

TOWN OF NORTH TOPSAIL BEACH
PUBLIC HEARING and
REGULAR BOARD MEETING
FEBRUARY 2, 2000
6:30 P.M.

PRESENT: Mayor Marty Bostic, Mayor Pro-tem Steve Smith, Aldermen John Flynn, Peter Hillyer, Bill O'Donnell and Otis Sizemore, Charles Hammond, Town Manager, Loraine Carbone, Town Clerk and Attorney William H. Fuss

CALL TO ORDER: Mayor Pro Tem Steve Smith called the Public Hearing to order at 6:35 p.m. in the North Topsail Beach meeting room and declared a quorum present.

PUBLIC HEARING: There was a consensus of the Board to draft a proposal allowing handicapped people access to a specific part of the beach via a factory 4x4. The proposal is to allow handicapped people access with a factory 4x4 at the Jeffrey's access as far north as the south end of beach access number 4 and as far south as the north edge of Hampton Colony. Each boundary will be marked with appropriate signs to prevent traffic beyond this point.

Alderman Flynn noted that basically the definition of a handicapped driver's vehicle in 10-36 a states that a permanent registration plate covers just handicapped drivers. Alderman Sizemore questioned if we should strike the word "plates. Attorney Fuss stated that it should read "North Carolina State issued handicapped registration". Mr. Claude Dunlap showed the handicapped I.D. that he had. Alderman Sizemore discussed the degrees of disability.

Mr. Dunlap asked if there would be signs for public accesses for the handicapped. Alderman Flynn noted that when everything is in place we should have a map showing the accesses.

A citizen questioned why she couldn't drive on the beach where her friends are. It was noted that we haven't had any accesses prior to the initiation of this one.

ADJOURNMENT
OF PUBLIC
HEARING:

Alderman Flynn moved, seconded by Alderman O'Donnell to close the Public Hearing at 6:55 p.m. The motion passed unanimously.

CALL TO ORDER: The regular Board Meeting was called to order at 7:07 p.m.

APPROVAL OF
AGENDA:

Additions to the agenda included the release of performance bonds for Blue Green (add under 6a). The amendment to the handicapped driving ordinance will be addressed under new business (7a). A closed session will be held to discuss possible litigation. Strike 7a - property donation, they have not been accepted at this time. Alderman O'Donnell moved, seconded by Alderman Smith to approve the agenda with the appropriate changes. The motion passed unanimously.

APPROVAL OF
MINUTES:

Alderman Hillyer moved, seconded by Alderman Smith approval of the January 10, 2000 Regular Board Meeting Minutes. The motion passed unanimously.

REQUEST TO
ADDRESS THE
BOARD:

PLANNING BOARD COMMITTEE:

Patsy Jordan reported that on January 13, 2000 the Planning Board met and two new members were in attendance. There were three issues on their agenda. Mr. Tucker, of Blue Green, requested the release of the performance bonds for Dolphin Shores. Ms. Jordan noted that they are in compliance and that it is a nice subdivision and recommended to the Aldermen the release of the performance bonds. The next issue was a Petition for an amendment to our ordinance. Less than 50 owners brought before the planning board, a petition to have a storage box modified. The Planning Board decided that the issue should be addressed by Roger's Bay first. The last item that was discussed was the re-evaluation of 7-222 (factory built enclosed porches). This issue was tabled until the town manager, building inspector and attorney could be present. A training session will be held on February 17th at 6:30 p.m. The next regular Planning Board meeting will be held on February 10th.

Alderman Flynn noted that at the last Board meeting, we requested that the Planning Board look into parking, accesses and any data regarding park structures. Ms. Jordan noted that it was not on their agenda because of new members, but it will be on the agenda for the February 10th meeting. Alderman O'Donnell asked if the walkover was too narrow at Dolphin Shores. Mr. Tucker said that it was large enough (4 ft). Alderman Sizemore asked if the performance bonds covered the roads and were they completed? Mr. Tucker said that it was probably the right of way for the sewer that Alderman Sizemore was looking at because all of the streets are completed.

OLD BUSINESS: PERFORMANCE BOND RELEASE AND STREET ACCEPTANCE:

Mr. Sheldon Tucker requested the release of a performance bond by Blue Green Carolina for the subdivision known as Dolphin Shores. Alderman Sizemore noted that there was nothing stating that the roads were constructed to state specifications. Mr. Tucker stated that the Town is taking over the roads, not the state. Mayor Bostic said that D.O.T. would not inspect our streets and we have a registered engineer who reviewed the plans. Mayor Bostic noted that the letter in our possession states that the streets are acceptable to state standards. Attorney Fuss also said that there is sufficient proof. Alderman Sizemore moved, seconded by Alderman Smith approval of the release of the performance bonds for Dolphin Shores. The motion passed unanimously. Alderman Flynn moved, seconded by Alderman Sizemore, acceptance of the streets in Dolphin Shores, namely Porpoise Lane and Bottlenose Court. The motion passed unanimously.

HURRICANE RECOVERY UPDATE:

Sue McLaughlin stated that we should have been done by Saturday, but the state has started cleaning from underneath the bridges so we may run longer, maybe until Wednesday. We are still working in the Hampton Colony area and filling low spots in the Summertime area. One area that will be left until the end is Topsail Road. Alderman Flynn asked if the sand under the bridge could be used. Sue said it would be screened. Ms. McLaughlin also noted that they only have one right of entry left to go on properties. There are a couple of small sand piles on Highway 210, but there are no significant sand sources anywhere else. Mayor Bostic asked when we would close out with FEMA. Ms. McLaughlin said we would probably close out the beginning of next week, but we wouldn't be able to publish it. The final close out date is March 16th, unless we ask for a waiver. Mr. Hammond asked that the closeout be next Friday, February 11, 2000. Ms. McLaughlin noted that there is just about a mile where sand has not been placed, but some of it has existing dunes left. All structures are now protected. Alderman Sizemore said that he has received many emails from residents in Summertime who were concerned about the lack of sand in their area. Alderman Hillyer moved, seconded by Alderman Smith, that we establish the close out date as February 11, 2000 for debris removal from the right of ways. The motion passed unanimously.

Alderman O'Donnell said that he was assured that everyone would have sand, yet now we don't have enough sand. Ms. McLaughlin stated that we were counting on sand coming out of Galleon Bay, but we did not get the sand. CAMA had given us approval to get the sand and then they changed their minds. Alderman O'Donnell noted that a house on Topsail

Road that originally had sand dumped was now washed away. Now there is a fresh pile of sand in this area and he felt that it was a waste of a valuable resource because it will be washed away again. Ms. McLaughlin noted that she has told the workers not to put sand in places that the sand was washed away, but recently she has had drivers who were not original drivers because of workers being out sick.

Alderman Sizemore noted that looking through past minutes regarding sand, it was noted that FEMA would pay for us to purchase sand. Alderman Sizemore said that he wanted to have a plan and the citizens are unhappy regarding this issue. Mr. Hammond said that once the project was over, that the State and FEMA would review it. Representatives were here yesterday and they brought an engineer and they have denied the purchase of sand. A report stated that to provide North Topsail Beach with a 13-mile limit, we needed 40,000 cubic yards of sand. We knew that FEMA would not pay for the shaping of any berms. Mr. Hammond also noted that as the project progressed on the north end, they got to the point of dumping in a straight line. At the south end it is not uniformed and it needs to be shaped. This will give us some more sand to move elsewhere. DRC has provided a cost to us for shaping. Alderman Smith was concerned that everyone would get their fair share of sand.

Mr. Hammond said that he is still dealing with Marine and Wildlife. There are seven projects still outstanding and four have finally been released from Kevin Moody, but he is still holding three projects. He has released all of the road repairs except for Goldsboro Lane and he has released both of the crosswalk repairs. Mr. Moody has not released the sand fence projects at this time. We have submitted beach grass proposals, but they have refused all communities at this time. Alderman Sizemore asked that Kevin Moody come to speak to us. Alderman Flynn suggested that the Mayor write Mr. Moody and invite him to meet with us. Alderman Sizemore said that Surf City is buying sea oats and giving it to property owners to plant. Mayor Bostic said that he has spoken to people in the business and they have all stated that there is a big demand for beach grass. Mayor Bostic also noted that if we don't order beach grass early, we won't get it and it will be poor quality if we wait too long. We may need to do something tonight on what we will do regarding beach grass. Mayor Bostic instructed the Town Manager to go ahead to come up with the best prices. The cost was \$119,000 last year for plants. Mayor Bostic also stated that nothing could be guaranteed after March 15th, according to the people he has spoken to.

Mayor Bostic asked that we establish criteria and that we limit the amount of plants that we give to people. Alderman O'Donnell suggested that we use a cost share of 50/50. Mayor Bostic asked that the Board cap the cost at \$25,000 using a cost share of \$25,000 for citizens. Alderman

Flynn asked if convicts could do the planting? Mr. Hammond said that we could set something up, the only problem is that they work from 9:00 a.m. to 1:00 p.m. It was requested that the Town Manager come up with a plan, along with Terri Potts. Alderman Smith moved, seconded by Alderman O'Donnell to authorize the Town Manager to purchase \$25,000 worth of American Beach Grass to be shared with citizens 50/50. The motion passed unanimously. Mr. Vecchione suggested that we contact boy scouts and other non-profit organizations to help with the planting.

UPDATE OF CONDEMNATION ISSUES:

Attorney Fuss noted that we are on the verge of a break through in regard to Ocean City Pier and he will follow through with affidavits. John Starzynski stated that Harvey Beech has given us permission to remove his structure. There are five mobile homes left to be removed and Onslow County is taking care of three of them. Alderman Smith asked about vacant lots and debris on them. Mr. Starzynski said it is a slow process, but it is getting done. Mr. O'Donnell asked about the pool structure at Hampton Colony. Mr. Starzynski has condemned it and they will get a letter tomorrow. Mrs. Dempsey said that on River Road there is a dangerous walkway and asked whose responsibility is it. Mayor Bostic said that it is the town's responsibility. Mr. Starzynski said he would check this out.

MONTHLY FINANCIAL REPORT:

Mr. Hammond noted that Mrs. King tried to make it easier for the Board to relate to the hurricane issues by using asterisks and underlines. We cannot separate out to a different fund and show it as an increase. Mayor Bostic noted that there are a lot of changes and asked if they are proposed or have already taken place? He also noted that there was an increase in salaries. Mayor Bostic felt that they need to go through the Budget Amendment page by page and that the Board should meet at another time. Mrs. King noted that they are all proposed changes. She also stated that the longer the budget amendment stays out, the longer the percentages will get out of line.

The Board scheduled a Special Meeting on February 16, 2000 at 7:00 p.m. to review Budget Amendment #3.

JENKINS WAY:

Mr. Fuss noted that Donnie Huffman, District Engineer for D.O.T., supplied us with information regarding Jenkins Way. A resolution has been drafted by our attorney to accept Jenkins Way as part of the Town street system.

Mr. Fuss stated that there was substantial changes and that most of the road is in the ocean. The State has offered to abandon their maintenance of Jenkins Way. Mr. Fuss also noted that pursuant to General Statutes you have to indicate a willingness to accept responsibility.

RESOLUTION

REQUESTING THE STATE OF NORTH CAROLINA TO RELINQUISH ITS MAINTENANCE OBLIGATIONS TO 152' OF JENKINS WAY FOR INCLUSION IN THE TOWN MUNICIPAL STREET SYSTEM

WHEREAS, Jenkins Way is a street within the municipal boundaries of North Topsail Beach and which has been maintained by the State of North Carolina as part of the State Highway system; and

WHEREAS, discussions have taken place between the State and North Topsail Beach regarding the future maintenance responsibilities of Jenkins Way because of changes to Jenkins Way resulting from Hurricane's Bertha, Fran and Floyd; and

WHEREAS, the Town desires that the State turn over the control and maintenance of Jenkins Way to the Town.

NOW THEREFORE, BE IT RESOLVED, that the Board of Aldermen of North Topsail each do hereby request of the State of North Carolina and Department of Transportation the following:

- (1) That, pursuant to North Carolina General Statute 136-66(2) the State consider this Resolution as a proposed change to the State Highway system; and
- (2) That the State turn over the control and maintenance of 152' feet of Jenkins Way, as shown on the sketch attached hereto as "Exhibit A" to the Town of North Topsail Beach so that same may be included in the municipal street system of North Topsail Beach; and
- (3) That the State of North Carolina notify the Town in writing of its decision for formal action by the town as required by the aforementioned statute.

Adopted this 2nd day of February, 2000.

Marlow F. Bostic, Jr.
Mayor

ATTEST:

Loraine M. Carbone
Town Clerk

Alderman Flynn moved, seconded by Alderman O'Donnell approval of the resolution requesting that the State relinquish its maintenance obligations to 152' of Jenkins Way for inclusion in the Town municipal street system. The motion passed unanimously.

BULLDOZER REPAIR:

Mr. Hammond reported that repairs are proceeding as expected. They should have everything finished within 3 weeks.

NEW BUSINESS: HANDICAPPED ORDINANCE:

Mr. Hammond noted that pursuant to the Public Hearing, the addition to Chapter 10-36 (c) is as follows:

PROPOSED AMENDMENT TO CHAPTER 10

Full-sized, factory four-wheel drive handicapped vehicles can only be operated within Onslow County Beach Access #3. Non-vehicle access to the Public Beach by handicapped persons is available at Onslow County Beach Access #2 and #4. In addition, beach access by vehicle for handicapped persons holding a Beach Driving permit from the Town of North Topsail Beach is allowed at the Jeffrey's property on S.R. 1568, whereby full-sized, factory four-wheel drive vehicles may be driven onto the beach at the vehicle access and thence northerly as far as Onslow County Beach Access #4 and south as far as Ocean Sound Village/Hampton Colony property line. Movement of the vehicle shall be solely for the purpose of locating suitable sites for enjoyment of the public beach by handicapped persons and all the operation of the vehicle shall be governed by all provisions of this ordinance.

In Sec. 10-36 (a), second line, delete permanent registration plates and replace it with ***North Carolina State issued handicapped registration.*** Alderman Sizemore moved, seconded by Alderman Flynn to accept the proposal with the recommended changes to Chapter 10, Section 10-36 (a) and (c). The motion passed unanimously.

OCCUPANCY TAX:

Mr. Fuss contacted Senator Ballantine to see what steps we need to take to ask for an Occupancy Tax Act. The session is May 8, 2000, and we need to introduce the bill before May 4th. We will also need to adopt a resolution, which we have done in the past. Mr. Fuss noted that we need to state that it is necessary for the budget and what the uses of the money would be. It is also wise to do what we could to diffuse any controversies. Mayor Bostic suggested that we come up with ways to spend the money

at our February 16th special meeting. Alderman Flynn suggested that the attorney draft a resolution for an Occupancy Tax. Alderman Sizemore noted that realtors on the Island vetoed this issue last year.

FOUR TOWN FIREWORKS FINANCIAL SUPPORT:

As requested at the Four Town Meeting and in concurring with the Board of Aldermen as we prepare the 00/01 Budget, Mr. Hammond noted that he would place \$1,250.00 into the recreation line item to cover our portion of the fireworks display for the 4th of July.

Alderman Flynn said that it was noted that Surf City did not want to do that and they will have their own display. We should get some idea as to what the other towns will do. Mr. Hammond will discuss this with the Holly Ridge Town Manager. Alderman O'Donnell stated that he doesn't think he wants to support this because it may not be a benefit to citizens of our town.

FOUR TOWN LEGISLATIVE COMMITTEE FOR STATE AND FEDERAL ISSUES:

Per the Four Town meeting, we were requested to elect the Mayor and two other Board members to serve on a Four Town Legislative Committee for State and Federal issues.

Alderman Smith explained that at the last four town meeting it was suggested that we would be stronger if we stood together to address our State and Federal issues. Alderman O'Donnell's opinion was that two board members were too many, that it should be the mayor and one board member. Alderman Flynn felt that this committee was being formed to get a maximum number of people to interact with state and federal issues. Alderman Sizemore also felt that three people were not a lot, that it would be a big job with trips to Raleigh and Washington. Alderman Hillyer also agreed that a total of twelve members were acceptable. Alderman Smith also felt that there was strength in numbers. Alderman Smith nominated John Flynn. Alderman Flynn felt that beach renourishment was going to take up a lot of his time, but he would accept. Alderman Flynn nominated Alderman Hillyer. Nominations were closed. Alderman Sizemore felt that the Board members did not take this as a serious manner because of their reluctance to join the group.

MANAGER'S REPORT:

Mr. Hammond is looking into getting a sign we could use outside Town Hall to post meetings. One is over \$3,000.00 another is about \$400.00 and Sam's has one for \$200.00. Thomas Best stated that we had bought one at Sam's and it was made of a very thin metal. Mayor Bostic noted

that we need to check on the restrictive clauses on this property. Attorney Fuss said we would also have to check on the covenants. Alderman Smith suggested that we look into a nice sign. Mr. Starzynski suggested that we get on an am frequency, like on the Base. Mrs. King noted that Channel 4 advertises for Surf City. Mayor Bostic said that when Ms. McLaughlin is back in the office she could update the web page more frequently.

Comp time hours are down. Alderman O'Donnell asked if staff were still accruing comp time.

Mr. Hammond asked to have his vacation approved for Feb. 21st through the 25th and that he would use comp time. Alderman Sizemore felt that Mr. Hammond was not entitled to comp time. Discussion took place regarding that and it was determined that Mr. Hammond would use his vacation time.

**ATTORNEY'S
REPORT:**

Attorney Fuss noted that the Planning Board would have a workshop on February 17th. Packets of information will be available to members. Attorney Fuss is also reviewing the authority to refine privilege licenses for different types of properties on the beach as potential sources of revenue.

**MAYOR'S
REPORT:**

Mayor Bostic stated that we have a census coming up. It is crucial that property owners call North Topsail Beach home. If Onslow County based our population after Hurricane Fran we would have lost many dollars and other towns would have gained. It benefits us to do things as a 4-town entity, especially working on beach renourishment.

**ALDERMEN'S
REPORT:**

Alderman Smith noted that he went to a meeting last night in Jacksonville in regard to the Onslow Water and Sewer Authority. Some changes were made to the documents and they will be sent to the board members. A public meeting will take place in March. The Beach Renourishment Committee has met several times. A video will be on Channel 4 regarding beach renourishment. Alderman Smith is planning to go before the County Commissioners in March in regards to beach renourishment.

Alderman Sizemore handed out information regarding holding closed sessions.

Alderman O'Donnell will be out of town for the March meeting.

OPEN FORUM:

Patsy Jordan congratulated the board on forming the committee to handle legislative issues. In regard to the Occupancy Tax, Ms. Jordan stated that

she is not against it, that it's a good way for the Town to make money. There is a bill statewide that affects all vacation rentals. The real estate commission is not allowing us to charge for cleaning fees. The tenant has to pay the accommodation fee on rent and cleaning fees.

Beverly Sizemore asked that the Topsail Island Realtors give us a resolution supporting the Occupancy Tax.

CLOSED
SESSION:

The Board went into a closed session to discuss a litigation matter.

ADJOURNMENT: The meeting adjourned at 10:10 p.m.

Respectfully submitted,


Loraine M. Carbone
Town Clerk

TOWN OF NORTH TOPSAIL BEACH
REGULAR BOARD MEETING
JANUARY 10, 2000
7:00 P.M.

PRESENT: Mayor Marty Bostic, Mayor Pro-tem Steve Smith, Aldermen John Flynn, Peter Hillyer, Bill O'Donnell and Otis Sizemore, Charles Hammond, Town Manager, Loraine Carbone, Town Clerk and Attorney William H. Fuss

QUORUM: Mayor Bostic called the meeting to order at 7:03 p.m. in the North Topsail Beach meeting room and declared a quorum present.

**APPROVAL OF
AGENDA:**

Mayor Bostic requested that the board go into a closed session to discuss a personnel matter. Mr. Hammond asked that we postpone property donations and hazard mitigation issues until we receive more information. Alderman Hillyer moved, seconded by Alderman Sizemore approval of the agenda with the appropriate changes. The motion passed unanimously.

**APPROVAL OF
MINUTES:**

Alderman Sizemore had a change to the Manager's Report. In the first sentence change Topsail Beach to "the Chamber". Alderman Smith moved, seconded by Alderman Hillyer, approval of the December 2, 1999 regular board meeting minutes with the appropriate change. The motion passed unanimously.

**REQUEST TO
ADDRESS THE
BOARD:**

No business has been transacted since the December Board meeting for any committees.

OLD BUSINESS:

HURRICANE CLEAN-UP UPDATE:

Project Manager Sue McLaughlin reported that at this time, 3 miles of beach does not have sand and it should be completed by the end of February. We hope to have enough sand to put back on the beach. Mr. Hammond said that the state has been on holiday hours, therefore, some work has been delayed. Mr. Hammond noted that he has spent time on the phone with local congressmen and state officials. There were still 7 DSR's that Kevin Moody was holding, but after a call to Sen. Basnight, there is only 1 being held by Mr. Moody, (Goldsboro Lane). A decision should be made tomorrow morning on this issue. If it is disapproved, Mr. Hammond will go to Raleigh. \$194,000 was received today for Hurricane Floyd. The crews have done a wonderful job so far. Priority is damage on streets. Crews will be moving back down to Ocean City within the next 2 weeks. Alderman Sizemore noted that many streets need to be swept. Also, he felt that owners need to clean up their properties. For example

sheds are overturned; there is trash along wetland areas. Mr. Hammond noted that Mr. Starzynski is working on this right now.

Alderman O'Donnell asked that all citizens get some sand back.

CONDEMNATION ISSUE:

Mr. Hammond reported that the building inspector had a prior commitment. There are several properties damaged by the storm. Some have received 2nd letters of condemnation. If they don't respond we will take down the building and give property owners the bills. There are still issues at Ocean Pier at this time and the attorney will look into this. Alderman O'Donnell asked that we look into the structure at Hampton Colony.

MONTHLY FINANCE REPORT:

Mrs. King provided a sheet with salary percentages without hurricane pay on it. Alderman Flynn noted that we are still over. Alderman Smith asked why there was a lot of overtime under the police department that was not attributed to the hurricane. Mrs. King noted that the longevity pay and raises were not budgeted for part-time officers. We also had some officers leave and we had to pay the buy-outs. Alderman O'Donnell noted that if the departments exceed their salaries they need to balance it out of their own budgets. Alderman Sizemore said if salaries continue increasing, department heads should have some plan in mind to take care of it, i.e. time off without pay. Alderman Flynn asked Mr. Hammond to reflect on this and come back next month to review it again.

Alderman Sizemore said that department heads have to let us know why budget items are not coming in and why they are not being met. He also asked if we have applied for grants. Mr. Hammond said that the police department has 2 grants right now that they are working on.

Alderman Flynn said that our budget is now showing in excess of 2 million dollars. Mrs. King said that this is from hurricane reimbursements. Alderman Flynn felt that we are in danger of modifying our budget strength through hurricane monies and he prefers not changing our original budget figures. We need to show extra monies in separate line items. Mayor Bostic noted that we have to include it as part of our budget and we can amend it as needed. We can use another line item to show what was added because of the storms. Mr. Hammond said that he and Mrs. King would work on this issue. Alderman O'Donnell felt the same as Alderman Flynn, especially when hurricane money pays a full-time salary. It needs to be separated in some way.

Mayor Bostic asked Mr. Hammond to look at all expenditures.

PROPOSED REVISION OF BEACH DRIVING ORDINANCE:

Basically, the changes ensure that anyone can drive at Onslow County Beach Access #3 and handicapped fishermen must use an ATV at any other area on the beach strand.

Alderman Hillyer still found it confusing to read and noted that there is no logical flow. We should say in the beginning who can drive and who cannot. He suggested that we go back to the drawing board and make it flow logically. Attorney Fuss said that this is valid and he preferred that we get something in place at this time. He is waiting for word from the state as to who owns what on the beach and it may change the whole issue.

Alderman Sizemore said that many handicapped fishermen cannot afford an ATV and suggested that they be able to drive onto the Jeffries property entrance. Alderman Flynn suggested that Alderman Hillyer work with Mr. Hammond on that issue, but we should adopt the changes tonight.

Alderman Flynn moved, seconded by Alderman O'Donnell approval of adopting the changes to the Beach Driving Ordinance. The motion passed unanimously.

A Public Hearing to discuss handicapped driving at the Jeffries property will be held at the next regular board meeting. The meeting will be held on Wednesday, February 2, 2000 since Mr. Hammond has a conference on the first Thursday of the month. The Public Hearing will start at 6:30 p.m., followed by the regular board meeting at 7:00 p.m.

MARLOWE & COMPANY:

The corrections have been made to the contract and the start-up date is January 1, 2000.

JENKINS WAY:

Mr. Hammond noted that this item is still pending.

Attorney Fuss said they are finishing up the drawing that will delineate what they deem to be Jenkins Way.

Mayor Bostic asked that the emergency access there be repaired.

BLUE HORIZON SUBDIVISION:

Mr. Hammond noted that a letter was forward to Ron Lewis, County Manager, on behalf of the North Topsail Beach Board of Aldermen, requesting the County Commissioners to hold this action to allow us time to address this issue and to possibly appropriate funds for the property.

WASTE INDUSTRY CONTRACT:

The contracts have been signed and Waste Industries have started doing their pick-ups.

RESOLUTION IN SUPPORT OF BILL O'DONNELL:

**ACKNOWLEDGING AND APPROVING THE PROVIDING OF
PSYCHOLOGICAL SERVICES BY ALDERMAN WILLIAM O'DONNELL**

WITNESSETH

WHEREAS, Alderman William O'Donnell is a licensed clinical psychologist who does perform psychological evaluations on prospective employees for various employers.

WHEREAS, prior to being elected as Alderman of North Topsail Beach, O'Donnell did perform psychological evaluations of persons applying for the position of Police Officer with the Town of North Topsail Beach.

WHEREAS, both the Town and Alderman O'Donnell wish to continue this practice and desire to comply with all North Carolina statutes regarding same, specifically 14-234 et sequence.

NOW THEREFORE, BE IT RESOLVED, that the Board of Aldermen of North Topsail Beach (with Alderman O'Donnell recusing himself) does hereby unanimously approve the furnishing of psychological services by Alderman O'Donnell to prospective employees of the Town and the Board does further acknowledge that:

- (1) The services of O'Donnell shall not exceed \$10,000.00 within a 12 month period measured from the effective date of this Resolution; and
- (2) Alderman O'Donnell did not participate in the approval hereof by vote or any measure; and
- (3) The total annual amount of payment to O'Donnell for said services shall be specifically noted in the audited annual financial statement of the Town; and
- (4) The Town shall post in a conspicuous place in the Town Hall a list of all such officials with whom such undertakings or contracts have been made, briefly describing the subject matter of the undertakings or contracts and showing their total amounts; this list shall cover the preceding 12 months and shall be brought up-to-date at least quarterly; and
- (5) This Resolution shall be effective immediately upon adoption and recorded *in toto* in the minutes of the Board for the open and public meeting held the 10th day of January, 2000.

Adopted this 10th day of January, 2000.

Marlow F. Bostic, Jr.
Mayor

Oraine M. Carbone
Town Clerk

Alderman Sizemore moved, seconded by Alderman Smith approval of the resolution in support of Bill O'Donnell. The motion passed unanimously.

NEW BUSINESS: BULL DOZER REPAIR:

Mr. Hammond noted that after the mechanic started working on the bulldozer, he noted damage to the crank shaft and oil pump. There is a possibility that the old shaft can be polished in place and the bearings replaced, but there will be no warranty on this. If we replace the shaft, there is an additional cost in labor of about \$6,000 because the mechanic has to remove the entire engine from the frame.

There is no option for the oil pump, it must be replaced, but we have located one for \$550.00.

Mr. Hammond and Mayor Bostic have checked on the Internet for other sources.

For \$770.00 we can have the crankshaft turned. We made an offer to Pridgeon to have Thomas Best help him.

The board consensus was to go with the oil pump for \$550.00 and take our crankshaft and send it up to Raleigh to have it turned. It can cost an additional \$3,000.00 to \$4,000.00.

Mayor Bostic said that if Thomas Best helped Pridgeon we could be assured of getting our money's worth. Ronald Vaughn could go in Mr. Best's place.

RESOLUTION OF INTENT FOR BEACH RENOURISHMENT:

RESOLUTION NO. _____

RESOLUTION SEEKING FINANCIAL AND POLITICAL SUPPORT FROM THE COUNTY OF ONSLOW FOR BEACH RENOURISHMENT ON THE BEACHES OF THE TOWN OF NORTH TOPSAIL BEACH

WHEREAS, the Town of North Topsail Beach recognizes that its greatest asset is the Public Beach which protects citizens and property and which is enjoyed by residents of Onslow County and tourists alike; and

WHEREAS, this asset generates tourist related revenues and taxes, which inure to the benefit of Onslow County citizens; and

WHEREAS, this asset has been seriously injured and depleted by great and horrendous storms since 1996; and

WHEREAS, these same storms have also severely damaged the dune system which protects property of the citizens of the Town of North Topsail Beach and infrastructure owned and maintained by the State of North Carolina and Onslow County; and

WHEREAS, the Town of North Topsail Beach desires to renourish, preserve and protect the Public Beach together with the protective dune system and realizes that there is an insufficient supply of sand on the Public Beach for this purpose; and

WHEREAS, it has been demonstrated that Beach Renourishment is an effective method for protection of the Public Beach and the Dune System; and

WHEREAS, the Town of North Topsail Beach has taken affirmative steps, both politically and financially, to initiate Beach Renourishment and the Town of North Topsail Beach does desire to receive meaningful political and financial support from Onslow County.

NOW THEREFORE, BE IT RESOLVED, that the Town of North Topsail Beach hereby requests Onslow County to consider the Beach Renourishment issues facing the Town and does further request Onslow County to adopt a Resolution under which the County will provide substantial and meaningful financial and political support to the Town of North Topsail Beach for its Beach Renourishment Program.

Adopted this 10th day of January, 2000.

Marlow F. Bostic, Jr., Mayor

Loraine M. Carbone, Town Clerk

Alderman O'Donnell noted that the county receives occupancy taxes and they should give it back to us. Mayor Bostic thought that the resolution should go forward as it is now written and address occupancy taxes with the Onslow County Commissioners.

Alderman Smith moved, seconded by Alderman Hillyer the adoption of the resolution of intent for Beach Renourishment. The motion passed unanimously.

RECYCLE ISSUE:

Mr. Hammond noted that at the request of some citizens, he has been looking into the possible recycle issue again. Onslow County has a recycling area on Old Folkstone. Waste Industries has come up with alternate solutions. Igloo domes up in Kitty Hawk are used for recycling. Mr. Hammond thought that we could pursue this issue in next year's budget.

Alderman O'Donnell felt that we shouldn't burden citizens with any other fees.

**MANAGER'S
REPORT:**

Mr. Hammond noted that we have been invited on January 18th for a luncheon at the Officer's Club to discuss jet service coming back into Onslow County. Mayor Bostic said that he would attend along with Loraine Carbone.

There is a Census 2000 meeting on January 12th in Wilmington.

Mr. Hammond handed out proposed dates for budget workshops. Department heads will meet tomorrow to go over the dates.

We advertised in December for the deuce and the ATV's. We received one bid after the close of bids for an ATV. We negotiated with Yousey's Automotive for \$1500 worth of labor for the deuce. We still have one ATV left.

Mr. Hammond assured Alderman Sizemore that he is still looking at the errors and omissions issue.

Surf City has set the Four Town meeting on January 20, 2000. More information will follow.

Budget meetings will be set at 7:00 p.m. for board members. April 12th was not good for Alderman O'Donnell.

**ATTORNEY'S
REPORT:**

Mr. Fuss said that the Planning Board now has a full compliment. He suggested sitting down with the members and conducting a seminar with them. Patsy Jordan noted that there is a meeting on Thursday night and will canvas members as to a good time.

**MAYOR'S
REPORT:**

Mayor Bostic noted that he is glad that sand is getting off the roads. Mr. Hammond will try to see if he can get D.O.T. to take their machinery and blow grass seed on the berm line in certain areas.

ALDERMEN'S REPORT:

Alderman Hillyer noted that an article in today's paper reported that Mr. Hammond is the only surviving manager on Topsail Island. Alderman Smith said that the beach renourishment committee would meet on Wednesday evening and they will set a time to meet with the Onslow County Commissioners. He said that we are going after the tax value we

provide Onslow County and the tourism value we provide. Alderman Smith questioned if we would use sandbags on 1568. Mr. Hammond said we are still looking at that.

Alderman O'Donnell congratulated Julie LeDoux on last week's article in Topsail Voice. Our goal should be that taxes not be raised as we go through next year's budget process.

Alderman Flynn asked that parking accesses be looked at and thought it would be appropriate for the Planning Board to take on the job at looking at beach accesses and parking and report back to the board.

Consensus of the board was to give the Planning Board the task to look at beach accesses and to see if we have adequate parking. Parks and Recreation can also be addressed since the State has some money available, but we need to show a specific program.

OPEN FORUM: A citizen had a question on the devaluation of some properties and was concerned that it would have an effect on resale values. He asked if the value is going down in NTB would that have a negative effect on the Town in regard to monies we get from the county. Mayor Bostic said we receive monies by the population count and the count is still pre-storm. Overall the town had an increase in the evaluation. Everyone in NTB received a 20% reduction this year because of the hurricanes.

LOSED
SESSION: The meeting went into closed session to discuss a personnel issue at 9:04 p.m.

ADJOURNMENT: The meeting adjourned at 10:30 p.m.

Respectfully submitted,



Loraine M. Carbone
Town Clerk

TOWN OF NORTH TOPSAIL BEACH
SPECIAL BOARD MEETING
FEBRUARY 16, 2000
7:00 P.M.

PRESENT: Mayor Marty Bostic, Mayor Pro-tem Steve Smith, Aldermen John Flynn, Peter Hillyer, Bill O'Donnell and Otis Sizemore, Charles Hammond, Town Manager, Loraine Carbone, Town Clerk and Attorney William H. Fuss

QUORUM: Mayor Bostic called the meeting to order at 7:00 p.m. in the North Topsail Beach meeting room and declared a quorum present.

**APPROVAL OF
AGENDA:**

The following items were added to the agenda: Topsail Island Hazard Mitigation Project Grant Presentation by Dean Grantham; Fireworks allocation; Berm Shaping/Beach Bulldozing and closed session regarding personnel issue. Alderman Smith moved, seconded by Alderman O'Donnell to approve the agenda to include the above additional items. The motion passed unanimously.

**TOPICS OF
DISCUSSION:**

TOPSAIL BEACH HAZARD MITIGATION PROJECT GRANT:

Dean Grantham, Geographic Technologies Group, gave a presentation on a regional Hazard Mitigation Project under Topsail Island.

The group is experienced with Hazard Mitigation. They are professional planners who are specialized with geographic systems information. Since 1954 there have been 11 major hurricanes to hit North Carolina. Topsail Island was hardest hit after Bertha and Fran and the infrastructure was severely damaged. FEMA came in and decided that planning could help with the aftermath. A \$20,000 grant from FEMA was awarded to Topsail Beach. Topsail Island has collectively applied for a grant from CAMA for hazard mitigation planning and Cama matches the grant. The cost would be \$2,500 for each municipality. Topsail Beach and Surf City have decided to participate. \$57,000 will be used to develop hazard mitigation plans for each municipality on the Island and the Island region itself.

Phase 1: data acquisition, develop custom applications that are easy to use, census tracks, roads, parcels data, ownership, appraisals. Private utilities, where power lines are, etc. GIS technology can lower the percentage deduction for insurance premiums. Q3 data – flood plans with velocity. Digital firm data, density of homes, public water and sewer systems. GIS system ties data to map features.

Phase 2: digital data is used to assess vulnerability of region. They look at 500-year flood plans and where we are presently and setting goals for the future. There are programs to control growth.

Phase 3: hazard mitigation alternatives are an integral part of the plan. They look at elevation of homes, regulation of land use, acquisition of at risk structures and repetitive loss houses.

Phase 4: specific alternatives. Advise as to long term cost. Value of homes in a certain flood zone. Capability analysis. Identify areas of weakness.

Phase 5: development of plan. Consolidating all the information and making a document and using the GIS database. Adoption and implementation. Monitoring evaluation. Alderman Flynn asked how we could receive GIS updates. Mr. Grantham said we could ask FEMA and County contacts, but it is up to the individual municipality to update it. Alderman O'Donnell asked if someone would know how to merge the data. Mr. Grantham stated that this should be included in the plan under training.

Conclusions: A hazard mitigation plan can be more efficient during hazardous times. There would be quicker funding during disasters and a better use of available resources. The actual cost to communities is low, (\$2,500.00) and the benefits are high.

Alderman Sizemore noted that it makes sense to do this as an Island wide project and suggested using the contingency fund. Mr. Hammond stated that this is a smaller project that all three towns can do together. It will have repercussions on our NFIP and FEMA may require having a hazard mitigation plan in place or we may not get funding in the future.

Alderman Sizemore moved, seconded by Alderman Smith to authorize the Town Manager to join in the Island-wide project for a regional Hazard Mitigation project as proposed by Geographic Technologies Group and allocate \$2,500 for this project. The motion passed unanimously.

FOURTH OF JULY FIREWORKS:

Surf City has decided to hold their own fireworks and they will still help Holly Ridge in their display. Surf City has asked us to support their display and Holly Ridge's display. The amount to be funded for the fireworks is \$1,250.00 to Holly Ridge. Alderman O'Donnell said that he is in favor of supporting Holly Ridge, but we need a display on the Island too and he was not sure if it should be moved from Surf City. Alderman Hillyer moved, seconded by Alderman O'Donnell to appropriate \$1,250.00 to Holly Ridge for their Fourth of July Fireworks display. The motion passed unanimously.

BERM SHAPING/BEACH BULLDOZING:

Mr. Hammond noted that there is a need for berm shaping on the south end. Beach grass can be planted on the north end at this time, but the south end is a concern. He has received proposals from Cecil Carter to shape all 13 miles and to also push where we don't have sand at a cost of \$57,000. Mr. Hammond noted that our bulldozer is too heavy to go on the

dunes. He looked into renting a smaller dozer to shape and realign the berms. We could rent a 450 John Deere for \$2,900.00 and a 650 for \$4,050.00 and add Thomas Best's salary to that. It would take him about three weeks to do the work. Mr. Hammond noted that he contacted numerous sources for beach grass. It is basically \$40.00/1000 and we are looking at prison systems to do the planting.

Mr. Hammond stated that he has contacted Pridgeon and he has done nothing with the dozer at this time because of an illness in the family. We need to decide what to do on the south end. Alderman Flynn asked for Mr. Best's view point. Mr. Best said that the south end needs to be done. Alderman Sizemore suggested that Terri Potts stake that line before we do anything. Mr. Best said that the 650 John Deere would be better and we would save time with a 650. Mayor Bostic asked Mr. Best if he could handle the job. Mr. Best said that he only has one full timer and Ronald Vaughn every other day and said that some days would be slack. Linda Knowles asked how much money we have in the dune fund. Mrs. King said we have \$114,000 right now, but we have the repair of the dozer and cost of beach grass, plus the Marlowe contract. Alderman Smith moved, seconded by Alderman Flynn to rent the 650 John Deere dozer and use Thomas Best to do the work and coordinate it all with CAMA regulations. The motion passed unanimously.

REVIEW AND APPROVAL OF BUDGET AMENDMENT #3:

Alderman Sizemore questioned the revenue decrease under Buildability of \$1,500.00. It is stated on the amendment that fees were waived at the request of the board, but they were only waived for a certain period of time after the hurricane. We need to keep that line item in there to use it as a guide for next year's budget. Terri Potts noted that she has written only eight buildability letters since we haven't been charging for people with unbuildable lots who have asked for the \$60.00 solid waste fee off their tax bill.

Governing Body: Alderman O'Donnell noted that it was illegal for a Town to give contributions. Mr. Hammond said that we deleted that line item for next year. Alderman Smith questioned the discrepancy under auditor. The increase should be \$1,200.00, not \$200.00.

Administration: Alderman Flynn stressed the liability of line items, as in the overspending of training and subscriptions. Mr. Hammond stated that his administrative course has put us over. Also, in regard to dues and subscriptions, ICMA based his annual dues on his increased salary. The increase in salaries is a result of overtime from the hurricanes.

Planning and Zoning: Zoning permits for every building permit was refunded after the hurricane.

Inspections: all temps fell under inspection salaries.

Police Dept.: Mayor Bostic questioned the Capital Outlay line item for the new cars and asked why two police cars cost \$57,035.55. Mrs. King said that it was for the whole package, but she didn't have the figures at this time. Only one car was budgeted for.

Alderman Sizemore questioned why training money was decreased and noted that some officers have paid their own money. He felt that the police officers need training and that the town should pay for it and there should not be a decrease. Mr. Hammond said that \$4,500 was the minimum amount and areas decreased with Chief Salese's approval. Chief Salese noted that the decrease was because we were trying to balance our budget and decided to trim back. He also noted that fees for training sometimes get waived, but officers pay for their own travel and food. Chief Salese also stated that comp time payouts when officers left put our department over.

Alderman Flynn said that we should hold this line item and was not comfortable with the decrease. Mayor Bostic stated that by the next amendment Mrs. King could put it back in. Alderman O'Donnell stated that there was a big difference between administration and police training. The consensus of the board was to go along with the present budget, but put in training. Alderman Flynn also stated that the Police Department should not have to pay for their own training.

Public Works: Alderman O'Donnell questioned why we were over on chemicals. Mrs. King noted that it was because of the hurricane.

Miscellaneous Departments: Under Building Utilities there is an increase because a meter had a loose wire and we had been paying less.

Alderman O'Donnell said that if increases were due to hurricanes that it was not a problem, but he does not like it when departments go over. Alderman O'Donnell was also concerned on the money we're spending on the town manager's training, especially if he decides to leave in two months.

Alderman Sizemore moved, seconded by Alderman Flynn to approve budget amendment #3 with the necessary corrections. The motion passed unanimously.
OCCUPANCY TAX:

Attorney Fuss has updated the Accommodations Tax Resolution. He noted that the short session starts in early May and Sen. Ballantine has to introduce this at that time. We need to diffuse any opposition. Alderman Sizemore noted that we are fighting an uphill battle and we need to look at other alternatives. Mayor Bostic cautioned that there are a lot of lobbyists that don't agree with beach renourishment. Attorney Fuss said that the year before we addressed tourism. The town currently has an ordinance that requires a privilege license and we could have privilege licenses for owners of rental properties. Alderman Sizemore noted that we could charge \$100.00 per rental property and increase rental property to pay for the privilege license. Mayor Bostic said that time is of the essence. Attorney Fuss said that we should put this issue on our agenda for the

March meeting. The language could be changed in the resolution and we need to determine what we will do with the money that we receive. Alderman Flynn said that in the 6th paragraph we should delete "all proceeds from such tax.....for beach renourishment.....". We should talk about renourishment and related tourist activities. Attorney Fuss said we need to come back with additional sources of revenue in lieu of an accommodation tax.

ONSTLOW WATER AND SEWER AUTHORITY:

Alderman Smith noted that the Joint Utility Resources Team is trying to set up an authority for a countywide water and sewer authority. The authority will be formed by two representatives from Onslow County, two from Jacksonville and one from different municipalities. This is a formal documentation that we have to submit. There is a meeting on February 29th at the Jacksonville City Council Chambers at 6:30 p.m. to review any changes. The plan is to have each municipality schedule a separate public hearing. Alderman O'Donnell was concerned that Onslow County and Jacksonville would have control of the votes. Alderman Smith said to let him know of any concerns and he would present them at the February 29th meeting.

Attorney Fuss suggested that we schedule a public hearing on March 2nd.

RECESS: The meeting recessed at 9:35 p.m.

CLOSED

SESSION: The meeting went into a closed session at 9:45 p.m. to discuss personnel problems.

ADJOURNMENT: Alderman Smith moved, seconded by Alderman Hillyer to adjourn the closed session at 11:42 p.m.

Respectfully submitted,



Loraine M. Carbone
Town Clerk

TOWN OF NORTH TOPSAIL BEACH
CENSUS WORKSHOP
FEBRUARY 23, 2000
6:00 P.M.

PRESENT: Mayor Marty Bostic, Mayor Pro-tem Steve Smith, Aldermen John Flynn, Peter Hillyer and Otis Sizemore, Loraine Carbone, Town Clerk

NOT PRESENT: Alderman O'Donnell

CALL TO ORDER: The workshop was called to order at 6:15 p.m.

PRESENTATION
BY CASSANDRA
WYSSBROD:

Mayor Bostic noted that he went to a Census meeting in Jacksonville last Friday. Every town will be involved in this. There is a problem at the County level because Onslow County has lost population and it appears that we have lost population here. We need to push 100% participation. Every person we miss is dollars we will lose. Last year we received approximately \$227,000.00 based on population. A 30% reduction will reduce that amount.

Mayor Bostic introduced Cassandra Wyssbrod, Special Projects Officer for Onslow County who addressed the Board and citizens about the importance of the census. Ms. Wyssbrod noted that they have been working with the census to get the message out to their communities. Census figures show that Onslow County is shrinking, but we don't believe that. Registration on motor vehicles is up. Businesses are locating to this area and our County is growing. People equal dollars. People will be receiving forms by mid March and they should be returned by April 1st. An enumerator will be sent out when people do not send in their forms and this will cost money. Alderman Flynn asked who would count Camp Lejeune. Ms. Wyssbrod said that the census has a special way to enumerate bases and they will receive two reports to make sure everyone is covered. Mayor Bostic noted that the Commander General would try to make 100% participation. There are articles in the Globe weekly on the Base. Troops on float will be counted in Onslow County.

Ms. Wyssbrod noted that 57% of people mail back their forms. Some people distrust the government and we need to educate people. We have teamed together with non-profit groups.

There is a short form that 83% receive, others will receive the long form.

The census numbers are used to see what services government needs to offer people. The 911 system is based on maps from the census.

Distribution of \$180 billion dollars in federal funds will be available and we need to get part of that money. Businesses use these population estimates.

Alderman Hillyer asked why people feel that the population is going down. Ms. Wyssbrod noted that the census estimates, which are based on computer models, show us going down.

Constitution mandates that everyone is counted every 10 years. Alderman Flynn asked what we could do. Ms. Wyssbrod said that everyone could help formally and informally. Formally is holding meetings like this and informally is talking to people, at church, golf course, stores, etc.

Mayor Bostic noted that Jeff Hudson and others have ensured that every employee in Jacksonville has received information stressing the importance of the census.

The Chamber of Commerce is working with business owners to hand out brochures. The newspapers will also advertise. TV has covered the Onslow County census meetings. Mayor Bostic noted that we could put information on our website.

Terri Potts asked how many people does it take in North Topsail Beach to qualify for the services and monies that are available because we're not eligible for block grants. Ms. Wyssbrod said she would look into that issue.

Ms. Potts asked if Onslow County uses North Topsail Beach's population in their census and if they get 20 million, will any of that be filtered down to North Topsail Beach. Mayor Bostic said that the only funds we get is from the sales tax. If we can get 100% it will benefit us.

Mayor Bostic said we could put more posters up, Roger's Bay, town hall, etc.

Some residents live 6 months at a time in different places. Ms. Potts said that if they spend 6 months and 1 day in North Topsail Beach they could claim NTB as their permanent residence.

Alderman Flynn noted that multiplex units get mail and some don't touch their mail for months. Ms. Potts said that Dixon High has a government class and a presentation could be made to them on the importance of the census.

Mayor Bostic suggested having the Police and Fire Departments hand out flyers that personalize census information to NTB residents.

ADJOURNMENT: The census workshop adjourned at 6:55 P.M.

Respectfully submitted,


Loraine M. Carbone
Town Clerk

**TOWN OF NORTH TOPSAIL BEACH
PUBLIC HEARING and
REGULAR BOARD MEETING
MARCH 2, 2000
6:30 P.M.**

PUBLIC HEARING: The Public Hearing was called to order at 6:33 p.m.

**ESTABLISHMENT OF PROPOSED COUNTYWIDE WATER AND
SEWER AUTHORITY:**

Alderman Smith addressed the public hearing in regard to the establishment of a proposed countywide water and sewer authority. Onslow County proposed that they would have their own countywide wastewater sewer facility. Representatives from the Base and each municipality were involved. The Base said they would privatize their wastewater and said that if Onslow County could guarantee a cheaper rate they would work with them. Alderman Smith said that from an environmental standpoint, it would be a blessing to go with a countywide system. There has to be an authority that would govern a wastewater treatment center.

A countywide wastewater sewer facility could bring industry to Onslow County. Someone from our Town board will be asked to serve on this authority. Alderman Flynn asked about the voting. Alderman Smith said that there would be an odd number on the board because Surf City would have a representative too. Alderman Sizemore noted that the City of Jacksonville would still have two votes and it won't be equally represented. Also, there would be another layer of government that could levy taxes and they do not have to answer to the citizens. Alderman Smith said that it would be an elected official and the way it is laid out, the municipality would have input. We agreed that Onslow County and Jacksonville would have only one vote even though they would have two representatives.

Mr. Tuman asked whose responsibility is it to initiate the work. Alderman Smith said that no salary would be paid to the authority. Attorney Fuss noted that they would have their own public works group. Each municipality has to have a public hearing to address this issue.

**SEAVIEW PIER CORP. REQUESTING RE-ZONING OF CORMORANT
PLACE FROM R-20 (RESIDENTIAL) TO B2 (MARINE/COMMERCIAL):**

Re-Zoning Issue: Ms. Potts noted that Mr. and Mrs. Smith are asking for a re-zoning of Cormorant Place from R-20 to B-2 to include more parking. Alderman Hillyer stated that we have to bear in mind all the types of uses

that are allowed. Ms. Potts said that the adjoining properties are residential and you have to realize that you are zoning forever this piece of land. A buffer would have to be used.

Mrs. Smith said they are asking for B-2 zoning to enlarge their parking facilities only and they plan to do landscaping. Mrs. Smith said that she is requesting a straight B-2. Mrs. Tuman noted that we no longer had a marina district and that would be a violation of our Land Use Plan. Ms. Potts said that the ordinance has not been modified and we need to eliminate the word marina. Mrs. Tuman said we shouldn't approve something that says marina/commercial. Mrs. Knowles said we have to protect the town through the years so there should be a conditional use put on the property. Another citizen agreed.

Alderman Flynn moved, seconded by Alderman Smith to close the Public Hearing at 7:05 p.m.

PRESENT: Mayor Marty Bostic, Mayor Pro-tem Steve Smith, Aldermen John Flynn, Peter Hillyer and Otis Sizemore, Charles Hammond, Town Manager, Loraine Carbone, Town Clerk and Attorney William H. Fuss

NOT PRESENT: Alderman O'Donnell

QUORUM: Mayor Bostic called the meeting to order at 7:12 P.M. in the North Topsail Beach meeting room and declared a quorum present.

APPROVAL OF AGENDA: Under request to address the Board, the Dempsey's were added and under Closed Session a personnel issue will be discussed. Alderman Hillyer moved, seconded by Alderman Smith to approve the agenda with the appropriate additions. The motion passed unanimously.

APPROVAL OF MINUTES: Alderman Flynn moved, seconded by Alderman Smith approval of the minutes of the February 2, 2000 Regular Board Meeting. The motion passed unanimously. Alderman Sizemore noted that on page 4, second paragraph, first line, add after training the word "money". Alderman Smith moved, seconded by Alderman Flynn approval of the minutes of the February 16, 2000 Special Board Meeting. The motion passed unanimously. Alderman Flynn moved, seconded by Alderman Sizemore approval of the minutes of the February 23, 2000 Census Workshop. The motion passed unanimously.

**REQUEST TO
ADDRESS THE
BOARD:**

Mr. and Mrs. Dempsey addressed the Board and reminded them of the Board's protection of the berm line. They noted that they met with the Town Manager and attorney in the past regarding the property in question. There is a gap in the dune line and they had asked for protection. There was a forced condemnation. The gap was closed that existed for two years. Ten weeks later, all the vegetation was removed and the dune was removed and nothing has been done by the Town since. The safety of the Town is at risk. The Dempsey's did note that they received some help from Alderman Hillyer. There have been distortions of the truth. There have never been any altercations with our neighbors. FEMA funds have been spent to dump sand, but stops at that gap. The Dempsey's said that they expect the Town to help them. You are the governing body of this Town and we are tax-paying citizens. Alderman Sizemore noted that he contacted the Attorney General's office, but we have a dilemma because it is a property rights issue and we would be in violation. Alderman Sizemore said that we are just as frustrated and we have met with the attorney about litigation. Attorney Fuss noted that after examining this and dealing with the accommodation's tax issue and your problem, one of the things he is drafting is a request by Senator Patrick Ballantine regarding legislation which would allow towns to use condemnation. Mrs. Dempsey noted that they have tried to buy the property in question, but they won't sell. Mr. Tuman asked if the Town established where the property begins and ends. Attorney Fuss said the berm would be on private property. Mayor Bostic said that they were hoping this issue would solve itself, but we are working on it and we can't say anything at this time. Mr. Tuman recommended that the Town push the dune in a continuous line and we could test it in the courts and it is worthwhile for the town to pursue this. Mr. Tuman also stated that we should prosecute anyone who willfully destroys our dunes.

DAN HOTEL – SUNSET BEACH RENOURISHMENT:

Mr. Dan Hotel, of Sunset Beach, addressed the Board. Mr. Hammond noted that Mr. Hotel works with the National Guard who bulldozed Sunset Beach. Mr. Hotel reported that the National Guard pushed from the high water line and put a gully in the base of the berm so that it builds the sand back up. Mr. Hotel said he is familiar with what hurricanes can do with beaches. The ultimate goal is establish a survey line. The work area is where you place the bulldozers. Sand dunes do not stop hurricanes. The storm surge berm knocks the feed out of the surge. You need a place to catch the excess sand. On Ocean Island Beach they gained 4 feet of elevation in the low spots. Mr. Hotel noted that you need a storm surge berm out in the water. Spot bulldozing will hurt your beach. If you

continue to maintain the gully it will work and the beach will start to work itself out.

Alderman Sizemore asked how they stopped homeowners from taking bulldozer permits out. Mr. Hotel said that at Sunset Beach they placed a small sand dune and worked on the storm surge berm. There was no cost to do this work because the National Guard did it after the storm. It takes 8 hours to do one mile of beach with one bulldozer. The work area would be determined by the area of your mean high tide. You would recut the catch basin once a year. They had a good test after Hurricane Irene to show that this works. CAMA, Corps of Engineers, Geologists and the National Guard developed this method. With a road grader you would have a better elevation. 91,000 cubic yards of sand was moved.

PLANNING BOARD:

Patsy Jordan reported that the Planning Board met on February 10, 2000. The rezoning request by Mrs. Smith was discussed and the committee agreed to recommend to the Alderman that they approve the zoning change. There is a buffer on the property. There is not a lot of commercial in NTB and it will benefit us.

Ms. Jordan also stated that the committee heard a variance request by Mr. and Mrs. Bruce Shepherd in Summertyme and the committee acted as the Board of Adjustments and granted their request for a R-10 Zoning classification.

The Planning Board is also reviewing parking and recreation areas. The training session was canceled and we have set our training session one hour before the Planning Board meetings.

OLD BUSINESS: HURRICANE RECOVERY UPDATE:

Ms. McLaughlin reported that the contractors have an exact copy of what FEMA gave us when they evaluated the roads. She noted that she keeps up with them on a daily basis and she knows exactly how much rock they are dumping on each road. The roads are almost done with rock. They will start paving the roads that need to be paved and should be done the beginning of April. Mr. Hammond noted that he was in contact with Walter Jones' office regarding Goldsboro Lane and sand fence. As a result of meetings, U.S. Fish and Wildlife are still reviewing it. Kevin Moody is still adamant that we not get FEMA funds to do this. His rationale for Goldsboro Lane is that it is not an essential link, yet the statutes read that you can use federal funds to repair damaged roads in Cobra zones.

Mr. Hammond stated that CAMA checked on our berm line and they found debris in the sand. A lot of it was brought to the surface over a period of time. Jim Gregson has given us a NOV in this area and it has to be

cleaned. We had to stop everything at this time. Mr. Hammond spoke with Jim Gregson today and they will work it out. Mr. Hammond also spoke with Tom Rankin from DRC. There are two proposals; one is we hand pick out the debris using prisoners. The other is Mr. Rankin said we could move the screener. Alderman Sizemore strongly suggested that the contractor was liable and felt that no funds be paid to the contractor and to hold it in escrow. Mr. Hammond said that one letter from CAMA told us to use our discretion to screen and sift sand. Mayor Bostic asked whose discretion was used. Mr. Hammond said that Mrs. McLaughlin was not involved at that time since she was not the project manager. Buddy Persons said that he remembered someone told him that the sand did not have to be screened. Alderman Sizemore said that the contract states they are responsible for people who work for them directly or indirectly. Mr. Hammond said DRC would be here next week.

Mayor Bostic asked for answers as soon as the Town Manager gets any. Mrs. McLaughlin noted that when she got out there she stopped them from taking the sand and it was re-written at that time to be screened. FEMA doesn't care if it is dirty sand; it is only a CAMA issue.

Alderman Sizemore noted that we have hired Parker and Associates in the past to see how much rock was used. We need quality assurance. Alderman Sizemore stated that the pavement is cut and there are no barricades and the contractor has not done a good job on this. Alderman Sizemore also felt that we should have had a project manager to oversee this since the consultation fee would be covered by FEMA. Alderman Sizemore moved, seconded by Alderman Smith to hire Parker and Associates to consult on the road repairs. Mr. Parker said he would have to see our specifications and all of our documents.

UPDATE OF CONDEMNATION ISSUES/SIGN UPDATES:

Mr. Starzynski reported that Onslow County is moving forward with the mobile homes. Attorney Fuss said that the Board of Directors of Ocean City Pier would get together on March 11th to work out this issue. Mr. Starzynski noted that he has contacted the AM radio station and he is waiting for Mr. Brown's return call. He has also contacted Falcon Cable and they will advertise for us for free.

Mr. Starzynski noted that in regard to the walkway by the pond at the north end, 110 ft. of walkway is missing and there are several rotted and broken deck boards. It is unsafe and a section needs to be replaced. There are also potholes near the walkway. Sue McLaughlin will call to see if FEMA would pay for that since it is a town walkway and Mr. Starzynski will get estimates. Mr. Tuman said the town maps may not be updated, but in 1993 the town accepted it. Alderman Sizemore noted that Antinori Construction is doing good work on the crossovers.

BEACH GRASS:

Ms. Potts reported that she needs clarification that only \$25,000 was approved to buy beach grass. Mr. Hammond noted that \$25,000 was approved. Alderman Flynn said that we need some data as to the coverage. Ms. Potts said that we could get 650,000 plants with \$25,000, approximately 280 plants per lot. Ms. Potts noted that in her opinion, American beach grass is good for one season. The sea oats, bitter panicum, etc. do regenerate and would end up covering more space. Mr. Hammond noted that Spencer Rogers has said that we should use 75% American beach grass and 25% bitter panicum. Mr. Hammond said he was not told that American Beach grass was only good for one season, but it is a slow grower. Alderman Sizemore asked if we already had an arrangement with a nursery. He also noted that it makes no sense to put plants on dunes if shaping isn't finished and fencing is not up. Mrs. Knowles said that American beach grass is not recognized by CAMA as stable vegetation. Ms. Potts said her recommendation is what she used last year. Toni Stern, from Shipwatch, strongly recommended that we not use the plants we received last year because they didn't survive. She noted that she purchased 30,000 American Beach grass and they are doing fine at Shipwatch. The Sea oats did not survive. Ms. Potts said that Coastal & Native Plants Specialities does experimental growth that is funded by the federal government. We had an agreement with them to harvest the seeds. They guarantee the survival of their plants 85%.

Mayor Bostic said we need to give the Town Manager direction on this. Alderman Smith noted that if we could get American beach grass to get it and asked who would plant them. Ms. Potts has arranged with prison inmate labor until the project is finished. Citizens will plant their own properties. Inmates will do open spaces. Citizens need to take ownership of planting their own. Alderman Smith suggested leaving the amount at \$25,000. Ms. Potts stated that the citizen's donation of \$12,000 last year was put in a designated fund and it couldn't be spent without the Town's consent. Ms. Potts said that she wants access to that \$12,000.00. Mrs. King said it is in last year's fund balance. Alderman Flynn said we should table this at this time and work with the \$25,000.00. The consensus of the Board was to let the Town Manager proceed to order plants capped off at \$25,000.00. Mrs. Knowles asked that the Board reconsider what they order and to at least do a mixture of plants.

Alderman Flynn moved, seconded by Alderman Sizemore that the Town Manager study mixing of grasses and come to a conclusion within the next week with help from outside sources. The motion passed unanimously.

Alderman Sizemore noted that Sallie McGuire is a landscape architect and could help in the decision as to what type of plants we would need. Sallie

McGuire asked why would we spend money on grass that wouldn't regenerate itself. She also noted that last year the Seaoats didn't do well because we had a dry spell, but she went out with buckets of water and they did fine. You need a mixture of material because you want to develop a base that is heavy and it takes a long time. Ms. Stern suggested taking the \$12,000 to buy these other types of plants.

BULLDOZER REPAIR:

No report at this time.

OCCUPANCY TAX:

Attorney Fuss drafted another resolution that is broader in terms and scope. He noted that this resolution is closer to what we had in 1998 when we first adopted the resolution. Attorney Fuss did receive communication from the Topsail Island Board of Realtors and they are opposed to an Occupancy Tax. Alderman Sizemore moved, seconded by Alderman Smith to approve the Occupancy Tax Resolution as presented to the Board. The motion passed unanimously.

MONTHLY REPORT/BUDGET AMENDMENT #4:

Alderman Flynn asked what 10-745 was used for? Mrs. King said it was used for CAMA grants that were not available. They were pulled because of the storms.

The consensus of the Board was to table this issue until our next meeting.

NEW BUSINESS: SEAVIEW PIER CORP. REQUESTING RE-ZONING OF CORMORANT PLACE:

Alderman Sizemore noted that he was not comfortable with the re-zoning request without a conditional use permit. He requested that the attorney review it, but we need to note that the Land Use Plan has changed. Alderman Sizemore said that there are some other issues as to the impact to this property. The Board has to be adequately apprised as to the legalities of this issue. Alderman Sizemore said we need to have a workshop with the Land Use Plan and redline things that need to be changed because there are a lot of conflicts. John Parker stated that he understands the conflict between the Land Use Plan and the ordinance and your Land Use Plan would control. One concern Mrs. Smith has is that she has a time problem. She can't wait for changes in the zoning ordinances. She needs a decision by April. She does not understand the conditional use process and is not prepared to accept the conditional use. B2 is a more restrictive zone than B1. Mr. Parker requested that the Board consider recognizing the tract of land, its location and that CAMA requirements severely limits what can be done. A decision within a month would be acceptable. Attorney Fuss noted that things change in time. This is a tract of land between residential properties and it is his

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understanding that if someone came in we have no right to put conditions on the use. Also, Mrs. Smith may not always be the owner of the property. Attorney Fuss recommended to the Board that Mrs. Smith consent to a conditional use B2. Mr. Parker said there are two parcels currently zoned B2. The problem with a conditional use is that a change in the future may have Mrs. Smith come back here for anything she does to this property.

Alderman Smith said that during the Public Hearing he had heard no objections. Alderman Sizemore said it would be appropriate to delay this until the April meeting and we would consider it no later than April 6th.

RESOLUTION TO ESTABLISH THE ONSLOW WATER AND SEWER AUTHORITY:

Alderman Smith recommended that we table this until we get a clearer standing on it.

**MANAGER'S
REPORT:**

Mr. Hammond noted that a letter was drafted by Alderman Hillyer to our State Representatives regarding holding a Luncheon on March 25th to discuss an accommodation's tax for North Topsail Beach. Mr. Hammond noted that Alderman Hillyer has concerns about it. Alderman Hillyer said that he was concerned that we would offer the invitation and no one would attend. There is a small chance for success and he asked if there was another way to approach these people. Alderman Sizemore noted that this is an election year and they might be interested in coming down here. Alderman Flynn suggested using this letter as a basis to determine if they have any interest and their availability. Alderman Smith asked why other towns get their congressmen or representatives to come to their towns. The consensus of the Board was to have the Town Manager check individually and see what the interest is. Mayor Bostic said we need to address our local opposition too and also to see what support the Onslow County Commissioners would give us.

1. We received a letter (enclosure (1) from Mayor Zander Guy of Surf City declining the NTB offer to join the contract with Howard Marlowe. I have talked with Mr. Marlowe and he is ready for us to submit a letter on behalf of NTB requesting a reconnaissance study for Topsail Island. With the Board's concurrence I will instruct how to proceed. (see draft enclosure (2). We should approve this letter this evening. Mr. Hammond noted that Surf City is also requesting a reconnaissance study and Mr. Marlowe wants us to work together with them. Alderman Flynn asked that the Town Manager copy everyone on this letter.

2. Enclosure (3) and (4) are the requested monthly statistic reports of the Police Department and Fire Department.
3. Enclosure (5) is a request from Laurie Sandberg of TOPDAWG requesting Board and Town support to promote the comedy of 5 people stranded together during a hurricane. Half of the proceeds from this play will be divided between the 3 towns for beach renourishment projects. The theatre/dinner will take place sometime in April at Betty's Smokehouse. Everyone is encouraged to attend.
4. Enclosure (6) is a memo from Mayor Guy naming council members Blizzard and Luther as their representatives to the Four-Town Legislative Council.
5. We received a letter from Topsail Beach executing the Topsail Island Hazard Mitigation and GIS Grant. (enclosure (7))
6. We received a Project Worksheet denial from the State for the beach grass reimbursement. Does the board wish not to appeal this and see if it goes anywhere? Erosion control could be an issue we could use. Concurrence of the Board was to Appeal.
7. We have received a verbal report from CAMA about debris in the berm line at Ocean City. They have placed a stop work order on NTB for any beach work. I have had calls out to all CAMA people with no response. The attorney is reviewing our contract with DRC and the initial letter from CAMA authorizing utilization of our discretion about sand sifting. DRC (Buddy Persons) states that a town employee told him the sand did not need sifting, but he cannot give me a name. All I can be sure of is it is not Sue McLaughlin. She was not involved in the project at that time. More information will be provided, as I am able to discuss this issue with those involved.
8. Jeff Hudson has asked me to investigate the possibility of the NTB Police Department making rounds to the Onslow County Beach accesses at least three times a day and opening and locking the gates. There will be no clean up involved. Mr. Hudson has also requested that the NTB PD include the Stump Sound Park on 172 on their rounds. I have discussed this with the Police Chief and he is interested. We would be compensated for this, but we need to come up with a cost. For example, Richlands receives \$7,000.00/year to patrol one park three times a day. Chief Salese thought it wouldn't be a problem and it would be a good revenue source.
9. Mr. Hammond noted that we're still having problems that were not addressed on February 16th in regard to Mayor Bostic and the Police Department. We need a close to this issue so we can concentrate on what we need to focus on. Alderman Sizemore said that it was clear what the chain of command was. Alderman Flynn stated that we did not come to a closing on the 16th. We had two different positions, but there was no statement made. Alderman Flynn stated that it is still a problem to the Town and they have been heard by the Board. Alderman Flynn also questioned the value in once again going into the same type of session as before. He suggested that we take the

route of mediating this specific problem. Should we ask for help from the Institute of Government? Alderman Flynn also asked if it could better be solved by a mediator trained in these issues and move it from the Board presence.

Mr. Tuman asked what the ordinance reads about the grievance process; doesn't the Board take care of this? Alderman Flynn said it is beyond the Board at this time.

Ms. Stern said it was embarrassing as a citizen of NTB to read about these things. The Mayor hears the concerns of citizens and should report them to the Town Manager. If he can't handle it, then approach the Board. Ms. Stern also noted that the Police Department does a good job. Mayor Bostic said that he still thinks there are problems in the Police Department and he wanted to talk about other issues in closed session with the Board. Ms. Stern stated that the citizens didn't need to hear that the Mayor has problems with the Police Department.

Mayor Bostic noted that he has problems with minutes going out that were not approved.

Linda Knowles stated that it is our concern and we should be advised if there is a conflict. It shouldn't be a closed session item. Mrs. Knowles also said that this Town was founded for a Police Department. Public safety is a concern to all of us and I want them to be strict.

Sue Tuman noted that while she was away she heard about police leaving and it cost us money. Hopefully the new officers will be as strong and their Town backs them. The first step is to go to the Town Manager and the next step is the Board.

Ann Penta noted that the Police Department took care of a situation for her that she is very grateful for.

Mr. Hammond said that this was part of his report and he has to bring it to an end.

Mayor Bostic noted that Sgt. Porterfield went to Sam McGinn and stirred things up. Sgt. Porterfield stated that he did see Mr. McGinn and they discussed several issues. Sgt. Porterfield read an email that the Mayor sent and stated that it was a false statement. Mr. McGinn said he was behind the Mayor 100%. Sgt. Porterfield told Mr. McGinn that citizens should go to the Town Manager with concerns. Sgt. Porterfield said that Mayor Bostic is coming after him personally. In regard to Ronnie Hobbs, Sgt. Porterfield commented that he did not go to him, he came to me, shook my hand and he knew what was going on here. Sgt. Porterfield never told Mr. Hobbs to go to the Mayor. Sgt. Porterfield told the Mayor that he has been going all over Town and beyond and talking about him behind his back and has discussed a personnel issue with everyone. Sgt. Porterfield discussed a speeding incident in which a civilian pulled him over and chastised him for speeding. Sgt. Porterfield said that he pulled out his business card, wrote the chief's name down and was courteous to him. Sgt. Porterfield called the chief and told him what happened. He issued me an employee warning which is in my file.

The problem is, it is a personnel issue, but Sgt. Porterfield told Mayor Bostic about it. He didn't think he would air it out all over. Sgt. Porterfield stated that he has been here almost five years and he has a lot of commendation letters and stated that the Mayor never acknowledges his performance when he does right. Sgt. Porterfield told the Mayor that what he is doing is tearing down this Town.

Mayor Bostic said that he was not told it was a confidential issue. Sgt. Porterfield said that he did say it was a personnel issue.

Sgt. Porterfield said that morale is very low at this time and officers have left because of the Mayor.

Mayor Bostic asked Sgt. Porterfield how many times has he gone to his house to complain? Sgt. Porterfield said that it was under Gunnar Matthews and nothing was ever done. Mayor Bostic said that now the big criticism is that citizens come to him with complaints.

Chief Salese said it is not a problem with me if citizens have complaints. He stated that after February 16th he felt that things had been resolved, yet he has been told that he has upset the Mayor. Chief Salese noted that the Mayor talks about things that happened years ago and the department is frustrated. Chief Salese's mother was concerned that Mayor Bostic complains to her and everyone else who is in the store at Roger's Bay about the Police Department.

Linda Knowles noted that we have a lot of wounds here and said that we need to work together and regain each other's respect. Mayor Bostic said that he does stand behind Chief Salese, but he makes no apologies for asking questions and said that this won't get solved tonight.

Ann Penta stated that she was always proud of the Police Department, and there were a lot of officers who didn't care in the past. The officers for the past couple of years have been excellent. Ms. Penta told Mayor Bostic that he was wrong and asked him to own up to his mistakes and let the police do their job.

Mayor Bostic asked if Chief Salese and the Town Manager could get together. Mr. Hammond said that it is a small town and we have to work together and not against each other. We need to get the disagreements ironed out. Mr. Tuman said that Mr. Hammond could be part of the problem if the Mayor runs the Town. It was decided that the Chief and the Mayor would meet on Monday with the Town Manager.

ATTORNEY'S

REPORT: Attorney Fuss noted that when mail comes to the Town he didn't want it laying around and asked that the Town Clerk open the mail and notify the Mayor and Aldermen when anything of importance was delivered.

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Mr. Tuman questioned local ordinances being adopted that are inconsistent with the Land Use Plan. For example, driving on the beach, have we changed it without changing the Land Use Plan? Attorney Fuss felt that it wasn't illegal, but he would check on it.

MAYOR'S REPORT:

Mayor Bostic asked that everyone get information out to their neighbors regarding the Census. He said we need as many numbers as we can get, close to 100%. We have a decrease in population and that may hurt us. The money we receive is based on population.

RECESS: The meeting recessed at 10:25 p.m.

CLOSED

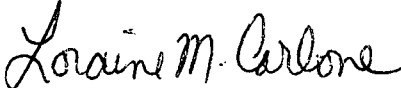
SESSION: The meeting went into Closed Session at 10:37 p.m. to discuss a personnel issue.

OPEN

SESSION: The Closed Session went into Open Session at 11:10 p.m. and no business was conducted.

ADJOURNMENT: The meeting adjourned at 11:15 p.m.

Respectfully submitted,


Loraine M. Carbone
Town Clerk

RESOLUTION NO. 124RESOLUTION REGARDING AN ACCOMMODATIONS TAX FOR THE TOWN OF NORTH
TOPSAIL BEACH

WHEREAS, North Carolina State Law allows the imposition of a local accommodation tax by Towns within their corporate boundaries if same is authorized by a Local Act adopted by the North Carolina Legislature; and

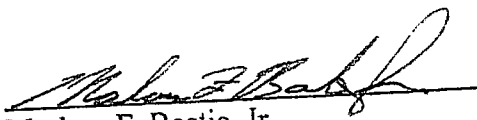
WHEREAS, the hurricanes of recent years have severely strained the budget and finances of the Town; have damaged the beaches and infrastructure of the Town; have seriously eroded the tax base of the Town; and, have undermined the tourism trade upon which businesses, property owners and residents depend; and

WHEREAS, a three (3%) percent Accommodations Tax would greatly benefit the Town in that said moneys could be utilized to promote tourism; to pay for beach stabilization/renourishment plans; to ease the financial strain on the Town and its taxpayers caused by the diminished tax base; and to pay for public services required by residents and visitors; and

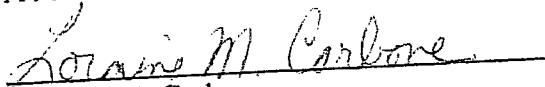
WHEREAS, the Town desires to levy an accommodation tax of three (3%) percent to be used for the following purposes: twenty-five (25%) percent of said tax for direct tourism promotion; and the remainder of the revenues will be used for beach stabilization and maintenance, the construction of tourism related amenities and to address health, safety and welfare issues related to tourism.

NOW, THEREFORE, BE IT UNANIMOUSLY RESOLVED by the Alderman of the Town of North Topsail Beach that Senator Patrick Ballantine be asked to introduce a Local Act permitting the Town of North Topsail Beach, North Carolina, to levy a three (3%) percent Accommodations Tax for the purposes stated.

Adopted this 2nd day of March, 2000.


Marlow F. Bostic, Jr.
Mayor

ATTEST


Loraine M. Carbone
Town Clerk

TOWN OF NORTH TOPSAIL BEACH
SPECIAL BOARD MEETING
MARCH 14, 2000
6:30 P.M.

PRESENT: Mayor Marty Bostic, Mayor Pro-tem Steve Smith, Aldermen John Flynn, Peter Hillyer, and Otis Sizemore, Loraine Carbone, Town Clerk and Attorney William H. Fuss

NOT PRESENT: Alderman Bill O'Donnell, Town Manager, Charles Hammond

QUORUM: Mayor Bostic called the meeting to order at 6:30 p.m. in the North Topsail Beach meeting room and declared a quorum present.

APPROVAL OF AGENDA: The agenda was approved unanimously.

RESOLUTIONS: Mayor Bostic stated that the first Resolution presented to the Board is the request for financial assistance in the amount of \$100,000 from Onslow County for Beach Renourishment. Alderman Flynn moved, seconded by Alderman Smith to adopt the Resolution Seeking Financial and Political Support from the County of Onslow for Beach Renourishment on the Beaches of the Town of North Topsail Beach. The motion passed unanimously.

Mayor Bostic noted that Onslow County Manager Ron Lewis and Public Works Director Dave Clark were in attendance to answer any questions regarding the Resolution to Establish the Onslow Water and Sewer Authority.

Alderman Flynn asked if we had to assign a member to the authority first. Mayor Bostic said we would do the Resolution first. Mr. Clark said that Surf City has contacted the County and they said they are interested in joining. Mayor Bostic asked that we be advised as to the voting power. Mr. Clark said that since the authority is not registered yet, any legal entity could adopt the bylaws. The County and Jacksonville would have two voting members and municipalities would have one voting member. Members of the JURT are elected political officials except for one. The assets transferred from the County and Jacksonville are more and it is based on the population being served. Alderman Sizemore said that gives them more control and there is a disparity. Alderman Flynn said that the representation would change once Surf City joins the authority.

Mr. Lewis noted that Jacksonville represents the largest sewer entity and the County represents the largest water entity and those assets merit more representation. Yet, we want to be your asset and we consider you strong assets of the County. Mr. Lewis also noted that with Surf City joining it would give the smaller municipalities more votes. Alderman Smith said that what was approved was the voting on the bylaws. Each municipality will have one vote. Mr. Clark said the issue of how bylaws could be amended was addressed. At the last meeting it was decided that

in order to change the bylaws there had to be a majority vote. When the authority is formed it has limited powers. Mayor Bostic asked if there are safeguards. Mr. Clark said that in the general statutes, any authority has the right to withdraw if new debt incurs, but we need to look into this more. The smaller towns that operate their own wastewater plants are eager to get out. The numbers show that the cost over 25 years as a whole will be 50 million dollars less if we do it as an authority. Mr. Clark stated that what they want to accomplish is to offer better service at a lower price.

Alderman Sizemore said that our situation would be unusual with North Topsail Utilities, Inc. and asked if there would be consideration to future customers here? Mr. Clark said that discussions that have taken place in the past have suggested that we buy that plant. Mr. Clark said they are also looking at privatization. It's possible that the authority, once it is formed, can acquire private plants.

Attorney Fuss asked that if they did acquire North Topsail Beach Utilities, and the town was not a member of the authority, would we have any say regarding development on this beach. Mr. Clark said we would have less influence if we were not a member of the authority. There could be impacts in the future.

Alderman Smith moved, seconded by Alderman Flynn to adopt the Resolution to Establish the Onslow Water and Sewer Authority. The motion passed unanimously.

Mayor Bostic stated that the Board had to appoint a representative to this authority. Alderman Flynn said that we have been well served by Alderman Smith and he should continue in that capacity. Alderman Flynn moved, seconded by Alderman Hillyer to appoint Alderman Steve Smith to the Onslow Water and Sewer Authority. The motion passed unanimously.

Mr. Lewis said that they look forward to working with us and he is confident that we would be well represented by the County.

ADJOURNMENT: The meeting adjourned at 6:55 p.m.

Respectfully submitted,


Loraine M. Carbone
Town Clerk

TOWN OF NORTH TOPSAIL BEACH
SPECIAL BOARD MEETING
MARCH 23, 2000
3:00 P.M.

PRESENT: Mayor Marty Bostic, Mayor Pro-tem Steve Smith, Aldermen John Flynn, Peter Hillyer, and Otis Sizemore, Charles Hammond, Town Manager, Loraine Carbone, Town Clerk and Attorney William H. Fuss

NOT PRESENT: Alderman Bill O'Donnell

QUORUM: Mayor Bostic called the meeting to order at 3:07 p.m. in the North Topsail Beach meeting room and declared a quorum present.

APPROVAL OF AGENDA: Alderman Hillyer moved, seconded by Alderman Smith approval of the agenda. The motion passed unanimously.

DEBRIS WITHIN THE BERM: Mr. Hammond noted that there were some concerns regarding debris in the berm. CAMA marked 4 areas – Scotch Bonnet, Ocean City, Topsail Rd. and Myrtle Drive. There is about 30 to 35 K cubic yards of sand that needs to be cleaned. There is also State responsibility involved. A Fema representative came here yesterday and went over the sand that was not screened. There were 45,000 cubic yards that was not screened. \$8.00/ cubic yard was the cost to move it. Sand that we picked up from point A to point B and taking to C will cost \$14.25. Of 45,000 cubic yds, 30,000 need to be screened. No one is paying anything additional. Mr. Hammond has spoken with the State and they are pleased with that. Mr. Hammond noted that Tom Rankin and Buddy Persons are here for any questions. Alderman Sizemore asked if the screener could be put in an area where the dune is to be screened. He didn't want to see machines back on the beach making a mess. Alderman Flynn noted that this is not a CAMA concern, it's a North Topsail Beach concern and agreed that articulated trucks on the beach should be minimized.

Buddy Persons said it would probably take 3 weeks to complete the screening process. The stakes have washed away on Topsail Road and if CAMA marks it all it will take longer. Ray Peele said they have done 1500 cubic yards a day. They anticipate using 5 trucks and 2 articulating trucks.

Mrs. Sizemore was concerned that all of Topsail Road needed to be done. Mr. Hammond said that most of the debris is on the roadside. Mrs. Sizemore noted that it was on the beach side also and asked who would be supervising the work. Mr. Hammond said he would supervise the work on Saturday.

Mr. Rankin of DRC noted that he could answer any questions. He wanted to make sure that everything was clear and there were no misconceptions. He said that DRC wants to have a long-term relationship with the town and they didn't want to do anything negative. DRC has gone above and beyond at some points. We are ethical and moral and follow instructions. DRC has done exactly what we were tasked to do through our contract. He also noted that Town officials were acting in good faith. They attempted to save tax funds and it was admirable. After the fact, there appears to be more debris in the sand that was originally seen in the sand. DRC will do whatever they can to work with the Town to recover from this disaster. Mr. Rankin noted that DRC is not able to recoup their costs for what has happened.

Ray Peele noted that he has handled every complaint to the best of their ability. He noted that when Grubbs came in they destroyed citizens' yards. We have taken care of anything that we have done.

Mr. Rankin said that he has not asked anyone about the funds paid to us. We were aware that funds have been held up through the papers. We have been patient and agreed that the Town would have to go through FEMA to get any funds. We have only been reimbursed so far for 23% for the past 7 months.

Mayor Bostic said that the last 2 days he has had regional papers calling him. Someone made the statement that the sand that was put back, that the contractor was paid to have it screened, but didn't do it. Mayor Bostic told the reporter that he was incorrect.

Mr. Hammond said that FEMA people were here every day overseeing day to day work.

Mr. Hammond asked for permission to turn over DRC's check. Alderman Smith complimented DRC for waiting for their money.

BEACH GRASS: Mr. Hammond said that at this point, only 200,000 Cape American and 100,000 panicum grasses were available. The problem we will face is that we will have 300,000 plants sitting here since we cannot get prisoners here until April 10th to plant. It would cost \$15,000.00 to plant them from the supplier. The other option is to wait until the fall. Attorney Fuss said we would have to look at the re-entry forms.

Sallie McGuire noted that plants have to be mixed because American Beach grass does not re-generate and suggested that we would be better off planting in the fall since there are higher winds in the spring. Alderman Sizemore noted that we approved the expenditure of \$4,000 to shape the

berms and he was told by Mr. Best that he was just pushing sand up to vacant lots. Alderman Sizemore questioned how plants would survive on piles of sand. Screening is going to go on for several weeks and that will hinder planting.

Mayor Bostic asked why the berms haven't been shaped. Mr. Hammond said there were areas he couldn't go in, but the rest of it would be shaped. Attorney Fuss noted that the re-entry form doesn't give us the right to plant the berm. If we use the 50/50 basis, part of the middle process of paying 50% is an implied consent to enter onto the property.

Mrs. King noted that \$94,000.00 is left in the dune account. We have committed \$70,000.00, which leaves \$24,000.00. Alderman Sizemore said that he had a problem with spending \$15,000 that was not appropriated and noted that he voted to spend \$25,000 for grass at a 50/50 split. Alderman Flynn said that the monies are in the dune fund for this purpose and it's their tax money in that account.

Sallie McGuire asked that the Board consider planting in the fall and using a mix of plants. Mr. Hammond said that we would get sand fence for non-cobra areas only.

Alderman Hillyer said that there is such a rush to get these plants in the ground and suggested that we wait until the fall when the season would be calmer and we could do a better job. Alderman Smith agreed that we are rushing and recommended that we table this action and wait until the fall. Mayor Bostic noted that we need to rescind our other action of \$25,000.00 and ask the Town Manager to come back with facts about grass in fall. Attorney Fuss suggested that we advise each lot owner where we are purchasing plants and see if they want to get additional grasses.

Alderman Smith suggested that we let citizens know where suppliers are.

Alderman Smith moved, seconded by Alderman Hillyer to rescind the previous action of the appropriation of \$25,000 to buy plants and to instruct the Town Manager to plant this fall and check on the availability of plants and who would do the planting. Alderman Flynn noted that there was a lack of proper planning on getting beach grass and felt that we shouldn't wait another 8 months. Alderman Sizemore stated that if we do vote and wait until the fall, we should look at a plan in getting the berms shaped and we should acquire sand fence once the berms are shaped. The motion passed 3 to 1 with Alderman John Flynn opposing.

CONDEMNATION ISSUES:

Attorney Fuss noted that he has had a call from Bill Morisson, Ocean City Pier, and they will be coming to him and he will have a suggested

remedial plan for them. They have taken care of anything the building inspector has asked of them. There are no imminent dangers at this time.

SERVICE
CONTRACT:

Mr. Hammond noted that Attorney Fuss looked at the contract for the retrieval of Federal Excise Taxes and Mrs. King spoke with others who use this company. Whatever we recoup we get 66% and they get 33% of overall dollars collected through Federal government. They will submit paperwork to the government and we will be reimbursed and we would then give them their 33% share. The term of the contract is yearly. Attorney Fuss noted that there are 7 other categories that they can collect on with separate contracts.

Mrs. King said there is a great amount of paperwork for individual towns to do. Mayor Bostic asked if there wouldn't be just a form to fill out. Alderman Flynn moved, seconded by Alderman Hillyer to go with the service contract with Municipal Tax Consulting and Management to retrieve Federal Excise Tax dollars. The motion passed unanimously.

CLOSED
SESSION:

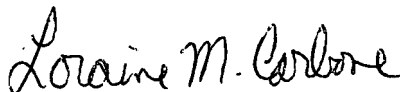
The meeting went into Closed Session at 4:13 p.m. to discuss a personnel matter.

OPEN SESSION:

The meeting went back into open session at 4:32 p.m. and no business was conducted.

ADJOURNMENT: The meeting adjourned at 4:33 p.m.

Respectfully submitted,



Loraine M. Carbone
Town Clerk

TOWN OF NORTH TOPSAIL BEACH
SPECIAL MEETING
NORTH SHORE COUNTRY CLUB
MARCH 23, 2000
12:00 P.M.

PRESENT: Mayor Marty Bostic, Mayor Pro-tem Steve Smith, Aldermen John Flynn, Peter Hillyer and Otis Sizemore, Charles Hammond, Town Manager, Loraine Carbone, Town Clerk and Attorney William H. Fuss

NOT PRESENT: Alderman Bill O'Donnell

GUESTS: Mayor Bostic welcomed Representatives Nurham Warwick, Ronnie Smith and Russell Tucker; Eastern Representative from the Governor's Office Annette Hargett; Onslow County Commissioner Paul Starzynski; Holly Ridge Town Manager Don Betz and Mayor K.E. Howard; Topsail Beach Interim Town Manager Gus Ulrich, Mayor Bill Stamper; Surf City Mayor Pro-Tem Nelva Albury

**DISCUSSION
ITEM:**

CBRA ZONES:

Mayor Bostic explained how the CBRA Zone regulations affect North Topsail Beach. About half of North Topsail Beach lies within a CBRA zone and is ineligible for federal disaster assistance. Alderman John Flynn noted that CBRA zones were set up by the Department of the Interior.

CBRA areas are not eligible for flood insurance. Alderman Smith asked what insurance is available? Mayor Bostic noted that insurance has to come from a private carrier, i.e. Lloyd of London.

Alderman Sizemore noted that the town's main problems are the tremendous areas in the Cobra zone that aren't developed. We need assistance from FEMA to put those dunes back in place, especially for the infrastructure.

Discussion took place regarding Marlowe & Co.'s lobbying efforts. Annette Hargett asked if we were working with County Commissioners and suggested that we all work together. Mr. Hammond noted that the town did put together a resolution to the Commissioners. We are working on a Reconnaissance Study.

Alderman Sizemore stated that there was division in our local area in assisting us. On a county level and state level we should be in agreement. We need beach renourishment. Alderman Flynn noted that we do have some methodologies that we could use. Beach restoration is a 10-year project at a considerable amount of time and money. The accommodations tax would help the protection of the beach. There are 20 coastal communities and only 5 don't have an accommodations tax. We don't have any businesses to support us. Alderman Sizemore said that if

we add another \$120,000 we would have \$220,000 and we could put it in a trust fund for renourishment. If we received an accommodations tax of 5% and assistance from the County, the problem could become manageable.

Alderman Flynn noted that all the hurricanes have moved our sand north and south and we don't know what sand is left. If there is no sand available, then there is no sense in going through the Army Corps of Engineers.

Rep. Smith noted that we are doing something on a local level and suggested that Sen. Ballantine would be the one to work with. Along with county commissioners, Rep. Smith said that he would help us as much as he could, but we have a delegation that doesn't see eye to eye on everything and some are more progressive than others. Rep. Smith again said that whatever Sen. Ballantine wants to do, he would be there and help in anyway he could. In regard to the accommodations tax, Rep. Smith said that he has lobbied for Carteret County. The pressure will have to be put on other members of the delegation. An occupancy tax in the short session is out of the question. It's an election year and you need to make sure your local delegation is going to support you.

Rep. Warwick asked, in regard to the CBRA area, are we prohibited from moving or adding sand from any area of the beach and could the state and county help us in the CBRA zone? Mayor Bostic said that it only restricts the dollars. Mr. Hammond said that there are strict guidelines on what criteria you have to meet, but they can't restrict you from spending their dollars in the CBRA zone. Rep. Warwick asked if sand was available and noted that it takes research and investment of dollars. Some areas don't have sand and it is critical to find out if it is available. Alderman Flynn said that if you choose to pay the price, a commercial firm would determine availability and amount. The first thing to do is to see if it is available. If we go through the Corps, the Reconnaissance Study will be done first, which can take up to three years. If a commercial firm does it, it can be done in 4 months.

Mayor Bostic said that we have the waterway that gets a dredging each year. It's not enough to take care of all of our sand needs and it is not compatible. The only way to get it to the beach would be by mechanical means.

Mayor Bostic stated that North Topsail Beach established in spring of 93, a .03 tax for every property and that the tax would be dedicated to dune stabilization. The citizens are not looking for a handout, but we have been dedicated to renourishment for many years. Mayor Bostic also noted that in 1996 we raised the tax to .05. Today, we have less homes and unbuildable lots. We need to do things to enhance this town to keep

the tourists coming. Money from an occupancy tax could be dedicated to going back to the beach.

Rep. Warwick said that he has heard that there are not enough beach accesses in other areas in NC. That is why some people don't want to invest in renourishment. Alderman Sizemore noted that we have 4 county accesses.

Mayor Stamper attended the Governor's Hurricane Conference in Sea Trail and he noted that they never address the beach issues. We need help from the counties and the state. Mayor Stamper also said that North Topsail Beach shouldn't have to have the burden of hiring a person in Washington when we have local people that could help us.

Rep. Smith noted that he has always supported beach renourishment, but our requests have been turned down in Raleigh. He has met with the Army Corps of Engineers and introduced a bill with Sen. Redwine. We need help from those that don't support us.

Rep. Warwick noted that he has talked with the governor and he does want to help. He has also spoken with Jim Black. When the flood package was put together, 95 million dollars was first put in, but it was taken out. Some believe that it was pulled out because it would have derailed a huge portion of flood relief. Sen. Basnight and Jim Black have agreed to set up a study, and a study commission has been appointed namely the Coastal Beach Renourishment and Storm Litigation Committee. Rep. Warwick is the Co-Chair on the House side and Rep. Smith is also on it along with others. Rep. Warwick said he would provide us with the complete committee list.

The committee has met one time and it was a planning meeting. Rep. Warwick said that they would send a packet of information to all of the mayors of all of the towns that have a relationship to the coast. The committee has decided to see what the other studies have done and they will look at beach stability. Along the entire coastline, the Corps of Engineers has a map that could tell you where the eroding areas are. They will look at where the sand is and also look at the cost of renourishment and look at projects, state and federal.

Rep. Warwick asked how could we pay for a large-scale beach renourishment program? The politics of the issue is that most of the members do not live in the coastal counties. The voting power is not in the eastern part of the state. The question remains, how can we educate the populace of North Carolina on renourishment so that it could be supported. Over a period of 30 years, 18 million dollars has been invested. The amount of money is not the big question, but how is it economical for the state to invest in it. Rep. Warwick said that the committee would have a report in January 2001. We may report in May,

but there is not enough time for a formal report. We will be inviting towns and counties on the coast to meetings. 8 to 9 meetings will occur and he asked that we try to have a person there representing us. Topsail Island should identify a liaison, or three representatives. If you are aware of a situation similar to yours that has been fixed, we would want to know about that to see how it was done.

The tourist area is a large industry. We need to look at the investment in the next three years and look at the return in 20 years.

Rep. Warwick said that they are hoping to form a coalition to forge interest to do things on the coast. One of the best things this group could do is work with the county commissioners and your senate delegation. We need to change attitudes. Rep. Warwick commended us on our work and noted that Alderman Sizemore and Mr. Hammond have contacted him in the past for help.

Commissioner Starzynski asked if anyone from Onslow County was on the study. Rep. Smith said that he represents Onslow County. Commissioner Starzynski said that Emily Farmer is on it and we need someone from the beach to be on the committee because Onslow County is so divided up. He stated that he supported the beach tax last year and he proposes that the Onslow County tax change with North Topsail Beach getting their 3%. He supports us in getting the occupancy tax and that it should be changed to 6%. The county put up the accesses on North Topsail Beach and he would like to see more constructed. Legislators have to fight to get the towns their own destiny.

Rep. Warwick noted that the Topsail Island Realtors don't agree with the occupancy tax. Mayor Bostic stated that the realtors charge 18 to 20%. Most people won't choose between us and other areas because of the tax. Surf City has an occupancy tax.

Mayor Pro Tem Nelva Albury stated that we all have to work together. She noted that Pender County is giving Surf City \$100,000 and suggested that Onslow County support us.

Alderman Sizemore asked if we could get money from the state and the county to fund a feasibility study to find out if there is sand out there. We would have ammunition if we know we have the sand source. Rep. Warwick said a bill could be introduced, but it might not be the answer. The best we can offer the general assembly right now is the study that we have started.

Rep. Smith said that this would be a tight year and suggested that if we have the money, to do something because there is no money in Raleigh. Rep. Warwick said that there are over 800 million dollars in requests and less than 4 million dollars available. In three years, the total picture will

change and there may be money available for beach renourishment. Together we can find some answers to short term questions.

Mayor Bostic noted that the first step is a reconnaissance study. The Mayor expressed his appreciation to everyone who came to the meeting today. This is the start to help Topsail Island.

Rep. Warwick asked that a delegation from Topsail Island do a presentation to their study. Mayor Bostic noted that we have representatives already appointed from the surrounding towns.

Rep. Smith said there was no criteria in choosing people on the study. There are many people on the coast who are on the committee.

Rep. Warwick noted that we need to do work on our delegation. It is not an impossible task if we are united.

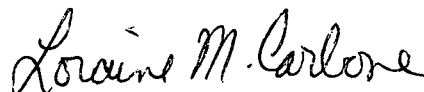
Rep. Tucker said we wouldn't get the accommodations tax through the House until 2001.

Attorney Fuss noted that the inability of a town to condemn an easement from a private property owner to protect a dune is a problem since there is a specific statute. There is some general language, but our ordinance is not specific enough. Rep. Tucker said that it is a tough issue to get through. Definition of what the sand dune is, is it now public safety, can legally define it by law. Rep. Warwick said the delegation could look at it in May. Attorney Fuss said that as the dune line changes we would be facing this problem more and more.

Rep. Warwick noted that there are grants that have different definitions than what FEMA has.

The meeting adjourned at 2:30 p.m.

Respectfully submitted,



Loraine M. Carbone
Town Clerk

TOWN OF NORTH TOPSAIL BEACH
REGULAR BOARD MEETING
APRIL 6, 2000
7:00 P.M.

- PRESENT:** Mayor Marty Bostic, Mayor Pro-tem Steve Smith, Aldermen John Flynn, Peter Hillyer, Bill O'Donnell and Otis Sizemore, Charles Hammond, Town Manager, Loraine Carbone, Town Clerk and Attorney William H. Fuss
- QUORUM:** Mayor Bostic called the meeting to order at 7:00 p.m. in the North Topsail Beach meeting room and declared a quorum present.
- APPROVAL OF AGENDA:** Mr. Hammond requested that a Resolution determining him as the designated applicant for Ann Penta's house be put under new business. Alderman Smith moved, seconded by Alderman O'Donnell approval of the agenda with the appropriate addition. The motion passed unanimously.
- APPROVAL OF MINUTES:** Alderman Flynn questioned page one, second paragraph, final sentence, agreement concerning voting powers, is that correct? Alderman Smith said it was not correct and asked if we should strike that sentence. It was agreed to add "bylaws" after vote. Alderman Sizemore noted on page 7, under "Monthly Report", insert what "budget line item" before 10-745. On page 10, fourth paragraph, before minutes add "meetings". Alderman Smith moved, seconded by Alderman Sizemore, approval of the March 2, 2000 Public Hearing and Regular Board Meeting minutes with the appropriate changes. The motion passed unanimously.
- Alderman Sizemore moved, seconded by Alderman O'Donnell, approval of the March 14, 2000 Special Board meeting minutes. The motion passed unanimously.
- Alderman Sizemore had questions regarding the Onslow County Water Authority and the control of votes by Jacksonville. If Surf City were to join, that would increase the voting membership, but they are not joining and now Jacksonville will have more votes. Alderman O'Donnell was also uncomfortable with this. Alderman Flynn noted that a member of the Onslow County Commissioners addressed that issue and made a solid presentation, saying we all have the same interests. There is the possibility at any time for an entity to control the course of an organization. Alderman Flynn did not see the value at this present time of pulling out from the authority. Alderman Smith said that Jacksonville has a lot of assets, but there has been negativism towards their receiving two votes. There is still a lot of work to be done. Alderman Sizemore noted that it was another layer of government and they would have a lot of leeway. Alderman Flynn noted that this is such a newly formed organization and

we should have Alderman Smith report monthly to us whenever he has meetings with the Authority.

REQUEST TO
ADDRESS THE
BOARD:

David Ferrell, Oceanside RV Park:

He was not at the meeting, but Mr. Hammond noted that we had a soft crosswalk there and Mr. Ferrell said that previously there was a hard walk there. His request is that we put a hard crosswalk on Seashore Drive. Alderman Flynn suggested that Mr. Ferrell make the request personally.

Barbara Briggs of 2316 New River Inlet Road stated that a public access by their house has soft designated areas. She noted that the area is fragile there and by having a soft walkway, people are crossing the dunes. If we have a hard structure it would stabilize the dunes. Mrs. Briggs said that they have contracted to put up a sandfence and plants. Alderman Flynn said that a crossover is needed at that location. Aldermen Hillyer and Smith agreed. Mr. Hammond noted that we could get a CAMA grant to help us with the cost. Alderman Sizemore questioned putting a handicapped access at that area too. Mr. Starzynski stated that the ramps would have to be 20ft. with rails and they must meet the slope requirements. Also, there is no parking in that area for handicapped drivers. Alderman Sizemore moved, seconded by Alderman Hillyer to have the town manager and building inspector investigate this issue of a hard crossover at 2316 New River Inlet Road and make a recommendation to the board. The motion passed unanimously.

Jim Gregson of CAMA thanked the Board for inviting him to the Board Meeting. Alderman Flynn asked about the setting of the line of vegetation. Mr. Gregson said it is not just where the vegetation is, it is defined as the first line of natural stable vegetation and it is not what you plant right after a storm. If the lot has some vegetation, then we are required to use that line. Beverly Sizemore asked about the 5-year emergency berm and are we near that now? Mayor Bostic said that we had Charles Riggs do some samples and we had twice the height of a 5-year storm. Mr. Hammond noted that after Hurricane Bonnie what was left exceeded a 5-year berm level. Jake Feichtner, of 3880 Island Drive, noted that the bulldozer has flattened the dunes and wanted to know what the next step was. Mr. Hammond said that we shaped it to put the sand fence on it. We had state and FEMA representatives here today discussing some of the projects they haven't approved. It doesn't look like sand fencing will be approved by Fish and Wildlife. It was suggested that the crowns of the berms be leveled out so we can plant them and stabilize them. Mrs. Feichtner said that it was more than the crown that was taken down. It took until the middle of February to even push the dunes and now they are flattened.

Alderman Sizemore asked Mr. Gregson about a sketch plan and what the homeowner could do to build a berm themselves. Mr. Gregson said that bulldozing is a tool for constructing a berm. You don't need a permit if you meet certain criteria. A general permit is done through the Wilmington office or through the CAMA permit. Bulldozing is only done to create a protective structure. The problem in the past was in the CAMA minor permit since there is a misconception that the 3 year permit gives you the ability to push sand anytime you want to. That is not true. You need to modify the permit for any future pushing. Every time the applicant comes in they must provide a plan showing profiles and width of the property. It can be a hand sketch, but close to scale.

Mr. Feichtner asked about the sandbag issue. After walking on the beach the only places that have dunes are those with sandbags. The sandbags are holding the line and less sand ends up on the road. Mr. Gregson said there are some areas where sandbags are still on the beach. Before 1985 there was no prohibition of hard structures on the beach. It was decided those structures were eliminating the public beach. They adopted rules that prohibited bulkheads and sea walls. They also understood that homeowners still needed erosion control and sandbags were used temporarily. Small structures had 2 years and large structures had 5 years to keep the bags. A 1995 commission decided that the rules didn't clarify what was temporary and some extensions were made. CAMA sent out 80 letters indicating that sandbags had to be removed. They passed a temporary rule to let sandbags stay in place until 2008 for those who had a renourishment plan in place.

Mayor Bostic noted that if vegetation covered the sandbags they wouldn't have to be removed. Mr. Gregson said that if they were stable they could remain in place. This is only done if the house is threatened.

Alderman O'Donnell questioned the set back issue. There is a 60ft. set back on most houses. He noted that he has a 90ft. set back now and it seems like it is arbitrary. Mr. Gregson said that issue is being looked at now and digital photography will be used to establish new set backs within a couple of years. Setbacks are based on the long-term erosion rate over a 50-year long-term average. It is 30x for small structures and 60x for large structures. The erosion rate is based on the 1st line of vegetation over 50 years. Mr. Tuman asked what data did they base this on. Mr. Gregson said that it was based on photography over the years.

Beverly Sizemore noted that on Topsail Road there have been sandbags there for a number of years. Some bags were taken off last year and the roads have improved once they were removed.

The Board thanked Jim Gregson for being so informative.

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Charlie Cone addressed the Board and noted that he was running for Onslow County Commissioner. He said that there seems to be a misconception about Topsail Island as there is in other towns. He has talked to people in other towns and North Topsail Beach takes the burden financially and gets very little in return. You should petition Onslow County to give you a portion of the tax money. Mr. Cone thanked the Board for letting him speak.

BEAUTIFICATION COMMITTEE:

Mrs. Sizemore thanked Public Works for the sign at the south end. The committee will be working on the flag pole area at town hall.

PLANNING BOARD:

Chairperson, Patsy Jordan noted that on Feb. 24th the Planning Board had a rezoning request from Cormorant Place to be rezoned from R-20 to B-2. The Planning Board brought this issue to the board last month and it was tabled until this month. Ms. Jordan went over this issue today with our town attorney, manager and building inspector. The rezoning is in compliance. It is a viable business and it needs room to expand. There is a buffer between the next R-20.

OLD BUSINESS: REZONING REQUEST CORMORANT PLACE:

Mr. Hammond noted that they have all researched this issue. The attorney was concerned that if the Board approved it as B-2 there would be no conditions. The only way there could be stipulations is if we do a conditional B-2.

Alderman Flynn moved, seconded by Alderman Smith approval of the rezoning request by Kay Smith to rezone Cormorant Place from an R-20 to a B-2. The motion passed unanimously.

BUDGET AMENDMENT #4

Mr. Hammond noted that Budget Amendment #4 was carried over from last month. Alderman O'Donnell stated that he was not comfortable in spending money that departments didn't have and taking it from somewhere else. He would prefer to see monies to cover where we have exceeded the budget, rather than increasing the budget. Revenues should go into the fund balance. Alderman Flynn concurred, but noted that we have so many items that have to be amended. These items are not considered at the original budget and now they require amendments. Alderman Flynn felt that the budget amendment should be approved now. Alderman Sizemore said that the largest portion of the discrepancy is not under our control, i.e. hurricane expenditures, but we have to make sure that management keeps a close eye on expenses. Alderman O'Donnell asked the Finance Officer to see how these items can be covered before

we add more to the budget. Alderman Hillyer felt that passing the budget amendment seems reasonable.

Alderman Flynn moved, seconded by Alderman Hillyer approval of Budget Amendment #4. The motion passed 4 to 1 with Alderman O'Donnell voting no.

BULLDOZER REPAIRS STATUS REPORT:

Mr. Hammond noted that it is still in the shop in Burgaw. Mr. Pridgeon has not returned his call.

NEW BUSINESS: BUFFER FOR PUBLIC WORKS:

Mr. Hammond reported that after receiving a complaint from Mary C. Fairley, "The Village of Stump Sound" about the condition of Public Works, Alderman Sizemore and he visited the facility to determine validity of the complaint.

Some suggestions were made to Public Works to relocate equipment and material, but also according to our ordinance, the Town must provide a buffer between Public Works and the Village of Stump Sound.

At my request, Public Works researched the cost to build a fence (8' x 75' on the sound side of Public Works. Material will cost \$671.92 and can be purchased from Guy C. Lee. This specific item was not budgeted for, but can be taken from the line item 10-500-15 which currently has \$4903.14 as of 3/26/00.

If the Board has no objections I would advise Mr. Best to go ahead and purchase the fence. Mr. Best said that we need to survey the lot to see where our property line is. Alderman Flynn said we shouldn't rush into this and we need to see what the requirements are. Alderman Smith agreed, and said if we are in violation, let's fix that only. Mr. Best noted that the people in Stump Sound would still be able to see over any fence we put up. Alderman Sizemore noted that there was a possibility of a lawsuit and we just need to do what our ordinance states.

The Board's consensus was to have the Town Manager investigate this matter further and see what needs to be surveyed.

APPOINTMENT TO EASTERN CAROLINA COUNCIL:

Mr. Hammond said that we have a request from the Eastern Carolina Council to appoint a member to this council. They do different grant writing programs and represent the Governor in different projects. The Board's consensus was to appoint Alderman Otis Sizemore to the ECC.

POSSIBLE GRANTS:

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Mr. Hammond noted we received three possible sources for grants. Each has a 50/50 match. They could be utilized in pursuing crossovers and asked if the Board wanted him to pursue this? Alderman Sizemore asked if we could use Jenkins Way for a parking area? Alderman Flynn asked if there was any grant money for us to move a building? Mr. Hammond said we would need the property and noted that Mr. Johnson was interested in trading some property, but it wasn't wide enough. Alderman Sizemore suggested that a Consultant (under a grant) come in to work with the Planning Board. Mr. Tuman asked if the restoration of the boardwalk at the north end could go under a grant. Alderman Flynn moved, seconded by Alderman O'Donnell authorizing the Town Manager to proceed to investigate grants and subsequent grant searches and to apply for those that don't require monies from the town budget. The motion passed unanimously.

DESIGNATED APPLICANT AGENT:

Mr. Hammond requested to change the Town's designated agent to himself for the closing of the Hazard Mitigation project for Ann Penta's house. They will not process paperwork until we sign this form. Alderman Sizemore moved, seconded by Alderman Smith to appoint Charles A. Hammond as the designated applicant agent. The motion passed unanimously.

**TOWN MANAGER'S
REPORT:**

1. Beach Signs: Public Works has placed some of the "Keep off the Dune Signs" up and recently ordered more. Also signs have been placed at the drive on accesses and at the North end. Street signs are being replaced and should be completed by the end of May.
2. Beach Grass: We received a proposal from Mr. Simmons on pre-payment for beach grass and I am currently waiting on two more responses. I will provide this data at the May meeting. If we order the beach grass and do a 60% up front we could get 900,000 plants.
3. I am providing for your review Howard Marlowe's monthly report which you can review at your leisure as well as a draft sent from Congressman Walter Jones requesting funds for North Topsail Beach Reconnaissance Study. Alderman O'Donnell questioned how far can we continue with Mr. Marlowe if we don't address the CBRA zone first. Mr. Hammond noted that he is meeting with Howard Marlowe and Tom Jarrett, Army Corps of Engineers, on April 25th at 10:00 am at Town Hall.
4. Sallie McGuire, Chairperson of the Beautification Committee, has submitted a proposal for the front flag area. The money is in the line item and if there are no objections she will pursue with the proposal to landscape the front area by the flagpole.

5. Mayor Zander Guy sent a letter of gratitude for assistance received in February from the Fire Department and for all those involved "Great Job"! We also received a letter from Mrs. Kay Smith thanking the Police Department for all their support over the years and her special thanks to John Porterfield and T.J. Cavanaugh.
6. We have submitted the Resolution for Financial Support to Onslow County for Beach Renourishment support.
7. Mayor Edgerton of Swansboro has provided NTB a Resolution of Support for our Accommodation Tax.
8. PD/Fire Departments status reports.
9. At the last meeting there was interest in consent agendas and Town Clerk Loraine Carbone provided information on this subject to board members on March 8th. To date we have received 2 replies from board members. (one positive – one negative) Is there any interest in pursuing consent agendas for future meetings? The Board said they would address this at the May Board meeting.
10. The screening is going very well and CAMA has been to the site for approval. DRC expects to complete the project by the 21st deadline.
11. Last, but not least, at the request of Police Chief Danny Salese, Dion Hatfield has been titled Corporal with additional duties and responsibilities. I know he has discussed this with each board member and there seems to be no objection. Chief Salese and I will sit down and draft a position description to present to the Board for possible approval in May. Salary will stay at his current rate, but grade will increase to Grade 12. Alderman O'Donnell asked if it was usual to have that many supervisors.

ALDERMEN'S

REPORT: Alderman Flynn is interested in providing a packet for visitors. He also asked if there wasn't a requirement that houses have house numbers on them. Mr. Starzynski said that new houses have it or they don't get a C.O.

Alderman Sizemore reminded everyone that "Top Dawg" is presenting a dinner/play this weekend at Betty's Smokehouse, which will benefit beach renourishment for Topsail Island. Alderman Sizemore asked Mr. Hammond to purchase zoning signs so citizens can identify properties that are up for rezoning. He also noted that the Topsail Voice had a complimentary article on Police Officer Dondi Day for arresting someone who was burglarizing the area. Alderman Sizemore apologized to the Board regarding a memo he took out of their boxes and that it was not done by his instigation. A memo he wrote explains the incident. At the four town meeting, mile markers for the highway was suggested and we need to look into that. Alderman Sizemore noted that a

special agent visited him from FEMA and she asked for certain information that was provided her.

Alderman O'Donnell asked for a monthly report on comp time. He was very concerned that the pay out of comp time would be quite an expense to the town. He asked for what was accrued or satisfied each month. Alderman O'Donnell also suggested that staff take comp time in the week in which it was earned. His concern was that as people get promoted, we pay more money than what was earned at a lower rate. Alderman O'Donnell called the Board of Elections today and there are absentee ballots for the May 2nd primary. Tommy Best straightened out his dune and did an excellent job. Alderman O'Donnell also thanked John Starzynski for his help. Alderman O'Donnell said that Sgt. John Porterfield is an outstanding officer and we are lucky to have him.

OPEN FORUM:

A citizen asked how far the sand dredging would go. Mayor Bostic said there was no way we could tell how far it would go.

Someone asked if we were going to restore any more sand on Seashore Drive? Ms. McLaughlin reported that the only part we are required to do is Scotch Bonnet.

A citizen asked about the trash in Galleon Bay from Fran which is on private property. John Starzynski said he would look into it.

ADJOURNMENT:

The meeting adjourned at 9:15 p.m.

Respectfully submitted,


Loraine M. Carbone
Town Clerk

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TOWN OF NORTH TOPSAIL BEACH
PUBLIC HEARING AND REGULAR BOARD MEETING
MAY 4, 2000
6:30 P.M.

PRESENT: Mayor Marty Bostic, Mayor Pro-tem Steve Smith, Aldermen John Flynn, Peter Hillyer, Bill O'Donnell and Otis Sizemore, Charles Hammond, Town Manager, Loraine Carbone, Town Clerk and Attorney William H. Fuss

PUBLIC HEARING: REGIONAL HAZARD MITIGATION GRANT:

Mr. Hammond introduced David A. Holdstock, of the Geographic Technologies Group. Mr. Holdstock noted hazard mitigation affects Topsail Island as a whole. Mr. Holdstock is the investigator and he introduced Lori Key as the information technologist and John Cooper who is involved in public participation. Mr. Holdstock said that they have secured some funding from CAMA and FEMA and have developed a Hazard Mitigation Plan. He noted that they would need input from the public. Mr. Cooper stated that mitigation looks at the devastation that we are able to avoid.

There are two phases to this project. Phase 1 is building the GIS Database. They will compile data and schedule public hearings. Phase 2 is to develop a plan. Phase 1 will consist of compiling digital data. There are layers of information, which will be taken and intersected. Maps will be produced and they will acquire data from the Census and will address the seasonal population. Phase 2 is development of the plan. They will also look at how vulnerable the community is. They will ask where the evacuation routes are and will want to know how much of North Topsail Beach is built up. They will also identify hazard mitigation alternatives and find out what existing programs support mitigation efforts. Geographic Technologies is using Fema and CAMA guidelines. They will note nonstructural mitigation efforts as well as the updating of building codes, flood control and legal capability.

The quality of the plan will be determined by the input from the public. Mr. Holdstock stated that when the plan is developed we would discuss introduction and background. The goals and objectives come from the community and Geographic Technologies will recommend and advise.

Mr. Holdstock noted that this is a 6-month project and they will work with the three towns at the same time. Topsail Beach received funding from a CAMA grant a year ago and FEMA funds. \$57,000 was awarded to Topsail Beach. It made sense to do a regional study. The match for each town is \$2,500.00. CBRA zones will need to be analyzed. There will be a progress report meeting and another hearing. The county's data will go into their software.

Mayor Bostic thanked Mr. Holdstock for his presentation.

QUORUM: Mayor Bostic called the regular meeting to order at 7:17 p.m. in the North Topsail Beach meeting room and declared a quorum present.

APPROVAL OF AGENDA: Alderman Hillyer moved, seconded by Alderman Sizemore, approval of the agenda. The motion passed unanimously.

APPROVAL OF MINUTES: Alderman Smith moved, seconded by Alderman Flynn approval of the March 14, 2000 Special Board Meeting. The motion passed unanimously. Alderman Hillyer moved, seconded by Alderman Smith approval of the March 23, 2000 Special Board Meeting. The motion passed unanimously. Alderman Smith moved, seconded by Alderman Hillyer approval of the March 23, 2000 Special Meeting with State Representatives. The motion passed unanimously. Alderman Sizemore moved, seconded by Alderman Flynn approval of the April 6, 2000 Regular Board Meeting. The motion passed unanimously.

REQUEST TO ADDRESS THE BOARD: BEAUTIFICATION COMMITTEE:
Mr. Hammond assigned Mike Fickel to represent the Beautification Committee.

OLD BUSINESS: **BULLDOZER:**
Mr. Hammond noted that we have received word that the crank shaft was fine and Mr. Pridgeon expects to have the bulldozer finished by next week. We have not received a bill for the total cost yet.

BUFFER FOR PUBLIC WORKS:
In regard to the issue that Ms. Fairley brought up about Public Works being an eyesore, Mr. Hammond reported that we are still looking for the Public Works files and will have a proposal to present to the Board at the next meeting. There is a clause in the buffer requirement about facilities existing prior to adoption to the changes. It appears the changes and modifications to the buffer zones took place in 95. Therefore, we need the Public Works files to determine the requirements.

CAMA GRANTS:
Mr. Hammond noted that we have submitted a CAMA Grant on April 17, 2000 as discussed at the April Board meeting. We proposed construction of six crosswalks at about \$7,000 per walk. 50% (\$21,000) CAMA, 25% (\$10,500) in kind match and 25% (\$10,500) cash match. We will receive information from CAMA by the end of June.

The locations chosen were based on residential population and dedicated easements not already utilized. The proposed locations are: Port Drive, Bay Court, Rogers Bay, 4th Avenue, 12th Avenue and Scotch Bonnet.

BEACH GRASS:

Mr. Hammond noted that we have a proposal from Jason Simmons for the pre-purchase of beach grass. Mr. Simmons has told us that we can get about 900,000 beach grass. Mr. Hammond received an e-mail from Ron Gordon, who works with the U.S. Forestry Testing Station and was told that there are groups that do community projects. We could use them to plant beach grass. Alderman Sizemore asked if we would have guidelines when planting grass to ensure it is planted properly. Sarah Humphries said there is a 4-H club interested in nurturing seeds in a greenhouse and planting them on our beach. Alderman Hillyer said we need a program, but we can't depend on what percentage of homeowners will get the word about planting. It is suggested that we mix bitter panicum because it will last longer. Alderman Smith suggested that we not get 900,000 of American beach grass and we should have specific dates for citizens to get the plants since so many plants died last year that were left at Public Works. Mayor Bostic noted that homeowners associations could help in the planting. Alderman Flynn noted that we have no idea how many plants we need and we should have the Town Manager make up a plan with different scenarios and estimates. Alderman Flynn also felt that we should hold a special meeting and have citizens have a say in what we do in the fall. Mr. Hammond will try to have all the details by the July meeting. Alderman O'Donnell asked for a diagram to see how many plants we need.

CONSENT AGENDAS:

Routine items that are non-controversial are usually put on consent agendas. Attorney Fuss said that the items should be of little interest to the public and doesn't require a lot of time. Alderman O'Donnell said that he is in favor of anything that will speed up our meetings. Alderman Flynn felt that they should go to the town clerk first to make changes to the minutes before the meeting. Alderman Hillyer was opposed to consent agendas because it would seem more difficult to try to do, but he said we would try it. Alderman Sizemore would be in favor of it to streamline the meetings. Mayor Bostic noted that some things shouldn't be on the agenda and should be in the Manager's Report. Mr. Hammond noted that he could email the consent agenda items for agreement from the Board. Mrs. Carbone said that she could put the minutes in their boxes prior to the next meeting. Alderman O'Donnell moved, seconded by Alderman Flynn approval of using the consent agenda for 3 months to see if we like it. The motion passed with Alderman Smith voting nay.

NEW BUSINESS: BUDGET AMENDMENT #5:

Mr. Hammond noted that the majority of the increases are storm-related expenditures. Alderman O'Donnell asked why so many items are related to the hurricane. Mr. Hammond said we had temporary help monitoring the trucks and it falls under building inspection. Alderman O'Donnell felt that we are inflating departmental budgets. Mrs. King said that they are related to hurricane expenses. In the Police Dept. increases are also because of reserves and repairs to cars. Alderman O'Donnell said that we shouldn't approve budget amendments that put more money in departments when it should be put in the fund balance. Mayor Bostic stated that the money wouldn't get into the fund balance until the end of the budget season.

Alderman Smith asked how our spending is for the rest of the year. Mrs. King said that FEMA bills would affect it this year. Mr. Hammond noted that if all the categories are closed out by the end of May we could probably meet the deadline of receiving the funds from FEMA that are owed us.

Alderman Flynn moved, seconded by Alderman Sizemore approval of Budget Amendment #5. The motion passed with Alderman O'Donnell voting nay.

AUDITOR'S CONTRACT FOR FY 2000/2001:

Mr. Hammond noted that the Auditor's contract would have to be approved for next FY. The same services will be provided under this contract that was provided under last year's contract. Alderman Hillyer moved, seconded by Alderman Smith approval of the auditor's contract for the next fiscal year. The motion passed unanimously.

RESOLUTION OF SUPPORT:

Mr. Hammond noted that Holly Ridge has committed to North Topsail Beach by signing a Resolution of Support on April 11, 2000. This resolution supports North Topsail Beach's efforts to seek a 3% Accommodation's Tax through the General Assembly.

MODIFICATION OF PERSONNEL POLICY:

Mr. Hammond supplied the Board members with a proposed job description of the Corporal position discussed at the March meeting. After a discussion with the Police Chief, this is a way to express gratitude for a job well done. It affords the member no additional money, other than what would be scheduled for his normal merit raise. It simply moves him to a higher grade, but lower step. It does provide the individual a longer ladder of step increases to move up. This is not another step in supervision, although the member is the senior police officer and is responsible for those under his direction while on duty.

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Alderman Flynn moved, seconded by Alderman Hillyer approval of establishing a new position of Corporal in the Police Department. The motion passed unanimously.

MANAGER'S
REPORT:

Mr. Hammond noted that he has received the following updated information since writing the Manager's Report:

We received a check of \$61,453.00 from the State on property revenue loss after Hurricane Floyd.

Email from the Chamber of Commerce stated that DOT is closing Highway 50 the month of May.

We received a quote on flood insurance from the League from Lloyds of London for \$50,000.00. We pay \$10,500.00.

Letter of appreciation from a citizen from the St. Moritz on a job well done by the Police Department.

Onslow County Public Beach Access #2 will be open on May 6, 2000. Rest rooms will open in another week or two. Accesses #1 and #4 are still closed for construction.

1. I would like to thank Patsy Jordan and Beach Properties for donating a wonderful door prize on behalf of NTB at the final session of the Municipal Administration course.
2. Chris Crew (State Hazard Mitigation) will be at NTB on May 9th at 2:00 p.m. to go over the final steps in the acquisition of Phillip Jenkins' house. Nathan King is providing an up to date appraisal and the contract for removal has been awarded to Treasure Coast Cleaning and Grading for \$24,150.00. Once Mr. Jenkins accepts the offer the paperwork will be turned over to the attorney for close out. After close out, the contractor has 90 days to remove the dwelling and restore the land.
3. We received a letter from NC DOT apologizing for placing debris in the berm on Topsail Road and offered their assistance. We had already completed the project so they have offered to come in and Hydro Seed Topsail Road and the berm along 1568 in the Galleon Bay area. If this works, we can approach them for assistance in Hydro seeding the entire berm.
4. Per D.O.T., they only place mile marker signs on four lane highways, and at this point will not give us permission to put our own signs up on their right of ways. Alderman Sizemore suggested putting reflective signs on power poles.

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5. Mr. & Mrs. O'Toole requested that I ask the board if there is any interest in establishing or sponsoring a T-Ball team. Per the G.S., municipalities are authorized to establish recreation programs, so the sponsoring of a T-Ball team would be within the law. Per discussion, we can put this into line item "Donation for other Organizations". The request is for \$150.00-\$250.00 dollars. Alderman Fuss said if we sponsor the kids from NTB he would sponsor the kids of Stump Sound. Alderman Hillyer moved, seconded by Alderman Flynn approval to give \$250.00 to the T-Ball team representing North Topsail Beach and the Stump Sound area. Alderman Flynn noted that we would need to see if it is legal to provide donations outside of North Topsail Beach and make sure it doesn't cause a concern. The motion passed unanimously.
 6. I have provided you a report (enclosure 1) on the following areas for review:
 - a. Comp Time: It has not decreased a significant amount since last report, but I have scheduled time off in the next 30 days to reduce the hours.
 - b. Police Report
 - c. Fire Report
 7. So far I have managed to locate 5 possible Grants to do research on:
 - a. Hurricane Preparedness Program
 - b. Parks and Recreation Trust Fund
 - c. Community Planning Program
 - d. N.C. Coastal Fishing Access Program
 - e. Tourism Matching Fund Program

I have provided enclosure 2 copies for your review and discussion at a later date.

8. Enclosure 3 are other facts of interest for your review.
9. We have received confirmation from Municipal Tax Consulting that we will receive the following in Federal Excise Tax refunds:
June 97 - \$3,668.45; June 98 - \$3,960.73; June 99 - \$4,530.08
After we pay the 1/3 recovery fee, we will net \$8,106.17.
10. After checking the Town Insurance Policy, we do have an Errors and Omissions Policy in question by Alderman Sizemore. It is available for review should you like a copy. It is used for decision-making purposes only.
11. Enclosure 4 is a request from Governor Hunt to solicit nominations to fill a seat on the CRC. Once the nomination is made and accepted, it is mandated attendance by law. The nomination must be submitted and returned by June 1, 2000. Alderman O'Donnell suggested that we nominate one person from the Island. Alderman Sizemore noted that he is not happy with what we have right now and should contact the County to see whom they are nominating. Mr. Hammond will also poll the other towns.

12. With approval of the Board of Alderman, I would like to make a recommendation that Alderman Flynn replace Alderman Smith as the Chairperson for the Beach Renourishment Committee. A letter of appointment by the Mayor directing Alderman Flynn to establish an active committee and provide a monthly update as to its progress will be given to Alderman Flynn. Alderman Smith noted that he felt that Alderman Flynn has more time than he has and could do a better job. He did note that he would still be part of the committee.
13. A few months ago I was directed to obtain bids for gutters and painting of Town Hall. (enclosure 5) We received two bids on gutters:
 \$950.00 – H&S Seamless Gutters of Sneads Ferry
 \$1184.00 – Carolina Roofing & Guttering Co.
 Painting bids:
 \$4,760.00 – Blue Gem Construction
 \$5,000.00 – Rite Way Painting
 \$5,900.00 – Goodwin Painting
 I am requesting authority to award contracts to H&S Seamless Gutters and Blue Gem Construction for the proposed work. Alderman Flynn moved, seconded by Alderman Smith to authorize Mr. Hammond to go ahead with the gutter and paint contracts, but to look at the quality of paint they would use. The motion passed unanimously.
14. As we have completed the budget work shops and made recommended adjustments, I would like to ask the Board to set a Public Hearing so I may formally present the Budget Message and Budget for public comment.
15. Annexation – Chapter 489 – “An Act Removing a Certain Tract of Property from the Corporate Limits of the Town of Ramseur and to limit annexation and Extraterritorial Zoning in the Town of North Topsail Beach”. Alderman Sizemore noted that it is critical we control the corridor over the bridge and we should be able to control the zoning. A motel is going in and they will probably expect us to provide police and fire protection. We already respond to North Shore. Why should our departments provide services outside of our corporate limits? The Sheriff's Dept. should be doing routine calls; therefore, this act should be repealed. Alderman Flynn said we should solve one particular problem at a time. Attorney Fuss noted that he will find out specifically what we are prohibited from doing at the next meeting. He will tell us what we are able to do now.
16. Public hearing for the Proposed Budget: Alderman Smith requested that we have another budget workshop and Alderman O'Donnell agreed. Alderman Smith said that he wanted to look at the expenses closer. A Public Hearing was set for Thursday, May

18 at 7:00 p.m. A Special Meeting immediately following the Public Hearing will also be held for a budget workshop if needed.

17. Alderman Hillyer moved, seconded by Alderman Flynn to delay our June meeting scheduled for June 1st to Tuesday, June 13, 2000 since Aldermen Flynn would not be available. The motion passed unanimously.

MAYOR'S REPORT:

Mayor Bostic had a concern on the Jenkins mitigation. He doesn't remember authorizing the contracts or that Terri Potts had authorization to do so. Also, Ms. Potts didn't take the lowest bid. Attorney Fuss asked for all the documents to review. Mayor Bostic noted that some people have asked why the house has to be demolished. Mr. Hammond said that FEMA doesn't care what happens to the house as long as it is removed. It was suggested that other alternatives be looked at.

ALDERMEN'S REPORT:

Alderman Smith gave out pens from the Onslow County Water and Sewer Authority and noted that the committee hasn't met yet, but will update the Board when they do.

Alderman Sizemore noted that we had discussed the dunes being surveyed and wanted to know if we could use this information. Mr. Hammond didn't know if a full detailed report was done, but would find out. Alderman Sizemore also noted that a lot of property still needs to be cleaned up. There are a number of lots with debris on it and there are still sheds on the sound. We are in the tourist season now and we need to clean it up.

Mr. Hammond noted that he is trying to get Mr. Jeffrey's to donate a couple of acres for a recreation park. DRC has said that they would donate \$30,000.00. There is also land across from Beach Access #4, and Onslow County may be willing to do something there.

Alderman O'Donnell asked if we needed to denote who made motions. It was stated that it is done for historical purposes.

Alderman Flynn said that he and Mr. Hammond would talk to Tom Jarrett of the Corps of Engineers on beach renourishment next week. Alderman Flynn thanked Steve Smith for spearheading the beach renourishment committee. He said he would chair a meeting with those interested in renourishment. In a letter we received from the Attorney General on easements, we have a local problem on easements. It appears the only way to respond to that requirement would be to seek legislative action. Alderman Flynn requested that the attorney determine how to go about getting into the legislative process. Alderman Flynn congratulated Mr. Hammond on his graduation from the Municipal Administration Course.

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Mayor Bostic asked when the Four Town meeting will be. It is scheduled for June 15th and we are hoping to have it at Paliotti's. Alderman Sizemore also suggest Papa Ed's and the St. Regis. Mayor Bostic asked if we would swap the Suzuki. Mr. Hammond said no, it would be put up as surplus. The auditor did not approve of swapping for services. We would have to accept a check to follow the paper trail. Cecil Carter, who is interested in swapping, said he would write a check for \$2000 for the Suzuki and the town could give him \$2000 for his services.

Mr. Hammond noted that Howard Marlowe was in last week and met with Tom Jarrett, Army Corps of Engineers. Alderman Sizemore also met with them. They will be discussing the CBRA issues over the following weeks. Alderman Sizemore said that by doing renourishment, it gives us a buffer area. It also improves the marsh habitat for wildlife and improves turtle nesting. New River Inlet dredging project can be changed from side dredge to 933. Alderman Sizemore requested that we draft a letter to the Corps that they dredge under provision 933 to let the sand go back on the beach. Alderman Flynn said that they could take the letter to Tom Jarrett next week.

OPEN FORUM:

A citizen asked if sand fencing was being put up. Mr. Hammond said that we have been denied at this time by Fish and Wildlife to put up any sand fence, but that a private citizen could put their own fencing up. Jean Beazley has told Mr. Hammond that fencing is not detrimental to the turtles.

Mrs. Sizemore noted that representatives from NFIP met this morning and asked about the Flood Plain flow. Mr. Hammond said he has not been able to talk with John Starzynski yet since their meeting closed at 4:30 p.m. Mr. Hammond will ask Mr. Starzynski to draft a report. Alderman Hillyer said the attitude of the NFIP people was conciliatory. There has not been enough guidance. They just want to teach us the right way to do it.

Alderman Flynn asked for a specific item related to Hurricane Preparedness be put on next month's agenda.

ADJOURNMENT: Alderman Hillyer moved, seconded by Alderman Smith to adjourn the meeting at 9:43 p.m. The motion passed unanimously.

Respectfully submitted,

Loraine M. Carbone

Loraine M. Carbone
Town Clerk

TOWN OF NORTH TOPSAIL BEACH
PUBLIC HEARING – BUDGET 2000/2001
MAY 18, 2000
7:00 P.M.

PRESENT: Mayor Marty Bostic, Mayor Pro-tem Steve Smith, Aldermen John Flynn, Peter Hillyer, Bill O'Donnell and Otis Sizemore, Charles Hammond, Town Manager, Loraine Carbone, Town Clerk

QUORUM: Mayor Bostic called the meeting to order at 7:06 p.m. in the North Topsail Beach meeting room and declared a quorum present.

APPROVAL OF AGENDA: A Special Meeting will take place after the Public Hearing to further discuss the proposed Budget. Contract proposals for the removal of Ann Penta's home will be reviewed. Also, a CAMA update will be discussed.

PROPOSED
BUDGET
2000-2001:

Mayor Bostic noted that the Public Hearing is designed for the citizen's input. Mr. Hammond said that there were some changes to the proposed budget. The Onslow County Tax office called yesterday and reported to Mrs. King that the anticipated evaluation is only \$239, 860, 761, a difference of \$9,000.00.

Mr. Hammond gave the Budget Message for Fiscal Year 2000/2001, which is attached, along with the budget, to the minutes.

Alderman O'Donnell questioned the .94% annual increase; he came up with a 6% increase.

Mayor Bostic opened the floor to the citizens.

Mr. Weidlin said that year after year he would ask the board not to increase taxes and no one listens to the citizens. The last two years we had tax increases. This year we were re-evaluated and his tax rate went up 60%. Expenditures go up each year. The Police Department's budget is up 33%, inspection is up 50% and public works is up 50%. Employees get a 2% cost of living increase. They get a longevity pay and merit pay every year. The town matches their retirement and they match their 401K. Mr. Weidlin asked that we stop escalating expenditures.

Mr. McGinn noted that he has lived here for almost 25 years. We have dedicated employees, but he has concerns. The Police Department's budget is higher than Surf City and Topsail Beach. Mr. McGinn would like to see a vote on this budget postponed and asked that the board look at it again and cut where we could.

Marge Lombardo thought that this was a bare bone's budget and she couldn't see where we could cut it. We don't want to cut the police

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department; they are the backbone of the town. They recently stopped a robbery at the St. Moritz condominiums.

George Kornegay asked that the board cut \$100,000 from the police department and that there was no need for two officers on duty. He also felt that we didn't need a Building Inspector and that Onslow County could take care of it. He also didn't think that we needed a "CAMA cop" and felt that the state should furnish that position.

Kay Smith stated that we need the police department, but she had no support to get their pier open from the Town. She stated that the police department and the fire department have been the only ones to support them. She also felt that we need at least two officers on duty as backup for each other.

Joe Vecchione noted that being on the board is very tough and planning a budget is even harder. You should be proud of the Police Department. We have criminals on the beach and the Police department puts up with crime day and night. Mr. Vecchione did not want to see any cuts in the Police Department and noted that the Fire Department is also outstanding.

Sue Tuman stated that some people do not understand how things are done. The Police Department should not be reduced. You cannot rely on the County for anything. We need a building inspector. Her house had to be torn down initially because the County inspected it. CAMA will be held way back if we have to wait for someone to come from Wilmington. The citizens will suffer. The town is services and we need to keep them. I do not want to see anything reduced. There are dedicated employees and they are doing their best. The building inspector is very important to the town. You cannot compare a town's budget with a business budget.

Dan Tuman noted that he supports the public works position and he was pleased with fire and police protection. One concern is the basic appearance of the town and an extra person in public works will be an asset.

George Hrivnak noted that the town gave a starting salary of \$34,000 to an employee. When other employees became disgruntled, they got increases. People he talks to are appalled that we have so many policemen. Neighbors are concerned about comp time. The tax rate has gone up and every time you escalate that the personal property tax goes up. Homeowners are retired and on a fixed income.

Mr. Hammond noted that there is another source of revenue, line 368, other state/county revenues - \$14,108.00. Onslow County will pay to have our police open and close the parks. They are also interested in our cleaning the parks. We would receive \$22,500 from Onslow County to patrol and clean the parks. June, July and August will be the biggest

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months. We could clear about \$6,000.00. They are working on their budgets right now.

Alderman Flynn said that we should proceed with this and update the Board. Alderman O'Donnell questioned the \$22,500.00, does it include benefits? The consensus of the Board was to instruct Mr. Hammond to get all the figures. The Board was not satisfied with \$22,500.00.

RECESS: Mayor Bostic recessed the Public Hearing at 7:56 p.m. and asked that we reconvene in ten minutes to discuss the budget.

SPECIAL MEETING: The meeting was called into order at 8:09 p.m. Mayor Bostic noted that we have heard from the citizens. We can think on this some more or pass the budget as it has been presented.

Alderman Hillyer noted that since 1996 we have had 6 hurricanes and it is hard to run a town with that interference. We are in the 5th year of recovery and it takes 5 years to recover from a natural disaster. Mr. Hillyer felt that this budget was a good budget and he didn't think it was too much and stated that we should pass the budget.

Alderman Smith was not ready to accept the budget as proposed. We are in a spending mode. We don't look at other things. He asked where are funds for recreation or a community building. There is no money in our contingency fund. There has been a tax re-evaluation and we will pay more county and town taxes. The police department is doing an excellent job, but he couldn't see the increase in their budget. Alderman Smith also felt that we should keep the vehicles longer. He couldn't justify buying three new police cars right now. He asked why we have so much money in maintenance repair if we have new vehicles.

Alderman Sizemore noted that he presented an analysis of a budget through the years. In regard to property evaluation, he spoke with Ken Joyner; this increase is because they gave everyone a 20% reduction. We are stuck with this amount for the next 5 years. We have to look at our overall tax increase. In regard to the police budget, some of it was due to the storm and overtime was paid. Three new police cars are needed and we get a 40% return to the Town when we sell them. If we wait longer there would be more repairs and we won't be able to sell them at a good cost. You have to look at the next 3 or 4 years. We will save the town money in the long run. We are not increasing the taxes on the town. Alderman Sizemore did feel that training in the Inspection Department should be reduced and suggested that Mr. Hammond's training also be cut. We could reduce some of these items and put them in the contingency fund.

Alderman O'Donnell noted that this is his first experience working on a budget. He noted that there has been a \$116,000 budget increase since starting the workshop. We gain and we spend. People's taxes are going up considerably. We are not representing the citizens of this town. This budget is based on a 6% increase over last year. Departments are increasing 50%. Alderman O'Donnell did state that he is very supportive of the Police Department. He also felt that training should be cut for the Town Manager and the Inspector. This budget should be cut \$100,000 and the tax rate set at .41.

Alderman Flynn stated that last year when going through the budget we had more workshops, but we have had two good workshops this year. We've had detailed discussions at all the meetings. Last year we knew we were in for a couple of tough years. We looked at what had been done to us because of the hurricanes. In regard to CAMA and Inspections, Alderman Flynn hoped that we didn't have to go through any hurricanes without our own CAMA and Town Inspector. This is a good budget. We have had significant commentary on this budget and we have had the opportunity to discuss this budget. In addition to analysis, we have gone into detail about vehicle requirements. We understand our lease contracts. We have a significant control on comp time at this time. We need to get through the 2000/2001 budget. The Town Manager could do a better job at tightening training. All excess dollars should go to the contingency fund. We have a Town Manager who knows how to control spending this year. The Department heads are aware of what we need to do to get past these two tough years. Alderman Flynn's viewpoint was that at this time that he move to approve this budget as presented to us by the Town Manager, acknowledging that we need to adjust the training expenditures. Alderman Flynn stated that it is premature to determine the cost of beach renourishment since it is a complex subject. We haven't mentioned the accommodation's tax and this would change our dune fund capability.

Alderman Smith stated that we have people who volunteer their time on the Beautification Committee and we need more money in that fund to beautify our town.

Alderman Hillyer noted that in the last year the town has eliminated four positions saving \$130,000. This has put a burden on our administration and further cuts will make the town less people friendly. We need to keep the employees feeling good about their jobs. Cuts have to be reasonable.

Alderman Sizemore noted that in regard to Kay Smith's comments, she had nothing good to say about the employees other than the Police and Fire departments. Other departments should be a friendly resource and not a hindrance. Our town employees need to get to know the citizens.

Alderman O'Donnell proposed cutting \$100,000 not for the sake of cutting, but for the citizens.

Mayor Bostic noted that he has had a lot of tough decisions in this town in the past 10 years and everyone's issue is important. He stated that when employees go to training they should say what they expect from a class. A summary should be filled out as to what they learned and what will benefit the town. Another issue is that more employees should live in the town and we could look into providing a housing allowance to entice them to live here. At this time we have one officer who lives here. The Police need to be more of a part of the community. We need to consider this in the future. Mayor Bostic encouraged Mr. Hammond not to buy some things since we have to watch our expenses.

Alderman Flynn moved, seconded by Alderman Hillyer to adopt the 2000/2001 budget as presented by the Town Manager and to reduce training expenditures in administration and inspections. The motion passed with Alderman Smith and Alderman O'Donnell opposing.

Mr. Hammond noted that there were some problems with the Penta house. When the Board designated the Town Manager as the designated applicant he discovered that the contract was invalid that Ms. Potts did. He faxed bid requests to 5 contractors in the area to C.R. Peele, Mitchell Construction, Treasure Coast Clearing & Grading, Humphrey Littleton and Carter Construction. As of close of bids yesterday we received 3 bids. We opened them today with Loraine Carbone and Lydia King. Peele will pay the town \$1,315.00 to remove the structure. Treasure Coast bid \$8999.95 to remove the building and Carter Construction bid \$12,500.00. Mr. Hammond called our attorney, the contract specialist at the Institute and FEMA. It is legal for C. R. Peele to pay us. Mr. Hammond read the bid request that all contractors received. He called Mr. Peele to see if this is what he wanted to do. He said yes. Alderman Flynn asked if there was a penalty if it went over 90 days. Mr. Hammond did not know, but would find out and would let the Board know. Mayor Bostic asked if something happened to the house would we be liable.

Alderman O'Donnell moved, seconded by Alderman Smith to accept C. R. Peele Construction Co. bid of \$1,315.00 to the Town and allow the Town Manager to sign the contract. The motion passed unanimously.

Mayor Bostic noted that we received a letter from CAMA stating we were on probation. Mr. Hammond said that decisions were made that CAMA didn't agree with it. CAMA came down last week and looked at 23rd Ave. Ms. Potts authorized Brad Minshew to put in an asphalt road, after he was denied previously by CAMA. CAMA also did not agree on the sea wall that was done at the Villa Capriani. Ms. Potts told Charles Jones what they wanted to do and he agreed at the time, now CAMA is backing out of it.

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We are now on a 90-day probation with CAMA. Attorney Fuss is drafting a letter up. Alderman Flynn said he wants to see what constraints the Town Manager has put on the CAMA program management. Mr. Hammond said that the road would have to be taken out. He also said that he spoke with Charles Jones yesterday and when Ms. Potts made these decisions the state should have been monitoring her. Alderman Flynn asked that the Town Manager review all of the permits that have been done in the past. Mr. Hammond said Sue McLaughlin is going through all the permits to make sure they are correct.

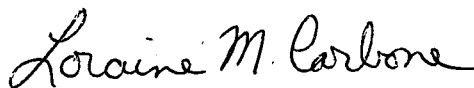
Alderman Smith asked Mr. Hammond if there was a building moratorium at Roger's Bay Campground. Mr. Hammond said most construction that has been going on has been done without CAMA permits. Alderman Flynn said that it might be appropriate to get input from all department heads as to what has taken place in the last 30 days. Mr. Hammond said he has asked departments to do so.

Beverly Sizemore asked if we could post permits so that they would be visible. Mrs. McLaughlin is doing that now to ensure that adjoining property owners know. Mrs. Tuman noted that when you read the legal notices you can't figure out where the property is, the tax parcel is noted, but there should be a notation of the actual street.

Mr. Hammond noted that Loraine Carbone did an informational brochure about the town. We will present this at the June meeting and will get costs to print it.

ADJOURNMENT: Alderman O'Donnell moved, seconded by Alderman Smith to adjourn the meeting at 9:10 p.m.

Respectfully submitted,



Loraine M. Carbone
Town Clerk

12-11-99
The proposed budget is 6% increase over last year's original proposed budget of \$1,740,118.00. If the Board of Aldermen feels the urgency and need to cut expenditures even further, please be advised that it is against my advice to cut the expenditures because I feel we are at the bare minimum.

With this proposed budget, we have eliminated two administrative positions, reorganized and consolidated those duties and responsibilities, and propose the hiring of an additional person for the Public Works/Fire Department.

Revenue Highlights:

The dollar amount shown in the current year taxes reflects an increase of last year's tax base.

General Fund Undesignated Fund Balance was 384,463.00 as of June 30, 1998, and \$502,349.00 as of June 30, 1999 showing an increase of \$117,886.00.

Expenditure Highlights:

The general fund budget provides for the operation of the town, the maintenance and operation of equipment and buildings, the payment of debts incurred by the town, salaries and fringe benefits for employees, acquisition of limited equipment items to ensure the effective operation of town government.

Expenditures for all departments have been estimated to provide funds for all required expenditures such as personnel cost, committee expenditures, vehicle maintenance, needed supplies and materials, employee training, minimal capital outlay equipment and payment of the Town Hall construction loan obligation.

Capital Outlay Expenditures:

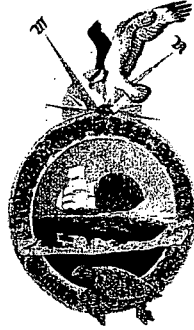
The minimal capital outlay expenditures for 3 Police vehicles and 1 Code Enforcement vehicle will be offset by the surplus sale of 5 high mileage vehicles. The purchase of fire hose and fire related equipment is important to maintain the safety, health and welfare of our citizens and to provide additional equipment to maintain our 6-fire rating.

Personnel:

As described above, the proposed 2000/2001 budget incorporates a reduction of 2 Administrative positions while adding 1 additional person to Public Works/Fire Department. North Topsail Beach is fortunate to have a dedicated, qualified professional staff that often repairs/maintains equipment and works to provide exceptional service to citizens and save the town funds, often on their own time. Without this dedication and caliber of employee the town would experience a much higher operating cost.

As a service oriented entity, functions of the town will continue to be extremely labor intensive. Therefore, to ensure a successful, progressive future, a motivated, qualified and stable work force will continue to be the most valuable asset for the town.

Town Of North Topsail Beach



To: Honorable Mayor and Board of Aldermen

From: Charles A. Hammond, Town Manager, North Topsail Beach

Date: May 18, 2000

Re: BUDGET MESSAGE FOR FISCAL YEAR 2000/2001

The proposed annual budget for the period beginning July 1, 2000 and ending June 30, 2001 is herewith presented. The total requirements being assessed against the General Fund Accounts is \$1,838,422.00 and with the Police Asset Account of \$8,500 the total budget is \$1,846,922.00.

The budget, including revenues and expenditures for each department has been proposed in accordance with the Local Government Budget and Fiscal Control Act. The requirement that all obligations be encumbered on the appropriate record will be realized. A monthly report will be rendered to the Board of Aldermen, which will indicate the cumulative status of revenue and departmental expenditures for each fund.

We hereby request the Board set a budget public hearing for May 18, 2000 at 7:00 p.m. in the North Topsail Beach Town Hall meeting room to receive citizens input. This date will be published as required by law.

Property Tax Rate:

The General Fund Property Tax rate for fiscal Year 1999-2000 was forty-five cents (.45) per 100 assessed valuation. Five cents (.05) of this recommended .45 was set aside in the Dune Renourishment/Dune Stabilization Fund as requested by the Board of Aldermen. The remaining forty cents (.40) was used for town operations. This following recommendation is made after giving due consideration to the many complex facets comprising this proposed budget for 2000/2001.

With the current tax rate of .45 cents, the anticipated revenue from ad valorem taxes based on current valuations of 239,860,761 at a 97% collection rate is \$1,046,992.00. Added to this the additional expected revenues of \$791,430.00 and the Police Asset Fund of \$8,500.00 we have a total expected revenue of \$1,846,922.00. With the expected revenues of \$1,846,922.00 and the expected expenditures of \$1,823,418.35 there is a difference of \$15,003.65 which when placed in the Contingency Line Item will balance the budget.

General Fund Revenues

301	Property Taxes	\$1,063,492.00
310	Inventory Tax reimb	\$15,000.00
317	Penalties & Interest	\$3,000.00
325	Privilege Licenses	\$5,000.00
328	Cable Franchise	\$12,000.00
329	Interest on Investments	\$31,500.00
335	Miscellaneous	\$4,450.00
336	Donations/ Miscellaneous	\$90,850.00
337	Utilities Franchise Tax	\$65,500.00
339	Intangible property tax	\$21,425.00
341	Beer & Wine Tax	\$4,600.00
343	Powell Bill	\$39,857.00
345	Local Option sales tax	\$112,500.00
346	Local Op Sales Tax- Co	\$52,000.00
348	NCLM Grant/GHSP	\$27,000.00
349	Mosquito Grant	\$3,000.00
351	Officer Fees & violations	\$4,500.00
351	Police Dept Training	\$500.00
355	Building permits	\$29,700.00
357	CAMA Permits	\$10,710.00
359	Refuse Collection	\$183,180.00
367	Tax Refunds- State/Federal	\$14,550.00
368	Other State/County Revenues	\$14,108.00
383	Sale of fixed Assets	\$30,000.00
399	Fund Balance-appropriated	<u>\$0.00</u>
	SUBTOTAL	\$1,838,422.00
	Police Asset Fund	<u>\$8,500.00</u>
	Total Overall Budget	\$1,846,922.00

Break down of General Fund Revenues

10-301-00 Taxes Current Year \$ 930,659.00

This number is based on an estimated valuation of 239,860,761 as of January 31,2000 at 40 cents per hundred valuation at 97% collection rate (tax rate 45 cents) This is an increase from the 1999-2000 budget. This valuation is an estimate and the valuation numbers may change before June 30,2000.

10-301-01 Taxes Prior Year \$ 16,500.00

Back taxes paid from all prior years. There is no set collection rate for this line item.

10-301-05 Beach renourishment/dune \$ 116,333.00

This line item is increased due to the increase in the valuation of the property based on 5 cents per hundred of the property taxes collected at (97% collection) for the current year.

10-310-00 Inventory Tax Reimb \$15,000.00

10-317-00 Penalties & Interest 3,000.00

10-325-00 Privilege License 5,000.00

10-328-00 Cable Franchise 12,000.00

10-329-00 Interest on Investments \$ 31,500.00

10-335-00 Miscellaneous 2,000.00

10-335-01 Fran Reimbursement -0-

10-335-02 Grass Mowing Reimb 1,700.00

10-335-07 Bonnie Reimbursement -0-

10-335-10 Miscellaneous Permits-Fines 250.00

10-335-15 Misc. Insurance Payments 500.00

This line item is used for unexpected insurance payments. Such as pay out of wrecked vehicles or insurance refunds when vehicles are dropped from our policy.

10-336-06 Donations-Beautification 850.00

10-336-08 NTB Holiday Donations -0-

10-336-09 Lease Pmt for Cars 90,000.00

This line item is to show the revenues from the bank for the payment of the total invoice amount for 4 new vehicles.

10-337-00 Utilities Franchise Tax \$ 65,500.00

10-339-00 Intangible Property Tax 21,425.00

10-341-00 Beer & Wine Tax 4,600.00

GOVERNING BODY

10-410-02 Salaries: \$3,840.00

1 meeting per month; Mayor \$70.00 and Aldermen \$50.00 each monthly

10-410-04 Professional Services: \$14,000.00

Attorney retainer @ \$1,084.00 per month plus additional consultation fees

10-410-05 FICA: \$300.00

10-410-14 Travel and Training: \$ 0.00

For travel and training expenses of new board members to attend various training classes and seminars offered by the NCLM.

10-410-42 Charter Codes Service: \$2,600.00

Fee/inclusion into code books for new ordinances and changes to existing local laws. Updates every 6 months (Municipal Code Corporation)

10-410-43 Auditor: \$12,000.00

Budgeted for auditor report services for 00/01 plus any additional consultation fees.

10-410-45 Tax Collection Fees: \$19,387.00

1.5% fee charged by Onslow County for billing and collecting the town property taxes and refuse fees.

10-410-50 Donations to Other Organizations: \$1,000.00

Donations to organizations allowed by General Statutes

10-410-51 NTB Holiday Donations: \$000.00

this is the expense line item for holiday donations that are collected by the town

10-410-53 Dues and Subscriptions: \$800.00

10-410-57 Miscellaneous: \$100.00

10-410-58 Tax Refunds: \$400.00

10-410-80 Storm Damage: \$000.00

10-410-93 Employment Security Commission: \$1,500.00

For any unemployment wages that may be paid during this fiscal year or prior years due to employee discharge.

Total Budget request for The Governing Body: \$55,927.00

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10-420-10 Employee Training: \$5,323.00

The requested amount is to cover training seminars, job specific schools, certifications, and conferences for the three administrative positions. All positions require annual refresher, update, certification and continuing education.

Town Manager: 2 North Carolina City/County Manger Seminars
1 International City Managers Association Seminars
4 Institute of Government (quarterly conferences) classes

Town Clerk: Clerks' Conference
Clerks' School (2nd year certification)
January Clerk School

Finance Officer: Cash Management Class (IOG)
Fixed Assets Class (IOG)

10-420-11 State Telephone, Cell Phones & Postage: \$30,000.00

These figures are based on historical date of fiscal year 99/00 and includes the additional cost of the mail meter fee and quarterly news letter cost not anticipated last year. (All departments)

10-420-12 Town Manager Expense Account: \$1,200.00

This is the second year of this line item, it is requested that this amount be budgeted for unexpected visitors, dinners and lunches in relation to official business such as the monthly Onslow County Mayors meetings, monthly County Managers meetings and Four Town meetings. This figure is based on actual expense incurred to date and estimated cost for the remainder of the year.

4 x \$90.00 (4 Town meetings), 12 x \$45.00 (Monthly Mayors meeting's),
12x \$7.00 (County Manager's lunching)

10-420-14 Employee Travel-Mileage: \$500.00

Even though we have allocated an administrative car, there are times that more than one person is on the road conducting official business, therefore requiring some funds for mileage.

10-420-16 Maintenance & Repairs of Equipment: \$460.00

Requested amount to be budgeted for this line item to cover unexpected expenses such as printer replacement, older computer repairs, and repairs out of the scope of the warranty.

10-420-54 Insurance and Bonds: \$18,000.00

An estimated amount budgeted to cover any necessary type of insurance other than group insurance, such as Public Official's bonds and liability bonds. This figure increased over last year due to shift of line items from other departments and consolidated billing.

10-420-57 Miscellaneous: \$250.00

For unanticipated, one time expenditures.

10-420-74 Capitol Outlay: \$000.00

10-420-76 Lease Purchase Agreements: \$17,232.00

This amount is budgeted for lease purchase contracts such as the computers, copiers and fax machines. This is the final full year on the lease agreement, fiscal year 01/02 will only have 3 months for the contract to be completed, at which time we can lease new equipment, or continue at a discounted rate, or purchase outright!

Total Budget Requested for Administrative Department: \$ 259,827.00

Tests: 1) No Test

Seminars: 1) North Carolina Building Inspectors Association – John
 2) North Carolina Ellis Chapter IAEI – John
 3) North Carolina Plumbing Inspection Association – John
 4) North Carolina Mechanical Inspection Association – John
 5) SBBCI Code Enforcement Managers
 6) FEMA Damage assessment
 7) FEMA Residential Construction
 8) Institute of Government Law & Administration

Mail arrives daily with Courses and Seminars that pertain to coastal areas; some of these courses are very beneficial to Town and their citizens. By attending these courses and meeting with officials from similar Towns a lot of ideas can be shared. We all know the wealth of sharing. These Seminars deal with Building Code issues, FEMA issues, NFIP issues, Institute of Government, etc. By allowing for extra money in the training area, and picking and choosing with careful thought and consideration, these seminars will be beneficial to all involved.

10-491-14 Travel Mileage: \$ 0.00

Use of town vehicle is required

10-491-16 Maintenance repairs Equip: \$0.00

Miscellaneous repair on printer, tools, and adding machine, etc.

10-491-17 Maintenance Repair Vehicles: \$500.00

battery, filters, wiper blades, headlights, taillights, etc.

10-491-31 Auto Supplies: \$1,200.00

Tires, oil, gas

10-491-33 Department Supplies: \$1,500.00

New code books and revisions, code books on disc, business cards, tape recorder, tapes, batteries, file cabinet, book shelves, reference books, books in Town Ordinance that we do not have.

10-491-53 Dues and Subscription: \$ 500.00

Membership to SBCCI, NC State Builders Code, IAEA, NC Plumbing Association, NC Mechanical Association, Standard Certificate Renewal, Probationary Certification as well as Zoning dues & subscriptions

10-491-54 Insurance: \$500.00

for deductible

Police Department Budget 2000 – 2001

10-510-02 – Salaries: \$284,434.00

The salaries were, based on current salary plus a 2% cost of living increase, and a one step eligible merit increase in accordance with the maps Study and Evaluation System, longevity pay for full time employees as well as eight hours of overtime per officer per month. Overtime is generally used for court purposes as well as officers to take the place of officers that may be out due to illness, or unforeseen emergencies that can arise. We have used comp time in lieu of overtime in the past. We are trying to get away from this practice. And always try to keep overtime down, and also try to trade out time within the same pay period. Also overtime was not added for the chief or sergeants. One factor that increased this item was the raises afforded to the patrolmen and secretary after the hurricane.

10-510-03 – Part-time Salaries: \$9,450.00

This is used for Reserve officers to aid in manpower shortages, such as full time officer vacation, school, and sick leave. It has also been proven cost effective to work our reserves to allow our full time officers to trade the accumulated comp time to help control the high number of hours. Also added in was the longevity pay for part time officers, that was previously not added in but, is in town policy.

10-510-04 – Professional Services: \$1,200.00

This is used for drug screening, physicals, psychological exams, and hepatitis shots.

10-510-05 – FICA: \$21,760.00

Based on 7.56 % of salary figures.

10-510-06 – Group Insurance: \$23,400.00

Health and dental benefits for employees.

10-510-07 – Retirement: \$28,444.00

Based on 10% of salary figures.

10-510-08 – 401K: \$14,222.00

Based on salary figures. Law enforcement is 5%.

10-510-09 – Workman's Compensation: \$ 1,000.00

These funds are for deductibles should we need to file a claim.

10-510-10 – Employee Training: \$ 4,500.00

These funds are for training and legal updates maintaining certificates, maintaining current in changing areas, and software.

10-510-57 – Miscellaneous: \$500.00

Unexpected costs, emergency, lock keys.

10-510-74 – Capital Outlay: \$96,000.00

This is for first payments and origination fees for 3 vehicle payments. All outfitting and stripping cost of the vehicles will be done in house to help keep costs low.

We had anticipated the sale and replacement of all 1996 vehicles. And the proceeds to off set the first payments for the new replacement vehicles. The take home program has decreased our maintenance budget. If we can plan on replacing these vehicles at 70 to 75, 000 miles we can expect a reasonable resale value that will help offset the replacement costs year after year.

10-510-75 – Vehicle Purchase: \$28,576.00

These existing vehicle loans will be last payment on 1999's, and second payment on 2000 models.

Total Budget

\$ 601,386.00

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North Topsail Beach Public Works

10-545-17 Maintenance/Repair of Vehicles: \$ 3,420.00

The \$3420.00 amount is for any repairs on the Dodge, Chevy truck and the 5-Ton dump truck.

10-545-31 Automotive Supplies: \$ 6,000.00

The \$6,000.00 will be used for oil, gas, and tires only.
We have no spare tires for the 5-ton

10-545-33 Supplies/Material: \$ 5,000.00

The \$5,000.00 will be used for tools, nuts and bolts, cleaning supplies, maintenance supplies for other department building (minor repair), welding rod & supplies, lumber & nails, signs for both beach and where ever signs will be requested by the Town. Ground maintenance supplies.

10-545-34 Chemical – Mosq. Control: \$ 5,500.00

The \$3,500.00 will be used for chemicals and repair to Vector machine.

10-545-36 Uniforms: \$ 1,800.00

The \$1,800.00 will be used to purchase uniforms.

10-545-53 Dues/Subscriptions: \$ 100.00

The \$100.00 will be used for advertisement, Sam' Club membership, and subscriptions about Vector control.

10-545-57 Miscellaneous: \$ 500.00

The \$500.00 will be used for an item or items deemed needed one time only.

10-545-74 Capital Outlay/Equipment: \$ 8,400.00

1. Purchase two (2) new tires for Case Loader. \$ 1,900.00
2. Wheel Balancer & Tire Changer \$ 6,500.00

(Finance with FCB would be at 9.5% with 20% down. We would be financing \$4,800.00 at three (3) years for \$1,761.04 we would end up paying (est.) \$483.12 in interest for a total in three (3) years of \$6,483.12. With down payment \$ 1,200.00 + \$ 1,761.04 = \$2,961.04. The \$ 2,961.04 would replace the \$ 6,000.00 if financed.)

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NORTH TOPSAIL BEACH FIRE DEPARTMENT

Enclosed is the budget requested for the North Topsail Beach Fire Department for fiscal year 2000/2001. Each item is listed by account number with an explanation of how the figures were derived.

10-690-02 Salaries: \$49,215.00

We currently do not have enough daytime personnel to fight a structure fire. That is with one engine, one hoseline response. Additional engines, hoselines on a multi-occupant residence would require more personnel. Out of (3) three personnel, (2) two people are available during the daytime hours on a permanent basis providing one of those two are not on vacation leave or sick leave.

The North Topsail Beach Fire Department currently has 35 members. However, only 8 members are active firefighters when not at their work place or living normal lives. This still leaves the town wide open during the day with only (2) two people. Out of 52 calls (Structures in NTB only) the fire service had a turn out on the average of 4.9 firefighters per call. We still do not meet the two in two out rule of OSHA guidelines. This is not helping the towns ISO rating at all. You can only pull the leg of a dog so long and before you know it you have been bitten. I have proposed the hiring of (2) two firefighters in past budgets and again this budget. Last years budget I stated that Volunteerism is getting less and less every year and all over the state of North Carolina, and yet the police department salaries increase every year with the cost of living and raises and this makes it tougher for the tax payers to even think of paid firefighters. (The mention of the police Department by me is in no shape or form of downing this department!) The Fire Department is the biggest asset in this town and to its citizens. We are the only department in reality that is saving our homeowners money (\$380,000.00 +, COLLECTIVLY) by having a class 6 ISO rating. We must maintain our ISO rating!

Fire Marshal salary will be split between public works (50/50) (\$43,000.00) \$21,500.00
Assistant Fire Marshal salary will be \$27,715.00 All include 2% cost of living, longevity and raises.

NORTH TOPSAIL BEACH FIRE DEPARTMENT

10-690-33 Supplies / material: \$5,610.00

SCBA spare bottles X 12 @ \$445.00 Each = \$5,340.00

(All breathing air bottles have a shelf life 15 years unless damage severe damage is done to the bottle. We have 8 bottles that will be out of date this years budget. In budget 2001/2002 we will have 8 bottles to replace and 2002/2003 budget 8 bottles to replace and the next budgets. This will go on for a total of 5 budget year spread.)

The National Institute for Occupational Safety and Health (NIOSH), DOT requires the requalification (hydro-testing) of all DOT-3AL composite (hoop-wrapped) cylinders every 3 years. Manufactures warning label states, Destroy composite cylinders with original hydrostatic test dates 15 years old.

Aim O2 sensors X 2 @ \$135.00 Each = \$270.00

(The type Aim sensors we have to replace the is O2 sensor every 12 months and the CO2 sensors every two years. We have two of these detectors.)

10-690-34 Volunteer Expenses: \$1,000.00

This will be used for Hep – Vac shots.

Classes attended (registration Fee's)

Every Two Years: This Department hosts the Onslow County Firemen's Association
At this function we cater the dinner. = \$250.00 (Will be this November 2000)

10-690-36 Uniforms: \$1,998.00

This will be used for t-shirts cost \$8.00 ea. X 96= \$800.00 plus tax, sweatshirts \$12.00 ea. X 48= \$567.00 plus tax and hats \$10.00 ea. X 48= \$480.00 plus tax. **These are incentives to the volunteers. A small price to pay a person for being a volunteer for North Topsail Beach Fire Department. It works out to be about \$40.00 a volunteer.**

10-690-53 Dues / Subscriptions: \$1,500.00

This will be used for membership to NFPA \$630.00, International Association of Arson Investigators \$50.00, Fire Chiefs Association and NC Firemen's Association \$40.00, Fire News and NFPA Standards are included. Also Firemen's pension Fund \$240.00 and Annual Fire Department membership roster \$5.00 per firefighter est. 36 firefighters x \$5.00 = \$180.00. IFSTA training Manuals \$360.00.

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Elections

10-430-26 Election Advertising No election this fiscal year
10-430-57 Election Expenses

Public Buildings/Facilities

10-500-13 Utilities: **\$18,500.00**
All utilities have been moved to this line item for town hall, fire department
and public works.

10-500-15 M&R Public buildings: **\$5,000.00**

10-500-45 Pest Control: **\$1,000.00**
Pest Control for public buildings.

10-500-54 Flood/building Insurance: **\$11,183.00**
Flood Insurance for town buildings.

10-500-72 Future Facilities:
No budget amount this year

10-500-76 Notes payable BB&T: **\$130,582.35**
Payment for Town hall.

10-500-80 Storm Damage: -0-
Will be used in storm event

Total \$ 166,265.35

Streets

10-560-13 Street Lights: **\$17,000.00**

10-560-33 Departmental Supplies: **\$1,000.00**
Supplies for streets such as road signs, sign posts, etc.

10-560-73 Street Repair/Construction: **\$19,930.00**
Powell Bill

10-560-80 Storm Damage: -0-
Total \$ 37,930.00

TOWN OF NORTH TOPSAIL BEACH
REGULAR BOARD MEETING
JUNE 13, 2000
7:00 P.M.

PRESENT: Mayor Marty Bostic, Mayor Pro-tem Steve Smith, Aldermen John Flynn, Peter Hillyer, Bill O'Donnell and Otis Sizemore, Charles Hammond, Town Manager, Loraine Carbone, Town Clerk, Bill Fuss, Attorney

QUORUM: Mayor Bostic called the meeting to order at 7:06 p.m. in the North Topsail Beach meeting room and declared a quorum present.

PUBLIC HEARING: Mr. Hammond noted that per the letter dated May 3, 2000 from Onslow County, North Topsail Beach must re-advertise and hold its Public Hearing on its support of "Onslow Water and Sewer Authority".

During the advertisement phase, we failed to publish the entire Resolution and Articles of Incorporation. This is a State requirement.

Therefore, as a formality, we had to re-advertise the Public Hearing and re-adopt the Resolution of Support.

Alderman Flynn moved, seconded by Alderman Smith to close the Public Hearing at 7:10 p.m.

**APPROVAL OF
AGENDA:**

Mayor Bostic requested that we move the open forum after Request to Address the Board since he was asked by citizens that this be placed earlier in the agenda. Alderman Hillyer added, under new business, the naming of a street. Mr. Hammond requested that we add the resolution and articles of incorporation for the Onslow County Water and Sewer Authority under old business. Also, under new business, add the reimbursement to FEMA for Hurricane Bertha. Alderman Smith noted that the Town is 10 years old and we need to celebrate and added this item under new business. Alderman O'Donnell moved, seconded by Alderman Smith to approve the agenda with the appropriate changes. The motion passed unanimously.

Mayor Bostic presented Thomas Best, John Porterfield and Louis Denoia with certificates of appreciation. Mr. Best has worked for the Town for 10 years. Mr. Porterfield and Mr. Denoia have both worked for the Town for 5 years.

**APPROVAL OF
MINUTES:**

Alderman Peter Hillyer moved, seconded by Alderman Flynn approval of the May 4, 2000 Public Hearing and Regular Board meeting minutes. The motion passed unanimously. Alderman Sizemore had a change to the

May 18th minutes, on the 2nd page, 4th paragraph, instead of "our" house replace it with "her" house. Alderman O'Donnell moved, seconded by Alderman Hillyer approval of the May 18, 2000 Public Hearing - Budget 2000/20001 minutes. The motion passed unanimously.

**REQUEST TO
ADDRESS THE
BOARD:**

Tammy Riddle, of Emergency Management, gave the Board an overview of what her department (N.F.I.P.) has done in North Topsail Beach. Back in May FEMA and State staff discussed the town's flood program. They found problems with the program and we could be put on probation if the problems are not corrected. The Town has until August 15th to show improvements. Ms. Riddle noted that Mr. Starzynski is correcting these problems. Mayor Bostic asked how many towns have been on probation. Ms. Riddle said that there are several communities that have experienced similar problems. Alderman Hillyer asked if communities were unaware of what needs to be done. Ms. Riddle said yes, that staff was low and they were not following up on the programs. Alderman Smith asked how we could let our community know what they have to do. Ms. Riddle said that public meetings would help and outreach programs are good. Mr. Starzynski said he has many brochures for the public. Mr. Hammond asked if the Board would be interested in a class so we could all be aware of what the requirements are.

Mayor Bostic questioned fill on property. Ms. Riddle said that fill needs a N.F.I.P. permit which is separate of CAMA. Mr. Starzynski is implementing the N.F.I.P. permit as part of his building permit process. Attorney Fuss said that 90% of violations listed were because of lack of documentation. Whenever someone comes in they will now be given all requirements for building. Mr. Starzynski noted that he and Ms. McLaughlin are re-working the ordinance to address these problems. Ms. Riddle said that the major issues were administrative. Ms. Riddle noted that there were also violations with recreation vehicles because they must be road ready. They did not have tags and were not ready to go. In regard to manufactured homes, there were anchoring problems.

Ms. Riddle said that there were also problems with our ordinance since it did not show the town's limits on maps. Since Hurricane Fran we have lost our records and new records must be utilized. Ms. Riddle said that Mr. Starzynski's commitment is great. Mr. Starzynski noted that another problem is gas tanks that are not secured. Attorney Fuss noted that it would be a good idea to have a public hearing as part of the education process. Alderman Flynn asked that a report be made at the next meeting as to the progress we have made. Attorney Fuss felt that we have a model at this time and that we should set a public hearing at our next meeting.

OPEN FORUM:

Sam McGinn noted that a concern is fuel and asked if the town has implemented a program to offset the price of fuel. He said that gas might hit \$2.00 by July 1st in Onslow County and we should consider what we need to do to conserve fuel.

Robert Fox, owner at Roger's Bay, had concerns regarding a moratorium on building permits at Roger's Bay until a CAMA state inspection is done. He called Raleigh and asked them if they were aware of any inspections and they said they weren't. He called Wilmington and they were unaware of it. Mr. Fox also called the Water Quality Dept. and they were unaware of anything. He asked what impervious material is. Mr. Fox noted that Ms. McLaughlin spoke with Ed Cramer and told him that a survey had been done and we are only allowed to have 25% of impervious coverage of the campground. Mr. Fox asked who was in charge of this CAMA inspection and who could he speak to and when would the inspection be done? Mr. Hammond said that Raleigh would not be aware of the problems. The individual in charge in this area is Jim Gregson. Gravel lots were not considered impervious before. Ms. McLaughlin said that the difference in impervious coverage is if you were at an outstanding resource water and then the water control takes over. Mr. Starzynski said that a letter has gone out to the owner of the campground and they were told that we would hold off on any building permits until we get a response from them as to how they would deal with the violations.

Attorney Fuss said that there has been a response today and they have asked for a meeting between the manager of the company and the Town. They want the meeting to educate themselves on what procedures they have to comply with. Violations included CAMA and our own building issues. Attorney Fuss noted that we have a lot of issues that we are attempting to correct. Mr. Fox said that Roger's Bay is in transition at this time and would be turned over to the property owners. Attorney Fuss said that they would get a comprehensive set of regulations, but there is no timetable.

OLD BUSINESS: CAMA GRANT FOR PUBLIC BEACH ACCESS:

Mr. Hammond noted that we received preliminary approval for the Beach Access Grant from CAMA. This does not assure NTB of final approval, only that they (CAMA) want a more detailed project description.

Along with the detailed project description, NTB must pass a Resolution of Support for the project. NTB's cash contribution will be \$20,732.00 as well as \$10,732.00 in kind services.

Original proposed sites might be changed if the Board prefers other locations.

The figures will be cut in half because they were based on incorrect measurements.

Mr. and Mrs. Fields gave Mr. Hammond a letter written in 1994 stating that a crossover was completed across from Roger's Bay. Mr. Hammond couldn't find documentation to this effect. 4th and 13th Streets are ^{12th Avenue S} dedicated easements and there is a dedicated easement at Scotch Bonnet. We can pick and choose what we want to do.

Mr. Hammond asked if the Board was interested in pursuing this. Alderman Flynn said his concern was the method of selection for the number of crossovers. He also noted that the Board directed the Planning Board a few months ago to make an analysis for beach accesses so we could prioritize our requirements. There is value to the Town to get financial support, but Alderman Flynn was not willing to say that these areas would be the final selections. Alderman Sizemore said that the Planning Board has to follow through on reviewing the accesses that we need. Alderman Sizemore asked if we could incorporate into this program to have gravel put on the side of accesses. Mr. Hammond said, probably not, but he would ask. Alderman Sizemore noted that people are getting stuck on Topsail Road. Alderman Smith said that the government looks at how many accesses we offer to the people and it is a strong point when we are looking for funds. Alderman Hillyer asked that if we study this plan, do we have an unlimited amount of time? Mr. Hammond said that June 23rd was the deadline. Alderman Flynn suggested that we put in for the money as long as we are guaranteed that we could change the areas. Alderman O'Donnell felt that it was a good resolution, but we need to look at locations. He also stated that we have 52 beach accesses in our Town.

Mayor Bostic asked Mr. Hammond to contact the Planning Board to address this issue and report back to the Board. Alderman O'Donnell moved, seconded by Alderman Sizemore approval of the Resolution for the CAMA Grant with the caveat that we can determine the exact locations of the crossovers and that the Planning Board review all possible accesses. The motion passed unanimously.

RESOLUTION OWSA:

Alderman O'Donnell still had concerns over this partnership of the Onslow County Water and Sewer Authority. Alderman Hillyer moved, seconded by Alderman Smith approval of the Articles of Incorporation and Resolution to Establish the Onslow Water and Sewer Authority. The motion passed three to two with Aldermen O'Donnell and Sizemore opposing.

NEW BUSINESS: BUDGET AMENDMENT #6:

Mr. Hammond noted that attached for the Board's review and possible approval is Budget Amendment #6. Explanations follow each line item increased.

We anticipate one more budget amendment to cover any other minor adjustments as well as the Hazard Mitigation payment for 271 Jenkins Way.

Alderman O'Donnell was concerned that we keep funneling money from hurricanes into day to day spending and said that we have exceeded funds. He also felt that over-runs needs to stop at some point. Alderman Hillyer noted that budget amendments responds to unanticipated expenses or revenues.

Mayor Bostic questioned the salary increases and asked if they were associated to storms? Alderman O'Donnell stated that Police salaries have increased almost \$39,000. Mrs. King said that some officers left and were paid accrued comp time and vacation time. Alderman O'Donnell requested a break down of line items.

Alderman Sizemore questioned why the sanitation contract increased \$8,500. Mr. Hammond said that the dumpsters put out were a FEMA reimbursement.

Alderman Flynn moved, seconded by Alderman Hillyer approval of Budget Amendment #6. The motion passed with Alderman O'Donnell opposing.

GRAVEL OF JEFFREY'S PARKING AREA:

Over the last two months, the NTB Police Department has assisted 58 vehicles stuck in the sand at the Jeffrey's parking area and 30 stuck at the emergency beach access. This is not counting the vehicles that public works has assisted.

The same problem existed last year until we utilized part of Onslow County's \$10,000 to gravel the lot. We graveled the lot last year to a 2" depth for \$7,335.00. C.R. Peele did the work.

Mr. Hammond noted that there are three bids for 2", 4", or 6" gravel.

We will not be reimbursed to do this. The low bid is from Peele for \$6,486 at 2". Mr. Hammond asked the Board if they were interested in graveling this lot. Alderman O'Donnell said we should just put up some signs to say soft sand. Alderman Smith asked where the funds would come from. Mr. Hammond said the funds would come from the Powell Bill. Alderman Flynn felt that we are putting a patch on things instead of looking at what we actually need. Alderman Sizemore said he has requested parking in other spots and no

promises have been made. Mayor Bostic said that our actions in the past have helped to maintain Jeffrey's property for parking. Alderman O'Donnell felt that only 4 wheel drive vehicles should park there. Mayor Bostic asked Attorney Fuss if there would be a conflict if Peele gets the bid since he works for them. Attorney Fuss said no since the Mayor does not vote.

Mayor Bostic said that we could take Alderman Sizemore's suggestion and use gravel in other areas. Mayor Bostic would like to see Jeffrey's property graveled. Alderman Sizemore questioned the repair of Topsail Road since it is in terrible condition. He suggested that the Town take over Topsail Road and use Powell Bill funds to repair it.

Mayor Bostic requested that Mr. Hammond get additional areas in town that needs gravel. Alderman Smith felt that we should repair Jeffrey's property first and then review other areas. He felt that the Planning Board should also look at parking areas. Alderman Smith moved, seconded by Alderman Hillyer to have the lowest bid, which was C.R. Peele Construction at \$6,486.00 to place 2" of gravel on the Jeffrey's property. The motion passed three to two with Aldermen O'Donnell and Flynn opposing.

UPDATE ON 10-YEAR SOLID WASTE PLAN:

Enclosed for review and approval by Resolution is the 3-year update for NTB in relation to the 10-year Solid Waste Plan adopted in 1997 and as required by G.S. 130A-309-09A.

Each enclosure was updated to reflect the correct contract with Waste Industries as well as what NTB provides its residents.

Alderman Flynn noted that under recycling, where it states Old Folkstone Road, we should tell people exactly where that is.

Alderman O'Donnell moved, seconded by Alderman Flynn to approve the Resolution supporting the 10-Year Solid Waste Plan. The motion passed unanimously.

UPDATE TO HURRICANE PREPAREDNESS PLAN:

The main change to the Hurricane Preparedness Plan is on page 3. For safety purposes, it is requesting the Board approve the modification of this page in which three, two member survey teams were added.

The responsibilities left unassigned due to downsizing have reallocated to other departments.

Bi-monthly meetings are being conducted to ensure each person is aware of their role and responsibility.

The committee has started addressing issues of concern within the new proposal.

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Mayor Bostic said that after disaster hits we need to touch base with homeowner's associations. Mr. Hammond asked Mr. Starzynski to put this in his report. Alderman Sizemore asked for a public hearing on hurricane issues in July so citizens will know what is going on. Alderman Flynn felt that it was late to come out with the hurricane plan. He mentioned that 6 months ago there were comments about issuing permits and asked if we have the best way to issue permits. Do we have better ways to get the word out to the public? Alderman Flynn would like to ensure that what happened before is modified and corrected. He also asked if we have had any meetings with Surf City in regard to the re-entry process. Mr. Hammond said at this time, no.

Alderman Hillyer noted that it was impractical to state that one member of the press would be on a team. It should be first come, first served. Alderman O'Donnell questioned at what condition does this plan go into effect. He was concerned about citizens being inconvenienced unnecessarily. Mr. Hammond said that it depended on the strength of the storm. Alderman Smith asked if we have power to do a mandatory evacuation. Mr. Hammond said that we couldn't make someone leave. Alderman Smith noted that we usually determine an evacuation by the County's actions.

PROPERTY DONATION IN OCEAN RIDGE:

Mr. Hammond reported that Carol Eng, on behalf of her family, would like to donate Parcel 768A, 77 Ocean Ridge, to the Town of NTB. Their request is that the Town pay the \$1,653.23 due in taxes and they will donate this property. If we accept the property, the town becomes responsible for the annual association dues of \$210.00 per quarter.

Attorney Fuss was provided a copy of the restrictions to Ocean Ridge. After his analysis, it appears the property is unbuildable and would afford the town little use. We cannot open it for public use as a beach access because of deed restrictions and suggested that we do not accept this property. Mr. Hammond suggested to Ms. Eng that she approach neighbors to see if they wanted to buy it.

PROPERTY DONATION – LOT 13 – OCEAN CLUB VILLAGE:

Mr. Hammond noted that Mr. and Mrs. Napier wish to donate Lot 13, Ocean Club Village to the Town of NTB. The attorney has researched the title and advised that this property is clear.

Lot 13 is 2 lots north of 13A4. It will afford NTB more beach accesses. Alderman Sizemore commented that we don't need copies of their deed in the future.

Alderman Flynn moved, seconded by Alderman O'Donnell to accept the donation of Lot 13, Ocean Club Village. The motion passed unanimously.

SURPLUS PROPERTY ADVERTISEMENT:

As required by N.C.G.S., Mr. Hammond requested Board approval to declare the following property as surplus and advertise for sealed bids in accordance with NC State law.

1995 Ford 4x4 Bronco mileage 71,868

1995 Suzuki 4x4 SW mileage 52,009

Alderman O'Donnell noted that the mileage is low. Mr. Hammond said that the maintenance would cost us more than what the vehicles are worth. Mayor Bostic asked that Cecil Carter's deal remain of bartering for services. Alderman Sizemore moved, seconded by Alderman Smith to approve the resolution authorizing the disposition of the 1995 Ford Bronco and 1995 Suzuki. The motion passed unanimously.

NTB INFORMATIONAL BROCHURE:

Mr. Hammond requested Board approval to contract with the lowest bid to have the NTB Informational Brochure, which was prepared by Loraine, printed and distributed.

It would be in the FY 2000/2001 budget year before the brochure could be purchased.

The consensus of the Board was to go with 10,000 copies of black and white. Alderman Hillyer moved, seconded by Alderman Smith to authorize the Department of Corrections (Nash Printing), to print 10,000 brochures in black and white. The motion passed unanimously.

STREET NAMING:

Alderman Hillyer noted that Edith Willis, the Shrimp Lady, has passed away and asked that the road going underneath the high-rise bridge be named "Shrimp Lady Lane". The Town Manager was asked to look into doing this. Mayor Bostic said that unofficially we could name it.

FEMA REIMBURSEMENT:

The Town was overpaid \$30,234.00 in regard to a close out on Hurricane Bertha. There was no documentation on salaried employees getting hourly wages. Ms. McLaughlin looked for the documentation and couldn't find it. Alderman O'Donnell asked if we could appeal this. Mr. Hammond felt that we could appeal it, but we would probably still have to pay it. Money is in the contingency line item at this time to reimburse FEMA. Alderman Flynn asked if we could cut a check and then appeal it?

Alderman Sizemore moved, seconded by Alderman Flynn to approve the payment of \$30,234.00 under protest and appeal. The motion passed with Alderman O'Donnell opposing.

TOWN'S 10 YEAR ANNIVERSARY:

Alderman Smith noted that the Town of North Topsail Beach is 10 years old. The consensus of the Board was to strive to have a celebration at Town Hall. A committee will have to be formed and past board members should be involved. Mayor Bostic felt that we need to get more people involved and get donations from homeowner's association and have the event in the fall. Alderman Smith and Alderman Sizemore volunteered to co-chair the committee to celebrate the Town's 10-year anniversary.

MANAGER'S REPORT:

Mr. Hammond reported that the town has received a report from Charles Jones that the CAMA waiver for Surf City applies to North Topsail Beach. NTB has until October 2001 to obtain funding for a beach renourishment project or the sandbags must be removed. In the meantime, they must stay covered and vegetated.

CAMA has ordered 40 Public Beach Access signs to place at crosswalks on the sound and on the ocean sides. CAMA has ordered enough Public Beach Access signs to accommodate all NTB Public Beach Accesses.

NTB received a letter from Representative Ronnie Smith assuring his support to the Beach Renourishment Project.

Onslow County, as well as all its municipalities was recognized by the National Weather Service at a June 1st meeting as being the first County to be deemed storm ready. Finally as a participant in the 150 program, this designation makes NTB eligible for an additional 150 points.

The following were placed in surplus status, and after proper advertisement, the items were sold to Cecil Carter:

- | | | |
|----|----------------------------|----------|
| 1. | John Deer Chipper/Shredder | \$295.00 |
| 2. | Mower Deck (damaged) | \$350.00 |

Per NCGS, the above items, valued less than \$5,000, may be placed on a surplus list and advertised for sale once it is determined they hold no further value to the Town of NTB.

North Topsail Beach is in the final stages of acquisition for 271 Jenkins Way. Approval from FEMA and the State for purchase at \$187,256.53 has been approved. Once the State has the paper work submitted, it will take approximately 15 days to be reimbursed for this expenditure.

Onslow County will allocate \$20,000 for NTB to clean Beach Access 1,2,3 and 4 one time per day, 7 days a week. After a discussion with Tommy Best, one person, part-time, with no benefits, at a cost of \$7.00 per hour for 12 weeks would cost \$3360.00. During the winter/off season, Public Works could handle the job with current staff. It would also give us one additional person for summer hire/help. If we utilized the approved 50/50 person for this task, the Town would not realize any benefit from the hire. Of the \$20,000 after the temp hire, we would net \$16,640.00 in additional revenue.

Mayor Bostic noted that Public Works do not have the time to clean town hall at this time, so how would they have time to clean the accesses. We would be doing the County a favor by accepting this proposal. Alderman Flynn asked what would be the responsibility of our person? Mr. Hammond said to open the beach accesses, clean 1,2,3, and 4, toilets, mop and sweep floors and pick up trash. Alderman Flynn did not agree with the proposal and said that we should reject the offer. Consensus of the board was not to accept it. Alderman Sizemore noted that it does have some merit because accesses are not open enough and they close at 8:00 p.m. Alderman Hillyer thought that it would take more time to do the job than we think it would.

Mr. Hammond noted that Representative Warwick discussed the Town's request for an Accommodation's Tax. His preference is to introduce it in January in the long session. However, he needs assurances from the County Commissioners and local representatives that they unanimously support this issue. At the Board's direction, I will submit to each representative and the County Commissioners, NTB's resolution requesting support for the Accommodation's Tax. In the letter of introduction, I will ask that they please express their support to Representative Warwick.

Mr. Hammond thanked Sallie McGuire for overseeing the work done around the flag pole area. Terra Company planted the bushes and Sallie and a neighbor put up all the rope surrounding the area. There is still some clean-up that needs to be done in regard to the stone and that should be taken care of soon.

Alderman Flynn felt that we should change the configuration of the area to create more parking spaces.

We will need to have a Special Meeting to approve a Budget Amendment to balance out all the expenditures and revenues before the end of this fiscal year. A meeting was scheduled for Thursday, June 29th at 6:30 p.m.

Mr. Hammond said that Spencer Rogers would meet with John Flynn, Sue McLaughlin and himself on Wednesday to establish a beach grass

restoration project. We will tour the beach strand so we can set up a viable and productive plan.

Mr. Hammond congratulated John Starzynksi, one of only 83 code officials to be certified in all 5 levels.

The Inspections report will be in the Board's boxes, along with Fire and Police reports.

Alderman Sizemore asked if we are getting our money's worth from Howard Marlowe in regard to our beach renourishment issues. Mr. Hammond said he has not received a report yet this month.

ATTORNEY'S REPORT:

Attorney Fuss noted that at the last meeting we talked about the law that restricted NTB over certain areas. The act says that the town may not exercise extraterritorial jurisdiction. Before, we could enforce our ordinance on any right of way on a road to our town, but now we cannot. We would need to get the law repealed if you want it changed. Alderman Sizemore said that he doesn't want to see anymore junkyards in that corridor. We shouldn't have our police cross over the bridge to respond to anything until this matter could be resolved. Alderman O'Donnell didn't want to pursue this issue at this time because we are looking for an accommodation's tax now and he didn't think we should upset anyone. He suggested that we wait until after January to act on this. Alderman Flynn did not support our not going over the bridge because we shouldn't shun our neighbors.

MAYOR'S REPORT:

Mayor Bostic noted that the Newsletter from Onslow County was very nice and he commended the County. The Mayor said that he had received a letter of commendation for John Porterfield. Mayor Bostic wanted everyone to keep in mind that the beach is public and we should assist and encourage folks and give them a good feeling that they came to NTB. He also noted that several board members have asked him to streamline meetings and suggested that we schedule a workshop on rules and procedures. Mayor Bostic reminded the town manager that if there are no action items, they should be kept in the Manager's Report.

ALDERMEN'S REPORT:

Alderman Smith reminded members that Town Hall day is June 21st in Raleigh and asked if anyone was interested in attending.

Alderman Sizemore said that he had attended a couple of meetings. One was for utilization of jet service in Jacksonville. Another was the Eastern Carolina Council meeting in Kinston, but nothing much came up there.

Alderman Sizemore was asked by a condo person, that the town put trash containers on the beach in front of their condo and have the Town pick it up.

Alderman O'Donnell requested the report on comp time. Mr. Hammond said he would have it tomorrow.

Mayor Bostic asked if we could scan and email the Board with some of this material.

Alderman Flynn asked Mr. Hammond to discuss with Chief Salese the aspect of requesting that the speed limit be lowered from 55 to 45 from the high rise bridge to the 45-mile area where it now starts. This will be an Agenda item at the next board meeting and we would need a resolution. Alderman Flynn moved, seconded by Alderman O'Donnell to draft a resolution reducing the speed from 55 to 45 from the high rise bridge to the 45-mile posted area on Island Drive. The motion passed unanimously. Thomas Best suggested dropping Topsail Road from 35 to 25 mph. A speed limit is needed on 1568. Alderman Sizemore moved, seconded by Alderman Smith to draft a resolution reducing the speed on Topsail Road from 35 to 25. The motion passed unanimously.

Thomas Best noted that he was dealing with DOT in getting pedestrian signs to be put at Surf City Campground and Roger's Bay.

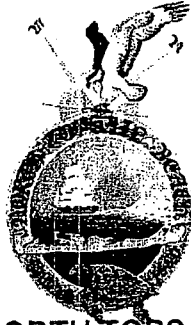
ADJOURNMENT: The meeting adjourned at 10:19 p.m.

Respectfully submitted,


Loraine M. Carbone
Town Clerk

Town Of North Topsail Beach

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#129
P.157



TOWN OF NORTH TOPSAIL BEACH

RESOLUTION TO APPROVE THE UPDATED ONSLOW COUNTY SOLID WASTE PLAN


WHEREAS, better planning for solid waste will help protect public health and the environment, provide for an improved solid waste management system, better utilize our natural resources, control the cost of solid waste management; and,

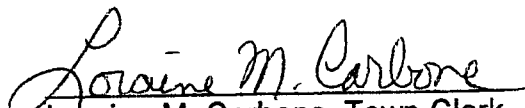
WHEREAS, NC General Statute 130A-309.09A(b) requires each unit of local government, either individually or in cooperation with other units of local government, to develop a 10-year comprehensive solid waste management plan, as well as provide the regional 3 year update; and

WHEREAS, the Town of North Topsail Beach was represented on the Onslow County Planning Advisory Committee and has been actively involved in the planning process;

NOW, THEREFORE, BE IT RESOLVED that the Board of Aldermen of the Town of North Topsail Beach hereby approves the Onslow County comprehensive solid waste management plan and ensure its continued support to Onslow County.

Adopted this 13 day of June, 2000.


Marlow F. Bostic, Jr., Mayor


Loraine M. Carbone, Town Clerk

No. 130RESOLUTION AUTHORIZING THE DISPOSITION OF CERTAIN PERSONAL
PROPERTY BY PRIVATE SALE

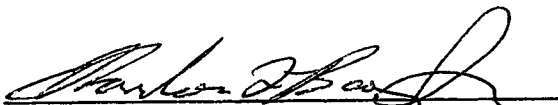
WHEREAS, the Board of Aldermen of the Town of North Topsail Beach
desires to dispose of certain surplus property of the Town;

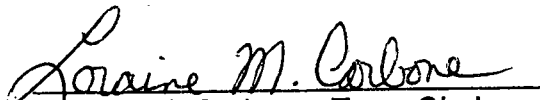
NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen that:

1. The following described property is hereby declared to be surplus
to the needs of the Town of North Topsail Beach:

1995 Ford 4x4 Bronco mileage 71,868
1995 Suzuki 4x4 SW mileage 52,009
2. The Town Manager is authorized to dispose of the described
property by private sale at a negotiated price.
3. The Town Clerk shall publish notice summarizing this Resolution in
accordance with G.S. 160A-267.
4. The sale may be consummated not earlier than 10 days from the
date of publication.

Duly adopted the 13 day of June, 2000.


Marlow F. Bostic, Jr., Mayor


Loraine M. Carbone, Town Clerk

#131 167
p. 159

Resolution No. 131

RESOLUTION TO APPROVE THE CONTRACT BETWEEN THE TOWN OF
NORTH TOPSAIL BEACH AND THE NORTH CAROLINA DEPARTMENT OF
ENVIRONMENT, HEALTH, AND NATURAL RESOURCES

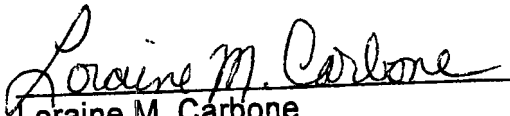
BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF NORTH
TOPSAIL BEACH

- 1) That the contract between the Town of North Topsail Beach and the North Carolina Department of Environment, Health and Natural Resources be and the same is hereby approved.
- 2) That the Mayor and the Clerk be and they are hereby authorized to sign and execute the said contract for and on behalf of the Town of North Topsail Beach and forward the same to the North Carolina Department of Environment, Health and Natural Resources.
- 3) That upon final execution a copy of the said contract be filed with the minutes. Upon motion of Alderman William O'Donnell seconded by Alderman OTIS Sizemore said resolution was passed.
- 4) That the Town of North Topsail Beach will provide the required local match of \$21,465.00.

I, Loraine M. Carbone, Town Clerk of the Town of North Topsail Beach, North Carolina do hereby certify that the foregoing is a true copy of the proceedings of the Town Board meeting of the Town of North Topsail Beach, at a meeting held on the 13th day of June, 2000 as related to the contract between the Town of North Topsail Beach and the North Carolina Department of Environment, Health and Natural Resources relative to the beach access project.

Witness my hand and the corporate seal of the said Town of North Topsail Beach, this the 13 day of June, 2000.


Marlow F. Bostic, Jr., Mayor

 (Seal)
Loraine M. Carbone
Town Clerk

TOWN OF NORTH TOPSAIL BEACH
SPECIAL BOARD MEETING
BUDGET AMENDMENT
JUNE 29, 2000
6:30 P.M.

PRESENT: Mayor Pro-tem Steve Smith, Aldermen John Flynn, Bill O'Donnell and Otis Sizemore, Charles Hammond, Town Manager, Loraine Carbone, Town Clerk

NOT PRESENT: Mayor Marty Bostic, Alderman Peter Hillyer

QUORUM: Mayor Pro-tem Steve Smith called the meeting to order at 6:30 p.m. in the North Topsail Beach meeting room and declared a quorum present.

BUDGET
AMENDMENT: Alderman Flynn noted that things have done as well as they could considering all the storms we had. He was pleased with the contingency line item and noted that next year we will do even better. Alderman Flynn was in favor of authorizing this budget amendment at the present time.

Mrs. King said some things will still come in and go out and it could fluctuate for the next 45 days.

Alderman Smith said that it means a lot that we are building up the fund balance.

Alderman O'Donnell asked if we were taking out \$42,000 out of the contingency fund and noted that there are overruns in various departments and said it was unacceptable. He also felt that we were increasing the budgets of departments and spending excess funds.

Alderman Sizemore said he has looked at the budget by departments and he didn't find much of a variance. They are not irresponsible and we shouldn't be so harsh in judgment of the department heads.

Alderman O'Donnell noted that the increases ignore the actual budget. Alderman Sizemore said that most of the increases were due to the storms. We have to spend the money wisely and we have done that. We shouldn't cut services for the public.

Alderman Flynn questioned the police department's increase of \$100,000. Mrs. King noted that it was due to the storms and vehicles. Alderman Flynn said that over the last few months of discussions he has not been uncomfortable because in the discussions we've had he has seen the money, and has seen the expenditures and he was comfortable with it. There was justification for the increases.

Alderman O'Donnell said we have excesses because we put too much money in departments at previous budget amendments.

Alderman Flynn noted that because of the storm we wouldn't know what some of our payments would be until they are received. Our role is to try to understand this, but the town manager is responsible for handling the money.

Alderman Smith said we didn't budget for the \$30,000 that we had to give back to FEMA and he understood that. Mr. Hammond noted that any money we have received from FEMA we have to pay bills on.

Alderman O'Donnell was not comfortable with returning the \$30,000 back to FEMA. Mr. Hammond said we cut the check, but it has not been sent out. We have to pay it, but not until FEMA audits the account in Atlanta. Mr. Hammond did send FEMA our rebuttal. If FEMA agrees with it we will throw away the check. If not, it is paid out of this year's budget. Alderman O'Donnell said we should try to get political help.

Alderman Sizemore noted that looking at the police budget's training, we've had new employees, and asked if they were using their training? Mr. Hammond said there was money left over because there were not a lot of classes at the end of the year, but they will be attending classes in the future.

Alderman O'Donnell felt that dues and subscriptions should be decreasing.

Alderman Flynn moved, seconded by Alderman Sizemore to approve the Budget amendment. The motion passed unanimously.

Alderman Smith noted that we have covered everything and let's hope we don't have to deal with any more storms. He also mentioned that the budget reports are so much better and Mrs. King was commended.

COMP TIME:

Alderman O'Donnell has been concerned with the comp time issue. Back in February we owed 1,399 and in June we owed 1,308, showing only a 6% change over 4 months. He would like to see us move quicker in lowering the numbers. Alderman O'Donnell was happy that it was not increasing. Alderman Sizemore said we could ask employees to manage their time and asked if someone was attending a seminar on a weekend why should they receive comp time. Mr. Hammond said that according to Federal law, if it is related to their job, they rate payment for time. If they are not required to attend for their job, then they do not necessarily have to be paid. Alderman Sizemore said that employees should only go to classes when it is approved.

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Alderman O'Donnell was concerned that we are changing our board meeting time again. It is bad for public hearings not to be on the 1st Thursday of the month. Alderman Flynn said we need to get more information out to the community. He noted that he has asked for an information board outside to advertise meetings. He would have no problem moving the hearing to August.

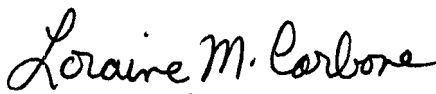
Alderman Smith asked if we were improving our N.F.I.P. Mr. Hammond said that they are making good strides.

The consensus of the Board was to keep the July 6th meeting with a Public Hearing on the Hurricane issues. The N.F.I.P. hearing was postponed until August since Attorney Bill Fuss could not attend the July 6th meeting.

Alderman Smith noted that the Town Hall Day was successful. Beverly Sizemore said that in Wilmington they had buses that went up too.

ADJOURNMENT: Alderman O'Donnell moved, seconded by Alderman Flynn to adjourn the meeting at 7:25 p.m.

Respectfully submitted,


Loraine M. Carbone
Town Clerk

TOWN OF NORTH TOPSAIL BEACH
PUBLIC HEARING AND
REGULAR BOARD MEETING
JULY 6, 2000
6:30 P.M.

PRESENT: Mayor Marty Bostic, Mayor Pro-tem Steve Smith, Aldermen John Flynn, Peter Hillyer, Bill O'Donnell and Otis Sizemore, Charles Hammond, Town Manager, Loraine Carbone, Town Clerk,

NOT PRESENT: Attorney Bill Fuss

QUORUM: Mayor Bostic called the Public Hearing to order at 6:30 p.m. in the North Topsail Beach meeting room and declared a quorum present.

HURRICANE
PLAN:

Mr. Hammond reported that the staff has reviewed their roles and responsibilities and looked at what happened last year. Employees have worked on this plan for the last month. Mike Fickel reported that the plan didn't address what would happen after the storm. We added re-entry after the storm. We set up damage assessment teams. No one else would be allowed on the beach.

We addressed that communications was a problem. Staff meetings will be held during the initial 72 hours in the morning and evening. Press will be able to get accurate information. We consolidated some of the departments that work together.

Alderman O'Donnell asked what kind of condition would initiate the proceedings. Mr. Fickel said anytime we have to move, then safety is a factor.

Mayor Bostic noted that damage assessment teams are here from FEMA and they won't wait for us. Mr. Fickel said we would coordinate that with the police department. Mayor Bostic said that we need to be prepared for these folks. Mr. Fickel said that we can't stop the government, but this is to protect the employees and citizens.

Mr. Hammond noted that we had initially discussed the issue of decals two years ago. We should look at this for next year. Surf City and Topsail Beach both use decals. We could send them through Onslow County or through our newsletter. First decal is free; additional decals are \$5.00. If you change your vehicle you are responsible to take the decal and get another at no cost. Alderman Flynn thought that the system we have has proven to be good. It would be difficult to get decals to folks who live out of state.

Mayor Bostic said that we had decals a few years ago and there were problems with them.

Alderman O'Donnell noted that there have been problems with the passes in the past also since they could be photocopied.

A citizen said on the back of every pass should be your name, address, phone number and license. This is done.

Chief Salese said we had very few problems with bogus passes after Hurricane Floyd.

Mr. Cramer asked why Roger's Bay couldn't get passes beforehand and had to wait until after a storm. Mr. Hammond said that would be removed in the plan. Alderman Sizemore said that campers are probably not residents and they should leave when a storm comes. Alderman Smith said that renters could get passes. Mr. Fickel said that if people do not own their lots where their campers are, they would not come back in right after a storm to reset their campers. Alderman Smith said we don't need to be specific. Alderman Sizemore said we need to be specific. When a camper evacuates he does not need to come back on the beach if there is damage.

Bob Fox said that it should be re-worded into commercial campgrounds. Rogers Bay doesn't rent lots. Mayor Bostic said we need to have something to protect us in regard to re-entry. We have to have legitimate property owners enter NTB while we are under restricted times. The plan is designed to protect everyone. Alderman Flynn suggested striking "when necessary on page 20, #5.

Mr. Hammond asked Chief Salese to discuss re-entry plans with Surf City and Topsail Beach. Chief Salese said that the concerns are communications and general joint operations. They have never made any provisions if the swing bridge came down. They are interested in having Surf City come in through our side and vice versa. As long as we have adequate information, it shouldn't be a problem. Everyone is also interested in an Island Wide aerial video, they want to get together with us and arrange it ahead of time. They have adopted a lot of our ideas. They would work with us on the south end roadblock.

Mayor Bostic noted that we have to change the water to North Topsail Utilities.

Beverly Sizemore asked if all the towns would have the same time curfews. Chief Salese said no decision has been made.

Alderman Sizemore encouraged citizens to get copies of the hurricane plan.

Evacuation signs have been posted around town.

CLOSE OF PUBLIC

HEARING: The Public Hearing closed at 7:07 pm.

CALL TO ORDER: The regular meeting was called to order at 7:15 p.m.

**APPROVAL OF
AGENDA:**

Add under new business a resolution regarding CRC. Alderman Sizemore asked that we add CAMA issues. The open forum was moved ahead of old business. Alderman O'Donnell moved, seconded by Alderman Hillyer approval of the agenda with the appropriate changes. The motion passed unanimously.

**APPROVAL OF
MINUTES:**

Alderman O'Donnell noted that in the June 13th minutes, on page 1, Alderman Hillyer was noted as making a motion and seconding it also. Alderman Flynn had seconded the motion. Alderman Flynn moved, seconded by Alderman O'Donnell approval of the June 13, 2000 regular Board Meeting minutes. The motion passed unanimously. Alderman Smith moved, seconded by Alderman Flynn approval of the June 29, 2000 Special Meeting minutes. The motion passed unanimously.

OPEN FORUM:

Ed Cramer asked for an update of the walkway near the St. Moritz. He stated that this property was deeded to NTB and since Hurricane Fran, it hasn't been replaced. He has a letter from 1997 telling him that the walkway would be replaced. Mr. Hammond said we requested money under CAMA to replace it. Mr. Cramer requested an emergency vehicle access opened there so disabled and older campers can have access to the beach. A temporary crossover was put there a few weeks ago because so many people were crossing over the dunes.

Mr. Hammond said that a request was put through CAMA to build a crosswalk. There is some paperwork that he found, but going through the minutes books he couldn't find a dedication of that crosswalk. Marshall Dotson may have information on that.

Bob Fox noted that there is a lot of information under the Hunter Heath Trust.

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OLD BUSINESS: **BEACH GRASS:**

Mr. Hammond discussed beach grass with Spencer Rogers of Sea Grant and David Nash from NCSU Agricultural Extension Agent. Their suggestion was that we stick to bitter panicum and sea oats. American Beach grass lasts only 2 to 3 years and does not produce well and doesn't multiply quickly. They suggested 67% bitter panicum and 33% sea oats. Mr. Hammond asked for proposals from neighboring nurseries. Sue McLaughlin put together a spreadsheet of the proposals. The best planting would be 5 rows with 3 rows where needed for 135,000 plants at a cost of \$60,750.00. Minimal coverage would be 3 rows with 2 rows as needed, 94,532 plants at \$42,539.00. The bare minimum is 2 rows for 69,532 plants at a cost of \$31,289.00.

There was some initial talk of a 50/50 split and Mr. Hammond is looking at how we could give out ROE's. We could go out with individual requests to ocean front property owners. It will be hard to track if they pay or not. The Prison system could do this work for us, but the quality of work cannot be vouched for. On an average, a 2-person team could plant 1,000 plants a day. Mr. Gordon, of the NC Arboretum has 3 groups of volunteers from the Arboretum, U.S. Forestry and UNCA. We are asked to provide them a place to stay. We could do this at the fire stations. We could also put them up in the conference room. This would be the best-controlled planting group. Mr. Hammond said that he would like to pursue this more to see if they would do the planting. The amount of money is more than what we allocated.

Mrs. McLaughlin noted that there are 700 plants per 1000 linear feet and they are broken down into different rows.

The plants could be planted in October and November.

Alderman Sizemore had concerns about authorizing \$60,000 if we don't end up having any dunes after storms. Mr. Hammond said the attorney could draw up a storm clause. Alderman Sizemore said we had allocated \$25,000. On a cost share basis we could realize \$17,539.00. Could we realize a 70% contribution on a 50/50 share? Mr. Hammond said we should purchase the plants up front.

Mayor Bostic said we need to tackle this issue. There will not be any plants left if we wait. 5% of our tax money is for the dunes. Alderman Flynn said we should authorize the town manager to do the medium coverage and also have the manager to interact with the group that would plant them. We would then start a communication with the owners of the beachfront properties and let them know that we would make additional grasses available for them to purchase. Alderman Sizemore agreed that we should proceed with the R.O.E. and participation of 50/50. Alderman

O'Donnell suggested that we use either 3 or 2 rows and not jump back and forth, but be consistent. Mr. Hammond noted that the rows are based on statistics since Mrs. McLaughlin went out and measured the areas.

Toni, from Shipwatch, asked what multi-plex units would do. Alderman Flynn suggested that we contact the home association first.

Alderman Flynn moved, seconded by Alderman Smith that the town manager accept a bid after discussion with a reputable nursery to use medium coverage at a price of \$42,539 for planting in the fall and contact any organization that would help us with the planting. Alderman O'Donnell suggested that we go with .38 if the nursery is as reputable as the initial nursery. The motion passed unanimously.

NEW BUSINESS: RESOLUTION OF INTENT - TOPSAIL ROAD:

Mr. Hammond noted that we were asked to look into acquiring Topsail Road. He checked with D.O.T. and we would receive an additional \$5,000 to \$6,000 in Powell Bill funds. D.O.T. is now doing some repairs on Topsail Road. There is an area that has a high hump in it. D.O.T. would level that out. D.O.T. has spent \$8,000 to \$9,000 on repairs at this point. We would be responsible for this road if we take it over. We have to look at what will happen to that road after another major storm. Eventually, Topsail Road will have to be relocated or abandoned. Mayor Bostic questioned the \$5,525 in Powell funds. Mr. Hammond received the formula from Charles Riggs.

Alderman O'Donnell had concerns about taking over the expense of this road. Alderman Smith said we have a lot of problems with D.O.T., but we couldn't afford to take the road over. We need to put more pressure on D.O.T. Mayor Bostic asked Jim Gregson if there was a problem of doing 2 or 3 overlays. Mr. Gregson said if we could demonstrate that it would break up it wouldn't be a problem. Last time it was a thin layer that D.O.T. put down. Alderman Hillyer said that it could cost thousands of dollars, do we take it or not?

Alderman Sizemore noted that a year ago he brought in a petition signed by 55 property owners and he didn't get everyone down here. A thin layer of asphalt was put down with a thin layer of gravel. We could get along with crush and run, we have potholes right now. The town could manage the road better than the state could. It's not a CBRA zone, if it is damaged by a storm, FEMA would pay for the repairs if we owned it. Mr. Hammond said it has taken him about 2 months to get D.O.T. down here. Alderman Smith asked if D.O.T. would put down crush and run. Alderman Flynn said D.O.T. is not doing the job correctly, so we would reward them for taking the road away from them. Alderman Sizemore motioned to table this issue and he would have more citizens from Topsail Road here at the

next meeting. Alderman O'Donnell would like the attorney to look at this issue. The citizens do deserve better treatment, but he didn't agree that we should take over the road. Mayor Bostic said we would have to send a letter to the Secretary of Transportation. Jim Gregson noted that if the road was owned by the town it would warrant protection. Alderman O'Donnell seconded the motion to put this issue on next month's agenda and instructed the Town Manager to get a better understanding of what D.O.T. is doing and bring it up to specifications.

Mayor Bostic questioned putting gravel on the shoulder of a road? Mr. Gregson said that if it is in D.O.T.'s right of way it doesn't need a CAMA permit.

AMENDMENT TO PUBLIC SAFETY ORDINANCE:

Mr. Hammond checked with D.O.T. on changing the speed limits on Highway 210 and Topsail Road. A resolution needs to be passed. Alderman O'Donnell moved, seconded by Alderman Smith to pass the resolution decreasing the speed limit from 55 to 45 on Highway 210 from Roger's Bay to the high rise bridge and to also lower the speed on Topsail Road from 35 to 25. The motion passed unanimously.

CRC RESOLUTION:

The Coastal Resources Commission has proposed a 30-foot buffer along all estuarine shorelines. It doesn't affect North Topsail Beach as much as the other towns and they have asked us to adopt this resolution as a joint resolution.

Alderman O'Donnell moved, seconded by Alderman Flynn to pass a resolution exempting all lots lying within the corporate jurisdiction of the Town of North Topsail Beach that were platted prior to the enactment of the pending legislation from the estuarine shoreline 30-foot development buffer regulations as currently proposed by the Coastal Resources Commission. The motion passed unanimously. Alderman Sizemore asked if this is in conflict of our Land Use Plan?

CAMA ISSUES:

Alderman Sizemore noted that CAMA has not been satisfied with our performance. There is a CRC meeting on July 27 and 28 in Morehead City. We need to take a serious look at whether or not we want to run the CAMA program. We need to make sure our people are thoroughly knowledgeable about the permit system. Our citizens are concerned. Alderman Sizemore asked why 23rd Avenue was allowed to be built. Alderman Sizemore asked the board to look hard at this program and see if it is worth keeping.

Alderman O'Donnell asked Mrs. McLaughlin what her experience has been so far. She noted that she hasn't been overruled yet and Mr.

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Gregson has agreed with all her determinations. Alderman Smith asked what the training was. Mr. Hammond said there is a continuous training program. Mr. Gregson noted that there are different sessions and he is available to work with her.

Mr. Gregson said the problem with Roger's Bay is that it is restricted to 25%. There has been a lot of development that has not been permitted. Mr. Cramer said that he has a CAMA permit that says 30%.

Mr. Hammond said that he and Mrs. McLaughlin would appear at the CRC meeting. Alderman Sizemore said we need to tell them what we are planning to do. Alderman Flynn asked that the town manager give his viewpoint of how qualified our CAMA representative is and if she is lacking, what needs to be done to bring her up to speed. Mr. Hammond noted that he has been pleased with Mr. Gregson and his support. There is more value in having control within our own town. We don't have enough determination to make a decision at this meeting. Mr. Hammond said that Donna Moffit has concerns on 23rd Avenue and the bulkhead at the Villa Capriani which were done before Mrs. McLaughlin became the CAMA Officer. Mrs. McLaughlin is tripling the workload that was done before. Mr. Hammond has talked with Jim Gregson about appearing before the CRC board in July. Mr. Gregson feels we have control of the program. If Mrs. McLaughlin has any questions, she calls Jim Gregson and she doesn't make decisions on her own. We need to back her up on the decisions that she does make. She knows the problems we have. Alderman Sizemore said that 23rd is an illegal road and the Board should take the initiative in that area. Mayor Bostic said we would need the attorney's input on this issue.

A special meeting will have to be held before the July 27th CRC meeting to address these issues.

MANAGER'S REPORT:

1. I received confirmation from Jeff Hudson that the Commissioners did approve the \$100,000 contribution for beach renourishment.
2. Jeffrey's parking area was graveled on June 29, 2000.
3. Pridgeon is finishing the final assembly of the bulldozer.
4. CAMA Grant was submitted and I have spoken with Patsy Jordan and the Planning Committee is not prepared to make a presentation in July on beach accesses. However, they will have a detailed report in August. She is waiting on a list of easements, donated property

and unbuildable property. This still gives us plenty of time should we decided to relocate any of the 6 projects.

5. The Hazard Mitigation Grant for Jenkins Way is proceeding as scheduled. We hit one snag with N.F.I.P., but it has been resolved. C.R. Peele has 90 days to remove the house from the time we receive the Title. We have not received the Title yet.

6. OWSA Resolution has been forwarded to Onslow County for submission to the State.

7. I am discussing with DOT and Onslow County about assistance in graveling the DOT ROE in areas of beach accesses. I hope to have more information on this in August.

8. The Information Brochures are on order and should be in by the middle of July.

9. The sign for "Shrimp Lady Lane" has been ordered. As soon as it arrives we will set up a ceremony involving the family of Mrs. Edith Willis.

10. We have submitted the documentation to FEMA concerning the \$30,234.00 reimbursement, along with our letter of appeal and protest. I will keep you posted with any updates.

11. Louise McColl, who is on the DOT Board of Directors, met with Loraine last week and notified her that DOT has approved the naming of the 210 High Rise Bridge in Memory of Trooper Larry Walton. She is in the process of meeting with Commissioner Tony Padgett to set up a dedication date.

12. We have talked with Jim Gregson and he will discuss the newly implemented CAMA procedures with the CRC and has requested that we appear before the CRC in July and request removal from probation. Jim Gregson supports this request.

13. Dick Barnes is interested in selling at a reduced price, the Carol Rovner lot, just south of Jenkins Way. Price tag is approximately \$360,000. We could possibly pursue grants for 50 to 75% of the cost and could turn this lot into a park facility/beach access. I will provide additional information as it becomes available.

Alderman Sizemore had concerns regarding the condemned mobile homes that have not been removed yet. He said that we could have condemned these mobile homes through our own ordinances, somebody didn't do their job on this.

MAYOR'S

REPORT: Mayor Bostic said he enjoyed the 4th!

ALDERMEN'S

REPORT: Alderman Smith reported that he and the mayor went up to Raleigh for Town Hall day. They met with some representatives. They were in session that day so there was not much time to meet with them. We should all try to go next year.

Alderman Sizemore said he was invited to attend a meeting with Commissioner Jim Long on July 20th. We should get him to come to NTB since he is the Commissioner of Insurance. The meeting costs \$250.00 to attend if anyone is interested.

Alderman O'Donnell asked if we get a denial on the \$30,000 reimbursement we should ask for political help. He appreciates the comp time report and was glad to see that it went down.

Alderman Flynn noted that at last month's meeting it was suggested to have workshops on conducting better meetings. Mayor Bostic said we could schedule a workshop the same time we discuss CAMA issues.

ADJOURNMENT: The meeting adjourned at 9:04 p.m.

Respectfully submitted,


Loraine M. Carbone
Town Clerk

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RESOLUTION REGARDING THE ESTUARINE SHORELINE REGULATIONS
PROPOSED BY THE COASTAL RESOURCES COMMISSION

WHEREAS, the North Carolina Coastal Resources Commission has asked that the North Carolina General Assembly adopt legislation that would require the imposition of a 30-foot development buffer along all estuarine shorelines in the counties and municipalities that are subject to the provisions of the Coastal Area Management Act; and

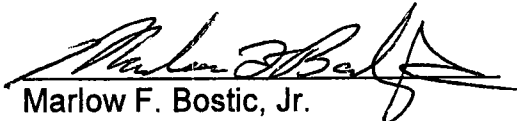
WHEREAS, the Town of North Topsail Beach has many estuarine and canal-front shoreline lots within its corporate municipal boundary that are small and comparatively shallow in terms of lot depth; and

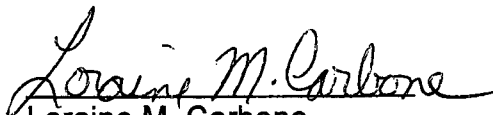
WHEREAS, the imposition of a 30-foot development buffer on many estuarine and canal-front lots within the jurisdiction of the Town of North Topsail Beach would create a significant hardship on the property owners with regard to the potential development, redevelopment, and viable economic use of those properties; and

WHEREAS, any subsequent devaluation of these lots would negatively impact the property tax revenue of the Town of North Topsail Beach and Onslow County; and

NOW, THEREFORE, BE IT RESOLVED that the North Topsail Beach Board of Aldermen does hereby request that the North Carolina General Assembly exempt all lots lying within the corporate jurisdiction of the Town of North Topsail Beach that were platted prior to the enactment of the pending legislation from the estuarine shoreline 30-foot development buffer regulations as currently proposed by the Coastal Resources Commission.

This Resolution adopted this 6TH day of July 2000.


Marlow F. Bostic, Jr.
Mayor


Loraine M. Carbone
Town Clerk

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AN ORDINANCE TO CHANGE THE SPEED LIMIT ON A PORTION OF N.C.
210 (ISLAND DRIVE) AND N.C.S.R. 1583 (TOPSAIL ROAD) IN THE TOWN OF
NORTH TOPSAIL BEACH

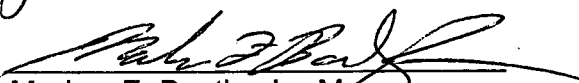
Be it ordained by the Board of Aldermen of the Town of North Topsail Beach that the Code of Ordinances for the Town is hereby amended by adding a new section 6-74 under Article IV of Chapter 6 Public Safety to read as follows:

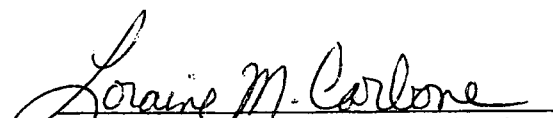
Section 6-74: Speed Limit on SR 1568 (New River Inlet Road), N.C. 210 (Island Drive) and N.C.S.R. 1583 (Topsail Road)

- (a) Purpose.
Pursuant to NCGS 160A-296 & 20-141(f), this ordinance is enacted to provide for the enforcement of speed regulations on streets, roads and highways which are a part of the State highway system within the corporate limits of the Town of North Topsail Beach, and to provide for the general welfare of the citizens of the Town through the uniform and orderly regulation of its streets and thoroughfares.
- (b) Speed Limits.
1. It shall be unlawful for any person to operate any vehicle on SR 1568 (New River Inlet Road) from the intersection with Highway 210 to a point 3.92 miles northeast of that intersection at speeds in excess of 45 miles per hour.
 2. It shall be unlawful for any person to operate any vehicle on N.C. 210 (Island Drive) from east of the St. Moritz to the base of 210 High Rise Bridge, a length of 1.3 miles, at speeds in excess of 45 miles per hour.
 3. It shall be unlawful for any person to operate a vehicle on any portion of N.C.S.R. 1583 (Topsail Road) a length of one mile at speeds in excess of 25 miles per hour.
- (c) Penalty.
Violation of this ordinance shall be punishable as set out in Chapter 20 of the North Carolina General Statutes, as they may be amended from time to time.

This ordinance shall be effective upon the passage of a concurring ordinance by the North Carolina Department of Transportation and installation of signs giving notice of the authorized speed limit.

Duly adopted this 6 day of July, 2000.


Marlow F. Bostic, Jr., Mayor


Loraine M. Carbone, Town Clerk

134.

TOWN OF NORTH TOPSAIL BEACH
SPECIAL BOARD MEETING
JULY 24, 2000
6:30 P.M.

PRESENT: Mayor Marty Bostic, Mayor Pro-tem Steve Smith, Aldermen John Flynn, Peter Hillyer, Bill O'Donnell and Otis Sizemore, Charles Hammond, Town Manager, Loraine Carbone, Town Clerk, Bill Fuss, Attorney

QUORUM: Mayor Bostic called the meeting to order at 6:31 p.m. in the North Topsail Beach meeting room and declared a quorum present.

APPROVAL OF
AGENDA:

Alderman Hillyer moved, seconded by Alderman Smith approval of the agenda. The motion passed unanimously.

CAMA ISSUES:

Mr. Hammond provided a letter issued by the former CAMA Officer on December 29, 1999 to Brad Minshew authorizing the construction of a 500' by 16' road in wetlands. As you can see by the fax date, the Town was aware of this on April 6, 2000. Mrs. McLaughlin took over CAMA on April 3, 2000 and discovered the 23rd Avenue expansion. She notified Jim Gregson and CAMA issued a NOV on April 18, 2000. This issue is under litigation at the present time. Because of this issue, the litigation between CAMA and the Villa over the retaining wall, which Alderman Sizemore, myself, and the former CAMA Officer heard CAMA authorize, and then late submission of inaccurate CAMA reports. The Town was placed on probation on May 8, 2000. The correspondence between the Town Attorney and Donna Moffit addressing the issue and explaining our progress toward rectifying the problem was also provided to the Board.

Since Mrs. McLaughlin took on CAMA, the reporting has surpassed CAMA's expectations. The reports are quite accurate and always on time. Mrs. McLaughlin was required by CAMA to discuss her decisions with Mr. Gregson for concurrence. At this point, Mr. Gregson is quite pleased with her ability and dedication to the program. It definitely appears that we have someone who is qualified to manage the program, as well as is interested in helping the citizens of North Topsail Beach comply with all laws and regulations.

The Board needs to decide if they wish to continue to participate in the CAMA program or turn it back over to the State.

Although CAMA is not a revenue-generating program, from July 1, 1999 to April 1, 2000 (under the old CAMA Officer) the Town processed \$1,700.00 worth of permits. From April 1, 2000 to July 15, 2000, (under the new CAMA Officer), the Town has processed \$1,300.00 in revenue.

At the direction of the Board, Mrs. McLaughlin and myself will appear before the CRC on July 28th to answer any questions they may have about our progress!

Alderman Hillyer said it was irrelevant what happened, the issue is do we continue the CAMA program. He felt that having a local CAMA Officer is important and that we should continue it

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at the local level. Mr. Hammond said that Mrs. McLaughlin is very good at what she does. Alderman Flynn said that we have acknowledged the problem and we have a capable employee who is being trained and is doing well. The correspondence from the town to CAMA has set forth our approach. We should not take away this service; we should authorize the town manager and CAMA officer to go to the meeting. Alderman Sizemore noted that he is not against continuing the program, but there should be no future misunderstandings with CAMA. Decisions need to be put on paper. Mr. Hammond said that Mr. Gregson does back up issues with letters. Mr. Fuss said that with the procedures that have been in place for the last several months, that Mrs. McLaughlin has implemented proper documentation.

Alderman O'Donnell felt that it is a very expensive program to run. We are confronted that town staff has a lot to do. If staff is overworked, we are taking on more than we can handle. Alderman O'Donnell recommended that we give the program back to CAMA. Mr. Fuss said that we have sought increased compensation, but the fees have been set by the Legislature. Mr. Hammond noted that the fees would increase on August 1st. Mr. Gregson said that the fee would go up from \$50 to \$100 starting August 1st. Alderman O'Donnell still felt that we don't get enough money to support this position and it is time consuming and expensive. Alderman Smith said it is a service that we are providing to the citizens and he felt that Mrs. McLaughlin was doing a good job. He also noted that we are not educated in CAMA regulations and it is a valuable service. Mr. Hammond noted that if there were any doubts, Mrs. McLaughlin would go to Mr. Gregson. Alderman Smith said documentation is very important.

Alderman Sizemore noted that a problem did arise on Island Drive regarding a permit. Local citizens objected to it and appealed it. The contractor did start work without a permit. He was stopped and the LPO issued a permit. Citizens need the opportunity to be heard. Appeals should be heard and the process be carried through. Mr. Gregson noted that once a third party files an appeal the work is stopped and any work they do perform is at their own risk.

Mr. Gregson said that CAMA permits are advertised in the local papers. Anyone has 20 days upon a permit decision to file an appeal.

Alderman Flynn moved, seconded by Alderman Smith that the CAMA program be maintained by North Topsail Beach and that the Town Manager and CAMA Officer make a presentation to the CRC stating the same. Alderman Sizemore amended the motion, seconded by Alderman Smith, that everything be put in writing. The motion was passed four to one with Alderman O'Donnell opposing because of the high cost.

Mr. Hammond noted that the attorneys met last Thursday in regard to Roger's Bay with their attorneys and NFIP representatives. Concerns were discussed and they decided that the primary goal was to survey Roger's Bay. Once they can determine how much property they have they have to look at the impervious coverage. Our concerns would be anything that goes against our ordinances. Mr. Fuss said that it was a good meeting and that Mrs. McLaughlin and Mr. Starzynski did an excellent job in presenting the material for them.

POLICE VEHICLES:

There has been some concern about the legality of the police officers utilizing town vehicles for transportation while employed by a local (North Topsail Beach) business or organization for security work.

Mr. Hammond provided the following to help make the decision on whether to continue this perk or bring it to a halt: Article from June 28, 1995, Topsail Voice. This issue was discussed before and has been in place at least over the last 5 years; Off Duty Employment Agreement between the Police Officers and the Police Chief setting ground rules; North Topsail Ordinance Section 2-32; General Statute 14-247 and 14-252; General Statute 74C-21C.

Mr. Hammond noted that a discussion between himself and other Managers and the Police Chief and other Police Departments in several municipalities show that this is a common practice. Some have payment for services go directly to the Police Officer involved, some choose to have the service contracted through the Police Department. They, (the other municipalities), authorize this perk because it shows (in their mind) increased visibility which in turn deters crime.

A chart was given to the board regarding the various municipalities and what their procedures were.

Conversations with Mr. Farb (Police Attorney), Fleming Bell (Ethics in Government) and David Lawrence (City Government) of the Institute of Government, all concur that in their opinion, it is not authorized, unless you, the municipality, determines it serves a public interest.

According to the three above, the employment agreement that the officers sign and the fact that the town has on several occasions required the officers on security to respond to a call, does establish public purpose.

The decision of the Board is to determine if having officers working security constitutes public interest.

Alderman Hillyer noted that the state statute said you couldn't use vehicle for a private purpose, but when the police are on their security jobs they are still on duty to go on backup. This is for the public good. I see absolutely no breaking of the law. The system has worked for over 5 years and it shouldn't be changed. Alderman Flynn said that in comments he has heard, that no one was against this policy. It appears that many feel that a police presence, especially during the summer, gives value to the establishments that provide services for visitors. Our police force is on hand at all times. Anytime there is an emergency; the police officer immediately reverts to town business. I think it is of extreme value. We should continue. Alderman O'Donnell noted that there are two issues. He was in favor of officers working extra duty because it's a benefit to the citizens and town as a whole. The question is whether they should use their own vehicle or the town vehicle. He has had complaints from some citizens that they are using town vehicles. The most important issue is that they are available to the town. If they drove their own vehicles more citizens would be happy. We need to look at this as two separate issues. Alderman Sizemore noted that the main concern is if it is an increase to the town, but he didn't believe it was. The town manager can determine what the cost is. Alderman Sizemore felt that if the officers were not at the St. Regis or Shipwatch and there were crimes being conducted, that our officers should be present on sight and leave our own duty officers to look after the town.

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Alderman Smith noted that the cost to operate the police department goes up every year. All taxpayers are paying for it. He questioned if officers are working security and they are called for backup, is there any liability. Mr. Fuss said no, as long as they are following procedures. Alderman O'Donnell asked if someone is called to go to Jacksonville, are they on the town payroll or site payroll. Chief Salese said it is between them and the homeowner's association. Traditionally we haven't charged the town; the officers volunteered their time. Chief Salese said he has worked with the town manager regarding the cost figures and it doesn't add to that much. Alderman Smith asked if they sit in the car and Chief Salese said to do their reports. In the past, there were problems, but not now. Mr. Hammond noted that he has discussed the issue of sitting in cars with Chief Salese.

Mayor Bostic said that others have said that he has it in for the police department, but a lot of people have raised questions to him. This has been raised in other departments also. We did discuss this last year when the Roger's Bay issue came up and also the situation at the St. Regis. Mayor Bostic said he was concerned about any additional liability for the town. He did talk to someone in the Attorney General's office and they said you couldn't co-mingle. Mr. Fuss noted that no court has considered that statute. Their position was if their board saw it as a public service, it ceases to be private. Mayor Bostic felt that this should be in the Personnel policy and approved by the Board. All Standard Operating Procedures should be approved by the board and included in the personnel policies. Alderman Hillyer said at what point should we make a motion, what do we do now? Mayor Bostic said that we are not in a position to stop it now, but procedures should be put in the personnel policy. Mr. Hammond said we could put this in the personnel policy and approve it at the next meeting.

Alderman Sizemore noted that he did not like how this was taken up at a meeting. There was a lot of criticism against the police department. We should affirm or deny for the police department whether the board will agree to let them use their police vehicles while on security. We could bring this issue back as a resolution for the August 3rd meeting. Alderman Sizemore also felt that this is a petty issue between the mayor and the Police Department. Alderman Sizemore moved, seconded by Alderman Flynn to approve the use of the police vehicles during security. The motion passed four to one with Alderman Smith opposing. Alderman Sizemore moved, seconded by Alderman O'Donnell to have the officers provide security as in the past. The motion passed unanimously.

EFFECTIVE BOARD MEETINGS:

Per the request of the Board, the following documents are provided to help the decision making process of setting ground rules and establish policies and procedures to manage and control board meetings: Improving Council Procedures; The Board At work - Creating an Effective Working Group; Lessons from Survivors.

Alderman Flynn said that every member of the board has attended the new board school. A lot of the data that was provided to us was taken from some of those guidelines. Most are simplistic, based on courtesy and good manners and doing a good job. Alderman Flynn questioned the effectiveness in our leadership and noted that we don't do things efficiently. The meeting is basically for the board to deliberate upon input from the town manager. That deliberation is marred by calling on people in the audience for commentary. If anyone rises to speak they must give their

name and address. Alderman Flynn was not sure that the packages that are provided are looked at in detail and that everyone is ready for the meeting. He has suggested that we have the opportunity to get the board together in an informal setting and discuss aspects that are important to do for this town, such as long-range plans and do something to get a better working relationship. Alderman Flynn stated that we have no direction and we could be a more effective Board.

Mayor Bostic asked if we should have a workshop once a month. Alderman Flynn said no, we should get together and see what is the leadership of the Board. Mr. Fuss said that they could meet to discuss issues, but could not make any decisions. Mr. Hammond said a lot of boards would do a retreat twice a year and discuss what they would do for the next six months. Alderman Flynn said he has mentioned retreats and people have balked at the expense. It doesn't have to cost the town much.

Alderman O'Donnell said that the way we run our meetings is not much of a problem. Moving the Open Forum to the beginning was good. In the past we have had some citizens get quite repetitive. He was concerned that what the citizens might say doesn't get addressed in the future. It should be addressed that evening or put on the agenda at the next meeting. We do have an agenda and we have changes to the agenda that are approved. We do it in an orderly fashion. People should address who they are and where they live. Alderman O'Donnell was satisfied on how the meetings are run.

Alderman Sizemore said we should re-consider consent agendas. The Board should not have to spend the time debating. Other towns do this and it works. The meeting should be directed by the town manager since he has a more thorough knowledge of what is going on. Our direction is in the wrong areas. Alderman Flynn said that about four months ago we determined that the consent agenda was of value and we agreed to use it as a trial and nothing has been done. Mayor Bostic said he has asked the manager to put a lot of issues in the manager's report. Mr. Fuss said if the manager needs direction on something it should be an agenda item. If not, it should be in the manager's report.

Alderman Sizemore said that a lot of actions we approve are not followed through. Alderman Flynn said that legitimate comments from citizens are the manager's job to follow-up. Alderman O'Donnell noted that when too much information is in the packet that we see and the citizens do not see, a consent agenda should not be used.

Alderman Smith noted that he suggested that we have a way to track what we are doing and keep dates. When something is not done, address it immediately.

Alderman Hillyer had the following suggestions to save time: Stick to the subject, no speeches, talk net, don't beg for more questions from the audience, realize you don't have to comment on every subject, avoid long dialogue with citizens, get to the point. Whatever we do, one thing he has liked about our meetings is that people get a chance to talk.

Mayor Bostic noted that in the past, when citizens were required to come to the podium, it was shot down because they wanted a casual atmosphere. Mayor Bostic said that he takes it for granted if he knows who the citizens are and he wouldn't ask for their names. Alderman O'Donnell said sometimes it could be difficult to get up to the podium if the audience was packed. Alderman Flynn

said not everyone could hear them if they stayed in the audience. Mayor Bostic asked if we should put an aisle in the audience. Alderman Flynn said we could take the mike into the audience.

Sam McGinn said he was shocked at how little our police officers get paid. If one of the officers get hurt on these security jobs the town will suffer for it. He felt that using the police vehicles for security was a liability for the town.

Mrs. Sizemore asked what explanation would we give to the CRC regarding our violations. Mr. Hammond said the violation is against the owner of the property. We would support the state in their decisions. Mrs. Sizemore asked who gave the permit for the retaining wall. Mr. Hammond said it was issued by Ms. Potts. Mr. Hammond said the road was built without a permit, but with just a letter from Ms. Potts.

Judy Perkins said we could determine a sand dune and are we aware of this law? Mayor Bostic said it is in the Land Use Plan. Mrs. Perkins couldn't understand how the dune got destroyed on Island Drive. Alderman Smith said that when someone pays for property, do they get permits before they close on the property? We do have to protect what we have left. Mrs. Perkins said that the contractor was arrogant that he destroyed the sand dune.

Mayor Bostic said he is receptive of a retreat and the Board should come back with agenda items before the summer ends. The Board agreed to hold a retreat on Saturday, August 19th starting in the morning and it would last for half a day. Alderman Flynn said we could share with the manager what we want to discuss. A destination will be decided upon.

ADJOURNMENT:

Alderman Hillyer moved, seconded by Alderman Smith to adjourn the meeting at 8:00 p.m.

Respectfully submitted,

Loraine M. Carbone
Loraine M. Carbone
Town Clerk

TOWN OF NORTH TOPSAIL BEACH
PUBLIC HEARING AND REGULAR BOARD MEETING
AUGUST 3, 2000
6:30 P.M.

PRESENT:

Mayor Marty Bostic, Mayor Pro-tem Steve Smith, Aldermen John Flynn, Peter Hillyer, Bill O'Donnell and Otis Sizemore, Charles Hammond, Town Manager, Loraine Carbone, Town Clerk, Bill Fuss, Attorney

QUORUM:

Mayor Bostic called the meeting to order at 6:35 p.m. in the North Topsail Beach meeting room and declared a quorum present.

PUBLIC HEARING: NATIONAL FLOOD INSURANCE PROGRAM

Mr. Hammond noted that we have a proposed draft of the N.F.I.P. We need to repeal the old ordinance and adopt the new one. Mr. Starzynski stated that there were some deficiencies in the ordinance. He noted that using free board would reduce insurance rates. For an example, if a house has a 16-foot elevation, that base flood elevation would be approximately 5 foot above grade. In most instances, contractors and home builders are raising their homes to approximately 8 to 9 feet above grade, which allows them to use that space for parking. By adopting a 3-foot free board, this would not affect the cost of construction. If you are in a V zone, and you adopt a 3-foot free board, your savings would be approximately \$500.00. Alderman Flynn asked if the package that was provided by N.F.I.P. was based on FEMA regulations and did we need to come into compliance? Mr. Lettsinger, of N.F.I.P. said yes, there are omissions in the original ordinance. Alderman Flynn felt that he didn't have enough time to be sure of everything in this document and that he couldn't authorize it by August 15th and suggested that we adopt it at a later date. Alderman Flynn noted that on page 23, #7, it states that "there shall be no alteration of sand dunes or mangrove stands which would increase potential flood damage" and asked if this statement was directed at governmental or private entities. Alderman Flynn also noted that if it is private, that we have had an incident at North Topsail Beach where a homeowner created a hole within a dune line and the town filled it in. The State of N.C. said that the homeowner has the ability to perform that act on their property. Mr. Lettsinger said there should be no alteration of any dune that would increase flood damage. Alderman Flynn said that we were informed that the homeowner had the right to perform that act.

Mr. Fuss said we took preemptive action under eminent domain. If a dune exists, no one has the right to flatten it.

Alderman Sizemore stated that on page 18 under general standards, why don't we address concrete driveways. He felt that ocean front properties should not have concrete driveways and requested that we look at this. Alderman Flynn asked if we could wait until the next monthly meeting to get final approval to put this into effect. Mr. Lettsinger said that should be fine with FEMA.

Alderman O'Donnell asked Mr. Starzynski what his recommendation was on height elevation. Mr. Starzynski said he would look at insurance rates and see what the savings would be but would recommend meeting the base flood elevation. It is better if we can go higher.

Bob Hodges, of Rogers Bay, asked why a vehicle had to be on a site for fewer than 180 days. Mr. Starzynski noted that it had to be moved every 180 days. Mr. Hodges asked how did that affect our insurance. Mr. Lettsinger said that it is a minimum flood insurance requirement and it is a temporary location and should not be there for more than 180 days. Otherwise, you would have to install and anchor the recreational vehicle as a permanent home. Mayor Bostic said that the N.F.I.P. ordinance is different from our ordinance, but they complement each other. We are mandated at this time to revise our ordinance or we will be penalized. We could even lose our standing with N.F.I.P. if we don't. Mr. Hodges asked that if he didn't move every 180 days, would he not be eligible for flood insurance? Mayor Bostic said yes, and you would jeopardize everyone at North Topsail Beach. Karin Zoanelli, another resident of Roger's Bay, said she has talked with FEMA representative Mark Stevens in D.C. and he said anything that cannot be insured does not affect the rating. He said we could not get flood insurance for trailers. Mr. Cramer, Roger's Bay, said that recreational vehicles are not manufactured homes. Mr. Starzynski agreed with Mr. Cramer and stated that campers and RV's do not meet the 110-mph wind zone requirements, which prevents them from being installed on permanent foundations. Mr. Cramer said that the Fair Beach Plan states that recreational vehicles must be located in a fixed location. Campers have to be located at a fixed location, tied down and on blocks. Mr. Cramer also noted that they have town water, electric, and they pay taxes. He could rent his property and can deed it to his children - it is ownership. Once campers are moved off site they are not insured. Mr. Starzynski said that Roger's Bay is zoned a campground. You would have to have it re-zoned, but right now it is a temporary use.

Alderman Sizemore said that a recreational vehicle is not a residence and it has to abide by our town ordinance and he didn't want to see our flood insurance jeopardized. Mayor Bostic said we are mandated to adopt the minimums or we will lose our points.

Mayor Bostic was concerned about tie downs of LP gas tanks and suggested that we be more specific. Mr. Starzynski said that there are FEMA guidelines to anchor them down.

Mr. Lettsinger said that there are substantial points given for free board. Mayor Bostic asked for more information on the monetary difference on the ratings.

Mr. Starzynski noted that he wanted to make a change in the manufactured home ordinance which would state that any mobile home that comes onto the island be installed on a pile foundation with minimum 8 foot pile embedment.

ADJOURNMENT OF PUBLIC HEARING:

The public hearing closed at 7:16 p.m.

CALL TO ORDER:

The regular meeting was called to order at 7:24 p.m.

APPROVAL OF AGENDA:

Alderman Sizemore asked that we discuss scheduling another meeting to consider the N.F.I.P. ordinance. Alderman O'Donnell moved, seconded by Alderman Flynn approval of the agenda. The motion passed unanimously.

APPROVAL OF MINUTES:

Alderman Hillyer moved, seconded by Alderman Smith approval of the July 6, 2000 Public Hearing and Regular Board Meeting minutes. The motion passed unanimously. Alderman Sizemore moved, seconded by Alderman Hillyer approval of the July 24, 2000 Special Meeting minutes. The motion passed unanimously.

OPEN FORUM:

Ms. Zoanelli, Roger's Bay, asked why there was still a moratorium on permits at Roger's Bay. The property owners don't know what the violations were and she said that they don't get answers from town hall. There are no specific instructions or remedies that have been forthcoming. She felt that Town officials deliberately withhold information and are dragging their feet. Two weeks ago at a meeting they heard that the property had to be surveyed. Ms. Zoanelli said that shutting down everything at Roger's Bay is harassment and that is punishable by law. The screen rooms were settled 3 years ago and they were grandfathered. She asked why the violations were not addressed to the homeowners immediately.

Mr. Cramer read a letter from 1994 regarding recreational vehicles and another letter from 1997 from the Coleman law firm. Porches and sheds are on the list and they all existed before NTB became a town. He also read from an amendment of our ordinance. Mr. Cramer noted that they have been through these non-conforming structures several times and now the Town states that they won't recognize grandfathering.

Attorney Fuss said we are aware of grandfathering, but many of our letters are gone because of the hurricanes and he requested copies of the letters.

REQUEST TO ADDRESS THE BOARD:

Patsy Jordan noted that the Planning Board met on July 13th. They had a request on a zoning change, but the information was incorrect so the Planning Board didn't address it that night. We are having a workshop next week. Mayor Bostic questioned the beach accesses. Mrs. Jordan said we have been waiting for some maps since February. We didn't know what the original information was that we had to do. Mayor Bostic said the intent was for beach accesses or to enhance the ones we have and come up with a good plan to provide more accesses. Mrs. Jordan said they were waiting for maps from Terri Potts and they never received them.

Alderman Smith said that accesses came up at a beach renourishment meeting. The Federal government looks at our public accesses. We won't get money for beach renourishment if we don't have enough accesses. Alderman Flynn said a listing of all accesses was to be determined and recommendations were to be made if we were short and needed to add to them. Ms. Jordan apologized that they have not been prepared because they were waiting for information from Ms. Potts. She also thought they would get a donated property list. Mr. Hammond said he has just received that information from the County.

Alderman Sizemore noted that there is an opening on the Planning Board and that Tom Dale is an internate and he would be happy to serve on the Planning Board Committee.

CONSENT AGENDA:

Amended Personnel Policy Regarding Off-Duty Employment:

Per the Special Board Meeting on July 24, 2000, the Personnel Policy has been amended to reflect that all police officers seeking off duty employment must comply with local ordinances and the personnel policy. Mr. Hammond requested review and approval.

Federal Action Alert:

A Federal Action Alert was sent by the North Carolina League of Municipalities asking us to write to our Senators to propose full funding of the Local Law Enforcement Block Grant.

Contract for Police and Inspection Vehicles:

As approved by the 2000/2001 Budget, the police and inspection vehicles have been ordered. After a request for a proposal from local banks, the following contract is provided for review and approval. The interest rate is 5.84% for a 3-year period, beginning in 2000 and ending in 2002. The attorney has reviewed and concurred with the enclosed contract.

Amendment to IRFFNC Interlocal Agreement:

Mr. Hammond noted that we received a request from the NCLM requesting that the Board of Aldermen execute a Ballot approving the amendment to the Interlocal Risk Financial Fund of North Carolina (IRFFNC).

After review by the attorney, the Ballot was presented for approval and signature.

Non-action Reports:

The Board was provided with a police report, comp time balances and a letter from Marlowe & Company.

Manager's Report:

1. D.O.T. has awarded the contract for four French drains on 210. The deadline for completion is Labor Day.
2. The four town managers are in the process of providing me a list of equipment that we can establish utilization fees for board approval.
3. We are still waiting for approval from the property owners through Charles Lanier for the utilization of a mobile advertisement sign in front of Town Hall.
4. D.O.T. has informed me that they are processing the resolution request for speed reduction. They must perform an evaluation before a decision is made. No timeframe has been provided for completion.
5. I completed a meeting with Ms. Lori Key who is working on the NTB portion of the Hazard Mitigation Project. The project is moving along according to schedule and the anticipated completion date is 9/30/00.

6. We received a letter from Ocean Sound Village Owner's Association complaining that the Town expended money on public parking for the Jeffrey's parking lot. I will forward a letter of explanation why this was done and what benefit the Town receives for this.
7. I have received a call from the State on the \$30,000 under run project from Bertha. The State and FEMA decided to accept an additional \$15,000 in expenditures thereby reducing the required reimbursement by approximately \$15,000.00. I will provide further details upon receipt of the documentation.
The two DSR's (Goldsboro Lane and Jeffrey's parking lot) have been sent to Washington for final approval/denial. FEMA feels the Town provided enough documentation to establish an authorized project. However, U.S. Fish & Wildlife still declined authorization.
8. D.O.T. was unable to attend a meeting to discuss Topsail Road this month. They will try to attend the September meeting.
9. The "Shrimp Lady Lane" sign is in and I have asked the Mayor to make contact with the family so we may set up the dedication. I have not been contacted by the family as of yet.
10. The State has approved the removal of the trailer destroyed by Hurricane Floyd. Bids will be accepted and the deadline for submission is 8/15/00. Once bids are received, I will contact the Board for authorization to award and move forward with this contract ASAP.

Alderman O'Donnell asked where the four french drains were going? Marshal Best said a french drain is an open hole that D.O.T. would place on the right of way, rocks would be put in with a drain over it. Suggested areas were 2nd and 3rd Avenue and around 18th Avenue.

Alderman O'Donnell also questioned the message sign in front of town hall. Mr. Hammond said that we need authorization from Attorney Charles Lanier. Alderman O'Donnell also noted that we were asked to refund \$30,000 to FEMA and that has been reduced to \$15,000.00. Mr. Hammond said it was because of Mrs. McLaughlin's efforts. Alderman O'Donnell said that at some point we need to reduce carrying over comp time so employees would be motivated to use it within the year.

Alderman Flynn noted that the Howard Marlow letter specified we contact Surf city. Mr. Hammond noted that Town Manager Pat Thomas was away last week. We need to set up a meeting with Mayor Zander Guy, Pat Thomas and Howard Marlowe. Alderman Flynn questioned comp time and asked if the personnel policy specifies that comp time be taken during the pay period in which it is incurred. Mr. Hammond said a lot of the comp time is going down.

Alderman Sizemore questioned the Marlowe contract. Mr. Hammond said that if we don't see something by September or October, we probably wouldn't get a beach renourishment program. Mr. Marlowe is trying to push for additional funding. Alderman Flynn noted that the present administration is against any beach renourishment. Hopefully, there will be a change next year.

Alderman Sizemore moved, seconded by Alderman O'Donnell to accept the Consent Agenda. The motion passed unanimously.

NEW BUSINESS:

TOWN MANAGER'S EVALUATION:

Mr. Hammond provided the Alderman with Evaluation forms for the town manager's annual evaluation. A Workshop will be held to discuss N.F.I.P. changes and the Town Manager's Evaluation on Thursday, August 17th at 7:00 p.m.

Alderman O'Donnell requested a copy of last year's evaluation and what goals were established.

PAVING AND PARKING PAD CONSTRUCTION:

Mr. Hammond noted that when the bids went out originally, we requested quotes on crush and run at the D.O.T. right of ways. We were told that D.O.T. would not approve that after the quotes came in. As of July 27, 2000, Donnie Huffman, of D.O.T. has approved using #57 stone at the right of ways. Mr. Huffman said that CAMA should have no trouble with #57 stone. Therefore, bids will have to go out again. Alderman Sizemore suggested taking them off 1568 because of traffic; it could be a danger to citizens. Mayor Bostic asked if Public Works could handle some of this. Mr. Hammond asked how thick #57 stone has to be. Mayor Bostic said a couple of inches.

Alderman Flynn said he would like to see a letter from D.O.T. that states we have approval to put #57 stone on the D.O.T. right of ways.

OTHER BUSINESS:

Mr. Hammond noted that at the July 6th meeting regarding the buffer with CRC, Alderman Sizemore questioned if their resolution was in conflict with our Land Use Plan. Our Land Use Plan is not as strict as CRC's. They did not adopt the buffer restrictions yet, but will bring it back up in September.

Mr. Hammond noted that the \$100,000 from Onslow County to assist us with beach renourishment is in their budget.

Regarding the retreat, Mr. Hammond asked Ron Lewis where they could go. They offered the EOC in Jacksonville on August 19th. The League suggests that we use a facilitator. The cost for 1/2 day is \$250.00. Mr. Hammond would set this up with Eastern Carolina Council.

Mr. Hammond received a request from the New River Market convenience store to see if they could be allowed to use regular carts and not a dumpster. The owner wants 2 carts since they had 3 carts and Waste Industries said they would need a dumpster. Attorney Fuss said that we should monitor it to see if there is a problem, i.e., trash lying around. Alderman Sizemore moved, seconded by Alderman Hillyer to allow two carts for 90 days and charge the manager to monitor it and if we find that it is a problem then they would need a dumpster. The motion passed unanimously.

Mr. Tom Perceval, Dr. Beck's property manager, has property to donate, close to 172. Mr. Hammond will meet with him on August 8, 2000.

ATTORNEY'S REPORT:

Attorney Fuss noted that we can get a model ordinance completed within a week and it would be appropriate to send a copy to N.F.I.P. We should let N.F.I.P. know that this issue is on our agenda for September. Alderman Sizemore asked where we were at regarding the Beech lawsuit against the town. Attorney Fuss said that he received a voice mail yesterday, but has not spoken to the attorney as of yet.

MAYOR'S REPORT:

Mayor Bostic noted that our Sea Oats have matured and we need to save some of the seeds before the blackbirds eat them. Mr. Hammond said that we have been asked by a nursery if they could harvest our natural sea oats. Mr. Hammond has asked Onslow County to provide us with ocean front property owners. Mayor Bostic said if owners could save the seeds, then next spring they could be planted.

Mayor Bostic suggested planting grass in some areas. Mr. Hammond said that D.O.T. has agreed to do it, but not until after the summer is over. Mr. Hammond noted that he is looking at greenhouses so that we could grow our own plants.

ALDERMEN'S REPORT:

Alderman Smith said that he hopes we are working diligently to rectify the problems at Roger's Bay. Sue McLaughlin noted that when we had the meetings with the attorneys, the survey would be done on August 8th. The survey will determine the amount of coverage allowed.

Alderman Sizemore requested that the Town Manager have the Inspector look into the sewer tank area on the bridge and see if they are in violation of any of the town's ordinances. Also, he noted that we are the franchising authority for Charter Cable. We should look into having the weather channel off of 19 since there is an interference from cell phones. Alderman Sizemore attended the CRC meeting and he was upset at what was said about Topsail Island disappearing after 10 years if we have more storms. Dr. Riggs needs to come here and do evaluations based on scientific fact. Melvin Shepherd is our CRC representative and he encouraged us to review our ordinances. Bulldozing, major and minor permits, general permits, one time permits and legislative exemptions could be used to protect properties. They are thinking of doing away with the minor permit. We need to monitor what is going on at the beach. Sue McLaughlin noted that any permits that are issued could be limited to a one-time push.

Alderman O'Donnell also felt that citizens should be heard and we need to look seriously at their concerns. In regard to D.O.T.'s work on 210, he has asked Mrs. McLaughlin to take some pictures. A car could hydroplane and have a serious accident. We need to pressure D.O.T. to make 210 safer. Mr. Hammond stated that D.O.T. has said that Highway 210 is on schedule to be resurfaced.

Alderman Sizemore noted that we have dangerous rip currents. Could we put caution flags at the crossovers to alert people to the danger? Attorney Fuss said if you miss putting out the

flags just one day, the Town could be liable. You could post general signs that state the dangers of the rip currents.

Alderman Flynn noted that we still have two derelict homes on the island and asked when the Jenkins home would be removed. Mr. Hammond said the contractor is in the process right now in getting his permits and they have until the 10th of October to complete the removal. Sonny Johnson still wants to give his building to us, but we have no where to put it. Alderman Flynn said we need to get something done. He had complained about the sign that D.O.T. put up and requested that it be moved and they did. Alderman Flynn also felt that we need to certify who the town administrator would be in regard to the N.F.I.P. issues since we don't have a Board of Adjustments.

ADJOURNMENT:

Alderman Hillyer moved, seconded by Alderman Sizemore to adjourn the meeting at 8:45 p.m. The motion passed unanimously.

Respectfully submitted,


Loraine M. Carbone
Town Clerk

TOWN OF NORTH TOPSAIL BEACH
WORKSHOP MEETING
AUGUST 17, 2000
7:00 P.M.

PRESENT:

Mayor Marty Bostic, Mayor Pro-tem Steve Smith, Aldermen John Flynn, Peter Hillyer, Bill O'Donnell and Otis Sizemore, Charles Hammond, Town Manager, Loraine Carbone, Town Clerk, Bill Fuss, Attorney

QUORUM:

Mayor Bostic called the meeting to order at 7:00 p.m. in the North Topsail Beach meeting room and declared a quorum present.

APPROVAL OF AGENDA:

Added to the agenda was the CAMA contract, the contract on the removal of the condemned mobile homes and the board retreat. Deleted was property donation. Alderman Smith moved, seconded by Alderman O'Donnell approval of the agenda with the appropriate changes. The motion passed unanimously.

PROPOSED NATIONAL FLOOD INSURANCE PROGRAM:

John Starzynski noted that he has addressed more restrictive covenants. Attorney Fuss said that the goal is for the input of the board for adoption in September. This includes all of Chapter 8 in the ordinance. Mr. Hammond noted that there are more stringent items that we can address and incorporate them in our ordinance.

Alderman Sizemore noted that on page 15, the town code provides for a 5-member panel for a board of adjustments or appeals and we don't have one right now and said that the board should come up with suggestions. Alderman Sizemore suggested that at the October meeting we name a 5-member Board of Adjustment Committee, completely independent and not representative of the board or planning board.

Alderman Flynn asked that the Town Manager look into the status of the Board of Adjustments and who served on it. Alderman O'Donnell questioned the power of the Board of Adjustments. Attorney Fuss said that at the September 7th Board Meeting, he would tell the board what the function of the Board of Adjustments is.

Mr. Hammond noted that on page 18, under "specific standards" the number (9) should be stricken from that area.

Attorney Fuss asked what stringent items should be included. Mr. Starzynski noted that A zones and V zones are on NTB. Construction plans in V zones would be designed by professional engineers. A zones are according to the N. C. State building code. The difference in the cost of construction is about \$3,500.00. V zones would be a much better building standard to go by. The stronger you build a house, the better it would be. There is a difference in piles and breakaway walls. Mr. Starzynski said that he is looking at adopting a

FEMA Bulletin, which describes how to build a breakaway wall. Insurance costs comes into play also. In adopting a free board, we chose a 2-foot. If we go higher it would cost more for the contractor and the property owner. Tammy Riddle, of the N.F.I.P. said that 2-foot is the state recommendation.

Alderman Hillyer questioned what pile imbedment was. Mr. Starzynski said that if you have an 8x8x24 wooden pile, imbedment is how deep it goes into the ground.

Alderman Flynn questioned A zones and V zones. The Land Use Plan states that NTB is in a V zone and asked who sets a V zone designation. Tammy Riddle said FEMA sets the designation and we could designate our town as a V zone. In an A zone you don't have to have breakaway walls. Alderman Flynn asked what percentage of the town is in an A zone. Mr. Starzynski said between 30% and 35%. Mayor Bostic thought it was probably 50/50. Mr. Starzynski noted that we have a 98 map and a lot of areas have been re-classified.

Alderman Smith felt that it was very confusing. Attorney Fuss said rates are based on elevation certificates and the town does not set that. Mr. Starzynski stated that he is asking that we build to V zone standards and the maps wouldn't change. Alderman Flynn said that we don't really know what the different zones are. We need to know what zones we are talking about. He was not comfortable with the language of this package. He did agree that we have to be restrictive.

Mr. Starzynski noted that he is meeting with NFIP representatives next week to go over the various issues.

Alderman Sizemore questioned the use of concrete driveways on ocean front properties because of the water run-off problems. Attorney Fuss said that the whole town could use those standards to reduce run-off. He also noted that now is the town's chance to define development for the future. When the ordinances are in place, then it is established for case law. Alderman Flynn said that he is in favor of more stringent requirements.

Alderman O'Donnell felt that the plan was well thought out. The only concern he had was to eliminate engineering fees for everything. The contractor could go by technical specifications in the ordinance. Mr. Starzynski said that pile foundations and structures had to have an engineer.

Alderman Sizemore noted that we have to update our building codes. He asked if a workshop for builders would take place once the changes were made.

Alderman Hillyer asked if the consensus of the board was to have more stringent rules and everyone agreed. Mr. Starzynski said that mobile homes are allowed in V zones. Any mobile homes should be on minimum 8- foot pilings. We could define by camper/trailer, non-permanent structure, road ready or on pilings.

Attorney Fuss said he spoke with Floyd Stewart, Building Inspector for Surf City and they adopted their code in 1989 and have lost only 2 homes since they have been building by the

new codes. Alderman O'Donnell likes the idea of no concrete driveways. They are too destructive and cause water run-off. Mr. Starzynski said that concrete could still be used for parking decks.

Mayor Bostic noted that Topsail Beach's ordinance eliminated crush and run and other materials. The Building Inspector of Topsail Beach said that whatever material is used, water should be able to go through it.

Alderman Flynn said that we should pursue the aspect of having driveways constructed with no run-off. He suggested that the board make corrections to the ordinance and give it to the town inspector and he can present it to us again. Alderman O'Donnell suggested that we use discretion in eliminating concrete driveways. For example, if the driveway is only one car wide, it should not create a run-off problem, compared to those that have parking for 12 cars. Attorney Fuss said that we could prohibit the use of concrete and use of other materials that present impervious situations, based on lot, location and existing problems that the inspector is aware of.

Mr. Starzynski noted that another issue is the LP Gas tank. It is a N.F.I.P. rule to have them tied down. Alderman O'Donnell is opposed to the \$10 fee that the LP gas company would have to pay for. Ms. McLaughlin said that the fee is for new construction only.

Mr. Starzynski asked if there was a concrete driveway with only 50% damage, could they replace the concrete. Attorney Fuss said that the general rule is to repair and reconstruct.

Mr. Starzynski said that his goal is to have the ordinance completed within 2 weeks for the Sept. 7th board meeting.

CAMA CONTRACT:

Mr. Hammond requested that the Board review the proposed CAMA contract and determine if they wanted to continue to provide CAMA functions for the Town of North Topsail Beach. Failure to approve the contract will result in the CAMA function returning to the State CAMA office out of Wilmington. We have 30 days to adopt the contract. It is the same contract as last year, but the money we get has increased.

Alderman O'Donnell stated that he was opposed to the CAMA position the last time because of the fees and he was even more opposed now because of the lawsuit. We are facing legal fees. Attorney Fuss said that suit is not an issue. Alderman O'Donnell said that we should try a year without it since the cost benefit is not worth it. We could give Jim Gregson some office space at town hall.

Alderman Hillyer asked what the advantage was of having the program locally. Ms. McLaughlin said she could do it faster because she could issue a permit within 12 days, the State would take a full 25 days because they don't have the staff.

Attorney Fuss said he was sent a copy of the proposed suit at the time the CRC meeting was held and the town was not listed on the suit at that time. Alderman Sizemore felt it wouldn't be

an inconvenience to the citizens to return the program to the state. We don't get enough money from it and he would oppose the contract.

Alderman Flynn disagreed with the comments. He could see no value to the citizens by negating this program. The aspect of timing that Ms. McLaughlin could provide is essential and she would be more efficient than the state. We are not in it for the money. Ms. McLaughlin provides a significant improvement in services as compared to her predecessor. There is no value in forcing people to go to Wilmington. Jim Gregson is working well with CAMA, but he could be transferred at any time. Alderman Flynn stated that he would prefer to maintain the program for the next year and then evaluate it at that time and he favored signing the contract.

Alderman Hillyer stated that the CAMA program is not a job designed to make money for the town. The problems we have had with CAMA are irrelevant. It is a good system for the citizens and the town since it is quicker for Ms. McLaughlin to give out a permit than going to Wilmington. He suggested that we continue the program for a year and see how it goes.

Alderman Smith asked how many permits are written in a week. Ms. McLaughlin said that in the spring she did 29 and in the last two weeks only two, but in the fall they will again pick up. Mayor Bostic asked what percentage of the 29 were main structures or driveways. Ms. McLaughlin said they were all main structures. She has mailed out 10 CAMA applications in the last two weeks. Alderman Smith said that the service is not justifiable right now because of the legalities.

Charlotte Wilmer asked if a town employee issuing a permit causes the town to be legally responsible, is it worth the town's legal liability. Attorney Fuss said that the lawsuit that has been filed is a lawsuit seeking injunctive relief. They have to prove imminent danger. The town is named as defendant and they are requesting that the town revoke the building permit. There is no money at stake at this time. We are not sure what stance the state will take. They trained the LPO and it is their regulations that we were enforcing. That person is an agent of the state.

Attorney Fuss also noted that a local LPO monitors, on a daily basis, people who attempt to violate the law. There is a lot to this other than just issuing permits. Jim Gregson would not have the time to go up and down the town to see what has been done or what will be done.

Alderman Flynn said that the CAMA Officer has the responsibility for the safety of the town's people. It sends the wrong message for NTB to say we're upset because of a lawsuit and we're going to drop the CAMA position from our staff. We need to ensure that we can get some type of renourishment for our beach and gain more input and knowledge as opposed to less.

Alderman Sizemore felt that we should shift the responsibility to the state. Alderman Flynn said that we need to have someone sitting here at town hall to support services we give to citizens. Alderman Hillyer also felt that the enforcement role is important. People would try to get away with things.

Alderman Smith suggested that we take this issue up at a Public Hearing to get more input from the citizens. This town became a town because of codes not being enforced. Homes that didn't meet codes were destroyed during the hurricanes. Alderman Smith said any town employee could make a wrong decision and he didn't want this responsibility.

Alderman Smith moved, seconded by Alderman Flynn that we hold a public hearing regarding the CAMA contract at 6:30 p.m. before the September 7, 2000 meeting and put this issue on the regular board agenda for action. The motion passed 3 to 2 with Aldermen Sizemore and O'Donnell opposing.

CONTRACT TO REMOVE MOBILE HOMES:

Mr. Hammond requested authorization from the board to hire Carter Construction (lowest bid) for the demolition and removal of the condemned mobile homes. Alderman O'Donnell moved, seconded by Alderman Smith authorization to award the contract to Cecil Carter. The motion passed unanimously.

BOARD RETREAT:

The board retreat is scheduled for Saturday, August 19th at 9:00 a.m. at the Onslow County Emergency Center. Joe McKinney, Executive Director of the Eastern Carolina Council will be the facilitator. When we adjourn the meeting tonight, we will recess to the retreat on August 19th.

CLOSED SESSION:

Alderman Hillyer moved, seconded by Alderman Smith to go into Closed Session. The motion passed unanimously. The Board went into closed session to discuss the Town Manager's Evaluation.

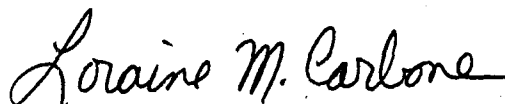
CALLED BACK INTO SESSION:

The regular meeting was called back into session at 10:30 p.m.

RECESS:

The meeting recessed at 10:30 p.m. and will be called back into order at the Board Retreat on Saturday, August 19th at the Onslow County Emergency Operations Center in Jacksonville, NC.

Respectfully submitted,



Loraine M. Carbone
Town Clerk

TOWN OF NORTH TOPSAIL BEACH
PUBLIC HEARING - 6:30 P.M.
REGULAR BOARD MEETING - 7:00 P.M.
SEPTEMBER 7, 2000

PRESENT:

Mayor Pro-tem Steve Smith, Aldermen John Flynn, Bill O'Donnell and Otis Sizemore, Charles Hammond, Town Manager, Loraine Carbone, Town Clerk

NOT PRESENT:

Mayor Marty Bostic, Alderman Peter Hillyer and Attorney Bill Fuss

QUORUM:

Mayor Pro-Tem Smith called the Public Hearing to order at 6:34 p.m. in the North Topsail Beach meeting room and declared a quorum present.

PUBLIC HEARING:

Mr. Hammond stated that as a result of the Board Meeting on August 3, 2000, the CAMA program has been sent to a Public Hearing to determine if NTB's residents wish to retain the program.

Expenses for advertising for each CAMA Permit is \$45.00 for a total cost in FY 99/00 of \$1,755.00. If Sue McLaughlin continues to document in the fashion she is doing, it makes sense that NTB would not lose money as in the past. It would be a revenue-generating program (which has been budgeted in our 2000/2001 budget). The program does decrease the amount of time the local residents would have to spend seeking permission to accomplish his/her goal "to make NTB their home".

Sue McLaughlin noted that there is a difference in what she could provide vs. the State because of manpower and timelimits. When you get your application and something is missing Ms. McLaughlin can research it. The state will see it as an incomplete application. Ms. McLaughlin could get a permit out in 12 to 15 days; the state turnaround would be longer. Ms. McLaughlin also noted that she receives many phone calls about lots. If someone were in the CBRA area, she would let them know what they need to do.

Jim Gregson, CAMA representative from Wilmington, noted that we have a cooperative relationship between the state and the towns. Sue McLaughlin knows what is happening on a daily basis. Mr. Gregson said that he wouldn't know about the zoning issues. He also noted that since Ms. McLaughlin has taken over the state program it has been run outstandingly. Mr. Hammond asked about the 25-day deadline. Mr. Gregson said that if he couldn't make a decision by 25 days, it could be extended an additional 25 days. That could happen if the state takes the program.

Alderman Smith asked if the state had workshops to educate the public. Mr. Gregson said they typically don't, but they do have training sessions for Local Permit Officers. Alderman Smith felt that a workshop on a Saturday would be educational for citizens. Alderman Flynn asked if decisions were made at the district office or higher and also asked if the requests were

documented in writing. Mr. Gregson said that they could be depending on the complexity of the issue and said that he would be more than happy to provide information in writing.

Fred Allen, of North Galleon Bay, asked if there was any permit that Ms. McLaughlin could actually approve. Mr. Gregson said that she has authority to approve CAMA minor permits, including any maintenance or repairs she is permitted to approve. Charlotte Wilmer asked what the enforcement requirements were for local officials. Mr. Gregson noted that her enforcement duties are the same as the state. If she discovers a violation, she acts on it. She also does inspections and makes sure that what she has permitted is what is actually done.

Alderman Flynn noted that Ms. McLaughlin does go through the entire town on specific days of the week. This protects the town and the state.

Joan Sibbald, representing the Wilmington Regional Association of Realtors, Inc. requested that we delay this issue since the public has not had adequate time to prepare for this discussion.

Jeff Holland noted that the town has spent a lot of time and money to train Ms. McLaughlin and she has a good relationship with CAMA and FEMA. He said that he constantly works with Ms. McLaughlin and she has a good understanding of the CAMA rules and regulations. It would impose a hardship to have the program go to the State. It could cost weeks in the permitting process. He also stated that Ms. McLaughlin has been on every property in our town. CAMA could not help us with doing this. Her position provides an essential service to the town and creates a checklist for inspections.

Charlotte Wilmer noted that there has been confusion in the media about this issue. The issue is whether the functions of a town employee are done by someone else at another office. It's not an issue of Sue McLaughlin's job being eliminated. We are not relinquishing zoning authority, only the CAMA function. Expecting tough enforcement of rules is unrealistic by a town employee. The local service is not benefited by everyone.

Patsy Jordan said that she is in favor of keeping CAMA on a local level. When she first started working here she had to go to Jacksonville to get permits and it took too much time. She has worked with Ms. McLaughlin and has never had a problem. If we don't have CAMA on a local level we wouldn't have the camaraderie we have now.

Fred Allen said that there are advantages and disadvantages. We are a small community; it would cost a lot of money for this position.

Beverly Sizemore said that we don't need to speed up the process of permits. You need to advise adjourning property owners and it takes time if they are out of town.

John Starzynski wanted to clarify that if we do lose CAMA we won't lose Sue McLaughlin because the position is not going to be eliminated. We have a great working relationship with CAMA now. At this time, we could issue a permit for a new house in 16 days.

Alderman Smith noted that in the early 80's development took off and there was a lot of property that was filled in that was not supposed to be filled in. No one cared about the environment. Eventually, an environmental protection group came in. We need regulations to have that happen. We have to look at the future and we need to protect what we have.

Alderman Sizemore said that he did not favor keeping the CAMA program at the last meeting. He has been a supporter in the past and has reported violations. CAMA doesn't have an eye on enforcement to all of its regulations. The state and the town are partners, but we haven't been treated as partners. Speed is not an important issue when giving out permits. Public confidence in the program is important and he stated that he doesn't have a lot of confidence in the program on the state or local level. We have to make signs visible. Alderman Sizemore asked our LPO why a sign was not put up and was told it was on 210. If we are going to have a local program, we have to be open to our citizens and give them an opportunity to comment on what is being done. If we can't do it locally and do it right, he didn't think we should do it at all. Alderman Sizemore noted that he does recognize the convenience and he doesn't want developers to take advantage of us in not having a CAMA Officer. He said that he is in favor of a strong local program, but it has to be one that the citizens have confidence in. Alderman Sizemore also stated that he could vote either way for keeping the CAMA program.

Alderman O'Donnell noted that there would always be CAMA regulations being enforced. He sees the local handling of CAMA an expensive program. He has used a local CAMA officer once in 10 years. Last year the CAMA generated just over \$2,000.00. CAMA had a problem with a permit we issued and we are being sued at this time. He was not in favor of cooperating with an agency that treats us this way.

Alderman Flynn noted the town's Land Use Plan, which is the basic starting point, tries to set forth the realization that we need to have a particular plan to protect our resources. That support is under CAMA. The permitting capability by Sue McLaughlin provides a benefit to the citizens. Revenue is not of crucial importance at this time. We have a line item now in the budget. We will perform our own policing function. We have a single point of contact and it shows a positive side. CAMA is necessary and of extreme value to us. Alderman Flynn stated that he was in favor of CAMA permitting remaining in the town with appropriate changes to the contract.

The Public Hearing closed at 7:19 p.m.

The regular meeting was called into order at 7:28 p.m.

APPROVAL OF AGENDA:

Mr. Hammond said that Sheriff Brown was not able to attend the meeting to discuss our Mutual Aid Agreement. The consensus of the Board was to table the CAMA contract and Mutual Aid Agreement until our October meeting. An addition under 8c was for the joint resolution for beach restoration. Alderman Sizemore moved, seconded by Alderman O'Donnell approval of the agenda with the appropriate changes. The motion passed unanimously.

REQUEST TO ADDRESS THE BOARD:

PATRICK RIDDLE - D.O.T.:

Mr. Hammond noted that we tabled the issue of Topsail Road a couple of months ago and he has asked Patrick Riddle of D.O.T. to address questions that the board may have. Mr. Hammond said that the issues were the cost of Topsail Road after the last hurricane, the routine cost of Topsail Road and the cost of relocating the road in the future. Mr. Riddle said that it has cost \$54,000 to repair Topsail Road. Routine maintenance would run \$500.00/month. In regard to relocation costs, he was not sure where it could be relocated. Mr. Hammond said if it had to be moved it would be a little towards the sound. Mr. Riddle said that the TIP project out of Raleigh would be involved with that. Alderman O'Donnell asked that if the town took over this road, what is the obligation of the town to provide access to homes of citizens that live on that road. Mr. Riddle said D.O.T. devised a plan for access to dwellings after Hurricane Floyd. D.O.T. would maintain access.

Alderman Sizemore said he had a request by property owners to fix Topsail Road. The road could be relocated a few feet with a proper road base. If a storm comes, FEMA could fix the roads back. We need to explore the feasibility for D.O.T. to move this road and fix it and the town could take it over. Mr. Riddle said he could get back with the town manager on the cost.

Alderman Flynn asked that if D.O.T. repaired the road with gravel could we keep it under D.O.T. control. Mr. Riddle said it has been denied before because it would be moving backwards. Alderman Flynn noted that gravel would be better on Topsail Road. Mr. Riddle said a petition could be sent to D.O.T. requesting that. Alderman O'Donnell said we would have to look ahead at what our costs would be and what our liability would be.

Alderman Flynn moved, seconded by Alderman O'Donnell to table this issue on the resolution for Topsail Road until we had more information from D.O.T. The motion passed unanimously.

PLANNING BOARD:

Patsy Jordan, Chairman of the Planning Board held a workshop on re-zoning. She noted that the committee is compiling information from other municipalities. The committee also had a task to look at beach accesses. Each member checked out the accesses at different times. Our County parking lots were found to be empty. The Planning Board decided that designated parking should be where the day-trippers should be going. They found that parking is adequate at this time and felt that they did not need to create any hazards to our residents.

Alderman Flynn asked for a report on the study of the beach accesses because the federal government requires that. The Land Use Plan advises the town to increase the number of access for the citizens and visitors. The actual charge was to investigate and recommend.

OPEN FORUM:

Charlotte Wilmer noted that behind her property is some vacant property. It is debris filled from Hurricane Floyd. In January she asked to have that cleaned up. There are rodents there now and she asked that the town do what is necessary to clean that property up.

Mr. Hammond noted that he and Mr. Starzynski have addressed this issue with Attorney Marshall Dotson. The majority of that property is wetlands. Attorney Dotson is trying to get approval from the Army Corps of Engineers because you can't put heavy equipment in there. Alderman Sizemore said that he personally took trash out of that lot and it could be manually done. Mr. Best said there are pieces of decking at least 8 ft. and there are snakes in there too.

Dick Farley asked if there was anything positive about the town taking over Topsail Road. Alderman Sizemore said that 55 people talked to him about the problems on that road and it takes so long for the state to just fix a pothole. Repairs have not been suitable.

Fred Allen said he counted 50 potholes either up or down on one side of 1568. Someone needs to get on the state to correct these problems. Mr. Hammond said if he were made aware of the potholes he would notify D.O.T. 210 is on a plan to be resurfaced but 1568 is not. Mr. Allen commented on the parking accesses. Speaking on behalf of North Galleon Bay, the dunes are minimal, we don't have any vegetation on them and if you put gravel there, it would eliminate the possibility of building the dunes up. Every time we have a hurricane, if gravel was mixed with the sand it would be impossible to clean up from properties. Crush and run keeps the road from washing out. Mr. Hammond said it has to be #57 stone.

Alderman Flynn noted that 1568 has as many or more problems as does Topsail Road. He noted that the board has asked the Town Manager to advise D.O.T. that we haven't been receiving enough help. Mr. Hammond said he and Mr. Riddle talked about the areas not being paid attention to, but he did not provide me with a report. Alderman Flynn asked the Town Manager to correspond with someone higher up with D.O.T.

Alderman Flynn asked if we have heard anything on retrenching the roads. Mr. Hammond said that D.O.T. feels that every time a storm comes they would have to dig out the trenches. Alderman Flynn asked that this issue be put on the October agenda.

Donald Gregory said he measured the toe of the dune and it's only 49', some places 46' or less. There should be no parking within 30 feet from the highway because you would encroach the dune and it would be a problem. Mr. Hammond said that is correct, but Donnie Huffman of D.O.T. gave us permission to gravel the D.O.T. right of ways.

A resident of Rogers Bay asked when the ban would be lifted on building permits. Mr. Starzynski noted that Charles Riggs was hired by the new owners and his survey would be done by the end of the week. That will tell us what we can and can't do. We need to know what the coverage is. Mr. Starzynski said that we are working to expedite this and he apologized for the inconveniences.

John Chambers, of the St. Moritz noted that there are permanent dwellings at Roger's Bay now. How is this possible to have permanent hook-ups to trailers when it is a campground? The trailers should be moved every 180 days and they are not. Mr. Starzynski said that a campground is a campground and everything is supposed to be temporary. We are adopting a new N.F.I.P. ordinance to address that. Violations are also being addressed. Mr. Chambers said that a lot of trailers don't have wheels on them. Mr. Starzynski noted that all trailers have tires on them. Utilities are all quick disconnect.

CONSENT AGENDA:**Approval of August minutes:**

Alderman O'Donnell moved, seconded by Alderman Flynn approval of the August 3, 2000 minutes and the August 17, 2000 minutes. The motion passed unanimously.

Paving of D.O.T. right of ways:

Alderman Sizemore commented on the possibility of hazards on 1568 if we put parking pads there. The Planning Board discouraged the use of these pads, but he had no objections to Jenkins Way. Alderman Sizemore approved the town hall pads. Alderman O'Donnell suggested approving project 1 and 6. Alderman Flynn said we need to look at it in more detail and asked if the bids were accepted on just what we approve? Alderman Smith asked how many vehicles could fit on a pad. Mr. Hammond said that Jenkins Way could fit ten cars on each side. Topsail Road could fit no more than two cars on each. Galleon Bay would be ten to fifteen cars. Alderman O'Donnell said that project 1 and 6 are non-controversial and we should wait on the other projects.

Alderman Smith noted the consensus was to do Projects 1 and 6 (Jenkins Way and the Town Hall). Alderman O'Donnell moved, seconded by Alderman Flynn to accept the lowest bid to do the paving on Projects 1 and 6 and to discuss the other bids at another date and authorize Mr. Hammond to sign the contract. The motion passed unanimously.

Proposed Flood Damage Prevention Ordinance:

As a result of the Public Hearing conducted on August 3, 2000, and many hard hours of work by John Starzynski, Sue McLaughlin and Tammy Riddle and input from Board members, the N.F.I.P. Ordinance was submitted for approval and adoption.

Along with the approval and adoption, the Board must repeal the old ordinance. With the approval and adoption, there will continue to be fine-tuning to ensure NTB has the best Flood Prevention Ordinance available.

Alderman O'Donnell stated that John Starzynski and Sue McLaughlin did a wonderful job in re-writing the ordinance. Alderman Flynn moved, seconded by Alderman Sizemore approval of the N.F.I.P. Ordinance thereby repealing the old ordinance. The motion passed unanimously.

Property Donation Tax Parcel 779C - 10 and 11:

Brookwood Baptist Church wishes to donate tax parcels 779C 10 and 11 to the Town of NTB. Both properties are located oceanfront of the berm line in Sea Ranches (see Tab A & B). There is limited possibility that this property will ever be of use, however, if we continue to pursue the beach renourishment project, we will own it and it may be of some use to the Town for beach access. The Town attorney would research the title. Consensus was to proceed with the donation.

Proclamation to support "Litter Sweep 2000":

As in the past, the Governor has submitted a proclamation for "Litter Sweep 2000". This project is geared to clean the streets, roads and highways within a municipality. A copy of this package has been forwarded to Sally McGuire, chairperson of the Beautification Committee for review.

Ms. Sarah Humphries of Keep Onslow County Beautiful will be conducting a Beach Sweep 2000 on September 16th. She has over 200 volunteers and will clean the entire beach strand, all public accesses, parks and parking lots, as well as the boat ramp. NTB will be responsible for taking the trash bags from the beach and disposing of them.

Mr. Hammond asked for support of "Litter Sweep Proclamation 2000" and direct the Beautification Committee, along with the Public Works Department to establish a Litter Sweep Support Group to beautify NTB.

Alderman Smith asked if we could provide refreshments for the volunteers.

Non-Action Items/Reports:

MANAGER'S REPORT:

1. The dedication of the 210 High Rise Bridge in memory of Trooper Larry Walton is scheduled for September 26, 2000 at 11:00 am. D.O.T. is expecting up to 75 people for this event. Details will follow as to the exact location and invitations will be sent out by the State.
2. As a result of the August 3rd Board meeting, I have discussed the concerns with Ms. Zoanelli, from Roger's Bay. I also contacted the FEMA rep she referred to in Washington, D.C. He referred me to Atlanta and the information and point of contact from Atlanta of the N.F.I.P. Administration was passed to Ms. Zoanelli.
3. I met with the Planning Board on August 10, 2000 to discuss Public Beach Accesses. I provided them the entire package of documentation that exists on beach accesses. They divided the Planning Board into groups to evaluate need, location and type. They plan to have a presentation for the Board at the September 7th meeting.
4. The French Drain system on 210 has been completed. Hopefully, this will eliminate most of the standing water after heavy rainstorms.
5. Attorney Lanier has not provided authorization for the mobile sign as of yet. We were requested to provide a description of the type of sign, if it would be lit, the size, etc. Once we have this information we will fax a letter to Attorney Lanier and he will forward it to the property owners for approval.
6. No return action from D.O.T. as of yet on the resolution to reduce the speed limit. However, we did receive approval from D.O.T. for the transfer of .03 tenths of a mile on

the old Jenkins Way. Approval is retroactive to 6/30/00. This information was passed on to Charles Riggs for inclusion into the Powell Bill for next year.

7. I attended a meeting with Topsail Beach, Surf City, CAMA and Geographical Technologies. The Regional Hazard Mitigation project is on track and we should have the rough draft within the next three weeks.
8. Ocean Sound Village received an email explaining the reasons behind the action taken at the Jeffrey's property. Again, their preference was to do nothing to encourage parking in this area.
9. The 4 condemned mobile homes have been removed and the areas restored.
10. Mr. Howard Marlowe and Mayor Guy have discussed a joint venture for beach renourishment. More will be addressed on this issue at a later date.
11. The cart issue at the New River Market is going well and seems to be handling the volume of trash generated.
12. Dr. Beck's property donation is still on hold. I have not heard from them as of this date.
13. Issues still looking into:
 - a. Greenhouse
 - b. Plants
14. We are waiting for engineer's approval for the proposed walkway repairs at the north end pond. Once the engineer's approval is complete, the project will be advertised for repairs.
15. We have exhausted our efforts to locate property donations to relocate the Sonny Johnson building to. I will contact Onslow County and our surrounding neighboring towns to see if they are interested. I will also look into any grants available for this type of project.
16. There was a question at the last meeting about the police officers working for a private entity if the entity contracts with the Town. If the officer's work exceeds 85.5 hours per month, the overtime rule would apply.
17. I finally received from Jim Gregson in writing; CAMA's support to sandbag Topsail Road at threatened points, as well as the ditch on 210. If the Board wishes to pursue this issue, the attorney needs to draft a resolution to request this action.
18. The Town has been requested by residents on Haven Drive to repair the road to before storm shape. Excessive rain for the last few months, coupled with previous storms have washed some of the gravel away. Unless directed not to by the Board, I will put the repair out for bid and present at the next board meeting.

AUGUST INSPECTIONS REPORT

1. Approximately 50 Inspections - building, electric, mechanical, plumbing
2. Re-write N.F.I.P. Ordinance
3. A significant amount of time monitoring the campgrounds
4. Several Hurricane follow-up with success.
5. 75% of trash and yards cleaned up
6. All 4 trailers condemned have been removed

CAMA REPORT:

Issued 4 CAMA Permits; Issued 3 Exemptions; Completed 5 Final Inspections

Alderman O'Donnell was pleased to see the reduction of comp time and would like to see it at 0 by the end of the fiscal year. Alderman O'Donnell questioned the utilization of funds and said that we should make adjustments now. Mr. Hammond said that the insurance came in higher. Alderman O'Donnell also questioned the repair and maintenance of vehicles. Alderman Sizemore questioned the Jenkin's house. Mr. Hammond said that the state still owes us \$30,000.00. The contractor has purchased the CAMA permit and they are looking at an engineer's study at this time to move the house.

Alderman Flynn questioned donations to the beautification committee and noted that the project did well before. Alderman Flynn also questioned if contracts were give to our financial officer. Mr. Hammond said that the Town Clerk keeps them on file.

Mr. Hammond noted that the next Four Town Meeting is scheduled for September 21st at Betty's Smokehouse and asked the Board for agenda items.

BOARD OF ADJUSTMENTS:

The most recent activity of the past Board of Adjustments was in the spring of 1997. Therefore, it is proposed that a complete new board be appointed and that the Town Attorney set up a training session to ensure they are aware of their roles and responsibilities.

Marge Lombardo has applied and Alderman O'Donnell has someone who would serve.

RESOLUTION OF INTENT:

Alderman Flynn said he has spoken to Surf City and Topsail Beach and we are trying to get the counties to support us. Alderman Flynn would serve on the Steering Committee. Alderman Sizemore moved, seconded by Alderman O'Donnell to adopt the Resolution proposing formation of a beach restoration partnership. The motion passed unanimously.

ALDERMEN'S REPORT:

Alderman Sizemore noted that the Eastern Carolina Council has a meeting on September 14th in Kinston and Hazard Mitigation will be addressed. They are interested in helping us with beach renourishment.

Alderman Smith noted that the board had a retreat a couple of weeks ago. We're trying to learn one another better to serve you better. Alderman Smith felt that it was a rewarding experience. He reminded everyone that the dedication of the high rise bridge in honor of Trooper Larry Walton would be held on September 26 at 11:00 am.

ADJOURNMENT: Alderman O'Donnell moved, seconded by Alderman Flynn to adjourn the meeting at 8:51 p.m. The motion passed unanimously.

Respectfully submitted,


Loraine M. Carbone
Town Clerk

TOWN OF NORTH TOPSAIL BEACH
REGULAR BOARD MEETING
OCTOBER 5, 2000
7:00 P.M.

PRESENT:

Mayor Marty Bostic, Mayor Pro-tem Steve Smith, Aldermen John Flynn, Peter Hillyer, Bill O'Donnell and Otis Sizemore, Charles Hammond, Town Manager, Loraine Carbone, Town Clerk, Bill Fuss, Attorney

QUORUM:

Mayor Bostic called the meeting to order at 7:08 p.m. in the North Topsail Beach meeting room and declared a quorum present.

APPROVAL OF AGENDA:

Under "Request to Address the Board", delete Sheriff Brown, Alice Van Orden and Dwight Hicks, since they were unable to attend the meeting. Under "Old Business" delete the mutual aid agreement. Add under new business the Marlowe and Company contract and donation of property. Alderman O'Donnell had some questions regarding the consent agenda, namely, the Beck property donation and comp time. Alderman Sizemore asked to discuss beach renourishment and the meeting this weekend in Surf City. This issue was put under the Marlowe contract discussion. Alderman Sizemore also asked that we add the Charter Communications Franchise under new business. Alderman Smith had a comment on the Waste Industries schedule change. Alderman Hillyer moved, seconded by Alderman O'Donnell approval of the agenda with the appropriate changes. The motion passed unanimously.

REQUEST TO ADDRESS THE BOARD:

Beautification Committee:

Beverly Sizemore noted that the committee is meeting tomorrow at town hall to clean the gardens.

Planning Board:

Patsy Jordan reported that on July 13, 2000 the planing board met for their regularly scheduled meeting date. A re-zoning request was submitted to the planning officer on July 6, 2000 from Eddie Mann. The advertisement that was published in the newspaper two weeks in advance was advertised incorrectly. The advertisement was to rezone this property from R-20 to R-10. When the paperwork from Mr. Mann was received, the request was from R-20 to R-8. Under these circumstances, the board was not able to discuss this matter on the 13th.

Mr. Mann was asked to resubmit his request so that it could be properly advertised. This re-zoning request was not on the Planning Board's agenda on August 10th. On September 14th, Mr. Mann resubmitted his rezoning request. Mr. Mann's request was from R-20 to R-8. R-8 did not call for Planned Unit Development or Planned Residential Development. R-8 Condition Use will allow for this use. Mr. Mann was asked to resubmit his request one more time so that

everything would be in order. On September 15th, his request was resubmitted to change R-20 to CUR-8. The Planning reconvened on October 3rd to hear this request. Two members were absent from this meeting. The board received two letters from property owners and a petition from residents across the street requesting that this change not be made. The NTB policy guidelines must be followed concerning zoning amendments and no proposed zoning amendment will receive favorable recommendation unless all stipulations are met. Therefore, the Planning Board declined this rezoning request.

OPEN FORUM:

Bill Wadrick asked about the moratorium on permits at Roger's Bay. Mr. Starzynski said that something would be done soon and the moratorium would be lifted. Mr. Wadrick said that he just wants electric and water hooked up and requested the Board allow him to put in electric and water.

Sue Tuman had comments on the CAMA issues. She reviewed the minutes from past meetings. One of the issues was speed in getting a permit was not important, but speed is a relative term and depends on whether it is your house that will be put behind. It may be three months before you get what you want. Mrs. Tuman noted that Sue McLaughlin could deal with the process much quicker. In regards to the program generating income, it depends on how you look at it. You have to realize it is generating income because without a permitting process we wouldn't get the housing and business. It is helpful to all citizens. If it is in Wilmington, it will cost someone more money. There is no builder or contractor who would absorb the extra cost of dealing with Wilmington. The suit against the town is unfair, but we shouldn't be spiteful. The issue of CAMA being local is critical to the Town. Collectively, CAMA is used in our Town every single day.

Danny Massengill asked the town for permission to park a RV on his lot. This would be addressed under the Manager's Report additions.

Mrs. Sizemore noted that Ron Lewis announced that all permits would be available on line.

Alderman O'Donnell said we should address Mr. Bill Wadrick's issue of hooking up electric and water at Roger's Bay tonight. The Board decided to put it under the Manager's Report. Alderman Sizemore felt that the whole issue of Roger's Bay needs to be addressed.

CONSENT AGENDA:

Alderman O'Donnell questioned the donation of the Beck property. What would trees cost to develop it? Mr. Hammond said there is a right of way going down this track, but he didn't have a cost figure at this time.

Attorney Fuss said if they want to attach a condition if we develop the property, then we could put in the buffer. He will clarify that at the time he searches the Title.

Alderman Smith felt that we need to take action on the Beck property. Mayor Bostic asked for clarification from the town attorney. Attorney Fuss will ask Dr. Beck when the condition of the vegetated buffer is invoked.

Alderman O'Donnell was pleased to see that the police department has cut their comp time. He would like to see the comp time at 0 by the end of the fiscal year. The pay off of comp time increases when employees get raises.

Alderman Smith questioned Waste Industries' new schedule. Mr. Hammond said Waste Industries would notify the property owners of the changes.

Alderman Sizemore was disturbed by the report from the Fire Department. His concern was with calls where only two personnel showed up and ISO requires that an average response of four personnel respond. We could be in jeopardy of losing our ISO 6 rating. Alderman Sizemore asked the Town Manager to see that something is done in regard to increasing the amount of volunteers. Alderman O'Donnell questioned the use of the new public works person for fighting fires. Mr. Best noted that he is still being trained.

Alderman Hillyer moved, seconded by Alderman Flynn approval of the consent agenda.

PROPERTY DONATION FROM DR. W.W. BECK:

Dr. W.W. Beck proposes the donation of a non-buildable beachfront property. It is immediately north of track 1 donated to the Town in 1998. A possible use would be to develop a hard structure handicapped beach access at some future date.

PROPERTY DONATION FROM DR. W.W. BECK:

Dr. W.W. Beck wishes to donate an 11-acre track of property along the south side of Folkstone Road to the Town of NTB. The property has been surveyed by Charles Riggs; perks were done in numerous places and abuts property being taken by condemnation by Holly Ridge.

The only stipulation is to plant a buffer of trees down the 60' easement to the property and along the northern boundary abutting single lots that are currently for sale. This track is exactly 5.8 miles from town hall and could conceivably be utilized as a location for an EOC should the Board look to pursue this issue.

We could also look at the possibility of relocating the Sonny Johnson building to this location. According to the building inspection, it would require a foundation design to accommodate the building once relocated. There are many possibilities for this property.

PROPERTY DONATION FROM MR. & MRS. D. MILLER:

Mr. and Mrs. Miller wish to donate their property located oceanfront on Topsail Road between 8th and 9th Avenue. This property is non-buildable, but will eliminate some paperwork once the requirement becomes necessary to obtain easements from oceanfront property owners in order to accomplish beach renourishment.

PROPERTY DONATION FROM G.K. LIVINGSTON:

Mr. and Mrs. Livingston wish to donate a non-buildable track of property located oceanfront in Ocean Bay Village, across from La Costa Place.

This property may serve as a public beach access at a future date, but will also eliminate some paperwork should beach renourishment occur in the future.

NON-CONTROVERSIAL REPORTS:

1. Letters of Appreciation
2. Manager's Report

MANAGER'S REPORT OCTOBER 5, 2000

DOT has contacted NTB and they are in the process of doing a special study, but preliminary information indicates they will be able to decrease the speed limit on 210 from the St. Moritz to the Larry Walton Memorial Bridge from 55 to 45. They do not think they will consider the reduction of 35 to 25 on Topsail Road. The study will make the final determination.

We have finally closed the acceptance from Dr. Ammon's property located on Topsail Road between 10th and 11th Avenue.

Mr. Donnie Huffman, (NCDOT) will respond at a later date about the possibility of sandbagging 210 and the ditch on SR 1568.

Lots 8, 9 & 10 on 210 will be cleaned by December 1, 2000. Mr. Dotson stated in a conversation on August 27, 2000 that he would have it taken care of.

Litter Sweep and Beach Sweep 2000 was conducted and Public Works assisted in removing all the debris. We wish to express our appreciation to all those that participated.

The Town received the CAMA Grant approval on September 18, 2000. Total Grant was \$45,100 with the following break down:

Grant Amount	\$33,875.00
Local Cash	5,638.00
In-kind Match	<u>5,638.00</u>
Total Project	\$45,100.00

We are in the process of obtaining an ADA Beach Access design, will notify property owners of the project, bid the project, present to the Board to award and have until December 2001 to complete the project.

We have received the rough draft of the Regional Hazard Mitigation Program. It is being passed around for comments. Please put any comments in writing so I can send it back for corrections.

Possible update on progress of the 10th Anniversary.

The Chamber is looking into sponsors for a Heritage/Blue Grass Festival for NTB in early spring. I'm meeting with Jan Hobbs, Director of the Chamber on October 4th and will have more details after that meeting.

3. Fire Report
4. Police Report
5. CAMA/Inspection Report (will be available on October 5th)
6. Howard Marlowe Report
7. Comp Time Update
8. General Fund Budget vs. Actual

Resolution 133 - Disposition of Town Property:

No. 133

**RESOLUTION AUTHORIZING THE DISPOSITION OF CERTAIN PERSONAL PROPERTY
BY PRIVATE SALE**

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

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen that:

1. The following described property is hereby declared to be surplus to the needs of the Town of North Topsail Beach:
 - 1996 Ford 4S Crown Victoria
 - 1996 Ford 4S Crown Victoria
 - 1996 Ford 4S Crown Victoria
 - 1987 Chevrolet Truck
2. Microline 321 Dot Matrix Printers
 - 1 Panafax UF-321 Fax Machine
2. The Town Manager is authorized to dispose of the described property by private sale at a negotiated price.
3. The Town Clerk shall publish notice summarizing this Resolution in accordance with G.S. 160A-267.
4. The sale may be consummated not earlier than 10 days from the date of publication.

Duly adopted the 5th day of October, 2000.

Marlow F. Bostic, Jr., Mayor

Loraine M. Carbone, Town Clerk

Waste Industries Schedule Change:

Waste Industries is requesting the following schedule change to be considered and approved:

Due to the increased building on the south end of the island, the request is to add 2nd Street back to Town Hall to include all of Island Drive, Calinda Cay and Heron Cay to their Monday and Thursday routes. This change provides the Town residents better service by eliminating the long Tuesday and Friday route pick-ups.

A 60 day advanced notice will be provided to all residents that this change will take place. Waste Industries will attach advertisement sheets to each door in the area.

OLD BUSINESS:

Marlowe and Company Contract:

Mr. Hammond noted that Howard Marlowe was disappointed that we didn't receive any federal funds. Mr. Howard asked that we suspend his contract now since nothing can be done at this time. We can make a decision in January if we want to continue the contract. Subject to the bill passing in the Senate, the President said he would veto it and it then must return to committee to adjudicate his concerns. Sen. McCain put out significant comments on emails and he was upset about the pork attached to the water bill. There were items illegally provided in the bill. At the present time, no one has any idea what will happen when they return to committee. It might be worthwhile to keep Marlowe and Co. until Congress adjourns.

Alderman Sizemore said that just because Congress won't be meeting, right now is not the time to withdraw our effort, but to redouble our effort. Staff will be there and they will be accessible to us at this time. Alderman Sizemore thanked Alderman Flynn for his efforts on this issue and noted that he has spent countless hours getting information on beach renourishment. As a town we have not done what we need to do. Surf City had a plan and went to their Congressman. The efforts of Surf City were steered by the efforts of the Town Manager. We need direction. Nurham Warwick's committee is meeting tomorrow with us in Surf City and we need to give him our ideas. We need to decide to get serious and develop a plan and take it to the Senate through Marlowe and Company. Alderman Sizemore reiterated that Beach Renourishment is the most important issue this town has.

Alderman Flynn said that we are moving up some and we could probably have a plan completed within three weeks. Everything will be predicated on a Reconnaissance Study. We know how much beach we have and we know it will take approximately 12 to 13 million cubic yards of sand. We have different ideas as to what we can do to move forward with this once we have a study by the Corps of Engineers. Alderman Flynn questioned utilizing Surf City and moving forward with them, but the Corps said they are prohibited by law to piggyback. We do not have a great deal of involvement. We do not have much interest within our citizens and perhaps our board in beach renourishment.

Alderman Smith agreed with Alderman Flynn and Alderman Sizemore. He felt that we were forgotten again. \$100,000 is not a lot of money for a study. We have to invite our representatives to meet with us. Alderman Sizemore said that he and Mr. Hammond went to

"Pork in the Park" last week in Jacksonville and spoke to Rep. Warwick. They also met Leigh McNairy and a representative from Congressman Jones' office. Ms. McNairy said she would come to NTB. We need to develop a relationship with anyone who can help us. We will have to make personal contributions to their campaigns. Alderman Smith noted that at this weekend's meeting everyone was welcomed. There is a committee from the state that is working on beach renourishment. An open session is between 2:00 p.m. and 4:00 p.m. on Friday. Alderman Flynn noted that the Saturday meeting is basically a tour of the Island.

Alderman Flynn reported that Tom Jarrett would be retiring from the Corps of Engineers in December.

Mayor Bostic said that we need to schedule a meeting on beach renourishment. Alderman Flynn said the county commissioners need to be talked to in detail, but most likely after the election. A special meeting was scheduled for October 11th at 6:30 p.m. to discuss beach renourishment.

Dan Tuman asked if Mr. Marlowe was in contact with Congressman Jones. Mr. Hammond said that he was.

Charlotte Wilmer asked what commitments Congressman Jones gave of his efforts. Mr. Hammond has talked with his staff and aides and they have assured him on several occasions that he would support us.

Mrs. Sizemore said that the citizens were behind the Surf City plan and their names went to Congress supporting their plan.

Mayor Bostic said that citizens are not participating in our meetings.

A citizen said that he had volunteered for the beach renourishment committee, but meetings were canceled and he was never contacted again.

Ms. Zoanelli said that citizens could write to their representatives if we give them a form letter.

Charlotte Wilmer agreed with what Alderman Sizemore said. This is an opportunity to educate Capital Hill while they are out of session.

Dan Tuman said if Congressman McIntyre had a plan for Surf City and we didn't have a plan then we deserved what we got.

Alderman Sizemore moved, seconded by Alderman Smith to keep the Marlowe and Company contract. Alderman O'Donnell said he was disappointed that we just get generic reports from Mr. Marlowe and said that we should be getting better service. Alderman O'Donnell also noted that Mr. Marlowe has proposed to drop the contract at this time. If we do pay him, Alderman O'Donnell wants to know how he is spending our \$3,000/month. He was reluctant in paying him this money if he is not working for us. We need to speak to Mr. Marlowe to see what he can do for that money. We shouldn't decide tonight to throw away \$9,000.00.

Alderman Sizemore noted that when we began this contract we said we would provide Mr. Marlowe specific instruction. He questioned if we have given him direction and agreed that if Mr. Marlowe thinks he can't do anything at this time we shouldn't pay him.

Mr. Hammond said he would talk with Mr. Marlowe and report to the Board on October 11th.

Alderman Hillyer said that Mr. Marlowe has said that he doesn't want to do this for awhile. We need to ask if he can do something for us.

Alderman Sizemore withdrew his motion and asked that it be brought up on the 11th. Alderman Smith withdrew his second.

CAMA Contract:

Mr. Hammond noted that we had a public hearing in August in regard to the CAMA contract and it was tabled in September. Mayor Bostic asked if anyone had comments. Alderman Hillyer noted that there has been a lot of discussion and it is time to vote on it. It is overwhelmingly positive that we sign the contract. Alderman Hillyer moved, seconded by Alderman Smith to keep the CAMA contract for a local officer. Alderman O'Donnell said that it was an expensive contract because of Mrs. McLaughlin's salary. The state agency sues us; therefore, we should have them do the job. If CAMA had to do it themselves they would appreciate us more.

Alderman Sizemore noted that we would consider this in two parts, retain the LPO program, but with revisions to the contract. If we keep this program, any decisions made above the LPO must be in writing. Alderman Sizemore has spoken to other state representatives and most of them do not support the CAMA program and some would like to see it abolished.

Alderman Flynn said that there are others who have supported the CAMA program. He has spoken with the CAMA representative and he said that he was willing to put any decisions in writing. Alderman Flynn said that he supports the program. Alderman O'Donnell noted that it is not unusual for towns not to have a local CAMA Officer. The Motion was made and seconded. The motion passed with Aldermen Sizemore and O'Donnell opposing.

Mayor Bostic said if we want any conditions, we could amend the contract. Alderman Flynn requested that the attorney write an appropriate amendment. Attorney Fuss noted that we would have to have the condition in the motion.

Alderman Sizemore moved, seconded by Alderman Smith that the Contract would require that any decision rendered at a level higher than the local LPO be rendered in writing with the signature of the person having made that decision thereto affixed. The motion passed unanimously.

Alderman O'Donnell moved, seconded by Alderman Sizemore to have the attorney include a second amendment in the contract stating that the officer is an agent of the State to protect us. The motion passed unanimously.

Board of Adjustments:

We currently have two people requesting to serve what had decided to be a 5 to 6 member Board of Adjustments. We have applications from Marge Lombardo and David DeMoss. Mayor Bostic asked for any volunteers in the audience. This committee would meet when there was a conflict in zoning with the planning board.

James Massengill asked if the person had to be a full-time resident. Mayor Bostic asked him to fill out an application.

Topsail Road:

Mr. Hammond noted that Mr. Riddle, of D.O.T., received information on moving Topsail Road and that it would cost about \$330,000.00.

There was concern about sandbagging Topsail Road and 1568 and 210. Donnie Huffman noted that CAMA doesn't have a problem with that and would look at specific areas. Sandbagging of Topsail Road would take at least 1000 sandbags and they don't have the money to do that. Mr. Hammond asked if the Board wanted to accept Topsail Road into our system? Alderman O'Donnell asked if we owned that road would we have to acquire the land and move the road. Mr. Hammond said that if Topsail Road got destroyed and we owned it, we would be responsible for providing egress to their homes.

Sue Tuman asked if there was a commitment by the state to pave all our roads. Mr. Hammond said that CAMA prohibits it in some areas.

Mrs. Sizemore asked if D.O.T. addressed graveling Topsail Road?

The Board decided to table the issue of Topsail Road again until more information was acquired.

The meeting recessed at 8:50 p.m.

The meeting was called back to order at 9:01 p.m.

NEW BUSINESS:**Budget Amendment #1:**

This is the first Budget Amendment for the 200-2001 Fiscal Year. On the revenue side, we had an adjustment of \$13,448.00 because we did not go with the County Park Patrol contract. Under Governing Body, the travel and training increased because of the board retreat. Insurance was budgeted for an 8% increase and it increased by 41%. We had tax refunds on donated property. In regard to the close out of the hazard mitigation, the town has to pay taxes on the Jenkins property, but it will be reimbursed through the contract.

Under inspections there is a capital outlay of \$893. When we purchased the truck, it was Mr. Hammond's understanding that the bed liner and toolbox were included, but it wasn't. Mayor Bostic said he has seen cheaper liners and toolboxes. Other expenses were under automotive supplies and a new hood on the Cherokee. Our flood insurance also increased.

Mr. Hammond explained that you cannot be exact on the revenues and under expenditures, there are certain things that we have no control over, i.e. insurance. We need to make small adjustments throughout the year.

Alderman Sizemore asked when we expected the money to come in from FEMA so we could pay off the contractor. Mr. Hammond said that we were told that it was sitting in Raleigh, they cut the check yesterday for 2.3 million dollars.

Alderman O'Donnell asked why our insurance went up significantly. Mrs. King noted that it is also allocated for the two vehicles we hadn't received yet. The League of Municipalities changed the way they rate us. It brought our premium higher because of all the hurricane expenses we incurred. Hurricane Fran will come off next year and Hurricane Floyd will go on.

Alderman O'Donnell noted that we passed the budget for a certain amount and the town should be managed within that 1.8 million. We are adding another \$10,000. When you run over in one area you should take it out of another area. The \$250 retreat should have come out of dues and subscriptions. Alderman O'Donnell also said that he was pleased with inspections. We shouldn't put more money in the budget for overruns. Alderman Hillyer moved, seconded by Alderman Smith to approve Budget Amendment #1. The motion passed with Alderman O'Donnell opposing.

Property Donation:

Mr. Hammond noted that we have received a donation of property from Mr. & Mrs. Bamberger. It has an Army Corps of Engineer easement on the property. We tried to eliminate the easement, but we haven't been able to do that. Debris has been cleaned off by the Bamberger's. There are some restrictions because of the deed. If we can get rid of the easement it could be sold. Mayor Bostic asked that it be tabled until the Title is searched and directed the manager to work with the attorney to get all the information and to see if the easement could be removed.

Charter Communication Franchise:

Alderman Sizemore noted that on their bill, they have gone to basic service that has eliminated some stations. It would cost \$35.00 to go up to channel 48. Alderman Sizemore thought that they had to come to us before they made any changes or increases. Alderman Sizemore asked the attorney to get an opinion on this. The consensus of the board was to have the attorney research the contract.

Manager's Report additions:

Mr. Hammond thanked Marge Lombardo for the wreath that she decorated for the fall.

About a year ago Mr. Hammond talked to the board about doing a Blue Grass Festival on NTB. He met with Jan Hobbs, Chamber Director and two promoters. There is an interest in Country/Blue Grass music combined with western folklore. They are looking for sponsors for this, but we don't have the space to hold this type of event. We could get 5,000 to 10,000 people. Mayor Bostic said that the promoter, Danny Marshburn has the right connections and

the scope could be very large. Mr. Hammond said we would have to provide some help. Wes Tighlman would be the planner for this type of event. They would work on a percentage of the take. They were told that we don't have the funds and that it has to be self-sufficient. Of course, we would have to provide police security.

Alderman Smith suggested that we do it as an Island wide project. Mr. Hammond noted that we discussed that, but NTB would want to have something to distinguish them from the other town events. Location would be the biggest problem. Alderman Hillyer asked what the motivation would be. Mr. Hammond said to promote NTB. Mayor Bostic noted that Danny Marshburn runs the concerts at White Oak High School and gets a big following.

Mayor Bostic noted that the Scotch Bonnet property is a possibility. Mr. Hammond said he would get more information. The date we are looking at is Memorial Day weekend 2001.

Update on Roger's Bay:

Mr. Hammond said that we don't have the maps yet. Charles Riggs came in today with a preliminary map. Attorney Fuss noted that we didn't request that survey and we couldn't make a move until that survey comes in. If people want to spend the money on hooking up water and electric we can't guarantee that they can occupy a specific block. It is out of our control. Mr. Fuss has talked with the attorneys of Community Association Management Specialists and they have told us they don't have the maps yet. Mr. Starzynski said that if we allow water and electricity and if they bring in campers, we wouldn't know if they were increasing the impervious area. Attorney Fuss noted that two weeks ago we anticipated the maps. They asked if we would relax the restrictions. We said if they want to put in electric and water, we didn't have a problem, however we won't be responsible if electric and water never gets attached to a camper.

Alderman Sizemore asked if a recreational vehicle was not a permanent structure. If someone wants to take his vehicle down and then leave, he is not permanent. It's not right to have these regulations interpreted. Mr. Hammond said that when the campers are there, it is impervious. Alderman Sizemore said it is temporary.

Mayor Bostic asked the attorney if Mr. Starzynski relaxes the moratorium and someone pulls in his camper, who policies it. Mr. Starzynski noted that the campground keeps a record of who checks in and he could check it at any time.

Attorney Fuss said we are enforcing things that are not ours. You can't create any new impervious surfaces at this time. Mr. Starzynski said that every time the campground has added sites they were supposed to submit plans. He needs to see a plan that shows the camp sites were always there.

Attorney Fuss said we don't know what the ratio is. CAMA has put a gun to our head because there is nothing that states it.

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Mr. Starzynski said that if it is designated as a built upon area it is impervious. Mrs. McLaughlin said there are campers with gravel, aggregate base course (abc) and covered porches, that is impervious coverage.

Attorney Fuss said that as long as they assume the risk of spending the money they could do the hook-ups. If the coverage has been used up according to ratios, they may be running lines to no where. They would have to sign off that the Town is not at risk.

Alderman O'Donnell said if the property owner wants to do the work at his own risk he should be able to. Attorney Fuss said we shouldn't create further impervious surfaces.

Alderman Smith moved, seconded by Alderman Sizemore to have Mr. Wadrick put in electric and water at Roger's Bay at his own risk. Alderman Flynn said it is difficult to allow just an individual and you would have to allow everyone. This motion was rescinded.

Alderman Smith moved, seconded by Alderman Sizemore to allow the building inspector to relax his moratorium restrictions at Roger's Bay and to allow the camp ground to expand electricity and plumbing services to those who currently don't have it. At the same time we make no guarantee that those campsites would be used due to CAMA regulations and we must have hold/harmless agreements signed. The motion passed unanimously.

Mr. Hammond said he would like to see the water and electric done. If everyone complies with 30%, every lot should be eligible. Mr. Hammond did not want to see hard structures put in.

Mr. Hammond noted that Mr. Massengill has bought property on NTB and he is asking the Board if he could park his RV on his property for an extended time. He suggested directing the planning board to look at this issue and to modify our ordinance if need be. Alderman O'Donnell said that we have zoning regulations and it is not zoned for RV's. There are campgrounds on the island. Others have the right to expect just single family homes in their areas. Mayor Bostic said this is a zoning issue and it would be referred to the Planning Board.

Sue Tuman noted that we shouldn't change the ordinance because you might end up with RV's sitting with no houses being built. Mr. Starzynski said that the Planning Board could look at exceptions.

MAYOR'S REPORT:

Mayor Bostic said that we had a good gathering at the bridge dedication for Trooper Larry Walton on September 26th and was honored to be a part of it. He went to the County Fair and met with some politicians. We need to touch base with these folks. We will need dedicated folks to help us with beach renourishment.

ALDERMEN'S REPORT:

Alderman Sizemore reminded everyone that the beach renourishment meeting in Surf City would be on Friday and Saturday.

Alderman Flynn said that it was unfortunate that Sheriff Ed Brown couldn't meet with us yet. North Shore Country Club sent a letter to the governor regarding ETJ and annexation. Alderman Flynn requested that the Mayor ask the town attorney to provide us with what ETJ can do for us, what it means and would it provide value to the town.

ADJOURNMENT:

Alderman Smith moved, seconded by Alderman O'Donnell adjournment of the meeting at 10:25 p.m. The motion passed unanimously.

Respectfully submitted,

Loraine M. Carbone
Loraine M. Carbone
Town Clerk

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Revenues

<u>Account</u> <u>Name</u>	<u>Budgeted</u>	<u>Increase</u> <u>Decrease</u>	<u>New</u> <u>Budget</u>
10-335-09 Floyd Reimbursement	\$0.00	\$70,592.00	\$70,592.00
10-335-10 Misc. Permits/Fines	\$250.00	\$580.00	\$830.00
10-335-16 Hazard Mitigation	\$0.00	\$156,496.00	\$156,496.00
10-339-00 Intangible Property Tax	\$21,425.00	\$2,720.00	\$24,145.00
10-351-03 Body Armor Reimbursement	\$0.00	\$500.00	\$500.00
10-367-01 Sales Tax Refund	\$7,500.00	\$1,156.00	\$8,656.00
10-367-03 Federal Excise Tax	\$3,550.00	\$8,625.00	\$12,175.00
10-368-01 County Park Patrol	<u>\$13,448.00</u>	<u>(\$13,448.00)</u>	<u>\$0.00</u>
	\$46,173.00	\$227,221.00	\$273,394.00

10-335-09 Forced labor & equipment for Hurricane Floyd \$62,130.00
 Money received for demolition/removal of trailers damaged in Floyd \$8,462

10-335-10 Fines over budget

10-335-16 Hazard Mitigation money received from Penta house...this money was
 carried back to the 1999-2000 budget.

10-339-00 Intangible taxes came in over budget

10-351-03 Body armor reimbursement from NCLM for vest (note this is not the safety grant)

10-367-01 Sales tax came in over budget

10-367-03 Excise tax for gas purchased from the last 4 fiscal years
 (contract with Municipal Tax Consulting)

10-368-01 Decreased because Board decided against cleaning beach accesses and
 patrolling parks for the said amount of money

Governing Body/Administration

<u>Account</u>	<u>Name</u>	<u>Budgeted</u>	<u>Increase Decrease</u>	<u>New Budget</u>
10-410-14	Travel-training	\$0.00	\$250.00	\$250.00
10-420-54	Insurance & Bonds	\$18,000.00	\$8,000.00	\$26,000.00
10-410-58	Tax Refunds	<u>\$400.00</u>	<u>\$600.00</u>	<u>\$1,000.00</u>
		\$18,400.00	\$8,850.00	\$27,250.00

Needed to balance **\$8,850.00**

10-420-54 Insurance premiums increased more than anticipated
 10-410-14 Retreat with ECC for board
 10-410-58 Tax refunds and property taxes paid on donated properties

Inspections

<u>Account</u>	<u>Name</u>	<u>Budgeted</u>	<u>Increase Decrease</u>	<u>New Budget</u>
10-491-74	Capital Outlay	\$24,000.00	\$893.00	\$24,893.00
10-491-16	M&R Equipment	\$0.00	\$35.00	\$35.00
10-491-17	M&R Vehicle	\$500.00	\$105.00	\$605.00
10-491-31	Automotive Supplies	<u>\$1,200.00</u>	<u>(\$140.00)</u>	<u>\$1,060.00</u>
		\$25,700.00	\$893.00	\$26,593.00

Needed to balance **\$893.00**

10-491-74 Bedliner & Tool box did not come with truck (as originally thought)
 10-491-16 should have been coded to 10-491-17 for M&R Vehicles
 10-491-17 New hood for Jeep Cherokee

Miscellaneous

<u>Account</u>	<u>Name</u>	<u>Budgeted</u>	<u>Increase Decrease</u>	<u>New Budget</u>
10-500-54	Flood Insurance	\$11,183.00	\$517.00	\$11,700.00
10-500-55	Demo/Removal Floyd	\$0.00	\$5,000.00	\$5,000.00
10-999-01	Contingency	<u>\$15,004.00</u>	<u>\$211,961.00</u>	<u>\$226,965.00</u>
		\$26,187.00	\$217,478.00	\$243,665.00

10-500-54 Flood Insurance Premiums increased more than anticipated
 10-500-55 To pay for removal of trailers damaged during Hurricane Floyd
 10-999-01 Contingency actually **\$70,469.00** because hazard mitigation money was carried back to 99-2000 fiscal year

Total Revenue Increases	<u>\$227,221.00</u>
Total	\$227,221.00

Over-expenditures for each department

Governing Body/administration	\$8,850.00
Inspections	\$893.00
Miscellaneous Departments	\$5,517.00
Contingency	<u>\$211,961.00</u>
	\$227,221.00

TOWN OF NORTH TOPSAIL BEACH
SPECIAL BOARD MEETING
OCTOBER 11, 2000
6:30 P.M.

PRESENT:

Mayor Marty Bostic, Mayor Pro-tem Steve Smith, Aldermen John Flynn, Peter Hillyer, Bill O'Donnell and Otis Sizemore, Charles Hammond, Town Manager, Loraine Carbone, Town Clerk, Bill Fuss, Attorney

QUORUM:

Mayor Bostic called the meeting to order at 6:37 p.m. in the North Topsail Beach meeting room and declared a quorum present.

AMENDMENT TO CAMA CONTRACT:

Attorney Fuss noted that a clause was added to the contract. Under paragraph 7, it was changed to read "said personnel shall be considered agents of the department". In paragraph 18 - under the terms of the contract and CAMA regulations, when our LPO issues permits, copies go to Wilmington. At the end of the paragraph it states "give Contractor and Contractor's personnel written and dated notice of its recommendation or advice and the reasons therefore".

Our LPO is aware of the steps and procedures she has to take. There are a lot of ways to document what you are being directed to do.

Alderman Sizemore suggested that if the department ratifies this contract, that the town manager instruct the LPO when an action is waiting, that no permit be issued until that opinion is in hand in writing.

Alderman Hillyer moved, seconded by Alderman Flynn acceptance of the amended CAMA contract. The motion passed with Alderman O'Donnell opposing.

HOWARD MARLOWE AND COMPANY CONTRACT:

Mr. Hammond noted that he did receive a response from Mr. Marlowe. There are several things that he thinks he can do for us. He is working with Congressman Jones at this time. They still don't know if the Energy and Water Development Appropriations Bill will go back to the committee. Mr. Hammond has spoken with Jeff Bowen, Congressman Jones' aide. He is very concerned with this issue. Joan Altman of Oak Island used a program limited to 5 million dollars through the Corps, which could be an option for us.

Mr. Marlowe agreed that he does supply generic reports and he will try to be more specific in the future. We may need to take a select group up to Washington to let them know of our concerns. Mr. Marlowe feels he could be a benefit over the next 90 days.

Alderman Flynn noted that the veto could probably get the votes in the House, but not the Senate. Or else it could go into a House Senate Committee. There is a slight opportunity that we could be mentioned in there. Everyone's funds are in jeopardy. Sen. McCain sent out emails that he was upset with the number of unworkable projects that was added to the bill.

Mayor Bostic asked if we could benefit if we cost shared this project. Alderman Flynn said that he didn't think anyone in D.C. is interested since they will be adjourning by Saturday.

Alderman Flynn recommended that we continue with the Marlowe Contract. Alderman Sizemore suggested that we ask Mr. Marlowe that he devote a lot of energy with Congressman Jones. Alderman Smith asked if he was working on the COBRA zone. Mr. Hammond said he has been working on it, but it doesn't look hopeful at this time, except for the extreme north end. Mr. Hammond said that there is a statement that says the administrative agency has the right to override U.S. Fish and Wildlife yet this is a long process.

Alderman Hillyer moved, seconded by Alderman Smith that we continue the contract with Marlowe and Company. The motion passed unanimously.

Alderman O'Donnell suggested that a form letter requesting support for beach renourishment be sent from our property owners to their representatives and senators. Mr. Hammond said that it would be put in our newsletter and on the website.

Alderman Flynn said we need time to go over Mr. Marlowe's suggestions and discuss it at next month's meeting. Mr. Hammond asked for written answers before the November meeting.

Carol Franzen noted that people will respond with a letter and suggested that we give them an option to return it to the town and we refer it to the correct politician

BEACH RENOURISHMENT:

Mayor Bostic noted that the Speaker of the House, Jim Black, attended the Beach Renourishment meeting in Surf City along with Representatives Russell Tucker, Nurham Walker and David Redwine.

Alderman Flynn noted that this was a State committee with 12 members. The committee's name is The North Carolina Coastal Beach Movement, Beach Renourishment and Storm Mitigation. They were given a year to see where the state's coastal areas are. This is the first time they had this type of committee look at coastal towns. The viewpoint of the committee was that they are finally acknowledging and attempting to get the House to recognize that tourism is the #1 source of money. This is the first year it has attained this level. Farming and fishing are going down hill. Tourism continues to grow and brings in lots of dollars to the State.

A committee was put together to talk with representatives and politicians in local areas to find out what beach restoration is, how can it work, what are the prices, and what is the long-term outlook. The study will be done next year and will take a positive approach to beach restoration. There will be statewide funding to support this. FEMA reported last year that 1 out of 4 homes on the Atlantic coast would disappear in the next 50 years. We have 1,000 people living here that swells to 13,000 in the summer. Our visitors generated more than 5 million dollars in room revenues. This year we have already generated about 5 million dollars.

The Town has recognized the requirements for beach renourishment by implementing in 1993 a 3 cent tax to go towards restoration and it was increased by 2 cents in 1998. Then came a half dozen hurricanes and we are just starting to recover from them. We are moving ahead as much as we can at this point.

A draft study from the Corps came out a couple of months ago. It took three communities that received beach restoration activities and compared them to three that did not have any restoration. All three that had restoration had less damage after the recent hurricanes. You need to restore the beach for two problems, one is erosion, second is storm maintenance from water damage.

Funding will be interesting since dollars are so far beyond our capabilities. We will continue to push for a 3% accommodation's tax. We will try to move and get it through the legislation in January.

We are buying 96,000 beach plants and sand fencing. We are upgrading our access sites. We enacted a stricter Flood plain management ordinance. We are looking to get the Corps to work with us. We were behind in getting our funding in this year. Surf City was recognized for \$100,000 to perform their reconnaissance study. A feasibility study would follow. Next is the operational phase and then the construction phase.

We have a lot of data and contacts. We have Congressman Jones who moved the initial request. If we can succeed in getting a reconnaissance this year, the Corps will start their efforts in 2003, possibly 2005. The capability of the Corps to engage in this type of effort is not simple. If we had approval, the next thing for the town to do is to develop a technical plan to Rep. Jones. He would then give it to the Corps and they would approve or disapprove.

We put together a group to meet and discuss how the three towns could do a better job in getting this done. We agreed to do that after the elections. Surf City modeled their plan on other towns. I have a costing package that shows what it would cost to redo the construction phase. The total money represented there normally breaks down to 65% by federal government, 25% by the State, 10% local. Local means either County or NTB. Things have gone further in Pender County with Topsail Beach because of the County's support. Even at 10%, you are talking about good size dollars.

Without the occupancy tax the cost will be tremendous. We need to get the finances straight in our minds. We will need to get a plan for the first quarter of next year so we can go to anyone and say we are ready with a plan.

Of importance is letters and citizen involvement. We must have our populist behind us. This effort must be supported by the Town.

Kure Beach had their beach replenished and now they are getting it serviced. As a consequence, after Hurricane Fran, they lost their motel. It was rebuilt and the beach was renourished and there was no problem after last year's hurricanes. There is a long-term commitment. Kure Beach experienced two years of lobbying, education of citizens and County commissioners, an occupancy tax and a newsletter to all residents. They talked to the Governor, and sent groups to Washington and Raleigh.

Alderman Flynn asked Mayor Bostic for guidance. He said that he finds it difficult to run a committee with no guidance from the Board. It should be stipulated that Cobra would be a massive chore and shouldn't be part of renourishment; it should be separate. The plan's development will be internal of the committee and the Board should have a definitive approach to the sand issue. Alderman Flynn questioned what the town's policy was to restore dunes and getting sand on property when erosion occurs. Whose responsibility is it?

Mayor Bostic said we have to have citizens behind us and support of the county commissioners. Alderman Flynn noted that once we agree to proceed with reconnaissance, and once feasibility is determined, we will have a part in paying in that, then you will need to lock in money through the construction phase or the Corps will not proceed.

The technical plan is the next step and we need to get a clear awareness as to Congressman Jones' support.

Mayor Bostic said we would have to use the next 60 to 90 days in organizing ourselves and then getting aggressive in January and February. Alderman Flynn said that the committee could build a plan and have a draft to the board by the 1st of January.

Mayor Bostic noted that the Corps spent a lot of money on the study at Topsail Beach and the voters voted it down because of increased taxes.

Alderman Sizemore noted that when you look at the impact on the beach, if it cost 30 million to restore the beach and if we had to do it all ourselves, we don't have much of a choice. After Hurricane Fran we lost our tax base. The choice we are facing is when will we do it. We will lose sand each year and that will be part of the plan.

Alderman Flynn noted that because of the geologic strata, the northern point is sand starved and New River Inlet makes it worse. There are different views occurring now. The N. C. Beach and Shore Preservation Association has done more work in the past year. Their Conference and Annual Meeting is scheduled for November 10th and 11th in Wrightsville Beach. They have a great deal of information. Mayor Bostic again reiterated that we would need citizen's help.

Beverly Sizemore suggested that we ask the County Board to appoint a commissioner to be on our committee and ask the Tourism board to do the same. We should also ask for alternates to be appointed.

Members of the audience signed up to serve on the Beach Renourishment Committee.

ADJOURNMENT:

Alderman Flynn moved, seconded by Alderman Sizemore to adjourn the meeting at 8:25 p.m. The motion passed unanimously.

Respectfully submitted,


Loraine M. Carbone
Town Clerk

TOWN OF NORTH TOPSAIL BEACH
REGULAR BOARD MEETING
NOVEMBER 2, 2000
7:00 P.M.

PRESENT:

Mayor Marty Bostic, Mayor Pro-tem Steve Smith, Aldermen John Flynn, Peter Hillyer, Bill O'Donnell and Otis Sizemore, Charles Hammond, Town Manager, Loraine Carbone, Town Clerk

NOT PRESENT:

Bill Fuss, Attorney

QUORUM:

Mayor Bostic called the meeting to order at 7:00 p.m. in the North Topsail Beach meeting room and declared a quorum present.

APPROVAL OF AGENDA:

Under old business, add donation of 501 Tradewinds (Bamberger property). Alderman O'Donnell stated that he had a change to the minutes of the October 5th minutes and that he wanted to discuss comp time after the consent agenda. Alderman Smith asked to go into Closed Session on a personnel issue. Alderman O'Donnell moved, seconded by Alderman Smith to approve the agenda with the appropriate changes. The motion passed 4 to 1 with Alderman Sizemore opposing because he didn't want to go into closed session.

REQUEST TO ADDRESS THE BOARD:

AUDIT:

Gregory S. Adams presented the Audit to the Board. Mr. Adams reviewed the Summary and reported that our cash increased from last year. Our Fund Equity and General Fund increased \$70,000.00. Revenues increased because of FEMA reimbursements. Property evaluations increased and the tax rate increased. Mr. Adams also reported that collections were down, i.e., the Registry of Motor Vehicles' overall collection rate was down by about 1%. The Town has received the highest rating and there has been a vast improvement over the past couple of years.

Alderman Sizemore asked why the motor vehicle tax is not paid. Mr. Adams said that the Registry does not collect back money. Alderman Flynn said that under Findings, it states that the Governing board should provide an audit trail and asked if this was expected of the Board. Mr. Adams said that we have to make sure that deposits are made on a daily basis and there is control of cash and deposits. We need to provide functions to separate duties. Alderman Flynn asked if budget amendments were required and were they mandatory. Mr. Adams confirmed that they were. The LGC mandates that no town should be over-budgeted in any line items and we have up to June 30th to amend the budget.

Alderman Sizemore noted that Mr. Adams recommended that budget amendments were to be made before the fact. Mr. Adams said yes, prior to the over-expenditure, but sometimes it could be unexpected.

Alderman O'Donnell said that he has read that amendments were to be approved before expenditures were made. Mr. Adams noted that is correct only if you get the money in before you spend it.

Mr. O'Donnell asked that if we get in excess money that is budgeted or needed, could it go into the contingency fund or fund balance? Mr. Adams said that if an unforeseen amount of money comes in it can go into whatever line item you desire. Mayor Bostic said that the undesignated fund balance is left over money. The safest place to put it is in the contingency fund. Mr. Adams noted that we are building up our fund balance now. The fund balance is not a correlation to the budget; it is to what income comes in and what you spent. The budget is a guideline for you to go by.

Alderman Sizemore noted that because of beach renourishment we would be looking at acquiring money and we need a fund that no one can touch. Mr. Adams said that we could separate it in a fund and use a separate checking account.

MADD:

Linda Hicks addressed the board regarding MADD. Mrs. Hicks commended the police department and the chief and the officers in helping them with MADD. She noted that a NTB officer helped them at the Spring Fling. The officer gave up his weekend to do this. Mrs. Hicks called up Officer Rob Davis to the podium and presented him with a plaque.

Mrs. Hicks also presented a plaque to Fire Marshal Thomas Best for providing the lights for the roadblocks.

Mrs. Hicks noted that the town has a fine police department and that the Board should be proud of them.

Planning Board:

Patsy Jordan handed out reports to the board.

Beautification Committee:

Mrs. Sizemore announced that the Beautification Committee meets on the 2nd Tuesday of the month and that they need active members. The committee will re-activate the "Greening of NTB" again and Certificates will be available to those who donate.

OPEN FORUM:

Laurie Sandberg noted that she is with "Top Dawg" and requested the use of the town hall for one night a month to improve their membership. The board approved.

CONSENT AGENDA:

The Consent Agenda consisted of approval of the October 11, 2000 minutes; a sample Resolution to Deter Price Gauging; a Resolution to Release State Economic Development

Funds to the Region P Eastern Carolina Council and Non-action Reports. Alderman Flynn moved, seconded by Alderman Hillyer approval of the Consent Agenda items. The motion passed unanimously.

OLD BUSINESS:

Alderman O'Donnell noted that in the October 5, 2000 minutes, on page 9, under Budget Amendment 1, he said that our insurance increased by 41%, not 10%.

Alderman Sizemore noted that in the October 5, 2000 minutes, on page 10, the consensus of the Board was to research the Charter Communication contract and asked that we address that issue at our next meeting. Also, on page 12, we should find the proper term for "crush and run". Alderman Hillyer moved, seconded by Alderman O'Donnell approval of the October 5, 2000 minutes with the appropriate changes. The motion passed unanimously.

CAMA CONTRACT:

Mr. Hammond noted that CAMA provided to us a negative response to the proposed CAMA amendments. They agreed that they would provide written responses to us if they decide to override anything. They did not agree to the State admitting that the CAMA Officer is an agent of the State. They don't allow municipalities to amend their contracts. Mr. Hammond spoke with Attorney Fuss and Attorney Fuss wanted to assure the Board that Sue McLaughlin has the knowledge to abide by the rules.

Alderman O'Donnell questioned how many other towns have been sued by CAMA? Alderman Hillyer noted that we had an employee who made serious mistakes and it is unwise to have everyone go to Wilmington. It's important for the people of the town to be face to face with someone from the Town. More important is that when you have a CAMA officer on site you don't get as many violations. No one obeyed the rules before.

Mr. Hammond said Jim Gregson spent a couple of hours today at Town Hall and he said that Sue McLaughlin is one of the best CAMA Officers he has in the area. Alderman Flynn noted that he is satisfied that they will write any back-up letters to us. Alderman Flynn said that he still believes that CAMA is of significant benefit to us and recommended that we sign the contract. Alderman Smith said there are a lot of people who want their taxes lowered and they see it as an expense. He also stated, if the State wants to regulate it, let them have it.

Alderman O'Donnell noted that the state sued us and they didn't call us with the problems first, they just filed a lawsuit. We don't need to cooperate with them.

Alderman Flynn noted that there was a problem with the former NTB representative. Alderman Flynn asked Alderman O'Donnell that when you discuss the cost of doing business with CAMA and you assume the cost of \$30,000 is against the town, do you intend to have Mrs. McLaughlin dismissed if this contract is not signed? Alderman O'Donnell said that we could use Mrs. McLaughlin's time doing other things.

Alderman O'Donnell moved that we reject the CAMA contract and give it back to the State. Alderman Flynn noted that he had already moved that we accept the contract. Alderman O'Donnell rescinded his motion. Alderman Flynn moved, seconded by Alderman Hillyer to

take action and to sign the CAMA contract. The motion was rejected with Aldermen Smith, Sizemore and O'Donnell voting against the motion.

ACCEPTANCE OF CAMA GRANT AND RESOLUTION:

Mr. Hammond stated that with the final approval and award of the contract, the Resolution Authorizing Local Government Execution of a Public Access Grant Contract is presented for signature. We have until December 31, 2001 to complete this project. We are currently waiting for a design that meets ADA standards in order to advertise for bids.

Alderman O'Donnell moved, seconded by Alderman Sizemore to approve the Grant and Resolution. The motion passed unanimously.

MUTUAL AID AGREEMENTS:

Alderman Flynn said we shouldn't table this issue again since Sheriff Brown was not able to attend our meeting. He felt that we should sign the mutual aid agreements. Alderman Flynn moved, seconded by Alderman Smith to sign the necessary papers for the Mutual Aid Agreement. The motion passed unanimously.

Alderman Sizemore noted that this issue came about because he mentioned ETJ last spring at a board meeting. Alderman Sizemore said that that he wasn't looking to annex, but to have a say as to what is built over the bridge. North Shore was upset and thought that we were going to annex them.

Alderman Flynn stated that our comment to them was essentially that we have no problem with that, but public safety would be jeopardized. If the Governor decides to do something, then we will respond.

Alderman O'Donnell said that we have had some discussion on mutual aid and he understood that if there is an ongoing police issue, that we respond and if it's not immediate, you don't respond. Alderman O'Donnell asked Chief Salese what incidences North Shore Country Club has had. Chief Salese said that they have responded to alarms and that they also have responded to Sneads Ferry in general.

BOARD OF ADJUSTMENTS:

Mr. Hammond noted that we have three people who have volunteered at this time. We need a minimum of 5. Laurie Sandberg volunteered to serve on this committee.

NEW BUSINESS:

Bamberger Property:

Mr. Hammond stated that we looked at the Army Corps of Engineers' easement on this property. There are 3 easements. Lot 24 goes back to the waterway. There is a 25-ft. easement on the outer edge of the property for pipes to be laid by the Army Corps of Engineers to pump sand onto the beach. \$12,373.00 is the cost to take the easement off and there are covenants to this property. The Bamberger's were aware of the stipulations, but they

were not interested and they still want to donate the property. Mr. Hammond told them that we could pay the \$12,373.00 and sell it for profit and they understood this. One easement will still stay there. Mr. Hammond asked the Board if they wished to accept this donation and purchase the easement from the Army Corps of Engineers.

Mayor Bostic said why would we spend money on buying an easement when potential property owners could pay the easement price. Mayor Bostic asked if Mr. Hammond had a letter in writing from the Corps as to the quoted price. Mr. Hammond said he would get a letter.

Alderman O'Donnell moved, seconded by Alderman Smith to accept the Bamberger property. The motion passed unanimously.

BUDGET AMENDMENT #2:

Mr. Hammond thanked Lydia King on doing such a good job in her department. Mr. Hammond noted that this is Budget Amendment #2. Adjustments were made in the amount of \$2,391,155.00 because of Hurricane Floyd, Hurricane Fran reimbursements and Powell Bill Funds. Mr. Hammond went over all of the Expenditures.

Alderman Sizemore asked if we could put the \$2,344,766 under a different line item and not have it under beach renourish/dune stabilization since the title is misleading. Mrs. King said it was the department's name and it has a separate line item in the budget.

Alderman Flynn asked Mrs. King to see how other towns handle the separation of funds and suggested looking into changing the designations.

Alderman Hillyer moved, seconded by Alderman Smith to approve Budget Amendment #2 and distribute money to DRC. Alderman O'Donnell noted that \$155,000 goes into contingency and then goes back out. Mrs. King said that the \$156,000 that was carried back from 99-00 is where the difference is. That will wash because it came in this year, but within 30 days of the new budget year. \$90,000 will not wash out. The \$156,000 will show up all the time. Alderman O'Donnell thanked Mr. Hammond for going over all the line items. The motion passed unanimously.

RENEWAL OF MUTUAL AID WITH HAMPSTEAD FOR FIRE PROTECTION:

Mr. Hammond noted that it is time for the renewal of the Mutual Aid for Fire Protection with Hampstead. Alderman Flynn moved, seconded by Alderman Smith to approve the Mutual Aid Agreement with Hampstead. The motion passed unanimously.

STREET MAINTENANCE AND ROAD REPAIR:

Mr. Hammond noted that we have had requests from citizens to pave their roads. We came up with a priority list of roads that we could use the Powell Bill money for. John Parker gave Mr. Hammond the figures. Mr. Hammond looked at what we budgeted last year and asked for the Board's approval to prioritize the streets. Mayor Bostic said we should have a line item of permanent residents. Alderman Flynn suggested that we get a new listing of permanent residents and then proceed. Mayor Bostic noted that we could spend up to \$42,000.00.

Alderman Flynn moved, seconded by Alderman Smith to authorize the Town Manager to proceed with this list as modified and to ensure that we don't repave streets without permanent residents on it. The motion passed unanimously.

PROPOSAL FOR NORTH TOPSAIL BEACH PUBLIC PARK AT BEACH ACCESS #4:

Mr. Hammond reviewed the plans for a public park at Beach Access #4. Onslow County was given this property by the State for recreational activities. He gave a proposal to Onslow County and so far they have given him positive feedback. Mr. Hammond said that he would have to submit the proposal to the Parks and Recreation Committee. They are meeting on November 16th and if they approve it, the plan has to go to the Onslow County Board and then on to the State. We could apply for CAMA and State grants. The CAMA grant could pay 75% and we would pay 25%. Of our 25%, 50% could be in-kind services. The Park and Recreation Grant is a 50/50 match. This is a cash match. A private individual has agreed to donate up to \$30,000 for a park. We could put in nature trails in the future.

Mayor Bostic asked if Kevin Moody would spend federal funds for a nature trail in a Cobra zone? Mayor Bostic also suggested that we split the track in half and consider the possibility of putting in a tennis court. Mr. Hammond said that could be costly. Mayor Bostic said we could ask for more land. Mr. Hammond said they would lease the whole property to us, but we were only going to develop half of it at this time. Mr. Hammond said the total project is projected at \$125,000.00. There are two stages for the project. Mr. Hammond has asked Ron Lewis to present this item at their December meeting since there is a January deadline for the grant.

Alderman Flynn thanked Mr. Hammond for all of the work he did on this proposal and felt that the citizens would get a lot of use from this park. Alderman Flynn stated that since we need to move expeditiously, he felt that we should move forward. Alderman O'Donnell also said he was pleased with the project and the work the Town Manager did. Alderman O'Donnell asked if we had the option to put in a tennis court and then put the basketball court in later. Mr. Hammond said we could change anything. Alderman Hillyer said that it is important to have basketball and tennis courts.

Alderman Flynn moved, seconded by Alderman Smith to instruct the Town Manager to proceed with plans to develop a public park at Beach Access #4. The motion passed unanimously.

Bob Cassidy asked Mr. Hammond if there would be negative comments from adjoining property owners. Mr. Hammond said he would look into that. Mayor Bostic said that the property is already zoned for recreational.

Mayor Bostic said we need to thank John Parker for all the work he did on drawing up the plans.

MANAGER'S REPORT:

Mr. Hammond presented a memo from Donna Girardot, Governmental Affairs Director of the Wilmington Regional Association of Realtors. Sen. Ballantine has asked her to make

arrangements for a meeting to try to come to a mutual agreement over the accommodation's tax. Consensus of the board was to set up a special meeting on Monday, November 20th at 7:00 p.m. Alderman Sizemore questioned why we would meet with someone from Wilmington. Mr. Hammond said that Sen. Ballantine asked her to set up this meeting.

Congratulations to Loraine Carbone in completing her certification courses through the Institute of Government. The classes were taken over a two-year period. After sending in her application to the International Institute of Municipal Clerks, and upon their approval, she will become a Certified Municipal Clerk. Congratulations on a job well done!

Alderman O'Donnell previously questioned the cost to plant the barrier on Dr. Beck's donated property and when it has to be done. The exact cost depends on the size and number of trees to be planted. We have the option to leave natural barriers up. Requirement for a barrier would be when we develop the property.

Alderman Sizemore asked Mr. Hammond to look into the Volunteer Fire Department situation. Mike Fickel and he are looking into ways used by other municipalities to entice volunteers. Mr. Hammond attended a seminar two weeks ago in Fayetteville on this same issue. It is a national problem. Many municipalities offer perks such as health insurance to its volunteers. Once we consolidate possible enticements, they will be presented to the Board.

Mrs. Sizemore asked about D.O.T. graveling of Topsail Road. As of yet he has not received a reply from D.O.T.

Please plan ahead, the Topsail Chamber's Annual Banquet will be held on November 18, 2000 at the Topsail Beach Assembly Building at 6:00 p.m. The guest speaker will be Rolanda Watts. It is \$20.00 per person and tickets must be paid in advance and can be purchased at the Chamber's new office.

We have received a 2.3 million-dollar payment for debris removal. As soon as the Budget Amendment is approved, we will disperse the 2.3 million to DRC.

We are planning on purchasing personnel and board nametags from Bill White Sporting Goods. We will also look into putting our town logo on tee shirts, collared shirts and jackets. These may be purchased at a nominal cost to cover materials and labor.

CAMA has provided NTB with enough beach access signs to identify all NTB Public Beach Accesses. Public Works is in the process of naming each cross walk on each sign so you may readily identify where you are from the beach side. Signs will go up after Turtle season is over.

Per the special board meeting, the letter regarding support for beach renourishment was placed in the Newsletter for residents to use should they opt to.

The parking of recreation vehicles on private property is being discussed by the Planning Board. I hope to have an opinion for the December meeting.

We have received approval from Notes & Notes to enclose the back porch area in for additional storage and to increase the space in the Police Department. Labor is being donated, we are only paying for the material and it will come out of Building Maintenance and Repair.

The Greater Topsail Area Chamber of Commerce and Tourism wishes NTB to participate in a Holiday Tree Lighting Ceremony. The news and media will be present at each Town to cover the lighting ceremony. We will have our lighting ceremony on December 7, 2000 at 6:30 p.m., which is our next board meeting.

Mayor Bostic said that there could be grants for decorations.

Alderman Sizemore asked if we identified trouble areas with Jim Gregson of CAMA. He asked if there was an easement to go on private property, if there was a policy to provide a sketch plan and are we going to be pushing sand to benefit private property owners?

Mr. Hammond said that we would not be able to do anything in an area that has a natural frontal dune. Individual homeowners would have to get permits. Alderman Flynn asked the Town Manager to get more information on this and present it at the next meeting.

MAYOR'S REPORT:

Mayor Bostic noted that Election Day is nearing and people are visiting us and asking for donations. We met with Leigh McNairy this week and she showed interest in us. Nurham Warwick is chairing a committee on beach renourishment for the State.

ALDERMEN'S REPORT:

Alderman Sizemore noted that the positions of all the County Commissioners was in this weekend's Daily News. The Topsail Voice also has good recommendations. Ted Brown has been out here to see us too. We need to get the right people in office.

Alderman O'Donnell said that you could go to the Board of Elections up until tomorrow. Chief Salese is doing a good job in reducing comp time in his department.

Alderman Flynn said that he would like to suggest looking at three things for the budget cycle: First, a 5-year capital development plan for longer term planning. We could look at the difficulty if we went to 0-budget build up. We need a solid savings account and we are doing that now. We have had an exceptional value in having Lydia King in her position. We needed 2 years for a strong budget and then we could review a decrease in our tax rate for the 3rd year.

RECESS:

The meeting recessed at 9:22 p.m.

CLOSED SESSION:

Alderman Smith moved, seconded by Alderman Sizemore to go into Closed Session to discuss a personnel matter at 9:26 p.m.

ADJOURNMENT OF CLOSED SESSION:

Alderman Smith moved, seconded by Alderman O'Donnell to adjourn the Closed Session at 9:35 p.m.

The regular meeting was called back into session at 9:35 p.m.

ADJOURNMENT:

Alderman Flynn moved, seconded by Alderman Sizemore to adjourn the meeting at 9:36 p.m.

Respectfully submitted,



Loraine M. Carbone
Town Clerk

Budget Amendment #2

Revenues

<u>Account</u> <u>Name</u>	<u>Budgeted</u>	<u>Increase</u> <u>Decrease</u>	<u>New</u> <u>Budget</u>
10-335-09 Floyd Reimbursement	\$70,592.00	\$2,344,766.00	\$2,415,358.00
10-355-04 Fran Reimbursement	\$0.00	\$44,014.00	\$44,014.00
10-343-00 Powell Bill Funds	\$39,857.00	\$2,375.00	\$42,232.00
	\$110,449.00	\$2,391,155.00	\$2,501,604.00

Revenues incresed by \$2,391,155.00

10-335-09 Funds received from Floyd Clean-up
 10-355-04 Funds received from Hurricane Fran
 10-343-00 Amount received over budget

Expenditures

<u>Account Name</u>	<u>Budgeted</u>	<u>Increase Decrease</u>	<u>New Budget</u>
10-420-45 Contracted Services	\$8,684.00	\$3,140.00	\$11,824.00
10-491-17 M&R Vehicles	\$605.00	\$159.00	\$764.00
10-491-33 Departmental Supplies	\$1,500.00	(\$159.00)	\$1,341.00
10-500-56 Property Mitigation	\$0.00	\$447.00	\$447.00
10-560-73 Street Repairs	\$19,930.00	\$22,301.00	\$42,231.00
10-580-58 SWF Refunds	\$180.00	\$600.00	\$780.00
10-690-33 Departmental Supplies	\$5,610.00	\$273.00	\$5,883.00
10-690-16 M&R Equipment	\$5,000.00	(\$273.00)	\$4,727.00
10-720-81 Storm-Floyd	\$0.00	\$2,344,766.00	\$2,344,766.00
10-999-01 Contingency	<u>\$226,965.00</u>	<u>\$19,901.00</u>	<u>\$246,866.00</u>
	\$268,474.00	\$2,391,155.00	\$2,659,629.00

Expenditures increased by \$2,391,155.00

10-420-45 Amount expended to pay out Gibraltar Contract
 10-491-17 To repair brakes on Jeep
 10-500-56 Lot revegetation for property on NRIR
 10-560-73 Remainder of Powell Bill Money not originally budgeted
 10-580-58 Solid waste refunds from Onslow County
 10-690-33 Amount expended over budget
 10-720-81 To pay for work received during Floyd Clean-up
 10-999-01 Increased by **\$19,901.00** now making the actual contingency amount **\$90,370.00**

Total Revenue Increases	<u>\$2,391,155.00</u>
Total	\$2,391,155.00

Over-expenditures for each department

Administration	\$3,140.00
Public Facilities	\$447.00
Beach Renourish/dune stabilization	\$2,344,766.00
Streets	\$22,301.00
Refuse Collections	\$600.00
Contingency	<u>\$19,901.00</u>
	\$2,391,155.00

\$2,391,155.00
<u>(\$2,391,155.00)</u>
\$0.00

Balanced Budget After BA # 2

General Fund Revenues

301	Property Taxes	\$1,063,492.00
310	Inventory Tax reimb	\$15,000.00
317	Penalties & Interest	\$3,000.00
325	Privilege Licenses	\$5,000.00
328	Cable Franchise	\$12,000.00
329	Interest on Investments	\$31,500.00
335	Miscellaneous	\$2,620,898.00 **
336	Donations/ Miscellaneous	\$90,850.00
337	Utilities Franchise Tax	\$65,500.00
339	Intangible property tax	\$24,145.00 *
341	Beer & Wine Tax	\$4,600.00
343	Powell Bill	\$42,232.00 **
345	Local Option sales tax	\$112,500.00
346	Local Op Sales Tax- Co	\$52,000.00
348	NCLM Grant/GHSP	\$27,000.00
349	Mosquito Grant	\$3,000.00
351	Officer Fees & violations	\$4,500.00
351	Police Dept Training	\$1,000.00 *
355	Building permits	\$29,700.00
357	CAMA Permits	\$10,710.00
359	Refuse Collection	\$183,180.00
367	Tax Refunds- State/Federal	\$24,331.00 *
368	Other State/County Revenues	\$660.00 *
383	Sale of fixed Assets	\$30,000.00
399	Fund Balance-appropriated	<u>\$0.00</u>
	SUBTOTAL	\$4,456,798.00
	Police Asset Fund	<u>\$8,500.00</u>
	Total Overall Budget	\$4,465,298.00

* indicates change from original budget-BA#1

** indicates change from original budget-BA#2

	\$4,465,298.00
	<u>-\$1,833,474.00</u>
Increased original budget by	\$2,631,824.00

General Fund Expenditures

410	Governing Body	\$56,777.00 *
420	Administration	\$270,967.00 **
430	Elections	\$0.00
490	Planning/Zoning/CAMA	\$0.00
491	Inspections	\$122,116.00 *
500	Public Facilities	\$172,229.00 **
510	Police	\$601,386.00
545	Public Works	\$133,182.03
560	Street Improvements	\$60,231.00 **
580	Sanitation	\$175,780.00 **
620	Recreation	\$1,250.00
690	Fire Department	\$152,564.97
695	Committees	\$2,350.00
720	Beach renourishment/dune	\$2,461,099.00 **
999	Contingency	<u>\$246,866.00 **</u>
	SUBTOTAL	\$4,456,798.00
	Police Asset Fund	<u>\$8,500.00</u>
	Total overall Budget	\$4,465,298.00

\$4,465,298.00

-\$4,465,298.00

\$0.00 expenditures under revenues

TOWN OF NORTH TOPSAIL BEACH
SPECIAL BOARD MEETING
NOVEMBER 20, 2000
7:00 P.M.

PRESENT:

Mayor Marty Bostic, Mayor Pro-tem Steve Smith, Aldermen John Flynn, Peter Hillyer and Otis Sizemore, Charles Hammond, Town Manager, Loraine Carbone, Town Clerk, Bill Fuss, Attorney

QUORUM:

Mayor Bostic called the meeting to order at 7:00 p.m. in the North Topsail Beach meeting room and declared a quorum present.

ACCOMMODATIONS TAX:

Mr. Hammond noted that in the past we have sent letters to Sen. Ballantine asking for his support for the Accommodation's Tax. Sen. Ballantine has forwarded our requests to Rep. Warwick. Donna Girardot contacted Mr. Hammond and she reported to him that Sen. Ballantine asked her to speak with us as a representative of the Wilmington Board of Realtors and to find a medium line for him to support.

Patsy Jordan stated that she is the Chairman of the Government Committee and she introduced Sandra Ledbetter, who will take office in January, and Steve Walters who will take office in 2002. Donna Girardot is the Governmental Affairs Coordinator and Ms. Jordan noted that they have been helpful to her. Ms. Jordan went over Ms. Girardot's credentials.

Donna Girardot addressed the Board and stated that they recognize our need for beach renourishment. She wanted to hear what our proposal was for the accommodation tax and to see if we could meet a common ground.

Mr. Hammond noted that our last resolution asked for a 3% accommodation's tax. 25% would go towards tourism and the remainder would go towards beach stabilization, maintenance and construction of tourism related amenities. Onslow County already collects a 3% accommodations tax. Mr. Hammond stated that this is the first year that the County has dedicated money to North Topsail Beach in the amount of \$100,000.

Our only option is to pursue our own occupancy tax and set aside and dedicate a portion for tourism and beach stabilization projects. Ms. Girardot asked what types of money this would produce. Alderman Flynn said that if we had that type of tax in effect in 99', we would be looking at \$145,000. Mr. Hammond noted the coastal towns that have an accommodation's tax and what Onslow County has collected.

Ms. Girardot asked if the \$145,000 would serve our needs. Mayor Bostic said that it would be short. We are already taxing our property owners 5% for the dune tax. If we want to have a unified town we have to have a supplement. Ms. Girardot said she realizes that if we don't

have the beaches we don't have the rentals. We are also looking in New Hanover County to increase an accommodation's tax. For Onslow County, most of their money is from NTB. Ms. Girardot suggested that the Realtor's Board sit down with the new Onslow County Board of Commissioners to discuss the accommodation's tax. Sen. Ballantine said he would attend this meeting. Mayor Bostic said we would also have to include the City of Jacksonville.

Alderman Flynn said we would be happy to sit down with the new commissioners, but it might be inappropriate to hit the commissioners with everyone at once. Alderman Sizemore noted that he has given presentations to the commissioners in the past and it doesn't look like we would have many friends among the new commissioners. Our best hope is to have our own accommodation's tax. Alderman Sizemore also stated that when he travels he usually pays an 11% accommodations tax and that does not stop him from visiting these areas.

Ms. Girardot said our concern is that if we raise the taxes, will we price ourselves out of the market. Alderman Sizemore noted that people would come to our beach regardless of the increased tax since there are not many places to stay. An additional 3% tax should not scare anyone away.

Alderman Flynn noted that the rate at Wrightsville Beach is much higher than NTB. Because of the development of the Land Use Plan and the way the town is built, the only way we can survive is by the accommodation's tax.

Alderman Hillyer said that he could not imagine that a 3% tax would be a deterrent. Ms. Girardot asked if we looked at other ways to raise money. Mr. Hammond said we haven't found any other ways at this time. Mayor Bostic said that any other money would be short term. An accommodation's tax would be a long-term remedy.

Alderman Flynn stated that we are ignoring the fact that 25% would go directly to tourism related projects. There is no way that this town could come up with the funds on their own.

Patsy Jordan stated that when people make reservations, they explain to them up front what their taxes would be. The most complaints that she receives are for the accommodation's tax. If NTB has an additional 3% tax, people would want to go to Surf City or Topsail Beach instead.

Steve Walters said that this is something that we could all join in together as a Topsail Island tax, then no one would discriminate against any town. Mayor Bostic said that a section of Surf City gets taxed by Onslow County too.

Sue Tuman said that people complain about taxes in general.

Mayor Bostic said we would use the tax for tourist amenities, such as bike paths. Our primary reason is to raise money for beach renourishment.

Patsy Jordan asked if NTB would be interested in a lesser tax. Alderman Flynn said that what we are putting together is a requirement. The long-term aspect is of an extremely expensive

beach renourishment project. We could not decrease the amount because some other town charges less. The requirement is the money needed over the next 22 years for renourishment.

Alderman Sizemore noted that he had come up with an idea for privilege licenses for rental units, but everyone would have to raise their weekly rental rates because of that. 3% would not even be adequate since the State would only put in a certain percentage. We could possibly get help from the County, but we would be looking at big bills. When the Army Corps of Engineers comes in with their feasibility study they will want \$200,000. Beach renourishment is an ongoing project.

Mayor Bostic noted that citizens are concerned that we don't have an accommodation's tax. Rep. Warwick told us that he received negative letters from realtors.

Ms. Girardot said that they recognize that there is a need and they would like to see the County take more of a part. She said that she would go back to her board with our suggestions.

Patsy Jordan said that the Realtor's Board would meet on December 12th and they would discuss this issue.

Alderman Flynn said that 75% of the money would go into trust just for renourishment.

Alderman Sizemore noted that last year he told the Realtor's Board that the money would not go into a general fund.

Ms. Girardot said that in a past bill it stated that the funds would ease the financial burdens of the town. Attorney Fuss said that language has changed.

Mr. Hammond said that we would be sending letters to the representatives.

Ms. Girardot thanked the Board for meeting with them tonight. Mayor Bostic thanked everyone for attending.

ADJOURNMENT:

Alderman Flynn moved, seconded by Alderman Smith to adjourn the meeting at 7:48 p.m. The motion passed unanimously.

Respectfully submitted,

Loraine M. Carbone
Loraine M. Carbone
Town Clerk

TOWN OF NORTH TOPSAIL BEACH
REGULAR BOARD MEETING
DECEMBER 7, 2000
7:00 P.M.

PRESENT:

Mayor Marty Bostic, Mayor Pro-tem Steve Smith, Aldermen John Flynn, Peter Hillyer, Bill O'Donnell and Otis Sizemore, Charles Hammond, Town Manager, Loraine Carbone, Town Clerk, Bill Fuss, Attorney

QUORUM:

Mayor Bostic called the meeting to order at 7:00 p.m. in the North Topsail Beach meeting room and declared a quorum present.

APPROVAL OF AGENDA:

Alderman Flynn asked that the Town Manager handle the issue regarding the Volunteer Fire Department and asked that it be tabled and we could schedule either a special meeting or workshop and have members of the VFD there.

Alderman Sizemore asked that beach renourishment/privilege licenses be added to the agenda.

Alderman Smith moved, seconded by Alderman O'Donnell to approve the agenda with the appropriate changes.

REQUEST TO ADDRESS THE BOARD:

Sallie McGuire, Chairperson of the Beautification Committee, addressed the Board.

Ms. McGuire asked for donations to beautify the town. She noted that the committee is offering certificates again for \$25.00 on behalf of a loved one. They are also looking for more volunteers. It would only take 3 or 4 hours/month to help out with plantings.

OPEN FORUM:

There were no comments from the citizens.

CONSENT AGENDA:

The minutes of November 2, 2000 and November 20, 2000 were included in the consent agenda. Alderman Hillyer moved, seconded by Alderman Smith to approve the consent agenda.

OLD BUSINESS:

Mr. Hammond thanked the Beautification Committee for the magnificent job they did in decorating the outside and inside of Town Hall for the Holidays.

NTB had a donation of 185 toys from one individual. Mr. Hammond asked that citizens try to match that. We would appreciate everyone's support.

Board of Adjustments Appointments

The following have submitted applications for the Board of Adjustments: David DeMoss, George Lombardo, James Massengill, Laurie Sandberg and Buddy Godwin. All five are qualified and they will receive information to help them serve on this committee. There have been 2-year terms in the past, but we could stagger the terms. Mr. Hammond said the appointees could attend the January board meeting. Alderman Sizemore suggested that we schedule a workshop with them. Sue Tuman noted that they would have a heavy responsibility when called upon and asked if there were any alternates? Mayor Bostic said we would accept these applications and would make it official in January.

NEW BUSINESS:

Beach/Dune Reinforcement

Mr. Hammond noted that CAMA has approved areas for beach bulldozing. All areas and work have been approved by Jim Gregson and permits are in hand. Some areas will require a full push and others only a face-lift or shaping. All total, there is 12406 linear feet at an estimated cost of .80 per linear foot or \$9,924.80.

Alderman Sizemore asked if we were doing any work on private property? He noted that he has a problem with doing work for people who own property on the beachfront because we are denying a private contractor of doing the work. Alderman Sizemore also felt that we should have right of entries for all properties. He said he has a problem with the dozer being on the beach. Also, some of this work is being done because the contractor didn't do it in the first place. There should have been a call back. We never received quality control on their contract. Mr. Hammond said that we ran out of sand and there was nothing to push at the time. The contractor's basic responsibility was to pick up the sand that was there.

There has been a request to close the gap at Sonny Johnson's place. The bulldozer can push up the sand in front, but it will require a bobcat to move it under the building out of the tide line. Kermit Matthews will move the sand in place for \$700.00 or we can rent a bobcat from United Rental for \$360.00 for a week, or \$120.00 per day.

Alderman O'Donnell asked if this work would require any overtime. Mr. Best said that he would work the shifts with the tide. Alderman O'Donnell noted that he also had calls regarding the Pier House.

Alderman Flynn said that we normally push sand after some type of disaster. We have no policy on pushing sand and we don't have the input from our citizens. This particular push completes what we started earlier. It may be appropriate to start this push, but not to continue doing this in the future. The Town should determine what approach they should use.

Alderman Smith said that this plan is to finish putting dunes back that were not done previously.

Alderman Hillyer asked if a right of entry was necessary when we are pushing. Attorney Fuss noted that the R.O.E's we have now probably wouldn't cover what we want to do now.

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Alderman Sizemore said that a citizen at the north end was concerned about the erosion there as a result of the Army Corps of Engineers dredging. We should ask the Corps to dredge that spoils area and deepen that and put it on the beach.

Mr. Best said that it would take about a month and a half to push sand. Alderman Hillyer felt that it was important that we push now. Alderman O'Donnell said we should just bulldoze the beach now and look at a policy for the future.

Laurie Sandberg asked if we could just hold a public hearing to have citizens voice objections at that time. Alderman Fuss said that it would not be sufficient since so many property owners live out of state.

Sue Tuman said it would be a good idea to go back to the time when we bought the bulldozer. We bought it to bulldoze the beach. Mr. Hammond stated that we bought it because the town was paying about \$125,000.00 at a time to push in the past. Cecil Carter said he would do the work for \$500.00 at the Pier House and push the 12,000-foot for \$1.00 foot.

Alderman Sizemore suggested that we separate the issues in two. We should fix the Pier House and let the Town Manager look at the rest of it at the next meeting and address it then. We should also secure R.O.E. maintenance easements.

Alderman Smith said that the Town bought a bulldozer, and he made a motion to get that dozer back on the beach to fix the dunes before we plant the grass. We bought the dozer to save money. Alderman O'Donnell stated that we could not compare this quote to Cecil Carter's quote because Thomas Best's salary is included. We need to approve the project and have the Town Manager come back with better figures that don't include Mr. Best's salary. Cecil Carter said that his price would include the Pier House at a \$1.00 foot. Alderman O'Donnell said we shouldn't decide tonight without having better figures, but we could approve the scope of the job tonight.

Alderman Smith said that we couldn't wait until January. He stated that he has a motion to take our dozer and start pushing sand. Mayor Bostic noted that there are deferred prices on the bulldozer and you have to figure everything in the price. Do we allow the Town Manager to have public works do it or do we look at the very good offer that Mr. Carter presented tonight?

Alderman Smith moved, seconded by Alderman Hillyer to turn this issue over to the Town Manager to use either Public Works doing the work or to use Cecil Carter for a \$1.00 foot to implement the reinforcement of the dunes. The motion passed unanimously.

Custom Pin & Design:

Mr. Hammond noted that after researching several companies that design Logo Pins, the following is the best deal. Each pin design requires a separate dye. Normally the dye costs \$150.00 per dye. This is a one-time charge: 250 pins at \$1.50 each; 400 pins at \$1.25 each or 1000 pins at .88 each. The 3-dye charge is \$225.00. The total cost for 400 pins (first time would be \$725.00.

Pins may be utilized for presentation to visitors, at conferences and conventions, employees and volunteers and gifts. The cost can be accommodated by shifting money from the advertising line item.

Alderman Sizemore noted that it would be better to get 1000 pins. Alderman O'Donnell said that the pins shouldn't be given to just anyone. We should give them to volunteers, i.e. those who plant beach grass. Alderman O'Donnell said that he wouldn't want to give them out at conferences. Alderman O'Donnell moved, seconded by Alderman Sizemore to order 1000 pins at the price of .88 per pin with a \$225.00 dye set up charge. The motion passed unanimously.

Update on Beach Renourishment Project

Alderman John Flynn stated that we need to let citizens know that beach renourishment has technical, financial and political aspects to it. Right now the primary concern is political. We have not received movement through the Congress to get a place on the Army Corps of Engineers' agenda to have a reconnaissance effort. Congressman Jones is still trying to make things happen. We have, within the town, approached the mayors of Surf City and Topsail Beach and would like to have a meeting with the island towns with our representatives. We had a meeting in NTB with the representatives of the Topsail Island Board of Realtors where they presented us a viewpoint of the 3% accommodation's tax. If this were granted to the Town, 75% would go to beach renourishment and 25% to tourism. When they left they were going to present to their membership that viewpoint. That failed in their vote. Instead of supporting that, they suggested that we go to the Onslow County Board of Commissioners and request that they remit the 3% to NTB as opposed to giving it all to Onslow County. We will make a presentation to the Onslow Commissioners and bring that to their attention. The Onslow County Commissioners, at the swearing-in ceremony, were open to discuss that approach and I hope we will have an open and fair meeting.

There are other technical methodologies to look at. Primarily here we are political, and we are trying to get people to support us. A committee from the N.C. Legislation met at Surf City to discuss renourishment. The primary benefit to the State would be tourism. Next year tourism will become number one. Alderman Flynn also noted that his beach renourishment committee would meet after the holidays.

Sand Fence and Supports

FEMA has reimbursed the Town \$16,851.00 for lost sand fence and supports. Mr. Hammond has negotiated the sand fence down from \$36.00 to \$21.40 per roll plus tax and from \$2.80 per 2x4x6 to \$1.70. It will take an average of 4, 2x4x6 per 50 foot of fence or a total cost of \$28.20. At that cost we can install 579.5 rolls of the 866 needed to finish the entire project, or \$24,421.20 plus tax, which is reimbursable. To do the entire beach front, excluding what homeowners have already done, we need an additional \$7,570.20. This would need to come from Beach Stabilization line item (10-720-73).

Alderman O'Donnell was concerned that some fencing was worn and wouldn't be replaced. Mr. Hammond said they looked at all the fencing and anything that was torn up would be replaced and some citizens have put in their own fencing.

Alderman Smith asked if property owners could pay for their rolls. Mayor Bostic said that if homeowners want to put it up themselves they could as long as it was to our specifications. Alderman Smith moved, seconded by Alderman Hillyer to approve the extra \$7,570.20 for the sand fence project, for a total of \$14,421.00 plus tax (which is reimbursable). The motion passed unanimously.

Budget Amendment #3

Mr. Hammond reported that this is our 3rd budget amendment. There have been decreases in revenues since we are no longer under CAMA's contract. Under Administration, Mr. Hammond noted that he made two mistakes. First was the addition to the police department. He assumed that the \$5000.00 was available to do the entire project, but that amount was for the upkeep of all three buildings. Mr. Hammond also said that he balanced it within the budget. He also failed to set money aside for the annual Christmas Party. That was also balanced within the departments.

Alderman O'Donnell said that he liked the way this budget amendment was done and that the money was balanced within the departments. Alderman O'Donnell congratulated staff for doing it this way. Mayor Bostic said that he appreciated the timely budget amendments. Alderman Hillyer moved, seconded by Alderman Smith to accept budget amendment #3. The motion passed unanimously.

Revenues for Beach Renourishment

Alderman Sizemore noted that since we won't have the support for an accommodation's tax from the Board of Realtors we could consider a Privilege License on every rental unit. He asked the Board to consider such a tax so that we could obtain the direct benefit from it. If we have 1500 rental units we could charge either \$100.00, \$150.00 or \$200.00 per unit and it would increase our revenue for that fund. We should further consider imposing a penalty if that amount is not remitted to us on a timely basis.

The price to the renter could go up to cover the privilege license. Alderman Flynn said that we should look at appropriate ways to get money, but he believes it is premature to look at money that would cause owners of rental properties to pay more. The Association Of Realtors support or not of 3% is still to be determined. They advised us last week they preferred us to go to Onslow County. Alderman Flynn felt that he would prefer to wait rather than imposition a heavy burden for all property owners at this time. Alderman O'Donnell said it is Plan B, but he would like to see us charge full force ahead to get our accommodation's tax. If that fails, then we could look at other things. He agreed with Alderman Flynn to wait to see what happens. Alderman Smith said that it is going to be interesting to see what happens in New Hanover County. The State is going to pay only 50% and they are trying to get an accommodation's tax. Alderman Hillyer said it was premature to go ahead with a privilege license.

Mayor Bostic said we would have to have a heavy local contribution. Homeowners want to know why we can't force the County to give us more money. The County determines how the money is spent. This past year they did obligate \$100,000 towards our beach renourishment project. They are set up by General Statute as to how that money is spent. The City of Jacksonville wants to keep as much of that money as possible. Mayor Bostic asked the citizens to call the realtors and ask them to support us.

Bob Cassidy said that beach renourishment is a big issue for us and we need to consider long-term possibilities.

Alderman Sizemore said that within the next 10 years we would have to come up with many dollars. If we can't get it from the state or county we will have to increase taxes. We are limited in the approaches we can make and am open to anyone's suggestions.

Alderman Flynn said that it was good to get other views, but suggested that we do not know and cannot certify to any numbers as to the amount of money we will have responsibility for at all.

MANAGER'S REPORT:

Mr. Hammond went to see Steve Mercer in Bolivia yesterday, but he had to leave to go to the main office in New York. He discussed the sea oats with his father, but he could not answer the questions he wanted answered, so he will talk to Steve Mercer next week when he gets back. He did see some sea oats, but his father was not sure if they were the ones we wanted.

DRC will be conducting a training session this Friday from 8:00 am to 12:00 p.m. at the Town Hall. It is part of their contract.

Howard Marlowe is still trying to obtain the U.S.M.C. report of renourishment of Onslow Beach.

McKim & Creed was asked for a proposal to develop a crosswalk design that meets ADA standards and could be used anywhere within the town limits. Their cost for this was estimated to be \$4,800.00. Even though it would be paid from the CAMA Grant, Onslow County has agreed to let NTB use the crosswalk designed by Parker & Associates for beach access #1. This meets all the requirements we need.

Mr. & Mrs. Bamberger (Lot 24 & 25) of Galleon Bay has decided to withdraw their request to donate property. Lot 27 was recently sold, so they have hopes to sell theirs. Mr. Hammond asked the Board if we should get reimbursed the \$150.00 for the title search? The Board unanimously agreed to bill the Bamberger's.

Mr. Hammond tried to contact Mike Moore today about the Right of Way cleaning that was supposed to be done by the 1st of December, but he was not available.

There will be a meeting on Tuesday, December 19, 2000 at 10:00 a.m. at the Jacksonville City Hall, Meeting Room A, before Senator Ballantine, Rep. Warwick, County Commissioners,

Mayor of Jacksonville, Mayor Bostic and Alderman Flynn to discuss the accommodation's tax. It is a public meeting simply because the entire Board of Commissioners will be attending.

Waste Industry sent us a letter dated 11/29/00. This letter cited increases on cost of gas, unanticipated by them when the contract was negotiated 2 years ago. Their increased expenses to date is \$1,572.66. They have requested authorization to bill this in their next bill. We do anticipate about \$12,000 over and above what our normal solid waste services will be. Attorney Fuss said he would have to see the contract about unforeseen expenses.

We have had a proposal from Bill White Sporting Goods for the Town Logo to be silk screened on the back of T-shirts or sweatshirts. 50 - 99 T-shirts would cost \$8.05 a shirt; 50 - 99 sweatshirts would cost \$12.50. I have offered this proposal to the Beautification Committee to raise money for the Beautification of NTB. The T-shirts would be sold at \$10.00 each and the Sweatshirts at \$15.00 each.

Mr. Hammond talked with Fred Davis and Fred Berkley of D.O.T. They could not provide an estimate cost of right of way purchases. It has been so long since D.O.T. did work here, they were unsure of the cost of property at this point. D.O.T. is going to do the ditching of certain areas. They will not gravel Topsail Road, but in regards to the hump on Topsail Road, they will pave it and level it out and run it into 210.

ATTORNEY'S REPORT:

Attorney Fuss said that we do not have the authority to prohibit a raise in rates with Charter Communications. Their obligation is to notify us that they are raising rates. Provided they are within FCC guidelines they are okay. At the time of renewal they have to seek approval.

Attorney Fuss noted that Alderman Flynn had asked for information on extraterritorial jurisdiction. Attorney Fuss said that Rep. Grady took the Towns right to annex property across the bridge and to exercise territorial rights forever. Unless it could be amended or if the county adopted a countywide zoning ordinance, we could work with them to effect the same result as what we want there. One of the legal justifications for grant of power for E.T.J. is the presumption you will be annexing that property in the future.

Attorney Fuss said that we received only one donation of property in 1998. In 1999 there were three or four. This year he has completed five and he has seven deeds that are out. There is a significant amount of property being donated to the town and he will have them completed before the end of the year.

MAYOR'S REPORT:

Mayor Bostic wished everyone a happy holiday. He said he enjoyed this year with no hurricanes! There is a new slate of county commissioners and all citizens need to touch base with them.

ALDERMEN'S REPORT:

Alderman Smith also wished everyone a happy holiday.

Alderman O'Donnell asked if the email addresses of the commissioners were on the website. He also asked for an update on the Comp time reports. Alderman O'Donnell said he had concerns in the Fire Chief's report on mutual aid. He was concerned about time spent in responding to false alarms. He asked that they be provided with the number of false alarms we are responding to. Attorney Fuss noted that Mike Fickel and Thomas Best have given him copies of ordinances from other towns and we will propose that next year.

Alderman Flynn wished everyone a happy holiday.

ADJOURNMENT:

Alderman O'Donnell moved, seconded by Alderman Flynn to adjourn the meeting at 8:57 p.m. The motion passed unanimously.

Respectfully submitted,



Loraine M. Carbone
Town Clerk

Balanced Budget After BA # 3

General Fund Revenues

301	Property Taxes	\$1,063,492.00	
310	Inventory Tax reimb	\$15,000.00	
317	Penalties & Interest	\$3,000.00	
325	Privilege Licenses	\$5,000.00	
328	Cable Franchise	\$12,000.00	
329	Interest on Investments	\$31,500.00	
335	Miscellaneous	\$2,671,910.00	***
336	Donations/ Miscellaneous	\$90,850.00	
337	Utilities Franchise Tax	\$65,500.00	
339	Intangible property tax	\$24,145.00	*
341	Beer & Wine Tax	\$4,600.00	
343	Powell Bill	\$42,232.00	**
345	Local Option sales tax	\$112,500.00	
346	Local Op Sales Tax- Co	\$52,000.00	
348	NCLM Grant/GHSP	\$27,000.00	
349	Mosquito Grant	\$3,000.00	
351	Officer Fees & violations	\$4,750.00	***
351	Police Dept Training	\$1,000.00	*
355	Building permits	\$29,700.00	
357	CAMA Permits	\$3,355.00	***
359	Refuse Collection	\$183,180.00	
367	Tax Refunds- State/Federal	\$24,331.00	*
368	Other State/County Revenues	\$3,676.00	***
383	Sale of fixed Assets	\$30,000.00	
399	Fund Balance-appropriated	<u>\$0.00</u>	
	SUBTOTAL	\$4,503,721.00	
	Police Asset Fund	<u>\$8,500.00</u>	
	Total Overall Budget	\$4,512,221.00	

* Indicates change from original budget-BA#1

** Indicates change from original budget-BA#2

***indicates change from original budget-BA#3

	\$4,512,221.00
	<u>-1,833,474.00</u>
Increased original budget by	\$2,678,747.00

**TOWN OF NORTH TOPSAIL BEACH
REGULAR BOARD MEETING
DECEMBER 7, 2000
7:00 P.M.**

PRESENT:

Mayor Marty Bostic, Mayor Pro-tem Steve Smith, Aldermen John Flynn, Peter Hillyer, Bill O'Donnell and Otis Sizemore, Charles Hammond, Town Manager, Loraine Carbone, Town Clerk, Bill Fuss, Attorney

QUORUM:

Mayor Bostic called the meeting to order at 7:00 p.m. in the North Topsail Beach meeting room and declared a quorum present.

APPROVAL OF AGENDA:

Alderman Flynn asked that the Town Manager handle the issue regarding the Volunteer Fire Department and asked that it be tabled and we could schedule either a special meeting or workshop and have members of the VFD there.

Alderman Sizemore asked that beach renourishment/privilege licenses be added to the agenda.

Alderman Smith moved, seconded by Alderman O'Donnell to approve the agenda with the appropriate changes.

REQUEST TO ADDRESS THE BOARD:

Sallie McGuire, Chairperson of the Beautification Committee, addressed the Board.

Ms. McGuire asked for donations to beautify the town. She noted that the committee is offering certificates again for \$25.00 on behalf of a loved one. They are also looking for more volunteers. It would only take 3 or 4 hours/month to help out with plantings.

OPEN FORUM:

There were no comments from the citizens.

CONSENT AGENDA:

The minutes of November 2, 2000 and November 20, 2000 were included in the consent agenda. Alderman Hillyer moved, seconded by Alderman Smith to approve the consent agenda.

OLD BUSINESS:

Mr. Hammond thanked the Beautification Committee for the magnificent job they did in decorating the outside and inside of Town Hall for the Holidays.

NTB had a donation of 185 toys from one individual. Mr. Hammond asked that citizens try to match that. We would appreciate everyone's support.

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had a vacancy for the Planning Board and Laurie Sandberg will serve on that board. Alderman Sizemore asked if we would have a workshop for the Board of Adjustments.

OLD BUSINESS:

RESOLUTION AGAINST PRICE GOUGING

Per the Board of Aldermen's decision of November 2, 2000, a resolution was presented for adoption. This resolution is submitted to deter price gouging during times of crisis.

Alderman Smith asked if this would also protect the citizens and asked if the penalty could be raised to \$2500. Attorney Fuss said that it would protect everyone, but \$500 is the limit to penalize. Alderman Flynn moved, seconded by Alderman Smith to adopt the Resolution Against Price Gouging. The motion passed unanimously.

A RESOLUTION TO PROHIBIT PRICE GOUGING IN THE TOWN OF NORTH TOPSAIL BEACH

WHEREAS, The Board of Aldermen of the Town of North Topsail Beach, North Carolina, may impose regulations relating to the sales price of goods and the cost of services to prevent "price gouging".

WHEREAS, price gouging as it relates to the sales price of goods is defined as the sale of goods in excess of the manufacturer's suggested retail price or at a price above the pre-emergency level, unless the merchant can document purchase of goods at an increased cost.

WHEREAS, price gouging as it relates to the cost of services is defined as the providing of such services at a cost greater than that customarily charged for such services in a non-emergency situation, unless the contractor can document special circumstances or expenses justifying a higher cost. Any restrictions imposed under this subsection shall extend for a period of ninety (90) days following the date of the declaration of the state of emergency unless sooner terminated or extended by subsequent proclamation or resolution.

WHEREAS, any person violating any prohibition or restriction imposed by this resolution shall be subject to the following penalties:

- a. A violation of any such prohibition or restriction shall constitute a misdemeanor punishable by a fine not to exceed \$500.00 as provided in G.S. Sec. 14-4.
- b. A violation of any such prohibition or restriction shall subject the offender to a civil penalty in the amount of \$500.00 to be recovered by the Town in a civil action in the nature of debt if the offender does not pay the penalty within thirty (30) days after having been cited for violation of such prohibition or restriction.
- c. Each day's continuing violation of such prohibition or restriction shall be a separate and distinct offense.

WHEREAS, if this resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the resolution which can be given separate effect and to that end the provisions of this resolution are declared to be severable.

WHEREAS, any resolution or any part of the resolution in conflict with this resolution, to the extent of such conflict, is hereby repealed.

NOW, THEREFORE BE IT RESOLVED, that this resolution is adopted in the interest of public health, safety and general welfare of the inhabitants of the Town of North Topsail Beach, North Carolina, and shall be in full force and effect from and after its adoption.

This Resolution adopted this 4th day of January 2001.

Marlow F. Bostic, Jr., Mayor

ATTEST:

Loraine M. Carbone, CMC, Town Clerk

NEW BUSINESS:

Resolution/Training Agreement

Mr. Hammond requested Board approval to adopt a Resolution regarding a Training Agreement at the February 1, 2001 Board meeting. This will protect us once employees are certified. Alderman Sizemore questioned the 18-month timeframe. Attorney Fuss said we could change the language in section 3 to state (not to exceed \$1,800 to be set by the Town's discretion). Alderman Flynn said that the agreement is punitive in its tone. The intent of this agreement is to take care of the initial hires that come to the Town and we don't want them to leave subsequent to 18 months. Alderman Sizemore suggested that we use this agreement for new hires and do a second document for employees that have been here for a longer time. Alderman Flynn said that he would support a rewrite of this agreement and a second document.

Alderman O'Donnell noted that in the rewrite, the applicant should reimburse the Town if he doesn't complete the class. The dollar value of \$1800 is tied more to the cost of the Town for training. Alderman Smith felt that it's not right to hold someone from advancement. The Town Manager would have to look at the circumstances with each individual. Alderman Flynn felt that this agreement needs work and asked how many instances have we had in the last 2 years of employees leaving after they have been trained. Mr. Hammond said none. Alderman Smith asked how many other municipalities have adopted this type of resolution. Mr. Hammond noted that Richlands did and this was originally tailored for the police department. Mayor Bostic said we have trained someone extensively and he left the town.

Alderman Flynn said we received a great deal of value from the individual because of his training and he would like to have a philosophical viewpoint from the Town Manager.

Alderman Sizemore also noted that we shouldn't discourage employees from seeking better opportunities. It's better to train employees than not train them. Alderman O'Donnell felt that it's a good idea and the Town Manager would use his judgment and we need this type of protection.

NTB Citizen's Survey

Mr. Hammond asked for Board approval of a citizen's survey. This survey would enable the Board to have a true vision of what the population wants and desires for North Topsail Beach.

Mayor Bostic noted that there were three questions on cable TV and nothing on beach renourishment. Alderman Smith noted that we don't furnish water and that renourishment is important. Alderman Flynn felt that emergency preparation questions were important and suggested that everyone provide comments to the Town Manager and let citizens give him ideas also. Alderman O'Donnell questioned separating administration from finance. He also suggested that when we include the survey in our newsletter, that we design it so that the Town address is on the backside and the citizen could put a stamp on it and mail it. Marge Lombardo asked if we had the last survey from 96. Mr. Hammond said he had a copy.

Beach Renourishment Fund

Alderman Smith suggested that this money be put in a fund and not touched by anyone, except for beach renourishment. Alderman Flynn said we have talked of creating a new funding line. Questions need to be addressed as to the breakdown of the money that we receive; i.e. money going to tourist related activity. We shouldn't put all the money in a particular account where we couldn't move it at all. We also need to see what the County is going to do. We could certify to the Corps that this fund is just for beach renourishment. Alderman Sizemore said that we would have to take some action that this money would be separate.

Mayor Bostic said we have our dune account now and it is kept separate. We could have a 2nd line item for an account where it would grow that we wouldn't write checks on. Alderman Flynn said that the Town Manager and Finance Officer could investigate this. Mayor Bostic said that when the check comes in from the County we should put it in a CD.

Mr. Farley noted that he is a CPA and we are right in restricting the income. If the Board makes a resolution and puts a restriction on it the next Board could change it. He suggested that the County makes the restrictions and that we don't call it a trust.

MANAGER'S REPORT:

1. Bill Fuss and I will be attending the Annual Public Personnel Law Update at Chapel Hill on Friday.
2. I will be meeting with the County Commissioners at a Workshop at 1:00 p.m. on January 16, 2001 to discuss the Accommodation's Tax and the proposed NTB Park.
3. Bill Fuss has an update on Waste Industries' request for a fuel cost adjustment.
4. Please review the NTB VFD Survey form. Joe Vecchione developed the questions in conjunction with input from several VFD Chiefs. My intent is to mail this survey to all volunteers currently serving and to those that have served within the last 12 months. A return envelope will be provided. It will give the Board more information once we schedule the workshop. Alderman O'Donnell suggested that we separate current employees from past.
5. The dune reinforcement is 1/2 complete. It is moving much faster than we anticipated.
6. The gap at Sonny Johnson's has been closed.

7. The Town pins arrived today.
8. Sand fence has come in and we will start placing the fence at the north end next week.
9. There is a copy of a tentative agenda for your review of the Coastal Municipalities meeting scheduled for February 1st and 2nd at Emerald Isle. I anticipate attending, but it is on a Board night. I will leave early enough to be here for the meeting.
10. The next 4 Town Meeting is scheduled for Thursday, January 18, 2001 at 6:00 p.m. at the Surf City Town Hall. When we receive the agenda we will pass it on to you. I have suggested to Surf City that each municipality go back to paying for their own Board members. The press, chamber and other visitors can pay their own bill. Alderman Flynn asked if we received from the other towns their support of the accommodation's tax. Mr. Hammond said they were going to address it at their next board meetings. Alderman Flynn suggested that Mayor Bostic present items for the agenda. We need to accomplish more than just having dinner. Mayor Bostic said that one item could be the accommodation's tax position. Alderman Smith noted that we need to be more proactive and it is up to the Town Manager to follow up on issues presented at the Four Town Meetings.
11. I will be attending the CRC meeting at Kitty Hawk from January 24 to the 26th. They will be setting policies on placement of sand fence on beach property.

ATTORNEY'S REPORT:

Attorney Fuss reported on the letter we received from Waste Industries asking for reimbursement of funds because of the high cost of gas. He was not satisfied that this is an expense to be reimbursed by the contract. There is language that is ambiguous. Our best course would be to schedule a meeting with Waste Industries. We have an excellent relationship with them and he doesn't want to jeopardize that.

MAYOR'S REPORT:

Mayor Bostic noted that he received a letter from Surf City congratulating us on receiving the \$100,000 for a reconnaissance study. He would provide the Board with the State Beach Renourishment Draft. Mayor Bostic said that there were several streetlights that were out. Mason Court has been out since September.

ALDERMEN'S REPORT:

Alderman Smith asked Mr. Hammond on the status of the street paving. Mr. Hammond said there are not many permanent residents, but he will follow up on the rest of the streets. Alderman Smith noted that the Board had an agreement to get a "To Do List" since we need to track things. Mayor Bostic said that the Board members agreed to take different aspects of the government at their retreat. The only one to do a report was Alderman Flynn. We need everyone involved.

Alderman Sizemore said he wouldn't want Topsail Road to be forgotten. D.O.T. needs to be responsible, it is not acceptable and we need to pressure them. Mayor Bostic said we should send a letter to the new participants in State government. Alderman Sizemore suggested contacting Louise McColl.

Alderman O'Donnell didn't want the issue of false alarms to be dropped. Data should be provided at the next meeting. Some towns charge after the second false alarm. Mayor Bostic noted that we have Turkey Creek and other towns that respond to us for fires.

Alderman O'Donnell congratulated the Town Manager in reducing comp time.

Alderman Flynn noted that there is a significant blood shortage. It's up to everyone to choose what to do. The Red Cross will be at Dixon High School on the 17th. Please let your friends know.

ADJOURNMENT:

Alderman Flynn moved, seconded by Alderman O'Donnell to adjourn the meeting at 8:03 p.m. The motion passed unanimously.

Respectfully submitted,


Loraine M. Carbone
Town Clerk