s adopted CAMA Land Use Plan; and

WHEREAS, the Board of Aldermen has determined that is in public interest to update standards for exempt plats and expedited review for certain types of subdivisions in the Unified Development Ordinance in compliance with the N.C. General Statutes.

NOW THEREFORE BE IT ORDAINED by the Board of Aldermen for the Town of North Topsail Beach, North Carolina that the Unified Development Ordinance shall be amended as follows:

PART I. That Subsection of the Unified Development Ordinance be amended with the addition of the following:

PART II. This ordinance shall be effective upon its adoption.

Table 4-1 Use Table

<i>Table 4-1 Use Table</i>											
<i>Use</i>	<i>MHR</i>	<i>R5</i>	<i>R8</i>	<i>R10</i>	<i>R15</i>	<i>R20</i>	<i>RA</i>	<i>CON-D</i>	<i>B1</i>	<i>B2</i>	<i>Use Specific Standard</i>
Accessory use											
Water dependent structures (principal use, accessory use)	P	P	P	P	P	P	P	P	P	P	Art. 11 Definitions; 15A NCAC 02B .0202

Article 11 Definitions

Add: “**WATER DEPENDENT STRUCTURES:** those structures that require access or proximity to or siting within surface waters to fulfill its purpose, such as boat ramps, boat houses, docks, and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots, and commercial boat storage areas are not water dependent structures. Reference 15A NCAC 02B .0202”

STAFF REPORT CONTACT INFORMATION

Deborah J. Hill MPA AICP CFM CZO Planning Director

910.328.1349

dhill@ntbnc.org

DOCKET/CASE/APPLICATION NUMBER
CASE R-21-01

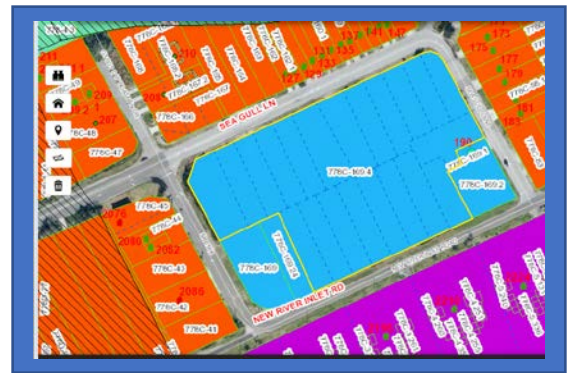
APPLICANT/PROPERTY OWNER
Rodriguez, Joe/Same

PUBLIC HEARING DATE
7 1 2021

PROPERTY ADDRESS/LOCATION
Sea Gull Ln & NRI 778C-169.4

BRIEF SUMMARY OF REQUEST

Joe Rodriguez is requesting a rezoning of Lots 1-21 as shown in Map Book 30 at Page 20, Onslow County Registry, from B-1 to R-8.



MAP SOURCE: Onslow County GIS with Zoning/Par line layer

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	SIZE OF PROPERTY
B-1	vacant	NW R10 SF DUPL NE R10 DUPL SE B-1/R5 CONDO SW B-1 Palm Tree Mkt/Tiki Bar, R10 SF DUPL	none	+/- 4.98 acres

6-10-21, PLANNING BOARD RECOMMENDATION, 7-0

APPROVE

APPROVE WITH CONDITIONS

DENY

COMPATIBILITY with the COMPREHENSIVE PLAN

- CAMA LUP 2021 Map 21b. Future Land Use classification: Mixed Use Business.
- Reference Page 6-1;
- Ref Page 4-16: R-8 is considered "generally consistent with" Low- to Medium-Density Residential.
- Ref 5-9 P.9 Although this policy reflects support for medium density development, the Town will not rezone any property to a density less than R-10 (10,000 square feet).

PROPERTY HISTORY

July 19, 1993 – Preliminary Plat approved: Kate Smith (Book 4, page 35 – 36).
 August 19, 1993 – Final Plat approval of Smith tract (Book 44 and 45).
 October 7, 2004 – Rezoning B-1 to CU R-5 and Development of Sea Gull Village, contract to purchase Eric Litvak. Protest petition.
 November 4, 2004 – B-1 to CUR-5 with conditions passed 3 to 1, with Alderman Duane recused. Believing that the super-majority requirement was satisfied (Fairley/Johnson), the application was approved. Subsequently, however, the Board decided, based upon correspondence with faculty members at the Institute of Government and based on further examination of the legal issues surrounding the 4 November 2004 vote, that the absent Board member should have counted as a negative vote.
 On 2 December 2004, the Board reversed itself and declared the decision of 4 November 2004 void ab initio.
 On 20 December 2004, the Board voted again and this time rejected plaintiffs' application.
 January 6, 2005 – received a civil summons (CVS3958);
 11/7/06 – Court of Appeals decision. Smith filed/Litvak counterclaim
 .
 Eligible for federal flood insurance. Flood zone: AE 11, 12.

COMPATIBILITY with the ZONING ORDINANCE

August 19, 1993 – BOA final plat approval of Smith tract, Lots 1-21 as recorded as MB 30 P 20, Onslow County Registry, minimum 8,000 sq ft.

§ 2.06.01 TEXT AND MAP AMENDMENT (procedures).

§ 3.02.09 B-1 BUSINESS DISTRICT.

This district is established as a district in which the principal use of land is for the retailing of both perishable and durable goods, provision of commercial services to surrounding areas and neighborhoods and the provision of services to visitors. In promoting the general purpose of this ordinance, the specific intent of this district is:

- (A) To encourage the construction of and the continued use of the land for commercial and service uses, particularly those which serve the community or neighborhood;
- (B) To provide for the orderly expansion of such uses within this district, as designated on the zoning map;
- (C) To prohibit residential use of the land and to prohibit any other use which would substantially interfere with the development or continuation of the business uses in the district; and
- (D) To discourage the continuance of existing uses that would not be permitted as new uses under the provision of this district.

(Ord. passed 11-2-2011)

§ 3.02.06 R-8 MULTI-FAMILY RESIDENTIAL DISTRICT.

The purpose of this district shall be to provide for single-family and multi-family residential developments where both central water and central sewer are available.

(Ord. passed 11-2-2011)

§ 3.02.05 R-10 RESIDENTIAL DISTRICT.

The purpose of this district shall be to provide for single-family and multi-family residential developments where both central water and central sewer are available.

(Ord. passed 11-2-2011)

§ 3.05 - § 3.10

§ 3.07 ACTION BY THE PLANNING BOARD.

(A) Every proposed amendment, supplement, change, modification or repeal of this ordinance shall be referred to the Planning Board for its recommendation and written report to the Board of Aldermen.

(B) The following policy guidelines shall be followed by the Planning Board concerning zoning amendments and no proposed zoning amendment will receive favorable recommendation unless:

- ✓ (1) The proposal will place all property similarly situated in the area in the same category, or in appropriate complementary categories;
- ✓ (2) There is convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group;
- ✓ (3) There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change (when a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses which applicants state they intend to make of the property involved);
- ✓ (4) There is convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change; or
- (5) The proposed change is in accord with any land use plan and sound planning principles .

(Ord. passed 11-2-2011)

Table 5-1 Dimensional Requirements

<i>Zoning District</i>	<i>Minimum Lot Size</i>	<i>Front Yard Setback</i>	<i>Lot Width</i>	<i>Side Yard Setback</i>	<i>Side Yard on Corner</i>	<i>Rear Yard Setback</i>	<i>Building Height</i>	<i>Maximum Lot Coverage</i>
R-10 Single-family	10,000 sq. ft.	20'	60'	8'	15'	10'	48'	30%
Multi-family	plus 10,000 sq. ft. for each unit over 2	20'	60'	8'	15'	10'	48'	30%
R-8 Single-family	8,000 sq. ft.	20'	50'	8'	15'	10'	48'	30%
Multi-family	plus 8,000 sq. ft. for each unit over 2	20'	50'	8'	15'	10'	48'	30%
B-1	8,000 sq. ft. per building	20'	50'	8'	10'	10'	48'	30%

ATTACHMENTS (CIRCLE)

SUBMITTED PLANS
MB 30 P 20

APPLICATION FORM

RESPONSE TO
STANDARDS

LEGAL DESCRIPTION
Reference DB 5169 / 448

OTHER (DESCRIBE)

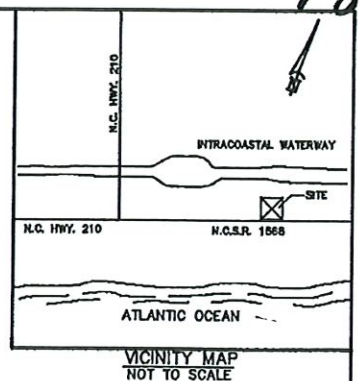
I, JOHN L. PIERCE, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 21, PAGE 176, ETC.) (OTHER); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK 42, PAGE 111; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 12 DAY OF AUG, 1993.



SEAL
SURVEYOR
RUS-2596
REGISTRATION NUMBER

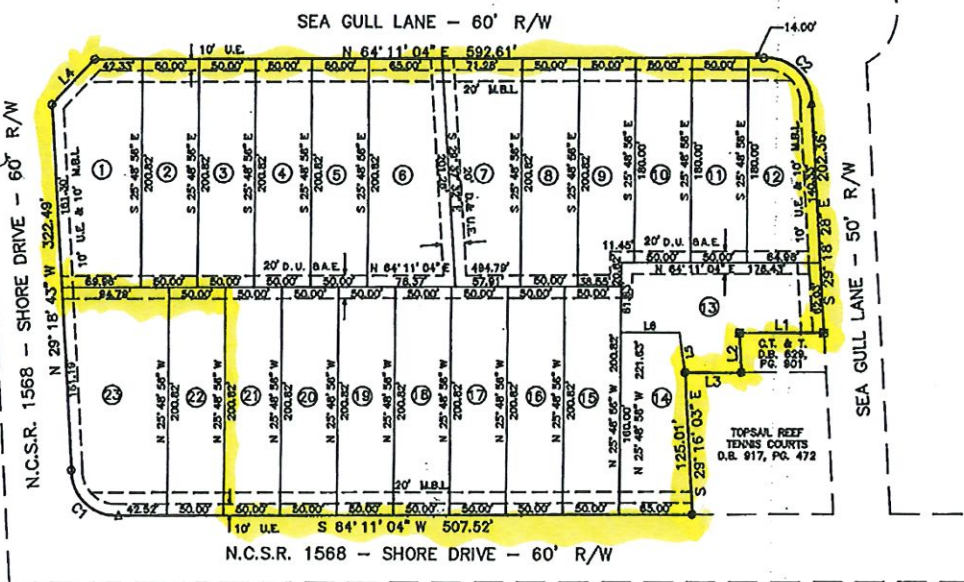
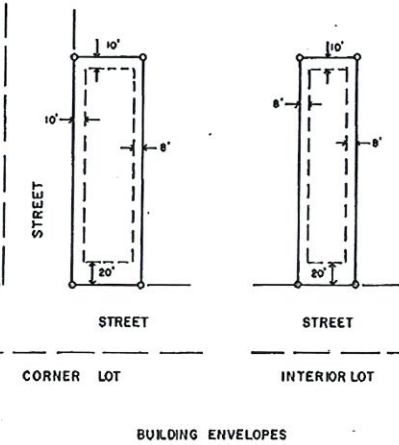
NORTH CAROLINA, ONSLOW COUNTY
I, A NOTARY PUBLIC OF THE COUNTY AND STATE AFORESAID, CERTIFY THAT JOHN L. PIERCE, A REGISTERED LAND SURVEYOR, PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT.
WITNESS MY HAND AND OFFICIAL STAMP OR SEAL, THIS 12 DAY OF AUGUST, 1993.
SEAL OR STAMP
BETTY BULLOCK
NOTARY PUBLIC
MY COMMISSION EXPIRES DECEMBER 28, 1993.

NORTH CAROLINA, ONSLOW COUNTY
THE FOREGOING CERTIFICATE OF BETTY BULLOCK, NOTARY PUBLIC, IS CERTIFIED TO BE CORRECT. THIS INSTRUMENT WAS PRESENTED FOR REGISTRATION AND RECORDED IN BOOK 42, PAGE 111, SLIDE 4-266, THIS DAY OF DECEMBER, 1993 AT 2:00 O'CLOCK P.M.
Michael M. Roman
REGISTER OF DEEDS



CERTIFICATE OF OWNERSHIP AND DEDICATION
I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, WHICH IS LOCATED IN THE SUBDIVISION JURISDICTION OF THE TOWN OF NORTH TOPSAIL BEACH AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY FREE CONSENT, ESTABLISH MINIMUM BUILDING SETBACK LINES, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS, AND OTHER SITES AND EASEMENTS TO PUBLIC OR PRIVATE USE AS NOTED.
12/22/93
DATE
William A. Smith
Katie C. Smith
OWNERS

CERTIFICATE OF APPROVAL FOR RECORDING
I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE TOWN OF NORTH TOPSAIL BEACH, NORTH CAROLINA, AND THAT THIS PLAT HAS BEEN APPROVED BY THE BOARD OF ALDERMEN FOR RECORDING IN THE OFFICE OF THE REGISTER OF DEEDS OF ONSLOW COUNTY.
12-21-93
DATE
Sharon P. Smith
MAYOR
12/22/93 S.R. Daughtry
Subdivision Administrator



LEGEND:
● = EXISTING IRON STAKE
○ = SET IRON STAKE
+ = PK NAIL
■ = EXISTING CONCRETE MONUMENT
D.& U.E. = DRAINAGE & UTILITY EASEMENT
M.B.L. = MINIMUM BUILDING LINE
U.E. = UTILITY EASEMENT
M.B. = MAP BOOK
D.B. = DEED BOOK
PG. = PAGE
R/W = RIGHT OF WAY
D.U.B.A.E. = DRAINAGE, UTILITY & ACCESS EASEMENT
NOTE: ALL UNMARKED CORNERS ARE SET IRON STAKES

NOTE:
NORTH TOPSAIL COMMUNITY PANEL # 370466 0005 A SHOWS THAT THIS PROPERTY IS LOCATED IN AN A4 ZONE WHERE FEDERAL FLOOD INSURANCE IS AVAILABLE.

I, JOHN L. PIERCE, REGISTERED LAND SURVEYOR NO. 2596, CERTIFY TO ONE OR MORE OF THE FOLLOWING AS INDICATED:
 A. THAT THIS PLAT IS OF A SURVEY THAT CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND;
 B. THAT THIS PLAT IS OF A SURVEY THAT IS LOCATED IN SUCH PORTION OF A COUNTY OR MUNICIPALITY THAT IS UNREGULATED AS TO AN ORDINANCE THAT REGULATES PARCELS OF LAND;
 C. THAT THIS PLAT IS OF A SURVEY OF AN EXISTING PARCEL OR PARCELS OF LAND;
 D. THAT THIS PLAT IS OF A SURVEY OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION;
 E. THAT THE INFORMATION AVAILABLE TO THE REGISTER OF DEEDS IS SUCH THAT I AM UNABLE TO MAKE A DETERMINATION OF THE BEST OF MY PROFESSIONAL ABILITY AS TO WHICH OF THE ABOVE (A) THROUGH (D) ABOVE.
JOHN L. PIERCE, REGISTERED LAND SURVEYOR NO. 2596

CURVE	DELTA	RADIUS	ARC	CHORD	TANGENT	CHORD BRG
1	86°30'13"	42.52'	64.19'	58.27'	40.00'	S 72°33'50" E
2	86°30'28"	42.52'	64.20'	58.27'	40.00'	N 72°33'42" W

LINE	BEARING	DISTANCE
1	S 64°11'23" W	74.83'
2	S 29°19'36" E	34.94'
3	S 64°06'02" W	50.05'
4	N 17°28'09" E	64.67'
5	S 34°38'55" E	35.84'
6	N 64°11'04" E	52.00'

TRACT DATA:
TOTAL AREA - 5.75 AC.
NUMBER OF LOTS - 23
MINIMUM LOT SIZE - 8000 SQ. FT.
ZONING - B-1
OWNER:
WILLIAM A. SMITH & WIFE KATIE C. SMITH
2013 CINDY LANE
CLAYTON, NC
PHONE: 919-553-4120

FINAL PLAT
PROPERTY OF
WILLIAM A. SMITH & KATIE C. SMITH
STUMP SOUND TOWNSHIP, ONSLOW COUNTY, NC
PREPARED BY
JOHN L. PIERCE - SURVEYING
409 JOHNSON BLVD. JACKSONVILLE, NC 28540
PHONE: 919-346-9800 DATE: JULY 16, 1993
SCALE: 1" = 100' F.B. 209, PG. 44 + JOB #930978
100 50 0 100 200 300
SCALE IN FEET

REF: M.B. 21, PG. 176 (BLOCK "D")

REV: AUG. 12, 1993; DEC. 22, 1993



Town of North Topsail Beach

ZONING MAP AMENDMENT

Tracking Information (Staff Only)

Case Number: R- 21-01

Date/Time rec'd:

Rec'd by: DJH

About this Application

ONLY COMPLETE APPLICATIONS CAN BE ACCEPTED

Rezoning requests are heard by the Planning Board, then the Board of Aldermen, as a legislative public hearing.

Submittal: Planning Director will inform applicant of dates for Planning Board and Board of Aldermen public hearing upon receipt of a complete application. Applications should be submitted in-person, and fees are due at time of submittal.

Attendance at the hearing is required. Applicants may represent themselves or may be represented by someone appropriate for legislative public hearings. The applicant has the **burden of proof** and must provide sufficient evidence in order for the required findings to be made. The public hearing will allow the applicant, proponents, opponents and anyone else the opportunity to speak and ask questions in regards to the request. An application may be approved, approved with conditions, continued for more information, or denied.

Contact Information: If you have any questions, please contact the Planning Department at (910) 328-1349 ext 27 between 8:00 a.m. and 5:00 p.m. on weekdays.

Required Application Attachments

Applicant Initial

Staff Initial

Fee (Check No. _____/Receipt No. _____)

Completed application and responses: **ORIGINAL** signatures required

PLOT PLAN (full size)

10 copies for Planning Board; 10 copies for Board of Aldermen

Site Address: Seagull Lane & Shore Drive

PIN(s): 429811655843000

Zoning District(s) : B-1

Overlay District(s):

Tax Map #: 778C-169.4

Requested Zoning District: R-8

Property Owner

Name(s) (Print): Joe Rodriguez

Telephone: 910-389-8625

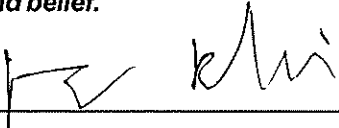
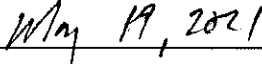
Contact Person: Charles A. Rawls, PLS

Email: charlesarawls@gmail.com

05/07/2021

Owner Signature

Date May 19, 2021

Applicant	
Name(s): Joe Rodriguez	
Contact Person: Charles A. Rawls, PLS	Telephone: 910-389-8625
Address: PO Box 1126	Fax: 910-326-1400
City/State/ZIP: Swansboro, NC 28584	Email: charlesarawls@gmail.com
<i>I certify that all of the information presented by me in this application is accurate to the best of my knowledge, information, and belief.</i>	
 _____ Applicant Signature	 _____ Date
Agent (if different than applicant)	
Name:	
Contact Person:	Telephone:
Address:	Fax:
City/State/ZIP:	Email:

STATEMENT OF JUSTIFICATION (Responses to UDO § 3.07 general findings)

Finding #1: The proposal will place all property similarly situated in the area in the same category, or in *appropriate* complementary categories.

Statement by Applicant: This property is primarily Residential by its surrounding properties. The properties to the North, East, and West are Currently developed as Single Family Homes and the property to the South is developed as Multifamily. The 2 adjacent lots to the southwest are The only property currently used as commercial development.

Finding #2: There is convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group.

Statement by Applicant: After examining the Federal Flood maps and classification for this property we found that commercial development is not a feasible option. The highest existing ground elevation is substantially below Base Flood and structural fill is not an option. Therefore, residential development development of elevated structures is the Only viable alternative. This would blend aesthetically with The surrounding properties.

Finding #3: There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses which applicants state they intend to make of the property involved.)

Statement by Applicant: The unified Development Ordinance states that Single and Multifamily development are the only uses permitted in The R8 zone. The development of this property is intended to be either single family or possibly Duplex development of each lot. This is In keeping with the current use of the surrounding property except for the TIKI Bar on the southwest corner.

Finding #4: There is convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change.

Statement by Applicant: As stated in Finding #3 above this is primarily a Residential neighborhood and the development of this property into Single family and Duplex Lots will have no adverse effect on the neighborhood.

Finding #5: The proposed change is in accord with any land use plan and sound planning principles.

Statement by Applicant: The Land use plan shows the Future use of this property as Mixed Use Business. As stated in Finding #2 the Current Federal Flood Ordinance and Local ordinance precludes a feasible commercial development of this property. Therefore a more Residential approach of development of this property is the only avenue in keeping with the surrounding neighborhood.

STAFF REPORT CONTACT INFORMATION

Deborah J. Hill MPA AICP CFM CZO Planning Director

910.328.1349

dhill@ntbnc.org

DOCKET/CASE/APPLICATION NUMBER
CASE R-21-02

APPLICANT/PROPERTY OWNER
Charles Riggs/Herring Sisters

PUBLIC HEARING DATE
7-1-21

PROPERTY ADDRESS/LOCATION
323 GOLDSBORO LN 774-22

BRIEF SUMMARY OF REQUEST

On behalf of his clients Herring Sisters, Charles Riggs is requesting a rezoning of 323 GOLDSBORO LN 774-22, unrecorded plat, from R-10 to R-5.



MAP SOURCE: Onslow County GIS with Zoning layer

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	SIZE OF PROPERTY
R-10	vacant	N R10 VACANT E R10 SF W G'BORO LN/R-10 TOPSAIL WYNDS duplexes S R-10 vacant and Atl Ocean	none	+/- 5,593 sq ft

6-10-21, PLANNING BOARD RECOMMENDATION, 7-0

APPROVE

APPROVE WITH CONDITIONS

DENY

COMPATIBILITY with the COMPREHENSIVE PLAN

- CAMA LUP 2021 Map 12b. Future Land Use classification: Medium Density Residential.
- Reference Page 6-1; Requests for zoning changes should not be approved if the requested change will result in spot zoning.
- Ref Page 4-16: R-5 is considered "generally consistent with" Low- to Medium-Density Residential.
- Ref 5-9 P.9 Although this policy reflects support for medium density development, the Town will not rezone any property to a density less than R-10 (10,000 square feet).

PROPERTY HISTORY

- 774-22 was a lot from 1973 based on db 434 pg 214, then in 1989 they add .04 acre to their existing lot. Onslow County is looking because it does not sure that the small .04 got conveyed on newer deeds.
- 1982 Zoning Map indicated R-20 zoning despite obvious nonconformity with R-20 zoning (not sound planning principles). 1997-98 C Riggs plats indicate R-20 zoning on adjacent lots.
- April 12, 2007, PB unanimously denied #R-07-03 through #R-07-08 on Goldsboro Lane. June 7, 2007, BOA unanimously denied #R-07-03 through #R-07-08.
- CBRS Area as of 10/1/1983. Flood zone: AE 12.

COMPATIBILITY with the ZONING ORDINANCE

§ 2.06.01 TEXT AND MAP AMENDMENT (procedures).

§ 3.02.07 R-5 MULTI-FAMILY RESIDENTIAL.

The purpose of this district shall be to provide for single-family and multi-family residential developments where both central water and central sewer are available.

(Ord. passed 11-2-2011)§ 3.05 - § 3.10

§ 3.07 ACTION BY THE PLANNING BOARD.

(A) Every proposed amendment, supplement, change, modification or repeal of this ordinance shall be referred to the Planning Board for its recommendation and written report to the Board of Aldermen.

(B) The following policy guidelines shall be followed by the Planning Board concerning zoning amendments and no proposed zoning amendment will receive favorable recommendation unless:

- (1) The proposal will place all property similarly situated in the area in the same category, or in appropriate complementary categories; **The surrounding properties are within the Residential-10 (R-10); reference David Owen’s “Spot Zoning” dated April 2020 included in supplemental materials.**
- (2) There is convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group;
- (3) There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change (when a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses which applicants state they intend to make of the property involved);
- (4) There is convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change; or
- (5) The proposed change is in accord with any land use plan and sound planning principles. **774-22 was a lot from 1973 based on db 434 pg 214.**

(Ord. passed 11-2-2011)

Table 5-1 Dimensional Requirements

<i>Zoning District</i>	<i>Minimum Lot Size</i>	<i>Front Yard Setback</i>	<i>Lot Width</i>	<i>Side Yard Setback</i>	<i>Side Yard on Corner</i>	<i>Rear Yard Setback</i>	<i>Building Height</i>	<i>Maximum Lot Coverage</i>
R-5 Single-family	5,000 sq. ft.	20'	50'	8'	15'	10'	48'	30%
Multi-family	plus 5,000 sq. ft. for each unit over 2	20'	50'	8'	15'	10'	48'	30%

ATTACHMENTS (CIRCLE)

SUBMITTED PLANS
MB 30 P 20

APPLICATION FORM

RESPONSE TO
STANDARDS

LEGAL DESCRIPTION
Reference DB 2172 P 224

OTHER (DESCRIBE)

I, CHARLES FRANCIS RIGGS, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY AS SHOWN HEREON IN ACCORDANCE WITH THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA. THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS: 1:10,000+

CHARLES FRANCIS RIGGS P.L.S. L-298T

THIS IS TO CERTIFY THAT THE SUBJECT PROPERTY IS LOCATED IN FLOOD ZONE "AE" (EL=12.0'+2') WHICH IS A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, AND THE NATIONAL FLOOD INSURANCE PROGRAM. COMMUNITY PANEL NUMBER 370466 3720428700K, JUNE 19, 2020

NOW OR FORMERLY POWERS
D.B. 4338, P. 176
ZONED R-10
VACANT

NOW OR FORMERLY BB&T
D.B. 2367, P. 515
D.B. 2507, P. 217
M.B. 44, P. 106
ZONED R-10
VACANT

NOW OR FORMERLY LONGO
D.B. 4788, P. 470
ZONED R-10
RESIDENTIAL

NOW OR FORMERLY BEST
D.B. 1587, P. 673
ZONED R-10
VACANT

NOW OR FORMERLY JR MUSGRAVE, INC.
D.B. 414, P. 307
ZONED R-10
VACANT

NOW OR FORMERLY STANLEY
D.B. 4815, P. 146
ZONED R-10
RESIDENTIAL

NEW RIVER INLET ROAD - N.C.S.R. 1568
(60' R/W ASPHALT-PUBLIC)

GOLDSBORO LANE
30' R/W (ASPHALT-PUBLIC)

GOLDSBORO LANE
60' R/W (ASPHALT-PUBLIC)

ATLANTIC OCEAN

CURRENT ZONE R-10 ZONING SETBACKS	REQUESTED ZONE R-5 ZONING SETBACKS
FRONT = 20'	FRONT = 20'
REAR = 10'	REAR = 10'
SIDE = 8'	SIDE = 8'
SIDE STREET = 15'	SIDE STREET = 15'

OWNERS
HERRING SISTERS, LLC

TITLE SOURCE
D.B. 2172, P. 224

TAX MAP #
774-22

REFERENCES
D.B. 414, P. 307
D.B. 1587, P. 673
D.B. 2172, P. 224
D.B. 2367, P. 515
D.B. 2507, P. 217
D.B. 4338, P. 176
D.B. 4788, P. 470
D.B. 4815, P. 146
M.B. 44, P. 106
M.B. 46, P. 176

ALL POINTS NON MONUMENTED UNLESS OTHERWISE NOTED

- LEGEND
- CC = CONTROL CORNER
 - ECM = EXISTING CONCRETE MONUMENT (FOUND)(CONTROL CORNER)
 - EIP = EXISTING IRON PIPE (FOUND)
 - EIR = EXISTING IRON ROD (FOUND)
 - EMN = EXISTING MAGNETIC NAIL (FOUND)(CONTROL CORNER)
 - EPK = EXISTING PARKER-KALON NAIL (FOUND)(CONTROL CORNER)
 - ERRS = EXISTING RAILROAD SPIKE (FOUND)
 - MBL = MINIMUM BUILDING LINE
 - NMP = NON MONUMENTED POINT
 - R/W = RIGHT OF WAY
 - SCM = SET CONCRETE MONUMENT (CONTROL CORNER)
 - SIP = SET IRON PIPE
 - SIR = SET IRON ROD
 - SMN = SET MAGNETIC NAIL (CONTROL CORNER)
 - SPK = SET PARKER-KALON NAIL (CONTROL CORNER)
 - ☉ = CENTERLINE
 - ⊕ = WATER METER
 - ⊗ = FIRE HYDRANT
 - ⊕ = WATER VALVE
 - ⊗ = SANITARY SEWER MANHOLE
 - ⊕ = CLEAN OUT
 - ⊕ = TELEPHONE PEDESTAL
 - ⊕ = TELEVISION PEDESTAL
 - ⊕ = FIBER OPTIC CABLE MARKER
 - ⊕ = LIGHT POLE
 - ⊕ = POWER POLE
 - ⊕ = POWER LINE
 - ⊕ = ELECTRIC TRANSFORMER
 - ×1.5' = EXISTING SPOT ELEVATION

GRAPHIC SCALE



(IN FEET)
1 inch = 30 ft.

ACTUAL FIELD SURVEY DATE: OCTOBER 31, 2006
MAPPING DATE: MAY 5, 2021
FIELD BOOK: IND, PAGE: 3
PROJECT NUMBER: 18-01-37

PRELIMINARY PLAT
NOT FOR RECORDATION,
CONVEYANCES OR SALES

REQUEST REZONE FROM R-10 TO R-5
FOR

HERRING SISTERS, LLC

5587 Sq.Ft. TRACT AS PER D.B. 2172, P. 244
STUMP SOUND TOWNSHIP, ONSLOW COUNTY, NORTH CAROLINA
HERRING SISTERS, LLC, OWNERS, D.B. 2172, P. 224
GOLDSBORO LANE

CHARLES F. RIGGS & ASSOCIATES, INC. (C-730)

LAND SURVEYING - CONVENTIONAL & GLOBAL POSITIONING SYSTEMS,
LAND PLANNING & COMPUTER MAPPING

502 NEW BRIDGE STREET
P.O. BOX 1570
JACKSONVILLE, NC 28540-1570
TELEPHONE: (910) 455-0877

LANDFALL EXECUTIVE SUITES
1213 CULBRETH DRIVE
WILMINGTON, NC 28405
TELEPHONE: (910) 681-7444
E-MAIL: riggsland@riggslandnc.com

CHARLES F. RIGGS & ASSOCIATES, INC.

Land Surveyors

Charles F. Riggs, P.L.S. L-2981
502 New Bridge Street
Jacksonville, North Carolina 28540
(910) 455-0877
charlesriggs@riggslandnc.com

Corporate License (C-730)
502 New Bridge Street
P.O. Box 1570
Jacksonville, North Carolina 28541
(910) 455-0877

James A. Lewis, P.L.S. L-4562
Landfall Executive Suites
1213 Culbreth Drive
Wilmington, North Carolina 28405
(910) 681-7444
jameslewis@riggslandnc.com

June 2, 2021

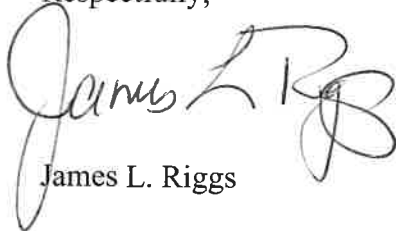
Ms. Deborah Hill
Planning Director
Town of North Topsail Beach
1000 N. C. Highway 210
Sneads Ferry, NC 28460

Re: Herring Sisters, LLC
Goldsboro Lane
5,587 Sq. Ft. Tract as per D. B. 2172, P. 244
Stump Sound Township, Onslow County, North Carolina

Dear Ms. Hill:

Please find enclosed the following: the rezone application with the questions and answers, a tax map of the property, the property deed, the corporation page, the client's authorization, and one print of the preliminary map, along with the \$400 check for submittal of the above referenced project for the next North Topsail Beach Planning Board meeting.

Respectfully,



James L. Riggs



Town of North Topsail Beach

ZONING MAP AMENDMENT

Tracking Information (Staff Only)

Case Number: R-	Date/Time rec'd:	Rec'd by:
-----------------	------------------	-----------

About this Application

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Required Application Attachments

Applicant Initial

Staff Initial

Fee (Check No. _____ /Receipt No. _____)

Completed application and responses: ORIGINAL signatures required

PLOT PLAN (full size)

10 copies for Planning Board; 10 copies for Board of Aldermen

Site Address: 323 Goldsboro Lane

PIN(s): 020535

Zoning District(s): R-10

Overlay District(s):

Tax Map #: 774-22

Requested Zoning District: R-5

Property Owner

Name(s) (Print): Herring Sisters, LLC

Telephone: 336-782-8071

Contact Person: Patricia DeForest

Email: riggsland@riggslandnc.com

Handwritten signature of Patricia DeForest

Owner Signature

02/02/21
Date

Applicant

Name(s): Herring Sisters, LLC	
Contact Person: Patricia DeForest	Telephone: 336-782-8071
Address: 317 Grasshopper Circle	Fax: N/A
City/State/ZIP: Mooresville, NC 28117-6615	Email: riggsland@riggslandnc.com

I certify that all of the information presented by me in this application is accurate to the best of my knowledge, information, and belief.


Applicant Signature

06/02/21
Date

Agent (if different than applicant)

Name: Charles F. Riggs & Associates, Inc.	
Contact Person: Charles F. Riggs	Telephone: 910-455-0877
Address: P. O. Box 1570	Fax: N/A
City/State/ZIP: Jacksonville, NC 28541	Email: riggsland@riggslandnc.com

STATEMENT OF JUSTIFICATION (Responses to UDO § 3.07 general findings)

Finding #1: The proposal will place all property similarly situated in the area in the same category, or in appropriate complementary categories.

Statement by Applicant:

Finding #2: There is convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group.

Statement by Applicant:

Finding #3: There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses which applicants state they intend to make of the property involved.)

Statement by Applicant:

Finding #4: There is convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change.

Statement by Applicant:

Finding #5: The proposed change is in accord with any land use plan and sound planning principles.

Statement by Applicant:

CHARLES F. RIGGS & ASSOCIATES, INC.

Land Surveyors

Charles F. Riggs, P.L.S. L-2981
502 New Bridge Street
Jacksonville, North Carolina 28540
(910) 455-0877
charlesriggs@riggslandnc.com

Corporate License (C-730)
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P.O. Box 1570
Jacksonville, North Carolina 28541
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James A. Lewis, P.L.S. L-4562
Landfall Executive Suite 217
1213 Culbreth Drive
Wilmington, North Carolina 28405
(910) 681-7444
jameslewis@riggslandnc.com

May 12, 2021

1. The proposal will place all property similarly situated in the area in the same category, or in appropriate complementary categories.

The adjacent properties are all zoned R-10, however, this zone is inappropriate for this area since the majority of the properties do not meet the minimum area requirement of 10,000 square feet. The Future Land Use Plan does illustrate this property as Medium Density Residential and the requested zone of R-5 would be compatible with both the Requested Zone and the Future Land Use Plan.

2. There is convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group.

The uses allowed and the setbacks required within both the existing R-10 and the requested R-5 are identical with the exception of the lot width of R-10 which is 60' and R-5 is 50'. This lot has a lot width of at least 65.81 feet. This rezone request will bring the lot within compliance with the Town ordinances and therefore this request would be in the general public interest and not merely the property owners.

3. There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses which applicants state they intend to make of the property involved.

The uses allowed and the setbacks required within both the existing R-10 and the requested R-5 are identical with the exception of the lot width of R-10 which is 60' and R-5 is 50'. This lot has a lot width of at least 65.81 feet. This rezone request will bring the lot within compliance with the Town ordinances and therefore this request would be in the general public interest and not merely the property owners.

4. There is convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change.

Since the uses of R-10 and R-5 are identical, the character of the neighborhood would not be materially and adversely affected. This rezone would allow use of the property. As it stands today the property owner cannot construct a dwelling due to the area noncompliance.

5. The proposed change is in accord with any land use plan and sound planning principles.

The Future Land Use Plan illustrates this area as Medium Density Residential which does include both R-10 and R-5. Proper planning would rezone the entire neighborhood from R-10 to R-5 to bring the entire neighborhood into compliance.

Parcel ID 020535 **Map Number** 774-22

Owner Name HERRING SISTERS LLC **Owner Mailing Address** 317 GRASSHOPPER CIR MOORESVILLE NC 28117-6615



General Information

Acres	0.00	Property Description	NEW RIVER INLET RD
Physical Address	323 GOLDSBORO LN	Subdivision	NO SUBDIVISION RECORDED
Neighborhood Code	3043	City Limit	NORTH TOPSAIL BEACH
Plat Book & Page	NO-SUBDIV	NC PIN	428706385320
Township	STUMP SOUND	Improvement Code	V
Building Value	\$0.00	Land Value	\$5,000.00
Assessed Value	\$5,000.00	Total Taxed Value	\$5,000.00
Heated Square Feet		Year Built	
Number of Bedrooms			

Last Sale

Date	Price	Book	Page
30-DEC-03	\$0.00	2172	224



Onslow County
Geographical Information
Services-GIS
234 NW Corridor Blvd.
Jacksonville, NC 28540

WARNING: THIS IS NOT A SURVEY.
This map is prepared for the inventory of real property found within this jurisdiction, and is compiled from recorded deeds, plats, and other public records and data. Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this map. The County and mapping company assume no legal responsibility for the information contained on this map.

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STATE OF NORTH CAROLINA
COUNTY OF ONSLOW

DEED

THIS DEED, made and entered into this the 12 day of December, 2003, by and between REBEKAH HERRING HASLETT and husband, JOHN ROBERT HASLETT, III, and PATRICIA HERRING DEFOREST and husband, ALBERT JEAN DEFOREST, III, parties of the first part, and HERRING SISTERS, LLC, a North Carolina limited liability company whose address is 2836 Fairmont Road, Winston Salem, North Carolina 27106, party of the second part;

WITNESSETH:

That the said parties of the first part, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration paid by the said party of the second part, the receipt of which is hereby acknowledged, have bargained and sold and by these presents do bargain, sell and convey to the party of the second part, its successors and assigns, those certain tracts or parcels of land, situated in Stump Sound Township, Onslow County, North Carolina, and more particularly described as follows:

TRACT ONE: BEGINNING at a stake, the Northeast corner of Lot No. 7 of the P & D Corporation land as platted and surveyed by William J. Outlaw, Surveyor, on February 24, 1960, and runs thence South 66° West 60 feet to a stake; thence South 3° West approximately 300 feet to the shore line of Onslow Bay on the Atlantic Ocean; thence North 66° East and along the shore line of Onslow Bay 60 feet to a stake; thence North 3° East approximately 300 feet to the point of beginning, and being Lot No. 7 of the P & D Corporation land, a plat of which is recorded in the Onslow County, North Carolina, Register of Deeds Office, reference to which is hereby made for a more complete description.

EXCEPTING, HOWEVER, from the above legal description, the following:

BEGINNING at a point North 66° East 442.5 feet from a stake, said point being at the Southern edge of N.C. Highway #50 and in the Northeastern corner of the Paul Herring lot and thence South 3° West approximately 85 feet to a stake

Prepared By: L. E. (Trey) Taylor III, Attorney at Law

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in the Sand Banks; thence continuing South 3° West 100 feet to a stake on the shore line of Onslow Bay; thence North 66° East 60 feet to an iron stake; thence North 3° East 100 feet to an iron stake on the Sand Banks; thence continuing North 3° East approximately 85 feet to the Southern edge of the right of way of N.C. Highway #50; thence South 66° West 60 feet along the Southern edge of the right of way of N.C. Highway #50 to the point of beginning, and being that portion of Lot No. 7 lying East of N.C. Highway #50 as described in a map of lots surveyed for The P. & D. Corporation on Topsail Island, Stump Sound Township, Onslow County, North Carolina on February 24, 1960, by W. J. Outlaw, Registered Surveyor; and being a part of the property described in the deed recorded in Book 210, Page 468, Onslow County Registry. And being a portion of the property conveyed from The P. & D. Corporation to L. O. Barlett, Jr. and wife, Carolyn L. Bartlett, by deed dated April 6, 1960, recorded in Book 292, Page 644, Onslow County Registry. And being the same property conveyed from L. O. Bartlett, Jr. and wife, Carolyn L. Bartlett, to Leonard B. Teachey and wife, Nellie Rose Teachey, by deed dated June 12, 1971, and recorded in the Office of the Register of Deeds of Onslow County, North Carolina.

And being the same lot or parcel of land conveyed to W. Paul Herring and wife, Joyce P. Herring, by Deed dated November 27, 1972 and recorded in Book 821, Page 353 of the Onslow County Registry. The said W. Paul Herring died on July 11, 1991, leaving his said wife, Joyce P. Herring, surviving him. The said Joyce P. Herring remarried on April 27, 1996 and changed her name to Joyce P. Webber. See Qualified Personal Residence Trust Agreement between Joyce P. Webber as Grantor and James Harold Webber as Trustee dated June 3, 1999 and recorded in Book 1553, Page 789 of the Onslow County Registry. The said Joyce P. Webber died on February 7, 2003, causing the trust to terminate and the subject property to be distributed to the Estate of Joyce P. Webber, Deceased. See Last Will and Testament and Certificate of Probate for Joyce Pate Webber filed in Onslow County File No. 2003 E 351.

TRACT TWO: BEGINNING at a point located in the center of Surf City-New River Inlet Road, which is located N. 66 deg. E. 382.5 feet from a stake, the southwest corner of the property described in a Deed in Book 210, Page 648 of the Onslow County Registry, and thence from this point N. 3 deg. E. 100 feet to a stake; N. 66 deg. E. 60 feet to a stake; thence S. 3 deg. W. 100 feet to a point located in the center of Surf City-New River Inlet Road; thence S. 66 deg. W. and down the center of said Surf City-New River Inlet Road 60 feet to the point of beginning, and being a lot located on the northern side of Surf City-New River Inlet Road 60 x 100 feet and being all of the land located on the northern side of Surf City-New River Inlet Road, which is described in a Deed from P & D Corporation to W. Paul Herring, et. al., and recorded in the Office of the Register of Deeds for Onslow County, North Carolina, in Book 292, Page 54, reference to which is hereby made. And being the same property conveyed to Joyce P. Webber by Deed dated January 31, 2000 and recorded in Book 1617, Page 544 of the Onslow County Registry. And being the same property conveyed from Joyce P. Webber and husband, Harold Webber, to Albert Jean DeForest, III and John Robert Haslett, III by Deed of Gift dated December 30, 2002 which shall be found duly recorded in the Onslow County Registry.

This conveyance is made subject to all restrictions and easements, if any, appearing of record in the chain of title.

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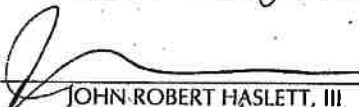
- 3 -

TO HAVE AND TO HOLD the aforesaid tracts or parcels of land and all privileges and appurtenances thereto belonging to the said party of the second part, its successors and assigns, to their only use and behoof forever.

And the said parties of the first part covenant for themselves, their heirs, executors, administrators and assigns, to and with the said party of the second part, its successors and assigns, that they are seized of said premises in fee and have the right to convey the same in fee simple; that the same are free and clear of all encumbrances, except as noted above; and that they will warrant and defend the title to the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals, this the day and year first above written.


REBEKAH HERRING HASLETT (SEAL)


JOHN ROBERT HASLETT, III (SEAL)


PATRICIA HERRING DEFOREST (SEAL)


ALBERT JEAN DEFOREST, III (SEAL)

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STATE OF NORTH CAROLINA

COUNTY OF WAKE

I, R.G. Williams, a Notary Public in and for said State and County, do hereby certify that REBEKAH HERRING HASLETT and husband, JOHN ROBERT HASLETT, III, each personally appeared before me this day and executed the foregoing and annexed instrument for the purposes therein expressed.

WITNESS my hand and official seal, this 12th day of December, 2003 ^{6th}

R.G. Williams
Notary Public

My commission expires:

3-13-07



STATE OF NORTH CAROLINA

COUNTY OF FORSYTH

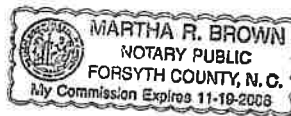
I, Martha R. Brown, a Notary Public in and for said State and County, do hereby certify that PATRICIA HERRING DEFOREST and husband, ALBERT JEAN DEFOREST, III each personally appeared before me this day and executed the foregoing and annexed instrument for the purposes therein expressed.

WITNESS my hand and official seal, this 15th day of December, 2003.

Martha R. Brown
Notary Public

My commission expires:

11-19-2006



123 DEC 20 11 09 20

NORTH CAROLINA, ONSLOW COUNTY Martha R. Brown / R.G. Williams
The foregoing certificate(s) of _____

Notary(ies) Public is (are) certified to be correct. This instrument was presented for registration and recorded in this office in Book 2172 Page 224 This 30 day of December 2003, A.D., at 9:20 o'clock A.M.
Michael A. Thomas By _____
Register of Deeds, Onslow County Register of Deeds



LIMITED LIABILITY COMPANY ANNUAL REPORT

NAME OF LIMITED LIABILITY COMPANY: Herring Sisters, LLC

SECRETARY OF STATE ID NUMBER: 0696792 STATE OF FORMATION: NC

REPORT FOR THE CALENDAR YEAR: 2021

Filing Office Use Only
E - Filed Annual Report
0696792
Changes

SECTION A: REGISTERED AGENT'S INFORMATION

1. NAME OF REGISTERED AGENT: De Forest, Patricia Herring

2. SIGNATURE OF THE NEW REGISTERED AGENT: SIGNATURE CONSTITUTES CONSENT TO THE APPOINTMENT

3. REGISTERED AGENT OFFICE STREET ADDRESS & COUNTY 4. REGISTERED AGENT OFFICE MAILING ADDRESS
317 Grasshopper Circle 317 Grasshopper Circle
Mooresville, NC 28117 Iredell County Mooresville, NC 28117

SECTION B: PRINCIPAL OFFICE INFORMATION

1. DESCRIPTION OF NATURE OF BUSINESS: Rental Real Estate

2. PRINCIPAL OFFICE PHONE NUMBER: (336) 782-8071 3. PRINCIPAL OFFICE EMAIL: Privacy Redaction

4. PRINCIPAL OFFICE STREET ADDRESS 5. PRINCIPAL OFFICE MAILING ADDRESS
317 Grasshopper Circle 317 Grasshopper Circle
Mooresville, NC 28117 Mooresville, NC 28117

- 6. Select one of the following if applicable. (Optional see instructions)
The company is a veteran-owned small business
The company is a service-disabled veteran-owned small business

SECTION C: COMPANY OFFICIALS (Enter additional company officials in Section E.)

NAME: Rebekah Herring Haslett NAME: Patricia Herring Deforest NAME:
TITLE: Manager TITLE: Manager TITLE:
ADDRESS: ADDRESS: ADDRESS:
6560 Wakefalls Drive 836 Oak St., Suite 303
Wake Forest, NC 27587 Winston-salem, NC 27101

SECTION D: CERTIFICATION OF ANNUAL REPORT. Section D must be completed in its entirety by a person/business entity.

Patricia Herring Deforest 4/20/2021
SIGNATURE DATE

Form must be signed by a Company Official listed under Section C of This form.

Patricia Herring Deforest Manager
Print or Type Name of Company Official Print or Type Title of Company Official

This Annual Report has been filed electronically.

MAIL TO: Secretary of State, Business Registration Division, Post Office Box 29525, Raleigh, NC 27626-0525

CHARLES F. RIGGS & ASSOCIATES, INC.

Charles F. Riggs, P.L.S. L-2981
502 New Bridge Street
Jacksonville, North Carolina 28540
(910) 455-0877
charlesriggs@riggslandnc.com

Land Surveyors
Corporate License (C-730)
502 New Bridge Street
P.O. Box 1570
Jacksonville, North Carolina 28541
(910) 455-0877
E-MAIL: riggsland@riggslandnc.com

James A. Lewis, P.L.S. L-4562
Landfall Executive Suites
1213 Culbreth Drive
Wilmington, North Carolina 28405
(910) 681-7444
jameslewis@riggslandnc.com

To whom it may concern:

Property Legal Description:

Parcel IDs: 774-22
Street Address: 323 Goldsboro Lane, North Topsail Beach
Subdivision: N/A
County: Onslow

Please Print:

Property Owner (Title, if applicable): Herring Sisters, LLC

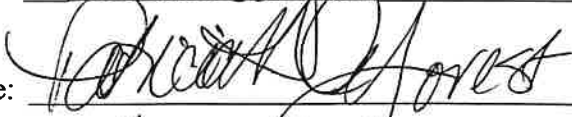
The undersigned, registered property owners of the above noted property, do hereby authorize Charles F. Riggs and Associates, Inc. and the employees thereof, to act on my behalf as my agent and take all actions necessary for processing, issuance and acceptance of any permit, certification, or approval and all standard and special conditions attached, if any.

Address: 317 Grasshopper Circle, Mooresville, NC 28117-6615

Telephone Number: (336) 782-8071

Facsimile Number: N/A

Email Address: triciadeforest@gmail.com

Authorized Signature:  Date: 5/11/21
Herring Sisters LLC

Town of North Topsail Beach

Joann M. McDermon, Mayor
Mike Benson, Mayor Pro Tem

Aldermen:
Richard Grant
Tom Leonard
Susan Meyer
Connie Pletl



Chief William Younginer
Interim Town Manager

Kate Winzler
Interim Town Clerk

Nature's Tranquil Beauty

North Topsail Beach Board of Aldermen Regular Meeting Draft Minutes Thursday, August 5, 2021, at 6:30 p.m. Sneads Ferry Branch of the Onslow Public Library 1330 Highway 210, Sneads Ferry, NC 28460

Present: Mayor McDermon, Mayor Pro Tem Benson, Alderman Grant, Alderman Leonard, Alderman Meyer, Alderman Pletl, Finance Officer Elliott, Public Works Director Anders, Fire Chief Soward, Planning Director Hill, Acting Town Clerk Winzler, Attorney Edes, Mr. Fran Way (via Zoom).

Absent: None.

- I. CALL TO ORDER: Mayor McDermon called the meeting to order at 6:34 p.m.
- II. INVOCATION: Alderman Meyer delivered an invocation.
- III. PLEDGE OF ALLEGIANCE: Mayor McDermon led the attendees in the Pledge of Allegiance.
- IV. APPROVAL OF AGENDA: **Mayor Pro Tem Benson made a motion to amend the agenda by adding an update to New Business Item D. TISPC Appointment. Alderman Leonard seconded the motion. The motion passed unanimously, 5-0.**
- V. MANAGER'S REPORT: Clerk Winzler read the Manager's Report, attached as part of the minutes.
- VI. OPEN FORUM- 3-minute limit:

Mr. Pete Ramey of 1747 & 1749 New River Inlet Road asked several questions of the Board, including the terminal groin project, dune restoration, clarity regarding building dune crossovers, as well as an update on CBRA (Coastal Barrier Resources Act).

Mayor McDermon stated that most of the items Mr. Ramey asked will be addressed in the meeting, and she thanked him for attending.

Mr. Ken Berg of 610 Riva Ridge Road, Sneads Ferry addressed the Board. He believes the implementation of paid parking is the worst thing that has happened to him, and that it stole the beach from him. He stated that he couldn't go to the beach for ten minutes without paying to park.

Mayor McDermon explained there are several Onslow County Beach accesses within North Topsail Beach that are free to park in, and as all North Topsail Beach lots are free before 9 am and after 5 pm. Mayor McDermon thanked Mr. Berg for coming.

Clerk Winzler read aloud a comment submitted by Ron Longo of 203 Goldsboro Lane, in which he posed a question regarding the timing of the sea oats project with the sand push in front of Goldsboro Lane.

Alderman Grant addressed this question. He noted contractor staffing issues are causing a delay in the Sea Oats planting. He explained the areas that have already received sand will receive sea oats first, and that more information is posted on the Town's website (www.ntbnc.org). The areas receiving sand this fall or spring will receive sea oats after the sand is placed.

VII. PUBLIC PRESENTATIONS AND HEARINGS

Coastal Engineer Update

Mr. Fran Way of ATM Consulting presented the North Topsail Beach Coastal Update – August 2021 slides. The truck haul is scheduled to begin November 16, 2021. This activity will complete the few remaining sections of beach left in the Hurricane Florence dune restoration project from the Surf City border to the edge of Topsail Reef. The Hurricane Dorian project is located at the north end of the island. It will bring 16,000 cubic yards of material to be placed near Topsail Reef. Areas to the southwest of this area may not receive sand because of the CBRA zone.

Mr. Way explained that he is working with the Board on a state grant to place more beach sand. He stated the mitigation money from FEMA is being maxed out, and that there are some competitive state grants available, too. Mr. Way shared a slide illustrating the entire 11 miles of North Topsail Beach shoreline labeled with the phases and their respective current projects. Mr. Way's final slide listed current North Topsail Beach projects and their current statuses. The New River Inlet Management Master Plan (EIS) relates to erosion options, including the terminal groin alternative. Steve Dial of Dial Cordy updated Mr. Way that Dial Cordy has the upfront sections of the environmental impact statement completed. They are pushing the Army Corps of Engineers (USACE) to have another North Topsail Beach agency meeting. This meeting was supposed to occur at the beginning of August but has slipped to the end of August. Mr. Dial expressly encouraged Town Officials to engage with Mickey and the Army Corps of Engineers. The engineering report created by Mr. Way a two years ago was submitted to the technical experts at the engineering research design center in Mississippi. He hopes the USACE inter-agency meeting will occur in North Topsail Beach by the end of this month.

Mr. Way said he is working with Finance Director Elliott and DEC Associates on financing the upcoming winter FEMA and State Grant projects. They are preparing a bid package presently. Mr. Way is working with CM Mitchell, the current contractor, on the current sand project, and is directed by an estimated quantities contract; determinations of actual quantities and classifications are to be made by the engineer. CM Mitchell wants to stockpile a large amount of sand at the mine. Mr. Way encourages the Board not to let CM Mitchell stockpile too much sand until the FEMA money and state grant are recognized.

Mr. Way will submit a proposal to the Town regarding a shell and rock sampling, a state-wide requirement, to be completed prior to November 16th. This involves sectioning off large sections of sand and beach and counting shells and rocks. The Town received a grant for this activity, and his goal is to complete this project in September and October to avoid the beach high traffic times.

There are no USACE Intracoastal Waterway and other pipeline/navigation dredging projects planned for North Topsail Beach waterways this winter.

Mayor McDermon asked for confirmation that beach crossovers are not allowed by CAMA over unvegetated berms. Mr. Way confirmed this and recommended leaving any existing beach crossovers in place due to the conservative restrictions from the state involving beach access construction. Mayor Pro Tem Benson added that CAMA will not permit pilings to be driven into unvegetated dunes for crossovers, nor are Hatteras ramps permitted. Mr. Way suggested the Town seek a variance from CAMA for beach mats at the large beach accesses, as beach mat variances have already been approved for Topsail Beach.

Mayor McDermon stated that she has seen a lot of emails and social media traffic related to the groin and requested a draft timeline for a finished erosion issue recommendation by the USACE to the Town. Mr. Way stated that he would ask for an updated timeline. He believes it could still be several years, despite the time already spent in the initial 3-year estimate. Mayor McDermon restated that she was seeking a realistic expectation to give to citizens. She requested a contact at the USACE for citizens of North Topsail Beach to submit their comments to, to have direct communication with the people working on the project at the USACE.

Mayor Pro Tem Benson requested confirmation that the USACE held onto Mr. Way's engineering report in Wilmington for a year and a half before submitting it to Mississippi. Mr. Way thinks that the Wilmington coastal engineers did look at the report a year and a half ago, but then wanted to send it to the engineers in Mississippi.

Alderman Leonard added that there has been a significant period that the USACE has not done anything on this project, seemingly two years. He stated that the

USACE is helping North Topsail Beach analyze the various options for the erosion problem at the New River Inlet, and that they are not responding very quickly.

Alderman Meyer commented at the last EIS meeting, they were told to get representatives from the various complexes to participate in a working group or meeting with the USACE. Where does that stand? We have done that; what do we tell them?

Mayor McDermon reiterated having a contact on this project at the USACE, to have more open and frequent communication with the USACE regarding this project. She stated that former Town Manager Gilbride had submitted some recommendations; she is not sure what has become of them.

Alderman Leonard added that it is up to the Town get the public's comments to the USACE. Mayor McDermon agreed and needs the contact to execute this. Alderman Leonard continued that if the agency meeting is going to occur this month, someone at the Town needs to reach out to Mickey at the USACE and schedule it. Mayor McDermon volunteered.

Alderman Grant stated that citizens have been assuming the Board supports the groin. He reiterated that no recommendations have been made, and he will not have an opinion on an erosion solution until recommendations are made to the Board. Alderman Grant also acknowledged the issue of people walking over the berms to get to the beach. He hopes that once the sea oats are planted, it will limit the paths on which people walk on the berms.

Mayor McDermon thanked Mr. Way for answering the Board's questions.

VIII. CONSENT AGENDA

- a. Department Head Reports
 - i. Finance Department
 - ii. Fire Department
 - iii. Building Inspections Department
 - iv. Planning Department
 - v. Police Department
- b. Committee Reports
 - i. Planning Board & PPI Committee
 - ii. Board of Adjustment
 - iii. TISPC (link to minutes)
 - iv. ONWASA (link to minutes)
- c. MOTV Tax Refund
- d. Public Works Fixed Asset Disposal
- e. Resolution for Receiving Funds Under American Rescue Plan Act (ARPA)

Alderman Grant made a motion to approve the consent agenda. Mayor Pro Tem seconded, the motion passed unanimously, 5-0.

IX. CONTINUING BUSINESS

a. Capital Improvements Update

Mayor Pro Tem Benson stated the Capital Improvements Committee is comprised of Chief Younginer, Chief Soward, Alderman Grant and himself. He noted the committee formerly included the Town Manager, but that Chief Younginer is currently serving as both the Chief of Police and Interim Town Manager. The committee met on July 30th and recommends decoupling the Police Department from the public safety building, and to simply rebuild the south end fire station on the land that the Town already owns. This recommendation is based upon several factors, including unsuccessful bids to purchase additional land to accommodate a larger footprint, the desire to locate the Police Department closer to Town Hall, and that the endeavor to rebuild the south-end fire station began five years ago, in 2016. Mayor Pro Tem confirmed with the architectural firm that changing the plans is not an issue.

Alderman Grant expressed agreement and suggested the savings of building a smaller structure due to the current increase in construction costs.

Mayor McDermon stated that she was very comfortable with the recommendation because the committee involved both the Fire Chief and Police Chief.

Alderman Leonard asked if the de-scoping of the facility could lend to speeding up the timeline. Mayor Pro Tem Benson confirmed. Alderman Leonard continued that he had reservations with the original public safety building due to the size of the project and the placement of the Police Department at the south end of the town.

Alderman Leonard made a motion that we make the change to the public safety building per the details in the memorandum presented by Mayor Pro Tem and that we withdraw the offer. Alderman Meyer seconded, motion passed unanimously, 5-0.

Mayor Pro Tem Benson, on behalf of the Capital Improvements Committee, requested permission from the Board to reengage Becker Morgan for new fire station drawings, drawn to the specifications of the Fire Chief, and to then proceed with the architectural drawings for constructing this building.

Attorney Edes interjected with a question regarding whether an RFP/RFQ had already been done for the architectural services? He suggested directing staff to do so, if needed within the motion.

Alderman Meyer made a motion to approve the new drawings being created to the specs by the fire chief and then potentially moving into the architectural drawings specifically, but we need to ask staff to determine if an RFP/RFQ was required, and if so to prepare one and issue it. Alderman Grant seconded, motion passed unanimously, 5-0.

X. NEW BUSINESS

a. Formation of Beach Committee

Mayor Pro Tem Benson gave an account of the Town's history establishing several beach erosion study committees, as well as the dissolution of those committees before they made recommendations to the Board. He suggested North Topsail Beach needs a beach committee now to help preserve the institutional memory of Board members and citizens who participated in the former committees and who recall past erosion events for the benefit of future shoreline protection activity and future Boards.

Mayor Pro Tem Benson offered a 3-month long beach committee timeline and draft charter for consideration. He requested permission from the Board to form the beach committee. He suggested requesting citizens apply to serve on the beach committee in August, then the Board consider candidates at the September Board of Aldermen meeting. Next the committee forms and has a meeting. Ninety days later the committee finalizes the provisional charter with input from the new Town Manager, the Board of Aldermen, and the beach committee itself.

Mayor McDermon restated that Mayor Pro Tem Benson was requesting the Board of Aldermen consider the concept of forming a beach committee at this meeting. Mayor Pro Tem confirmed.

Alderman Leonard gave an account of his experience as the Vice Chair of the BEST Committee in 2010 (Beach Erosion Study Team) and provided background information about the beach committee established prior to the BEST Committee. The BEST Committee was comprised of 12 citizens who lived throughout the Town, and they spent a considerable amount of time studying and researching to formulate a recommendation for the Board of Aldermen. The conclusion from the BEST Committee was that the Town of North Topsail Beach needed an organized Town sponsored and sanctioned plan to take care of the Town's beaches. After a year of hard work by the BEST Committee, a majority of

the Board of Aldermen refused to meet with the BEST Committee to formally accept the committee's recommendations and report.

Alderman Leonard suggested the Town's primary focus now should be hiring a capable, qualified, permanent Town Manager, then subsequently hiring a Town Beach Engineer. After the elections in November, the Board should then consider forming a beach committee. Alderman Leonard proposed tabling the formation of a beach committee for six months.

Mayor Pro Tem Benson stated he contacted a local coastal engineer who is interested in becoming the Town's Coastal Engineer Advisor.

Alderman Pletl expressed her support for the formation of a citizen beach committee to offer recommendations to the Board. She witnessed the formation and dissolution of the prior two beach committees and cautioned against the disruption that some Board members created with the dissolution. Because of this, Alderman Pletl suggested waiting until after the elections to revisit the beach committee.

Alderman Meyer stated her agreement with the idea of a beach committee and waiting to establish it.

Alderman Grant stated his support of hiring a beach engineer, especially to help guide and educate a new beach committee, which he also supports. He is in support of delaying the formation of a beach committee, specifically until after a beach engineer is hired.

Mayor McDermon offered a summary of the Board's statements: that Mayor Pro Tem Benson continue discussions with the local beach engineer, to include the acting Town Manager, and to help the Board devise an overall plan. When the beach committee comes back to the Board, have the beach engineer participate at that time. She acknowledged the efforts of Mayor Pro Tem Benson in presenting the beach committee to the Board, as well as the Board's support of this endeavor.

Alderman Leonard noted that to effectively be an Alderman or an elected official in North Topsail Beach, one must realize how much time is required to learning about the beach.

Alderman Grant noted the future sizable capital designated for the beach fund, and the need for a town-wide plan regarding how to effectively manage that those funds. Mayor McDermon agreed by suggesting the hiring of a beach engineer.

b. Formation of Parks and Recreation Committee

Alderman Meyer explained that she wants to create engaging Town events. With Aldermen Pletl's help, they have discussed establishing a parks and recreation committee, formed by volunteers and both Aldermen. Alderman Meyer requested support from the Jacksonville and Onslow County Parks and Recreation departments. She acknowledged their current short-staffing issues.

Mayor McDermon requested that Alderman Meyer and Alderman Pletl formulate an outline of requests for the Board to consider, to include the expectations of town staff, and to present the outline at the September Board of Aldermen meeting. Mayor McDermon acknowledged the work put in to begin this endeavor.

Alderman Leonard expressed enthusiasm for a food truck rodeo.

Alderman Meyer acknowledged the staff efforts in building a movie screen.

c. JUMPO, TCC and TAC Appointments

Planning Director Hill reviewed the staff report regarding the JUMPO, TCC and TAC appointments. She recommended that the Board appoint the Planning Director and/or the Town Manager to serve as the TCC member, and that the Board appoint the Mayor or an Alderman to serve as the TAC member.

Mayor McDermon asked for volunteers. Alderman Meyer was the sole volunteer, with no objections from the Board.

Planning Director Hill suggested appointing the Town Manager as the TCC, and the Planning Director as the alternate. The Board did not object.

d. TISPC Appointment and Update

Mayor Pro Tem Benson explained that the TISPC (Topsail Island Shoreline Protection Committee) has North Topsail Beach representation comprised of 2 Aldermen, currently Mayor Pro Tem Benson and Alderman Leonard, as well as one North Topsail Beach citizen at large. The former citizen at large has been sworn into the Board of Aldermen, Alderman Pletl, creating a need to find a new citizen at large. Mayor Pro Tem Benson requested permission from the Board to direct the Clerk to publish the vacancy notification and request applications from interested citizens. The Board agreed.

Mayor Pro Tem Benson continued with a TISPC update regarding a proposed rule from the Department of Fish and Wildlife to designate critical habitat for the

Rufa Red Knot, an endangered species of bird. The proposal designates all of Topsail Island in Map Unit NC 5 as protected critical habitat for the Rufa Red Knot. This bird migrates 9,000 miles between South America and the Arctic, and primarily stopping in staging areas around Delaware Bay and Cape May, NJ. Fish and Wildlife would like to protect the whole Atlantic coast corridor. North Topsail Beach already has adequate safe measures in place for migratory waterfowl. This potential additional protection could cause each town of Topsail Island to have excessive measures imposed for any kind of shoreline protection activity, including projects for the New River Inlet, as well as beach sand projects. Mayor Pro Tem Benson recommends that the Board be aware and participate in the public comment once the Shoreline Protection Commission has formulated a response to Fish & Wildlife.

XI. Attorney's Report

Attorney Edes offered to share his report in closed session.

XII. Mayor's Report

Mayor McDermon thanked the attendees for participating and apologized for the short notice of the meeting location change. She also thanked staff for filling in as the Board works to hire new staff members.

Attorney Edes reiterated that the short notice of the meeting location change met all statutory requirements for proper meeting notification.

XIII. Aldermen's Report

Alderman Pletl reminded folks that we're approaching the ramp up of hurricane season and encouraged everyone to formulate a hurricane plan. As a coordinator for the Beach Sea Turtle Project, she explained that Topsail turtle volunteers will continue early morning beach monitoring until August 31st, as well as evening nest monitoring until the end of October. Currently there are ninety-four sea turtle nests on Topsail Island. Seven nests have hatched. Alderman Pletl reminded everyone to keep oceanfront lights off at night during the critical hatching season, and to please remind renters. She noted that tonight is her first Board of Aldermen meeting, and she is both humbled and honored to be filling the position that Alderman Richard Peters held. She hopes to be as honest, wise, thoughtful, and fair as he was, and she pledged to serve in a way she hopes would make him proud.

Alderman Leonard began by telling Alderman Pletl that he was sure Richard Peters was looking down at Alderman Pletl smiling. Alderman Leonard will be attending the Marine Corps Installation East and County Key Officials working lunch on the first of September at Camp Lejeune, and he encouraged other Board members to attend as well, noting the

opportunity to continue the foundation the Board has built with the County Commissioners. He noted his appreciation for Commissioner Knapp's support over the last week. Alderman Leonard received an invitation to the North Carolina Water Summit on October thirteenth, and he is requesting more information. The North Carolina Beach, Inlet and Waterway Association (NCBIWA) is also encouraging attendance, and Alderman Leonard asked the Board members to attend. He explained the Audubon Society is a very powerful lobbying organization in Washington, D.C. and historically has not approved the repeal of CBRA in North Topsail Beach. During the last session of Congress there were two companion bills making progress until COVID hit. Currently, there is only one bill in the House of Representatives to repeal CBRA, and the companion bill has not been championed in the Senate. Alderman Leonard explained that this is effectively a land swap- moving the land which has been built upon out of CBRA and placing the conservation district land into CBRA. The Audubon Society has acknowledged the merit of the idea but has not supported it. Alderman Leonard thanked everybody for coming out.

Mayor Pro Tem Benson expressed his appreciation for the audience participation. Following up on Alderman Leonard's comment, he mentioned that large organizations, such as the federal government and specifically FEMA, must check off rule after rule after rule when they consider anything. Conservation organizations must form big ideas, such as being opposed to any changes in CBRA zones, because CBRA zones are part of the coastal barrier resources system. North Topsail Beach is part of map unit LO6, and our map zone should never have been drawn the way it is. The Board is trying to re-draw the boundary to remove the houses within CBRA out and place the rest of the wetlands into CBRA. The challenge is a bureaucracy, even though it is a non-profit.

Alderman Meyer stated that she attended the Onslow County Commissioners meeting. The county has received a river-related watershed restoration grant with leftover funds that the Town might want to investigate. The Commissioners discussed the current COVID spike. There were nineteen COVID patients admitted at Onslow Memorial last week, Naval had three in the ICU. None of these patients were vaccinated. County EMS lost 10 staff members to COVID quarantines. The County Commissioners urged everyone to get the vaccine and noted that all three vaccines are available at the health department. Sherriff Hans Miller asked Alderman Meyer to mention a free kid's program called "Operation Jumpstart" at Hubert By-Pass Park on August 8th. Alderman Meyer attended the Chamber meeting, and reports that they are working on an economic summit and will have more educational opportunities for both members and the public. Alderman Meyer is working with the Town's insurance agent, Chief Younginer, and Finance Director Elliott to inform citizens about the renovation of Town Hall. The insurance agent is writing a letter to provide more information about the process. They also reviewed the future insurance needs of the Town, noting a possible need to increase cyber insurance coverage, and potentially saving money on comprehensive vehicle coverage. Alderman Meyer also attended the ribbon cutting

ceremony for the new elementary school, remarking on the beauty of the school and its potential as an emergency shelter. She thanked everyone for coming to the meeting.

Alderman Grant thanked the attendees for coming and encouraged citizens to continue sending him emails with questions. He mentioned the existence of specific grants for firehouses, and that it may be possible for the Town to pursue them.

XIV. Closed Session

Mayor Pro Tem Benson made a motion to go into closed session. Alderman Leonard seconded, the motion passed unanimously, 5-0.

The Board of Aldermen entered closed session to address personnel matters (G.S. 143-381.11(a)(6)) and to establish the public body's negotiating position for acquisition of real property or employment contracts or instruct staff or agents about the negotiation (G.S. 143-381.11(a)(5))

No action was taken during the closed session.

Alderman Leonard made a motion to come out of closed session. Alderman Grant seconded, the motion passed unanimously, 5-0.

XV. Adjournment

Alderman Leonard made a motion to adjourn. Alderman Meyer seconded, the motion passed unanimously, 5-0.

The Board of Aldermen meeting adjourned at 8:50 p.m.

BOARD OF ALDERMEN MEMORANDUM

TO: MAYOR MCDERMON AND ALDERMEN

FROM: Caitlin Elliott, Finance Officer

SUBJECT: Monthly Financial Report

DATE: August 25, 2021

The following events occurred during the month of August 2021 in the Finance Department:

- The audit process has begun. Our accounting consultant has been here reviewing paperwork and assisting to make sure everything is in order prior to the official start of the audit. As stated last month, the Town has hired a new auditing firm, *Thompson, Price, Scott, Adams & Co PA* based out of Wilmington who are scheduled to come beginning of September for our annual audit. We are anticipating this to be a smooth process.
- We are *still* waiting on the FEMA Town Park project final reimbursement and hopefully will receive it soon. It is in the final review stages and can take quite some time. We have begun the reimbursement process for the Hurricane Florence CAT B Truck Haul project for dune renourishment. The reimbursement is expected within the next 30-60 days.
- The Town received the first disbursement of the American Rescue Plan funds in the amount of \$118,396.10 this month. Per the US Treasury's guidance, local governments have until December 31, 2024 to obligate the ARP monies and until December 31, 2026 to expend all of the funds. We are awaiting final expenditure guidance from the US Treasury and have been well-advised to wait until this final guidance is issued to strategically plan final expenditure decisions.
- This month's packet contains a current Budget to Actual Report as well as a graph for the period.
- July's revenue collections for paid parking, that were received in August, brought in \$120,850.

- We have collected \$487,423.37 for Occupancy Taxes so far during August from short-term rentals during the month of July. The report is attached. For revenue comparisons, last year we collected just over \$405,000 during the same period.
- During August we have processed approximately \$245,859 in accounts payable and a copy of the check registers is enclosed for review. Please note that there will be one final check run in August that is not represented in this report.
- We received approximately \$423,751 for Ad Valorem taxes during the month of August that is now being distributed between our three funds. The increase from last month is due to the new tax bills being mailed out from Onslow County in July.
- Received \$4,669.62 in Motor Vehicle Taxes for the period of July.
- This month we received \$231,395.33 for Sales and Use Tax, for June collections. Last year, for comparison, we collected \$189,340 for the same period. We also received \$147.63 for the Solid Waste Disposal Tax which we obtain quarterly.

If anyone has any questions, concerns, or needs additional information, please do not hesitate to ask!

Respectfully submitted,



Caitlin Elliott
Finance Officer

Budget vs Actual

NORTH TOPSAIL BEACH
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Period Ending 6/30/2022

10 GENERAL FUND

Description	Budget	Encumbrance	MTD	YTD	Variance	Percent
Revenues						
10-301-00 AD VALOREM TAX - Current Year	2,690,898	0.00	0.00	278,439.79	(2,412,458.21)	10%
10-301-01 AD VALOREM TAX - Prior Years	50,000	0.00	0.00	10,527.78	(39,472.22)	21%
10-301-02 AD VALOREM TAX - MOTV	55,000	0.00	0.00	9,809.11	(45,190.89)	18%
10-317-00 AD VALOREM TAX Penalties	3,000	0.00	0.00	265.64	(2,734.36)	9%
10-317-01 COUNTY TOURISM GRANT	125,000	0.00	0.00	30,481.24	(94,518.76)	24%
10-325-00 PRIVILEGE LICENSES	100	0.00	0.00	0.00	(100.00)	
10-329-00 INTEREST	15,000	0.00	0.00	1,099.50	(13,900.50)	7%
10-330-01 P&L INSURANCE PROCEEDS	79,715	0.00	0.00	0.00	(79,715.00)	
10-335-00 MISCELLANEOUS	5,000	0.00	0.00	163.10	(4,836.90)	3%
10-337-00 UTILITIES FRANCHISE TAX	300,000	0.00	0.00	0.00	(300,000.00)	
10-341-00 BEER & WINE TAX	3,400	0.00	0.00	15.00	(3,385.00)	0%
10-343-00 POWELL BILL ALLOCATIONS	25,000	0.00	0.00	0.00	(25,000.00)	
10-345-00 LOCAL OPTION SALES TAX	1,695,000	0.00	0.00	342,844.86	(1,352,155.14)	20%
10-347-02 SOLID WASTE DISP TAX	500	0.00	0.00	147.63	(352.37)	30%
10-350-00 RECREATION -RENTAL FEES	1,500	0.00	0.00	600.00	(900.00)	40%
10-350-01 PAID PARKING REVENUE	150,000	0.00	0.00	17,562.50	(132,437.50)	12%
10-351-01 OFFICER CITATIONS & COURT	5,000	0.00	0.00	1,112.00	(3,888.00)	22%
10-351-03 BODY ARMOR REIMBURSEMENT	2,000	0.00	0.00	0.00	(2,000.00)	
10-352-01 FIRE FINES & VIOLATIONS	2,000	0.00	0.00	0.00	(2,000.00)	
10-352-02 PARKING/CODE ENFORCEMENT FINES	20,000	0.00	0.00	250.00	(19,750.00)	1%
10-352-03 PLANNING DEPT. FEES	6,000	0.00	0.00	0.00	(6,000.00)	
10-355-00 BUILDING PERMITS	70,000	0.00	0.00	11,562.50	(58,437.50)	17%
10-355-01 MECHANICAL PERMITS	15,000	0.00	0.00	5,110.00	(9,890.00)	34%
10-355-02 ELECTRICAL PERMITS	15,000	0.00	0.00	1,680.00	(13,320.00)	11%
10-355-03 PLUMBING PERMITS	2,500	0.00	0.00	210.00	(2,290.00)	8%
10-355-04 INSULATION PERMITS	500	0.00	0.00	0.00	(500.00)	
10-355-05 HOMEOWNERS RECOVERY FEE	200	0.00	0.00	60.00	(140.00)	30%

Budget vs Actual

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Period Ending 6/30/2022

10 GENERAL FUND							
Description	Budget	Encumbrance	MTD	YTD	Variance	Percent	
10-355-06 TECHNOLOGY FEE	6,500	0.00	0.00	1,080.10	(5,419.90)	17%	
10-355-07 REINSPECTION FEE/FINES	3,000	0.00	0.00	375.00	(2,625.00)	13%	
10-357-08 ZONING PERMITS	20,000	0.00	0.00	2,175.00	(17,825.00)	11%	
10-359-00 REFUSE COLLECTION FEES	500,412	0.00	0.00	39,467.31	(460,944.69)	8%	
10-359-50 VACANT LOT SWF	10,000	0.00	0.00	175.00	(9,825.00)	2%	
10-359-51 LOST CART REPLACEMENT	2,000	0.00	0.00	240.00	(1,760.00)	12%	
10-359-52 ADD'L CART RECYCLING	2,500	0.00	0.00	400.00	(2,100.00)	16%	
10-367-01 SALES TAX REFUNDS	20,000	0.00	0.00	0.00	(20,000.00)		
10-368-01 GRASS MOWING REIMB	8,159	0.00	0.00	0.00	(8,159.00)		
10-368-02 GRANT FUNDS	172,000	0.00	0.00	0.00	(172,000.00)		
10-382-00 SALE OF LESO ASSETS	5,000	0.00	0.00	0.00	(5,000.00)		
10-383-00 SALE OF FIXED ASSETS	20,000	0.00	0.00	9,730.00	(10,270.00)	49%	
Revenues Totals:	6,106,884	0.00	0.00	765,583.06	(5,341,300.94)	13%	
Expenses							
10-410-02 SALARIES	36,000	0.00	0.00	5,500.00	30,500.00	15%	
10-410-05 FICA (7.65%)	2,754	0.00	0.00	420.75	2,333.25	15%	
10-410-14 TRAVEL & TRAINING	2,000	0.00	0.00	0.00	2,000.00		
10-410-33 DEPARTMENTAL SUPPLIES	500	0.00	0.00	0.00	500.00		
10-410-42 CHARTER CODES SERVICE	5,000	0.00	0.00	0.00	5,000.00		
10-410-43 AUDITOR FEES	15,000	0.00	0.00	6,612.45	8,387.55	44%	
10-410-45 TAX COLLECTION FEES	40,000	0.00	0.00	2,918.49	37,081.51	7%	
10-410-47 PROFESSIONAL SERVICES	100,000	0.00	0.00	4,082.80	95,917.20	4%	
10-410-50 DONATIONS OTHER AGENCIES	3,500	0.00	0.00	2,000.00	1,500.00	57%	
10-410-53 DUES & SUBSCRIPTIONS	2,750	0.00	0.00	1,881.00	869.00	68%	
10-410-57 MISCELLANEOUS	1,000	0.00	0.00	0.00	1,000.00		
10-410-58 TAX REFUNDS	1,500	0.00	0.00	42.22	1,457.78	3%	
10-410-95 BOARD STIPEND	3,600	0.00	0.00	0.00	3,600.00		
GOVERNING BODY Totals:	213,604	0.00	0.00	23,457.71	190,146.29	11%	

Budget vs Actual

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Period Ending 6/30/2022

10 GENERAL FUND							
Description	Budget	Encumbrance	MTD	YTD	Variance	Percent	
10-420-02 SALARIES	290,500	0.00	0.00	29,101.30	261,398.70	10%	
10-420-05 FICA (7.65%)	22,223	0.00	0.00	2,123.07	20,100.18	10%	
10-420-06 GROUP INSURANCE	31,630	0.00	0.00	5,278.68	26,351.32	17%	
10-420-07 ORBIT RETIREMENT (11.53%)	33,495	0.00	0.00	3,245.83	30,248.82	10%	
10-420-08 401K (3%)	8,715	0.00	0.00	731.90	7,983.10	8%	
10-420-09 TOWN INSURANCE HRA	20,000	0.00	0.00	5,329.51	14,670.49	27%	
10-420-10 EMPLOYEE TRAINING	6,000	0.00	0.00	(1,204.00)	7,204.00	-20%	
10-420-11 POSTAGE	2,500	0.00	0.00	42.00	2,458.00	2%	
10-420-12 MANAGER EXPENSE ACCT	1,000	0.00	0.00	0.00	1,000.00		
10-420-13 TUITION REIMBURSEMENT	2,500	0.00	0.00	0.00	2,500.00		
10-420-15 BANK CHARGES	2,500	0.00	0.00	334.07	2,165.93	13%	
10-420-16 M & R EQUIPMENT	1,000	0.00	0.00	0.00	1,000.00		
10-420-18 CONSUMABLES	4,000	0.00	0.00	(182.00)	4,182.00	-5%	
10-420-26 ADVERTISING	1,500	0.00	0.00	0.00	1,500.00		
10-420-31 GAS, OIL & TIRES	1,200	0.00	0.00	0.00	1,200.00		
10-420-33 DEPARTMENT SUPPLIES	6,000	0.00	0.00	138.38	5,861.62	2%	
10-420-34 TOWN APPAREL EXPENSE	500	0.00	0.00	0.00	500.00		
10-420-45 CONTRACTED SERVICES	46,000	0.00	0.00	8,197.03	37,802.97	18%	
10-420-53 DUES & SUBSCRIPTIONS	5,000	0.00	0.00	26.00	4,974.00	1%	
10-420-57 MISCELLANEOUS	500	0.00	0.00	0.00	500.00		
10-420-58 EMPLOYEE ENGAGEMENT	10,000	0.00	0.00	0.00	10,000.00		
10-420-76 EQUIPMENT LEASE PAYMENTS	27,500	0.00	0.00	1,096.82	26,403.18	4%	
ADMINISTRATION Totals:	524,263	0.00	0.00	54,258.59	470,004.31	10%	
10-430-57 ELECTION EXPENSES	4,700	0.00	0.00	0.00	4,700.00		
ELECTIONS Totals:	4,700	0.00	0.00	0.00	4,700.00		
10-490-02 SALARIES	88,000	0.00	0.00	13,022.01	74,977.99	15%	
10-490-03 PART-TIME SALARIES	15,000	0.00	0.00	1,900.84	13,099.16	13%	
10-490-05 FICA (7.65%)	7,880	0.00	0.00	1,141.64	6,737.86	14%	
10-490-06 GROUP INSURANCE	7,910	0.00	0.00	1,319.92	6,590.08	17%	

Budget vs Actual

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10 GENERAL FUND							
Description	Budget	Encumbrance	MTD	YTD	Variance	Percent	
10-490-07 ORBIT RETIREMENT (11.53%)	10,146	0.00	0.00	1,501.44	8,644.96	15%	
10-490-08 401K (3%)	2,640	0.00	0.00	390.67	2,249.33	15%	
10-490-10 EMPLOYEE TRAINING	2,000	0.00	0.00	0.00	2,000.00		
10-490-16 EQUIPMENT MAINT & REPAIR	500	0.00	0.00	0.00	500.00		
10-490-17 M & R VEHICLES	1,000	0.00	0.00	0.00	1,000.00		
10-490-31 GAS, OIL, & TIRES	500	0.00	0.00	38.18	461.82	8%	
10-490-45 CONTRACTED SERVICES	25,000	0.00	0.00	0.00	25,000.00		
10-490-53 DUES & SUBSCRIPTIONS	1,000	0.00	0.00	0.00	1,000.00		
10-490-57 MISCELLANEOUS	250	0.00	0.00	0.00	250.00		
10-490-58 CRS FLOOD ACTIVITY	1,400	0.00	0.00	0.00	1,400.00		
PLANNING/ZONING/CAMA Totals:	163,226	0.00	0.00	19,314.70	143,911.20	12%	
10-491-02 SALARIES	142,000	0.00	0.00	19,595.20	122,404.80	14%	
10-491-05 FICA (7.65%)	10,863	0.00	0.00	1,488.04	9,374.96	14%	
10-491-06 GROUP INSURANCE	17,200	0.00	0.00	2,639.84	14,560.16	15%	
10-491-07 ORBIT RETIREMENT (11.53%)	16,373	0.00	0.00	2,259.34	14,113.26	14%	
10-491-08 401K (3%)	4,260	0.00	0.00	587.85	3,672.15	14%	
10-491-10 EMPLOYEE TRAINING	6,400	0.00	0.00	745.29	5,654.71	12%	
10-491-17 M & R VEHICLES	500	0.00	0.00	0.00	500.00		
10-491-31 GAS, OIL & TIRES	3,000	0.00	0.00	155.60	2,844.40	5%	
10-491-45 CONTRACTED SERVICES	9,000	0.00	0.00	645.00	8,355.00	7%	
10-491-53 DUES & SUBSCRIPTIONS	1,500	0.00	0.00	276.30	1,223.70	18%	
10-491-57 MISCELLANEOUS	500	0.00	0.00	0.00	500.00		
10-491-75 DEBT SERVICE	10,651	0.00	0.00	0.00	10,651.00		
INSPECTIONS Totals:	222,247	0.00	0.00	28,392.46	193,854.14	13%	
10-500-11 PHONES	30,000	0.00	0.00	2,742.62	27,257.38	9%	
10-500-13 UTILITIES	50,000	0.00	0.00	36,142.63	13,857.37	72%	
10-500-15 M & R BUILDINGS/GROUNDS	30,000	0.00	0.00	6,214.02	23,785.98	21%	
10-500-17 LANDSCAPING EXPENSE	3,000	0.00	0.00	0.00	3,000.00		
10-500-33 BUILDING SUPPLIES	10,000	0.00	0.00	0.00	10,000.00		

Budget vs Actual

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10 GENERAL FUND							
Description	Budget	Encumbrance	MTD	YTD	Variance	Percent	
10-500-35 FURNITURE	50,000	0.00	0.00	1,602.50	48,397.50	3%	
10-500-43 CLEANING SERVICES	5,000	0.00	0.00	0.00	5,000.00		
10-500-45 PEST CONTROL	1,500	0.00	0.00	119.00	1,381.00	8%	
10-500-57 TOWN SIGN M & R	28,500	26,625.00	0.00	16,221.25	(14,346.25)	150%	
10-500-58 WEB EOC SERVICE	1,500	0.00	0.00	0.00	1,500.00		
10-500-74 CAPITAL OUTLAY	640,000	0.00	0.00	100,403.89	539,596.11	16%	
PUBLIC BLDGS Totals:	849,500	26,625.00	0.00	163,445.91	659,429.09	22%	
10-501-09 WORKER'S COMPENSATION	46,250	0.00	0.00	46,050.29	199.71	100%	
10-501-13 PROPERTY LIABILITY & BONDS	106,000	0.00	0.00	60,352.00	45,648.00	57%	
10-501-17 VFIS INSURANCE	16,500	0.00	0.00	22,247.00	(5,747.00)	135%	
10-501-54 FLOOD INSURANCE	3,000	0.00	0.00	0.00	3,000.00		
INSURANCE Totals:	171,750	0.00	0.00	128,649.29	43,100.71	75%	
10-509-02 PSA SALARY	15,905	0.00	0.00	2,446.68	13,458.32	15%	
10-509-05 FICA (7.65%)	1,220	0.00	0.00	187.16	1,032.84	15%	
PSA - RETIRED POLICE OFFICERS Totals:	17,125	0.00	0.00	2,633.84	14,491.16	15%	
10-510-02 SALARIES	765,000	0.00	0.00	101,396.31	663,603.69	13%	
10-510-03 PART-TIME SALARIES	4,237	0.00	0.00	706.16	3,530.84	17%	
10-510-04 OVERTIME	39,000	0.00	0.00	6,041.10	32,958.90	15%	
10-510-05 FICA (7.65%)	62,978	0.00	0.00	8,266.95	54,710.68	13%	
10-510-06 GROUP INSURANCE	104,000	0.00	0.00	10,987.35	93,012.65	11%	
10-510-07 ORBIT RETIREMENT (12.04%)	91,500	0.00	0.00	12,864.39	78,635.61	14%	
10-510-08 401K (5%)	36,500	0.00	0.00	5,033.93	31,466.07	14%	
10-510-09 BEACH PATROL EXPENSE	15,000	0.00	0.00	312.00	14,688.00	2%	
10-510-10 EMPLOYEE TRAINING	10,000	358.00	0.00	0.00	9,642.00	4%	
10-510-16 MAINT & REPAIR EQUIP	3,500	0.00	0.00	0.00	3,500.00		
10-510-17 MAINT & REPAIR VEHICLES	11,000	0.00	0.00	119.83	10,880.17	1%	
10-510-31 GAS,OIL & TIRES	45,000	0.00	0.00	3,539.44	41,460.56	8%	
10-510-32 OFFICE SUPPLIES	1,000	0.00	0.00	0.00	1,000.00		

Budget vs Actual

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10 GENERAL FUND							
Description	Budget	Encumbrance	MTD	YTD	Variance	Percent	
10-510-33 DEPARTMENTAL SUPPLIES	8,000	0.00	0.00	2.58	7,997.42	0%	
10-510-36 UNIFORMS	12,000	0.00	0.00	139.46	11,860.54	1%	
10-510-37 BALLISTIC VEST GRANT EXPENSE	4,570	0.00	0.00	770.21	3,799.79	17%	
10-510-47 PROFESSIONAL SERVICES	4,160	0.00	0.00	505.00	3,655.00	12%	
10-510-53 DUES & SUBSCRIPTIONS	10,184	0.00	0.00	5,599.99	4,584.01	55%	
10-510-57 K-9 EXPENSES	2,000	0.00	0.00	0.00	2,000.00		
10-510-60 LESO PROGRAM	5,000	0.00	0.00	0.00	5,000.00		
10-510-73 NON-CAPITAL OUTLAY	12,000	60,897.87	0.00	0.00	(48,897.87)	507%	
10-510-74 CAPITAL OUTLAY	69,000	0.00	0.00	0.00	69,000.00		
10-510-75 DEBT SERVICE	35,712	0.00	0.00	0.00	35,712.00		
10-510-76 TAXES & TITLES	2,085	0.00	0.00	0.00	2,085.00		
POLICE Totals:	1,353,426	61,255.87	0.00	156,284.70	1,135,885.06	16%	
10-545-02 SALARIES	176,500	0.00	0.00	26,397.89	150,102.11	15%	
10-545-03 PART-TIME SALARIES	35,500	0.00	0.00	5,642.98	29,857.02	16%	
10-545-04 OVERTIME	2,000	0.00	0.00	829.02	1,170.98	41%	
10-545-05 FICA (7.65%)	16,371	0.00	0.00	2,506.45	13,864.55	15%	
10-545-06 GROUP INSURANCE	31,630	0.00	0.00	5,279.68	26,350.32	17%	
10-545-07 ORBIT RETIREMENT (11.53%)	24,674	0.00	0.00	3,508.60	21,165.60	14%	
10-545-08 401K (3%)	6,420	0.00	0.00	816.83	5,603.17	13%	
10-545-14 EMPLOYEE TRAINING	1,000	0.00	0.00	0.00	1,000.00		
10-545-16 MAINT & REPAIR EQUIP	15,000	3,159.20	0.00	746.07	11,094.73	26%	
10-545-17 MAINT & REPAIR VEHICLES	5,000	0.00	0.00	1,177.30	3,822.70	24%	
10-545-31 GAS, OIL & TIRES	14,000	0.00	0.00	980.54	13,019.46	7%	
10-545-32 OFFICE SUPPLIES	150	0.00	0.00	0.00	150.00		
10-545-33 DEPARTMENTAL SUPPLIES	4,000	0.00	0.00	998.07	3,001.93	25%	
10-545-34 MOSQUITO CONTROL EXPENSE	5,000	0.00	0.00	141.90	4,858.10	3%	
10-545-36 UNIFORMS	1,500	0.00	0.00	224.00	1,276.00	15%	
10-545-57 MISCELLANEOUS	100	0.00	0.00	0.00	100.00		

Budget vs Actual

NORTH TOPSAIL BEACH
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Period Ending 6/30/2022

10 GENERAL FUND							
Description	Budget	Encumbrance	MTD	YTD	Variance	Percent	
10-545-75 DEBT SERVICE	11,053	0.00	0.00	0.00	11,053.00		
PUBLIC WORKS Totals:	349,898	3,159.20	0.00	49,249.33	297,489.67	15%	
10-560-13 STREET LIGHT EXPENSE	30,000	0.00	0.00	2,426.41	27,573.59	8%	
10-560-15 M & R PUBLIC PARKING	25,000	0.00	0.00	0.00	25,000.00		
10-560-33 DEPARTMENTAL SUPPLIES	4,000	0.00	0.00	89.20	3,910.80	2%	
10-560-43 RIVER ROAD WALK & TOWN ENTRANCE SIGNS	1,000	0.00	0.00	0.00	1,000.00		
10-560-73 STREET PAVING & REPAIR	40,000	0.00	0.00	0.00	40,000.00		
STREETS Totals:	100,000	0.00	0.00	2,515.61	97,484.39	3%	
10-580-45 SANITATION CONTRACTS	401,912	0.00	0.00	0.00	401,912.00		
10-580-46 TIPPING FEES	68,500	0.00	0.00	15,352.38	53,147.62	22%	
10-580-47 RECYCLING	30,000	0.00	0.00	1,178.70	28,821.30	4%	
SANITATION Totals:	500,412	0.00	0.00	16,531.08	483,880.92	3%	
10-620-12 SNOWFLAKES	3,000	0.00	0.00	0.00	3,000.00		
10-620-14 PARK WELL	500	0.00	0.00	0.00	500.00		
10-620-15 PARK MAINTENANCE	3,000	0.00	0.00	69.11	2,930.89	2%	
10-620-17 BIKE PATH M & R	500	0.00	0.00	0.00	500.00		
10-620-27 SPECIAL EVENTS	1,500	0.00	0.00	0.00	1,500.00		
10-620-33 PARK SUPPLIES	2,500	0.00	0.00	940.35	1,559.65	38%	
RECREATION Totals:	11,000	0.00	0.00	1,009.46	9,990.54	9%	
10-690-02 SALARIES	804,500	0.00	0.00	110,682.51	693,817.49	14%	
10-690-03 VOL INCENTIVE PAY	5,000	0.00	0.00	25.00	4,975.00	1%	
10-690-04 OVERTIME	35,000	0.00	0.00	3,166.81	31,833.19	9%	
10-690-05 FICA (7.65%)	64,604	0.00	0.00	8,501.00	56,103.25	13%	
10-690-06 GROUP INSURANCE	134,500	0.00	0.00	18,663.88	115,836.12	14%	
10-690-07 ORBIT RETIREMENT (11.53%)	96,794	0.00	0.00	13,126.81	83,667.54	14%	
10-690-08 401K (3%)	25,185	0.00	0.00	3,415.47	21,769.53	14%	
10-690-10 EMPLOYEE TRAINING	5,000	0.00	0.00	0.00	5,000.00		
10-690-16 M & R EQUIPMENT	17,500	28,875.00	0.00	409.79	(11,784.79)	167%	

Budget vs Actual

NORTH TOPSAIL BEACH
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Period Ending 6/30/2022

10 GENERAL FUND							
Description	Budget	Encumbrance	MTD	YTD	Variance	Percent	
10-690-17 M & R VEHICLES	15,000	10,500.00	0.00	36.88	4,463.12	70%	
10-690-31 GAS, OIL & TIRES	14,000	0.00	0.00	946.80	13,053.20	7%	
10-690-32 OFFICE SUPPLIES	1,500	1,450.00	0.00	0.00	50.00	97%	
10-690-33 DEPARTMENTAL SUPPLIES	45,500	2,550.00	0.00	33.00	42,917.00	6%	
10-690-34 FIRE FIGHTER PHYSICALS	5,600	0.00	0.00	0.00	5,600.00		
10-690-36 UNIFORMS	8,000	0.00	0.00	0.00	8,000.00		
10-690-53 DUES & SUBSCRIPTIONS	8,500	0.00	0.00	2,400.00	6,100.00	28%	
10-690-56 FEDERAL FIRE GRANT EXPENSE	5,000	0.00	0.00	0.00	5,000.00		
10-690-57 MISCELLANEOUS	250	0.00	0.00	0.00	250.00		
10-690-73 COMMUNICATIONS EQUIP	6,000	0.00	0.00	356.37	5,643.63	6%	
FIRE DEPARTMENT Totals:	1,297,434	43,375.00	0.00	161,764.32	1,092,294.28	16%	
10-695-91 PLANNING BOARD EXPENSE	1,000	0.00	0.00	0.00	1,000.00		
10-695-92 BOARD OF ADJUSTMENT EXPENSE	1,000	0.00	0.00	0.00	1,000.00		
COMMITTEES Totals:	2,000	0.00	0.00	0.00	2,000.00		
10-720-08 CONTRACTS, PLANS & SPECS	48,000	0.00	0.00	0.00	48,000.00		
10-720-10 BEACH LOBBIST CONTRACT	60,000	0.00	0.00	9,763.91	50,236.09	16%	
10-720-12 BEACH & ACCESS MAINTENANCE	50,000	0.00	0.00	817.25	49,182.75	2%	
10-720-14 BEACH RELATED MEETINGS & CONFERENCES	20,000	0.00	0.00	1,100.00	18,900.00	6%	
10-720-15 M & R DUNE & CROSSWALK	8,000	0.00	0.00	300.00	7,700.00	4%	
10-720-36 EASEMENT & LEGAL EXPENSES	1,000	0.00	0.00	0.00	1,000.00		
10-720-45 CONTRACTED SERVICES	10,000	0.00	0.00	0.00	10,000.00		
10-720-53 ASBPA DUES & MEETINGS	2,500	0.00	0.00	0.00	2,500.00		
BEACH REN. / DUNE STAB. Totals:	199,500	0.00	0.00	11,981.16	187,518.84	6%	
10-999-01 CONTINGENCY	126,800	0.00	0.00	0.00	126,800.17		
CONTINGENCY Totals:	126,800	0.00	0.00	0.00	126,800.17		

Budget vs Actual

NORTH TOPSAIL BEACH
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Period Ending 6/30/2022

Expenses Totals:	6,106,884	134,415.07	0.00	819,488.16	5,152,980.77	16%
10 GENERAL FUND Revenues Over/(Under) Expenses:			0.00	(53,905.10)		

Budget vs Actual

NORTH TOPSAIL BEACH
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Period Ending 6/30/2022

12 CAPITAL IMPROVEMENT FUND

Description	Budget	Encumbrance	MTD	YTD	Variance	Percent
Revenues						
12-301-00 AD VALOREM TAX (.04)	389,280	0.00	0.00	57,467.74	(331,812.26)	15%
Revenues Totals:	389,280	0.00	0.00	57,467.74	(331,812.26)	15%
Expenses						
12-750-01 PUBLIC SAFETY BUILDING	291,960	0.00	0.00	0.00	291,960.00	
12-750-02 FIRE TRUCK	97,320	0.00	0.00	0.00	97,320.00	
Totals:	389,280	0.00	0.00	0.00	389,280.00	
Expenses Totals:	389,280	0.00	0.00	0.00	389,280.00	
12 CAPITAL IMPROVEMENT FUND	Revenues Over/(Under) Expenses:		0.00	57,467.74		

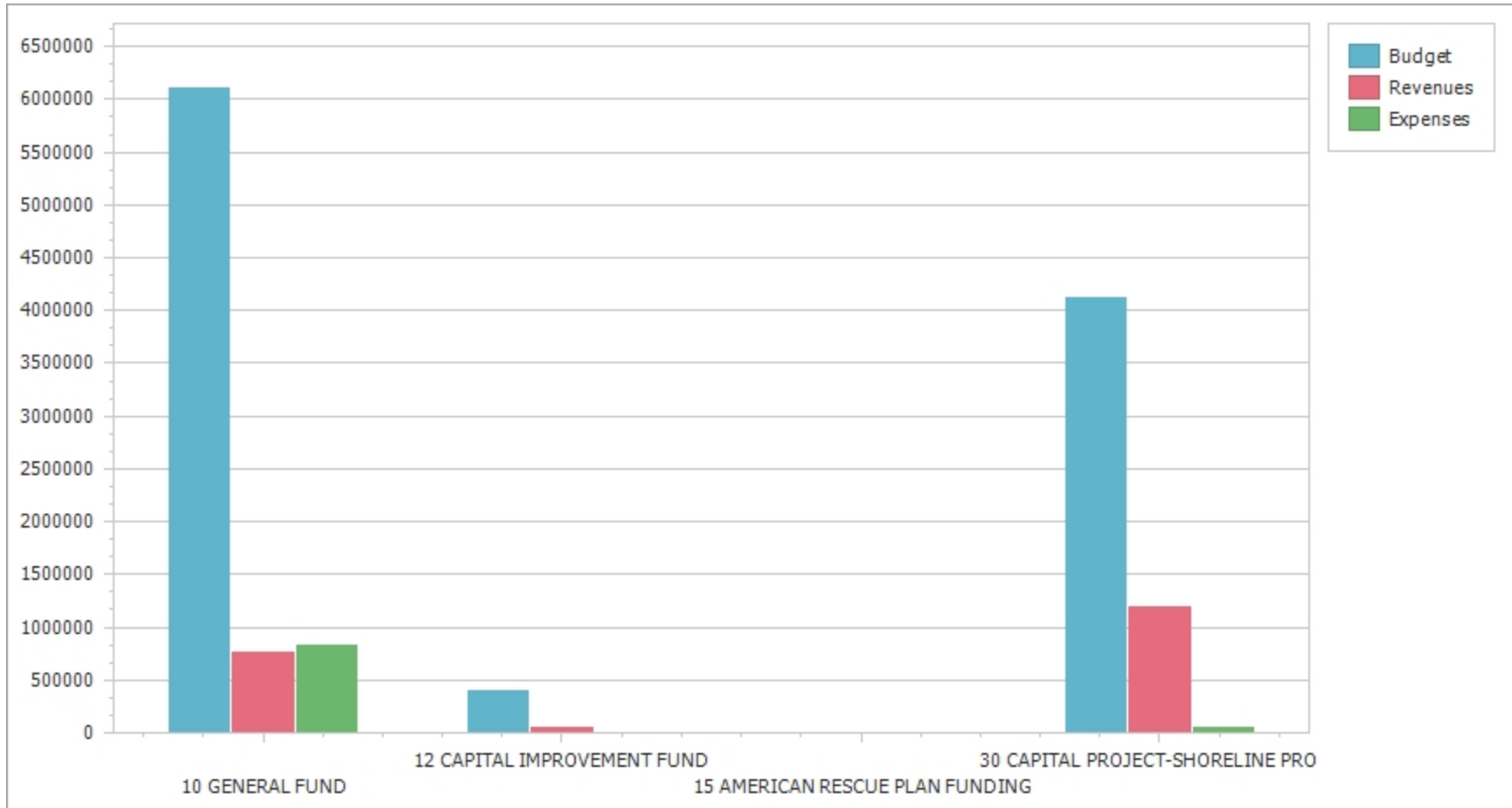
Budget vs Actual

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Period Ending 6/30/2022

30 CAPITAL PROJECT-SHORELINE PRO							
Description	Budget	Encumbrance	MTD	YTD	Variance	Percent	
Revenues							
30-301-00 ACCOMMODATION TAX	1,500,000	0.00	0.00	841,647.62	(658,352.38)	56%	
30-301-05 AD VALOREM TAX - Beach	1,396,542	0.00	0.00	128,158.78	(1,268,383.22)	9%	
30-329-00 INTEREST INCOME	1,000	0.00	0.00	357.27	(642.73)	36%	
30-345-00 LOCAL OPTION SALES TAX	594,430	0.00	0.00	117,349.59	(477,080.41)	20%	
30-350-01 PAID PARKING REVENUE	600,000	0.00	0.00	103,287.50	(496,712.50)	17%	
30-383-02 SPECIAL ASSESSMENT	25,000	0.00	0.00	6,446.88	(18,553.12)	26%	
Revenues Totals:	4,116,972	0.00	0.00	1,197,247.64	(2,919,724.36)	29%	
Expenses							
30-720-07 Harden Structure Permit/Design	330,000	0.00	0.00	0.00	330,000.00		
30-720-08 CONTRACTS, PLANS, SPECS	110,000	0.00	0.00	51,855.75	58,144.25	47%	
30-720-18 OTHER CONTRACTS & PLANS	60,000	0.00	0.00	0.00	60,000.00		
30-720-62 PHASE 5 DEBT SERVICE - USDA	900,115	0.00	0.00	0.00	900,115.00		
30-720-64 Sandbag Repair Project	200,000	0.00	0.00	0.00	200,000.00		
30-720-66 Due To USDA Reserve Fund	90,000	0.00	0.00	0.00	90,000.00		
30-720-68 Future Projects Fund	2,426,857	0.00	0.00	0.00	2,426,857.00		
BEACH REN. / DUNE STAB. Totals:	4,116,972	0.00	0.00	51,855.75	4,065,116.25	1%	
Expenses Totals:	4,116,972	0.00	0.00	51,855.75	4,065,116.25	1%	
30 CAPITAL PROJECT-SHORELINE PRO	Revenues Over/(Under) Expenses:		0.00	1,145,391.89			



GL Account History Summary

NORTH TOPSAIL BEACH

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Account Range: 30-301-00 ACCOMMODATION TAX - 30-301-00 ACCOMMODATION TAX

Date Range: 8/1/2021 - 8/25/2021

GL Account - 30-301-00 ACCOMMODATION TAX					
Date	Description	Source	Debits	Credits	Date
Fiscal Period - FY 21-22		Beg Balance	\$0.00	\$2,041,268.07	
08/02/2021	OCC TAX	GL GJ	\$0.00	\$219.00	08/03/2021
08/04/2021	OCC TAX	GL GJ	\$0.00	\$347.40	08/12/2021
08/04/2021	OCC TAX	GL GJ	\$0.00	\$2,292.32	08/06/2021
08/06/2021	OCC TAX	GL GJ	\$0.00	\$50,728.99	08/06/2021
08/09/2021	OCC TAX	GL GJ	\$0.00	\$64,078.11	08/09/2021
08/11/2021	OCC TAX	GL GJ	\$0.00	\$3,944.01	08/11/2021
08/12/2021	OCC TAX	GL GJ	\$0.00	\$3,269.17	08/12/2021
08/13/2021	OCC TAX	GL GJ	\$0.00	\$214,336.90	08/13/2021
08/16/2021	OCC TAX	GL GJ	\$0.00	\$1,042.44	08/17/2021
08/17/2021	OCC TAX	GL GJ	\$0.00	\$544.06	08/18/2021
08/17/2021	OCC TAX	GL GJ	\$0.00	\$34,840.84	08/17/2021
08/18/2021	OCC TAX	GL GJ	\$0.00	\$115.05	08/19/2021
08/20/2021	OCC TAX	GL GJ	\$0.00	\$24,819.17	08/20/2021
08/24/2021	OCC TAX	GL GJ	\$0.00	\$86,845.91	08/24/2021
Transaction Totals			\$0.00	\$487,423.37	
**	End Balance		\$0.00	\$487,423.37	**

Check Listing

Date From: 8/1/2021 Date To: 8/25/2021

Vendor Range: A PLUS WAREHOUSE EQUIPMENT & SUPPLY - ZOCKLEIN & ASSOCIATES

NORTH TOPSAIL BEACH

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Check Number	Bank	Vendor	Date	Amount
45704	1	ADVANCE AUTO PARTS	08/05/2021	<u>\$10.23</u>
45705	1	AUTUMN WITH TOPSAIL	08/05/2021	<u>\$1,000.00</u>
45706	1	BB&T	08/05/2021	<u>\$1,100.08</u>
45707	1	CAVANAUGH MACDONALD CONSULTING	08/05/2021	<u>\$362.45</u>
45708	1	CHARTER COMMUNICATIONS	08/05/2021	<u>\$962.57</u>
45709	1	COASTAL LAND WORX	08/05/2021	<u>\$300.00</u>
45710	1	DODSON PEST CONTROL	08/05/2021	<u>\$119.00</u>
45711	1	GALLS LLC	08/05/2021	<u>\$258.14</u>
45712	1	GIS BENEFITS	08/05/2021	<u>\$2,917.56</u>
45713	1	JONES ONSLOW ELECTRIC COMPANY	08/05/2021	<u>\$2,426.41</u>
45714	1	KATHY PARKER	08/05/2021	<u>\$2,500.00</u>
45715	1	LOWE'S HOME CENTERS	08/05/2021	<u>\$708.36</u>
45716	1	NC ASSOCIATION OF MUNICIPAL CLERKS	08/05/2021	<u>\$80.00</u>
45717	1	NCAMC C/O NCLM TREASURER	08/05/2021	<u>\$100.00</u>
45718	1	O'REILLY AUTOMOTIVE INC.	08/05/2021	<u>\$186.04</u>
45719	1	TARHEEL PAPER & SUPPLY	08/05/2021	<u>\$643.41</u>
45720	1	TESI SCREENING, INC	08/05/2021	<u>\$60.00</u>
45721	1	THE FMRT GROUP	08/05/2021	<u>\$445.00</u>
45722	1	VERIZON WIRELESS	08/05/2021	<u>\$727.66</u>
45723	1	STEWART COOPER NEWELL	08/05/2021	<u>\$4,706.35</u>
45724	1	CAROLINA CONTAINERS &	08/12/2021	<u>\$101.89</u>
45725	1	CARR RIGGS & INGRAM	08/12/2021	<u>\$2,875.00</u>
45726	1	CROSSLEY MCINTOSH COLLIER	08/12/2021	<u>\$2,041.40</u>
45727	1	GFL ENVIRONMENTAL	08/12/2021	<u>\$32,570.85</u>
45728	1	NAPA FOUR CORNERS	08/12/2021	<u>\$299.03</u>
45729	1	NEILL M. SINGLETARY	08/12/2021	<u>\$545.00</u>
45730	1	ONSLOW COUNTY SOLID WASTE DEPT	08/12/2021	<u>\$15,352.38</u>
45731	1	SHERRILL A STRICKLAND JR.	08/12/2021	<u>\$120.00</u>
45732	1	SONOCO PRODUCTS CO.	08/12/2021	<u>\$1,178.70</u>
45733	1	THE ATLANTIC CONTRACTING & DESIGN, INC	08/12/2021	<u>\$95,356.25</u>
45734	1	THREAD FX	08/12/2021	<u>\$171.20</u>
45735	1	TI COASTAL SERVICES, INC.	08/12/2021	<u>\$38,000.00</u>

Check Listing

Date From: 8/1/2021 Date To: 8/25/2021

Vendor Range: A PLUS WAREHOUSE EQUIPMENT & SUPPLY - ZOCKLEIN & ASSOCIATES

NORTH TOPSAIL BEACH

08/25/2021 08:45 AM

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Check Number	Bank	Vendor	Date	Amount
45736	1	TOWN OF SURF CITY	08/12/2021	<u>\$6,382.45</u>
45737	1	KATE WINZLER	08/16/2021	<u>\$96.00</u>
45738	1	BB&T	VOIDED	<u>\$5,846.10</u>
45739	1	GALLS LLC	08/19/2021	<u>\$565.99</u>
45740	1	GULFSTREAM STEEL & SUPPLY INC.	08/19/2021	<u>\$95.44</u>
45741	1	HR MANAGEMENT SOLUTIONS	08/19/2021	<u>\$500.00</u>
45742	1	JONES ONSLOW ELECTRIC COMPANY	08/19/2021	<u>\$1,889.72</u>
45743	1	NC DEPARTMENT OF INFORMATION TECHNOLOGY	08/19/2021	<u>\$22.46</u>
45744	1	ONSLOW WATER & SEWER AUTHORITY	08/19/2021	<u>\$347.12</u>
45745	1	QUALITY EQUIPMENT LLC	08/19/2021	<u>\$469.20</u>
45746	1	SCHOOL OF GOVT FOUNDATION INC	08/19/2021	<u>\$108.00</u>
45747	1	SIGN WORKS	08/19/2021	<u>\$16,221.25</u>
45748	1	SOUTHERN SOFTWARE INC.	08/19/2021	<u>\$4,166.00</u>
45749	1	STEWART COOPER NEWELL	08/19/2021	<u>\$5,047.64</u>
45750	1	TARHEEL PAPER & SUPPLY	08/19/2021	<u>\$1,006.17</u>
45751	1	THREAD FX	08/19/2021	<u>\$35.31</u>
45752	1	VERIZON WIRELESS	08/19/2021	<u>\$681.44</u>
49	Checks Totaling -			\$251,705.25

Totals By Fund

	Checks	Voids	Total
10	\$213,705.25	\$5,846.10	\$207,859.15
30	\$38,000.00		\$38,000.00
Totals:	\$251,705.25	\$5,846.10	\$245,859.15

Town of North Topsail Beach Fire Department

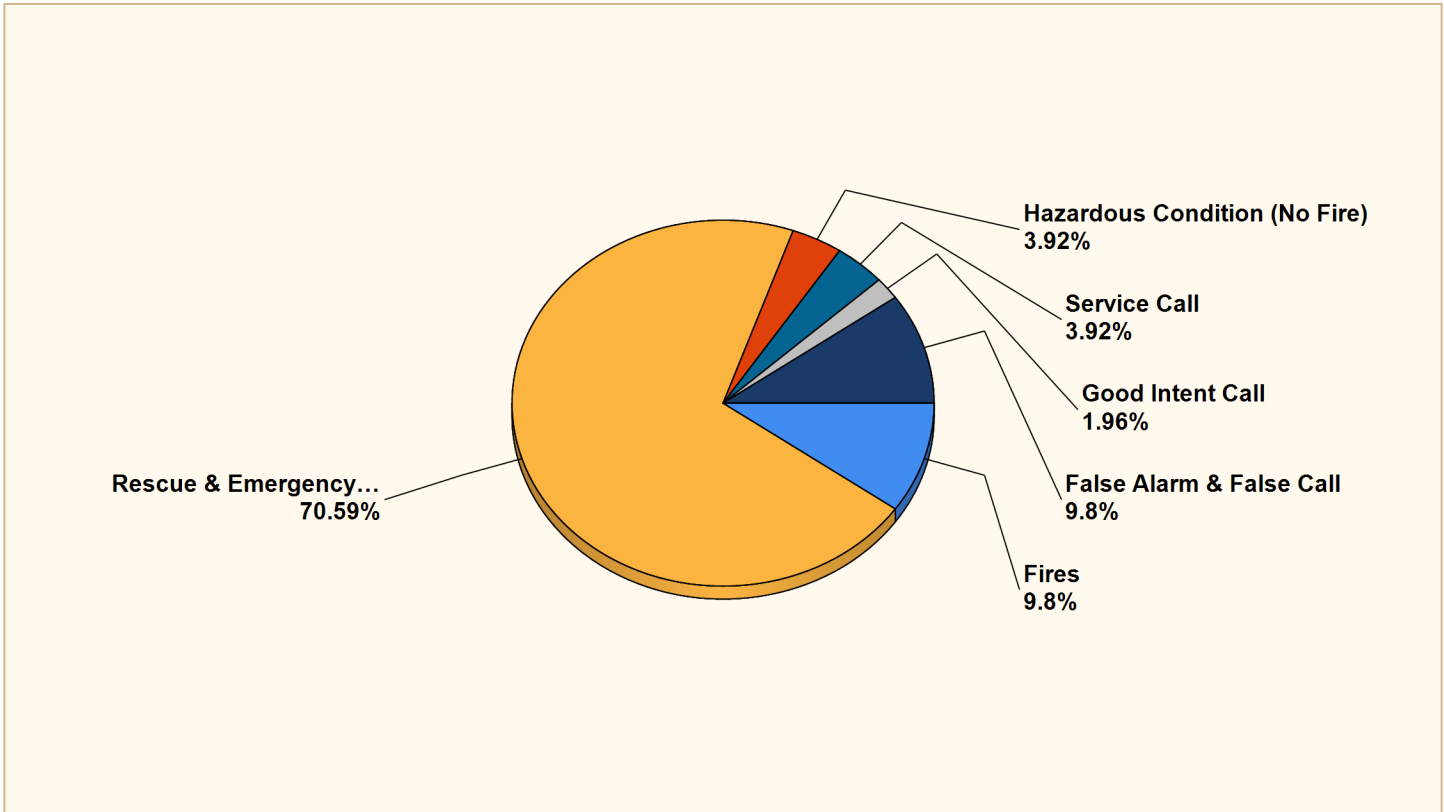
North Topsail Beach, NC

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Breakdown by Major Incident Types for Date Range

Zone(s): All Zones | Start Date: 08/01/2021 | End Date: 09/02/2021



MAJOR INCIDENT TYPE	# INCIDENTS	% of TOTAL
Fires	5	9.8%
Rescue & Emergency Medical Service	36	70.59%
Hazardous Condition (No Fire)	2	3.92%
Service Call	2	3.92%
Good Intent Call	1	1.96%
False Alarm & False Call	5	9.8%
TOTAL	51	100%

Only REVIEWED and/or LOCKED IMPORTED incidents are included. Summary results for a major incident type are not displayed if the count is zero.



Detailed Breakdown by Incident Type

INCIDENT TYPE	# INCIDENTS	% of TOTAL
111 - Building fire	5	9.8%
311 - Medical assist, assist EMS crew	27	52.94%
321 - EMS call, excluding vehicle accident with injury	1	1.96%
322 - Motor vehicle accident with injuries	1	1.96%
353 - Removal of victim(s) from stalled elevator	3	5.88%
364 - Surf rescue	4	7.84%
440 - Electrical wiring/equipment problem, other	1	1.96%
444 - Power line down	1	1.96%
551 - Assist police or other governmental agency	2	3.92%
611 - Dispatched & cancelled en route	1	1.96%
715 - Local alarm system, malicious false alarm	1	1.96%
743 - Smoke detector activation, no fire - unintentional	1	1.96%
745 - Alarm system activation, no fire - unintentional	3	5.88%
TOTAL INCIDENTS:	51	100%

Only REVIEWED and/or LOCKED IMPORTED incidents are included. Summary results for a major incident type are not displayed if the count is zero.



Town of North Topsail Beach

Inspections

910-328-1349

2008 Loggerhead Court
North Topsail Beach, NC 28460

Daily BUILDING REPORT by PERMIT

Page # 1

From: Month 07 Day 24 Year 21

Thru: Month 08 Day 22 Year 21

Permit	Date Issued	Job Address/Owner	Contractor	Cty	- Trade Permit# Issued -		
					Plumb	Mech	Elect
210454	7282021	ISLAND DRIVE 2752 JONES JUANITA JIM GREEN	DURHAM	01			
		Lrk / Pin : 807-57 /			Contr #:	1710	
		Sub Div / Tax Loc: GWEN GRAY PROP			Lot # :	1	
		Cost Check # Building Final:	C.O. Issued:	Land Use:	104	Value Est:	1,000.00
		200.00 NC Homeowners Recovery Fund:	.00	Tech Fee:	.00		
210459	7282021	TOPSAIL ROAD 329 POLNER PAUL O'QUIN ORIN	MILLVILLE	01	210459		210459
		Lrk / Pin : 812-50 /			Contr #:	15	
		Sub Div / Tax Loc: SEAHAVEN BEACH			Lot # :	2	
		Cost Check # 11984 Building Final:	C.O. Issued:	Land Use:	904	Value Est:	24,000.00
		75.00 NC Homeowners Recovery Fund:	.00	Tech Fee:	.00		
210465	8022021	NEW RIVER INLET ROAD #412B 790 MATSEN DOUGLAS & SUSAN APR RESTORATION AND COMME	NORWALK	01	210465	210465	210465
		Lrk / Pin : 775A-412.B /			Contr #:	1666	
		Sub Div / Tax Loc: VILLA CAPRIANI			Lot # :	412B	
		Cost Check # Building Final:	C.O. Issued:	Land Use:	104	Value Est:	56,752.59
		75.00 NC Homeowners Recovery Fund:	.00	Tech Fee:	.00		
210458	8032021	RIVER DRIVE 2513 DABBS BROTHERS LLC DABBS BROTHERS, LLC	WILMINGTON	01	210458	210458	210458
		Lrk / Pin : 778C-141 /			Contr #:	1285	
		Sub Div / Tax Loc: NORTH TOPSAIL SHORES			Lot # :	12	
		Cost Check # 1179 Building Final:	C.O. Issued:	Land Use:	101	Value Est:	400,000.00
		1226.73 NC Homeowners Recovery Fund: 1	10.00	Tech Fee:	.00		
210472	8052021	PORPOISE PLACE 32 MCCANN JOHN & KIMBERLY CAROLINA COAST CONTRACTIN	SANFORD	01	210472	210472	210472
		Lrk / Pin : 778D-102 /			Contr #:	909	
		Sub Div / Tax Loc: DOLPHIN SHORES			Lot # :	32	
		Cost Check # 3030 Building Final:	C.O. Issued:	Land Use:	101	Value Est:	932,578.64
		2156.13 NC Homeowners Recovery Fund: 1	10.00	Tech Fee:	.00		
210476	8062021	ISLAND DRIVE 3683 MIDDLEBROOK GARY & DONNA ELITE CONTRACTING NC INC.	N TOPSAIL BEACH	01			
		Lrk / Pin : 813-4.4 /			Contr #:	1560	
		Sub Div / Tax Loc: NORTHWINDS			Lot # :	1A	
		Cost Check # Building Final:	C.O. Issued:	Land Use:	104	Value Est:	20,000.00
		75.00 NC Homeowners Recovery Fund:	.00	Tech Fee:	.00		

Town of North Topsail Beach

Inspections

910-328-1349

2008 Loggerhead Court
North Topsail Beach, NC 28460

Daily BUILDING REPORT by PERMIT

Page # 2

From: Month 07 Day 24 Year 21

Thru: Month 08 Day 22 Year 21

Permit	Date Issued	Job Address/Owner	Contractor	Cty	- Trade Permit# Issued -		
					Plumb	Mech	Elect
210416	8112021	HUNTER HEATH DRIVE 16 SCARNECCHIA MARK & ANN MARY A'N'A BUILDERS, INC	HOLLY SPRINGS	01	210416	210416	210416
		Lrk / Pin : 763A-16 /			Contr #:	820	
		Sub Div / Tax Loc: ASHE ISLAND FARM			Lot # :	16	
		Cost Check # 22152	Building Final:	C.O. Issued:	Land Use: 101	Value Est:	925,563.00
		3406.00 NC Homeowners Recovery Fund: 1	10.00		Tech Fee: .00		
210485	8112021	NEW RIVER INLET ROAD #411B 790 GERACI, BENEDET TO& LANA LEONTOWYEZ APR RESTORATION AND COMME	N TOPSAIL BEACH	01	210485	210485	210485
		Lrk / Pin : 775A-411.B /			Contr #:	1666	
		Sub Div / Tax Loc: VILLA CAPRIANI			Lot # :	411B	
		Cost Check #	Building Final:	C.O. Issued:	Land Use: 104	Value Est:	56,321.83
		75.00 NC Homeowners Recovery Fund:	.00		Tech Fee: .00		
210496	8172021	NEW RIVER INLET ROAD #218A 790 HAGENS KAREN & JASON GLASSPRO	RALEIGH	01			
		Lrk / Pin : 775A-218.A /			Contr #:	1718	
		Sub Div / Tax Loc: VILLA CAPRIANI			Lot # :	218A	
		Cost Check #	Building Final:	C.O. Issued:	Land Use: 104	Value Est:	12,258.16
		75.00 NC Homeowners Recovery Fund:	.00		Tech Fee: .00		
210497	8172021	ISLAND DRIVE 2238 IZZO ANTHONY & PATRICIA C. M. MITCHELL CONSTRUCTI	SAINT JAMES	01			210497
		Lrk / Pin : 804-44.7 /			Contr #:	1719	
		Sub Div / Tax Loc:			Lot # :		
		Cost Check #	Building Final:	C.O. Issued:	Land Use: 104	Value Est:	2,000.00
		75.00 NC Homeowners Recovery Fund:	.00		Tech Fee: .00		

PERMITS ISSUED : 10
TOTAL EST. VALUE: 2,430,474.22
TOTAL COST of PERMITS : 7,438.86 *

NC HOMEOWNERS RECOVERY FUND : 30.00 NCRF COUNT : 3
TECH FEES TOTAL : .00 TECH COUNT :
NET PERMIT FEES TOTAL : .00

VOIDED PERMIT FEES TOTAL : .00

 P+Z Permits Issued List

From: 07/28/2021

To: 08/26/2021

Permit#	Issue Date	Address	Property#	Legal Description	Property Owner	Contractor	Building Final	CO Issued	Cost	Receipt#	Estimated Value	Recovery Fund	Technology Fee
PLA-210472	08/04/2021	32 PORPOISE PL	778D-102		BARDAXIS IGNATIUS M				0.00		932578.64	0.00	0.00
PLA-210479	08/09/2021	WAHOO ST	804C-12		KENNEDY DOUGLAS PAUL & KAREN TYNDALL				0.00		200000.00	0.00	0.00
PLA-210482	08/10/2021	1753 NEW RIVER INLET RD	779-9		SCHWEND MICHAEL T & MARY JO TRUSTEES	BALLAST POINT BUILDING COMPANY, INC. - LYNWOOD L THORNTON			0.00		560000.00	0.00	0.00
PLA-210486	08/11/2021	115 SEA GULL LN	778C-165	L29 S3 BE NORTH TOPSAIL SHORES	WALKER CHARLES R & KATHY				0.00		399639.00	0.00	0.00
PLA-210484	08/25/2021	1928 NEW RIVER INLET RD #207	038707	L207 P3 BG9E SHIP WATCH VILLAS	MCCLAIN, TIMOTHY B & CANISE	GARY COOK - GARY COOK			0.00		18995.00	0.00	0.00
DVW21-000001	08/25/2021	1753 NEW RIVER INLET RD	779-9		SCHWEND MICHAEL T & MARY JO TRUSTEES	BALLAST POINT BUILDING COMPANY, INC. - LYNWOOD L THORNTON			50.00		560000.00	0.00	0.00
DVW21-000003	08/26/2021	115 SEA GULL LN	778C-165	L29 S3 BE NORTH TOPSAIL SHORES	WALKER CHARLES R & KATHY	LESLIE H. TURNER - LESLIE H. TURNER			50.00		10000.00	0.00	0.00
		# of Permits Issued:	7										
		Total Estimated Value:	2681212.64										
		Total Cost of Permits:	100.00										
		NC Homeowners Recovery Fund:	0.00				NCRF Count:	0					
		Tech Fees Total:	0.00				Tech Count:	0					





Chief William K. Younginer

Department Report for July 1, 2021 - July 31, 2021

Arrests

Assault w/Deadly Weapon	1
Assault LEO with Intent to Inflict Serious Injury	1
B&E	1
2nd Degree Trespassing	1
D.W.I	3
Felony Possession of Methamphetamine	1
Flee to Elude Arrest	1
Injury to Real Property	1
Intoxicated and Disruptive	1
Larceny following B&E	1
Narcotics	1
Resisting Public Officer	2
Traffic	23
Warrant Service	6

Calls for Service

Accidents	3
Alarms	1
Animal Calls	5
Behaviorial Health	1
Cit / Mot / Ped Assists	58
2nd Degree Rape	1
Disturbances	30
Domestics	6
Fraud	1
Impersonation of Law Enforcement Officer	1
Larceny	3
Lewdness	1
Misc Calls	83
Overdose	1
Property Damage	2
Sexual Assault	1
Suspicious Activity	29
Trespassing	1
Vandalism	1
Welfare Check	1

NC Traffic Stop Reports

State Citations	27
Town Citations	2
Warning Citations	14

Assist Other Agencies

E. M. S.	12
F.B.I.	1
H.R.P.D.	1
N.T.B. F.D.	14
O. C. S. D.	10
S.B.I.	1
S. C. P.D.	4
S.H.P.	1
N.T.B. F.D. Water Rescue	8

Summary

TOTAL CALLS FOR SERVICE	230
TOTAL CITATIONS ISSUED	43
TOTAL REPORTS	250
TOTAL SECURITY CHECKS	1,280



TOWN OF NORTH TOPSAIL BEACH
Board of Aldermen
Agenda Item

Agenda Item:	Consent Agenda VIII.D.
Date:	09/02/2021

Issue: MOTV Tax Refund
Department: Finance
Presented by: Caitlin Elliott, Finance Officer
Presentation: Administration Department

Background: Received notice from the Onslow County Tax Office regarding the following MOTV Tax Refund for the following residents due to situs error:

- Christopher Ponziano \$31.20

Total: \$31.20

Attachment(s): Onslow County MOTV Tax Report August 2021

Recommendation: Approve refund as recommended

Action Needed: Yes

Suggested Motion: *"I, _____ make a motion for the Finance Department to proceed with processing the following tax refund(s) as reported."*

Funds: 10

Follow Up: Finance Officer

BusinessName	Address_1	Address_2	Address_3	Refund_Type
PONZIANO, CHRISTOPHER	114 FLAMINGO RD	LOT 20C	SNEADS FERRY, NC 28460	Adjustment < \$100
PONZIANO, CHRISTOPHER	114 FLAMINGO RD	LOT 20C	SNEADS FERRY, NC 28460	Adjustment < \$100

Bill_Num	PlateNum	Refund_Description	Refund_Reason	RefundAmount
	56247899 HKL5121	Refund Generated due to adjustment on Bill	Situs error	(\$16.40)
	60531362 HKL5121	Refund Generated due to adjustment on Bill	Situs error	(\$14.80)
				(\$31.20)



TOWN OF NORTH TOPSAIL BEACH
Board of Aldermen
Agenda Item

Agenda Item:	VIII.E.
Date:	09/02/2021

Issue: Budget Amendment 2021-22.1

Department: Administration

Presented by: Caitlin Elliott, Finance Officer

Presentation: Finance Department

Background: As the Board is aware, on March 11, 2021, President Biden signed into law the American Rescue Plan (ARP) that allocated \$1.9 trillion to COVID-19 relief and economic recovery. North Carolina will receive more than \$5.7 billion which will be disbursed amongst counties and municipalities.

The Town has received the first disbursement of the American Rescue Plan funds in the amount of \$118,396.10. The purpose of this budget amendment is to appropriate the funds from state allocations to Fund 15, American Rescue Plan Fund.

Attachments: Budget Amendment 2021-22.1

Recommendation: Approve Amendment as recommended

Action Needed: Yes

Suggested Motion: *"I, _____ make a motion to approve Budget Amendment 2021-22.1 as presented."*

Funds: 10

Follow Up: Finance Officer

TOWN OF NORTH TOPSAIL BEACH
1000 NC 210
SNEADS FERRY, N.C. 28460

FISCAL YEAR 2021-2022

AMENDMENT TO THE BUDGET ORDINANCE

BA 2021-22.1

BE IT ORDAINED by the Governing Board for the Town of North Topsail Beach, North Carolina that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2022:

Section 1: To amend the American Rescue Plan Fund appropriations with increases as follows:

<u>DEPARTMENT NO:</u>	<u>ACCOUNT</u>		
790	AMERICAN RESCUE PLAN	\$	118,396.10
		Total Expenditures	\$ 118,396.10

This amendment will result in an increase to the following departments:

American Rescue Plan

The purpose of this budget amendment is to appropriate funds from state allocations.

Section 2: To amend the American Rescue Plan Fund estimated revenues with increases as follows:

305	AMERICAN RESCUE PLAN	\$	118,396.10
		Total Revenues	\$ 118,396.10

The Finance Officer has performed a thorough analysis of the Revenues and has determined that the following changes are recommended to ensure a balanced statement for Fiscal Year 2021-2022

Section 3: Copies of the budget ordinance amendment shall be furnished to the Town Clerk, the Council, the Budget Officer, and the Finance Officer for their direction.

Adopted this 2nd Day of September 2021

Motion made by _____, 2nd by _____

VOTE: ___ FOR ___ AGAINST ___ ABSENT

JOANN MCDERMON, MAYOR

CAITLIN ELLIOTT, FINANCE OFFICER

ORIGINAL BUDGET	7/1/2021	\$	-
Budget Amendment 1	9/2/2021	\$	118,396.10
New Budget Ordinance for FY 21-22		\$	118,396.10

Town of North Topsail Beach

Joann M. McDermon, Mayor
Mike Benson, Mayor Pro Tem

Chief William Younginer
Acting Town Manager

Aldermen:
Richard Grant
Tom Leonard
Susan Meyer
Connie Pletl

Kate Winzler
Interim Town Clerk



Nature's Tranquil Beauty

September 2, 2021

Town of North Topsail Beach

ONSLOW COUNTY, NORTH CAROLINA

Resolution Opposing the United States Fish & Wildlife Service's Proposed Designation of Critical Habitat Unit NC-5 (Topsail Island, North Carolina) for the rufa Red Knot.

Whereas, on December 11, 2014, the United States Fish and Wildlife Service (USFWS) listed the rufa Red Knot shorebird as a threatened species under the auspices of the Endangered Species Act and disclosed a compulsory critical habitat designation would be forthcoming in 2015, and

Whereas, the designation of critical habitat can impact a wide variety of coastal projects involving federal action, which include activities or programs of any kind authorized, funded, or carried out, in whole or in part by federal agencies pertaining to coastal and inlet management activities, such as dredging and beach renourishment projects that are permitted, and/or funded and implemented by the United States Army Corps of Engineers and hurricane recovery activities financially supported by the Federal Emergency Management Agency, and

Whereas, other federal actions can involve the administration of the National Flood Insurance Program, implementation of building codes, federal grants for public access and infrastructure improvements, and other programs/policies, and

Whereas, on July 15, 2021 and nearly seven years after listing the rufa Red Knot as threatened, the USFWS is proposing to indiscriminately designate **ALL** of the Topsail Island oceanfront shoreline (26 miles) as critical habitat identified as "Unit NC-5 (Topsail Island)", encompassing a total geographic footprint of 2,030 acres (1,908 acres State + 122 acres private), which includes the entire shoreline of Town of North Topsail Beach, and

Whereas, Topsail Island has never been identified as an important stopover for the migrating rufa Red Knot in any previous publication authored by the USFWS, and

Whereas, the USFWS also specifically disclosed **special management considerations** for the rufa Red Knot will be necessitated to address threats to critical habitat and are divided into seven categories, and moreover some the activities cited in these categories include; recreational beach use, beach driving, predation, beach nourishment, sand fencing, dredged material disposal, inlet relocation, and human-caused disasters, and

Whereas, these special management considerations therefore can unnecessarily and negatively impact the local, state, and federal economies; and the public's access and enjoyment of the beach, and

Whereas, not only has the USFWS proposed all of Topsail Island (Unit NC-5) to be designated as critical habitat but did not include the shorelines in Lee Island to the south and Onslow Beach to the north of Topsail Island, and

Whereas, the proposed designation of a 26-mile continuous stretch of rufa Red Knot oceanfront shoreline strongly implies the USFWS designation methodology is too sensitive and broad, and therefore is capturing all habitat instead of critical habitat for the rufa Red Knot, and

Whereas, the proposed designation of the 26-mile continuous stretch of rufa Red Knot oceanfront shoreline for Topsail Island strongly implies that the USFWS 1% population designation methodology does not reflect the actual observation of rufa Red Knot as a staging area in our Town,

Now, therefore, be it resolved Town of North Topsail Beach is strongly opposed to the USFWS proposed designation of rufa Red Knot critical habitat along the shorelines of Topsail Island (Unit NC-5) as set forth in Document Number 2021-14406 of the Federal Register and will work with State and Federal resource officials and elected representatives to ensure the critical habitat designation, as proposed, is not included in the final rule.

Be it further resolved Town of North Topsail Beach hereby requests the USFWS revisit the rufa Red Knot critical habitat designation methodology in a manner resulting in a more fine-tuned designation of important habitats for the rufa Red Knot rather than broad, indiscriminate continuous stretches of oceanfront shoreline; most notably, an unprecedented 26-mile continuous stretch on Topsail Island in North Carolina that includes proposed Unit NC-5 and the Town of North Topsail Beach.

Joann McDermon, Mayor

ATTEST:

Kate Winzler
Interim Town Clerk



Town of North Topsail Beach
Board of Aldermen

Agenda Item: X.B.

Date: August 27, 2021

Issue: Resolution in Opposition to Environmental Budget Provisions Included in Senate Bill 105 (The Appropriations Bill)
Department: Planning
Presented by: Deborah J. Hill, MPA AICP CFM CZO
Presentation: Yes

BACKGROUND The second week of August, the House passed the state budget, which has been forwarded to the State Senate. The 2021 Appropriations Bill includes several previously separate environmental House bills, now as sections to S 105:

- Section 5.14(a): H 496 “Property Owners' Rights/Tree Ordinances,”
- Section 41.47(a): 2019 H 645 “Revisions to Outdoor Advertising Control Act”
- Section 12.16(a): “Clarify Local Authority for Stormwater Ordinances”

RECOMMENDATION that the Board of Aldermen adopt the attached Resolution and direct the Town Clerk to forward to the Honorable Senator Michael A. Lazzara.

ATTACHMENTS

1. Resolution in Opposition to Environmental Provisions Included in Senate Bill 105 (The Appropriations Bill)



**TOWN OF NORTH TOPSAIL BEACH RESOLUTION IN OPPOSITION TO
ENVIRONMENTAL PROVISIONS INCLUDED IN SENATE BILL 105 (THE APPROPRIATIONS BILL)**

WHEREAS, the North Carolina General Assembly is considering the 2021 Appropriations Act Senate Bill 105, including Section 5.14(a) entitled “Property Owners' Rights/Tree Ordinances,” Section 41.47(a) entitled “Revisions to Outdoor Advertising Control Act” and Section 12.16.(a) entitled “Clarify Local Authority for Stormwater Ordinances”; AND

WHEREAS, the harmful environmental provisions proposed in the Appropriations Bill is of great concern to the citizens and Elected Officials of the Town of North Topsail Beach and other municipalities within North Carolina; AND

WHEREAS, provisions within the proposed Section 5.14(a) entitled “Property Owners' Rights/Tree Ordinances,” to restrict local tree ordinances, would severely diminish or even eliminate the ability of local government to determine what is best for its community and the ability to protect the rights of existing property owners; AND

WHEREAS, by restricting local tree ordinances, Section 5.14(a) entitled “Property Owners' Rights/Tree Ordinances,” damages local visions of community character that are crucial to economic development and residents’ quality of life.

WHEREAS, Section 5.14(a) entitled “Property Owners' Rights/Tree Ordinances,” limits the ability of local officials to protect the rights of all property owners, including those whose homes border new development and could potentially lose value based on how that development proceeds.

WHEREAS, Section 5.14(a) entitled “Property Owners' Rights/Tree Ordinances,” would require all local governments to obtain special authorization from the General Assembly prior to enacting a tree protection ordinance and void all existing ordinances protecting existing trees that were established without special authority; AND

WHEREAS, Section 5.14(a) entitled “Property Owners' Rights/Tree Ordinances,” is inconsistent with the State’s laws regarding tree removal and preservation around outdoor advertising in addition to the State’s historic preservation laws that allow local governments to protect the vegetation of historic sites; AND

WHEREAS, Section 5.14(a) entitled “Property Owners' Rights/Tree Ordinances,” conflicts with G.S. 160D-921 regarding the ability of local jurisdictions to delay approvals following clear-cutting; AND

WHEREAS, Section 5.14(a) entitled “Property Owners' Rights/Tree Ordinances,” creates a conflict with any prior development agreement planned development or special use permit approval that included tree preservation as a condition of approval; AND

WHEREAS, Section 5.14(a) entitled “Property Owners' Rights/Tree Ordinances,” interferes with the ability of local governments to provide supplemental credit towards landscaping requirements for retained/preserved existing vegetation; AND

WHEREAS, Section 5.14(a) entitled “Property Owners' Rights/Tree Ordinances,” in counterintuitive and counterproductive to the Town’s efforts towards coastal resiliency; AND

WHEREAS, Section 5.14(a) entitled “Property Owners' Rights/Tree Ordinances,” would severely restrict the Town’s ability to maintain the natural beauty provided by indigenous trees and maritime forests characteristic of the barrier islands of North Carolina; AND

WHEREAS, Section 5.14(a) entitled “Property Owners' Rights/Tree Ordinances,” could result in a more confusing regulatory framework as local governments would be required to receive individual express authority from the General Assembly; AND

WHEREAS, the billboard industry regularly seeks to limit local government controls over signage; AND

WHEREAS, local officials are best positioned to determine how local sign ordinances should be created and applied, as they are responding to local voters and property owners and understand the differing needs of their communities; AND

WHEREAS, Section 41.47(a) entitled “Revisions to Outdoor Advertising Control Act” includes language that was in a 2019 billboard bill (HB 645) that was vetoed by Governor Cooper; AND

WHEREAS, Section 41.47(a) entitled “Revisions to Outdoor Advertising Control Act” would ease billboard relocations at the expense of local government control, and may threaten local ordinances that ban digital billboards; AND

WHEREAS, Section 12.16 (a) entitled “Clarify Local Authority for Stormwater Ordinances” would bar all local stormwater ordinances and riparian buffer protections that are not required by federal or state law; AND

WHEREAS, Section 12.16 (a) entitled “Clarify Local Authority for Stormwater Ordinances” would hamper local flexibility, and makes no sense at a time when many N.C. communities – *from the coast to the mountains* – are trying to protect residents from intensifying storms and flooding.

NOW, THEREFORE, BE IT RESOLVED that the Board of Aldermen of the Town of North Topsail Beach, North Carolina, expresses opposition to Senate Bill 105 Section 5.14(a) entitled “Property Owners' Rights/Tree Ordinances,” Section 41.47(a) entitled “Revisions to Outdoor Advertising Control Act” and Section 12.16.(a) entitled “Clarify Local Authority for Stormwater Ordinances” and urges the North Carolina General Assembly and the Governor of the State of North Carolina to oppose the proposed legislation.

BE IT FURTHER RESOLVED that the Board of Aldermen requests that the Honorable Senator Michael A. Lazzara and the North Carolina Senate prioritize removal of these harmful environmental budget provisions from Senate Bill 105, and if passed, that Governor Cooper veto the bill.

Adopted this the 2nd day of September 2021.

Joann McDermon, Mayor

ATTEST:

Kate Winzler, Interim Town Clerk