

TOWN OF NORTH TOPSAIL BEACH  
ORGANIZATIONAL MEETING  
FEBRUARY 1, 1990

PRESENT: Mayor W. Rodney Knowles, Aldermen Leland Newsome, Weldon Hall, William Keister and Nathan McDaniels, Alderperson Charlotte Tippet and Ann Vause.

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

AGENDA: A motion was made by Alderman Hall and seconded by Alderman Newsome to adopt the agenda with the following items deleted:

Date, time of public hearing for adoption of Zoning and Land Use Plan;  
Appointment of Interim Building Inspector and Approval of contract with him.

Passed unanimously.

MONTHLY MEETING: A motion was made by Alderman Hall and seconded by Alderman Newsome to hold the regular monthly meeting the first Friday of each month at 2:00 p.m., in the West Onslow Beach Volunteer Fire Department building. Passed unanimously. Mayor Knowles advised the first meeting would be Friday, March 2, 1990.

BUILDING INSPECTOR: Alderman Hall ask Mr. Ellis Hankins, consultant with the League of Municipalities some questions about building inspection and explained the need to have proposed building inspectors certification renewed. After discussion a motion was made by Alderman Hall and seconded by Alderman Newsome to leave appointment of building inspector on agenda. Passed unanimously.

INTRODUCTION: Each council member beginning with the Mayor introduced themselves to the citizens present.

MAYOR PRO-TEM: A motion was made by Alderman Hall and seconded by Alderman McDaniels to appoint Alderman Newsome Mayor Pro-Tem. Passed unanimously.

TOWN ATTORNEY: Mayor Knowles advised Mr. Marshall Dotson has agreed to be Town Attorney. Mr. Dotson was unable to attend the meeting tonight and Mayor Knowles introduced Mr. Bill Hemmingway who was there to explain procedures in Mr. Dotsons absence.

TOWN CLERK: A motion was made by Alderman Hall and seconded by Mayor Pro-Tem Newsome to appoint Ann Vause as Interim Town Clerk. Passed unanimously. Mayor Knowles administered the Oath of Office to Mrs. Vause.

LEAGUE OF  
MUNICIPALITIES:

Mayor Knowles introduced Mr. Ellis Hankins, consultant with the North Carolina League of Municipalities. He requested Mr. Hankins say a few words on behalf of the League and the Town. Mr. Hankins reviewed the purpose of the League and what it does for municipalities such as: 1) lobby in the General Assembly for towns; 2) provide services to the towns. He said the Town of North Topsail Beach was embarking on important work and he congratulated the Town on work accomplished in starting new town. Mr. Hankins said he realized the vote to incorporate was not unanimous but it is done and now is the time to have all citizens involved in the building process. There are a lot of resources available to the town. Also, there is a school for newly elected officials being held at the Institute of Government in Chapel Hill this month and next if anyone would like to attend. Mr. Hankins briefly reviewed the following items and services available to the Town from the League of Municipalities: a) budget material; b) directory of League information on all municipalities in North Carolina; c) State shared revenue report which shows dollar amount reserved by towns. If you review report, find town the size of North Topsail Beach and you will be able to see what to expect in future years from revenues; d) calendar of events and required dates to complete; e) summary sheet on State shared revenues; f) government organization and procedures for council meetings; g) Mr. Hankins briefly reviewed Charter Bill and items related to town government as follows: a) process to incorporate municipality and how the charter is the rules by which the town is operated (boundary, council members, form of government, etc.); b) procedure for calling meetings; c) budget - provided in Charter bill. Also, for interim budget that needs to be adopted; d) zoning/subdivision regulations. County has regulations in force for 60 days after incorporation, to allow time to adopt own procedures; e) elections, interim council appointed. You will need to discuss how long you want these terms to continue. Will need to get to the General Assembly about elections in force and how to implement terms; f) council-manager form of government, will employ professional manager in the future. He will have authority to hire other employees and supervise them. The council sets policy, daily administration of government is with Town Manager; g) police protection, several possibilities when the time comes to discuss; h) fire protection, can continue without direct involvement with town or change; i) garbage collection, can be discussed at a later date; j) water/sewer service, can be discussed at a later date; k) Powell Bill Funds, need to contact representative of Department of Transportation, District Engineer, and discuss what local streets other than main roads need to go to municipal street system; l) 1990 census, how to count to get State funds. State budget office in Raleigh can help. Mr. Hankins said the Town is off to a good start. They have appointed a Town Clerk, which is an important position, attorney with experience, with the City of Jacksonville. When money comes in will need to look for depository. Local Government Commission (733-3064) can help establish accounting system. There are stringent



requirements to follow and they can help. He ask if there were any questions. After brief questions and discussion with citizen on voting qualifications Mayor Knowles explained the proposed agreement with the League of Municipalities for services. The League is offering complimentary service for remainder of this Fiscal Year. After brief discussion a motion was made by Alderman Hall and seconded by Alderperson Tippet to table this item for further consideration with the Town Attorney. Passed unanimously.

CENSUS WORK FOR  
STATE FUNDS:

Mayor Knowles introduced Ms. Ginnie Hillyer and explained need for census of Town population. This has nothing to do with U.S. Census of 1990. Population count has to be taken for State share of funds. He advised the Town was working with the State on this, however, the paper work has not come in yet. Point and time when paper work done we will send two workers to work with committee. Must be in by March 15, 1990. He stated Ms. Ginnie Hillyer will chair committee and said anyone who wants to help should contact her at 328-3374.

LAND USE/  
INSPECTION FEES:

Mayor Knowles advised that by the first of the week date and time for public hearing on possible adoption of land use and inspection fees may be ready. Notice will appear in the Jacksonville Daily News. Alderman Hall said CAMA office called and they would like letter if we want help.

BUILDING  
INSPECTOR:

Alderman Hall advised Mr. George Rossie Thompson has agreed to come to work for Town for a short period of time. Mr. Thompson has a Level III in Building, Level I in Mechanical, Plumbing & Electrical. His license is now in inactive status and if he is hired someone needs to go to Raleigh, pay fee and sign paper to reactivate. After brief discussion a motion was made by Alderman Hall and seconded by Alderman Keister to hire Mr. Thompson as Interim Building Inspector, until position can be advertised and someone hired, and approve the following contract:

SUBJECT: Building Inspections within Town Limits of North  
Topsail Beach

I propose ;to issue permits and perform inspections in Building Level III; Electrical, Mechanical, and Plumbing Level I within the town limits of North Topsail Beach according to the North Carolina Building Code with the following stipulations:

1. It is my opinion that at this time a schedule of 8:00 a.m. to 12:00 noon, Monday, Wednesday, and Friday will be sufficient.
2. North Topsail Beach will furnish all materials, offices and equipment to perform these inspections excluding a vehicle.
3. North Topsail Beach will reimburse at a rate of 24¢ per mile for use of personal vehicle while in performance of inspector duties.
4. North Topsail Beach will pay \$20.00 per hour for these services.

5. Payment for services and mileage reimbursement to be paid on the 1st day of each month.

If this proposal is accepted, to expedite proceedings it may be used in lieu of a contract, until such contract can be drawn up.

This proposal will expire in its entirety on March 31, 1990.

Passed unanimously.

INSPECTION  
FEES:

Alderman Hall made a motion to adopt fee schedule for inspections. After brief discussion motion died for lack of a second. A motion was made by Mayor Pro-Tem Newsome and seconded by Alderperson Tippet to defer this item until Town Attorney reviews this. Passed unanimously.

POLICE CHIEF:

Mayor Pro-Tem Newsome stated that during the past 15 months various members were placed on various committees. He was on the police committee and advised each step taken such as soliciting information from other police departments, name and addresses of suppliers, etc. He said Topsail Beach has consented to allow Chief Rick Smith to aid us. He will be available after normal working hours, will provide car and radio and part-time help without compensation. Mayor Pro-Tem Newsome said he was grateful to sister city. A motion was made by Mayor Pro-Tem Newsome and seconded by Alderman Hall to hire Rick Smith as consultant on setting up police department for North Topsail Beach. Passed unanimously.

MEETING LOCATION/  
POLICE  
DEPARTMENT:

Alderman Hall advised he met with fact finding committee of West Onslow Beach Volunteer Fire Department Board of Directors to discuss space for council meeting and police department. Board of Directors advised council could use room for public meetings and space for police department for \$300 per month. After brief discussion a motion was made by Mayor Pro-Tem Newsome and seconded by Alderperson Tippet to accept offer for police headquarters and meeting room. Passed unanimously.

PERSONNEL  
POSITIONS:

Mayor Knowles advised we need to advertise positions of Town Clerk, Tax Collector, Building Inspector, Police Chief and Town Manager. After brief discussion a motion was made by Alderman Hall and seconded by Mayor Pro-Tem Newsome to table this until work session with Town Attorney. Passed unanimously.

MAYOR/ALDERMEN  
COMPENSATION:

Mayor Knowles said recommended compensation was \$25.00 per meeting for Aldermen and \$35.00 per month for Mayor. A motion was made by Alderman Hall and seconded by Alderperson Tippet to approve compensation as recommended. Passed unanimously.



- RECESS: Mayor Knowles called a recess of the meeting at 8:15 p.m. to wait for attorney. Meeting was reconvened at 8:45 p.m. and Mayor advised the attorney would not be able to attend the meeting.
- WORKSHOP: Mayor Knowles advised a Special Meeting would be held Saturday, February 10, 1990, at 9:00 a.m. for workshop with Town Attorney on various items.
- PUBLIC HEARING: Mayor Knowles advised there would be a public hearing February 14, 1990, at 7:00 p.m., in the West Onslow Beach Volunteer Fire Department Building on zoning and land use planning and inspection fees if we can get publication in newspaper.
- ADJOURNMENT: Because of absence of Town Attorney a motion was made by Alderman Keister and seconded by Alderman Hall to adjourn meeting at 8:50 p.m. Passed unanimously.

  
Ann Vause - Interim Town Clerk

TOWN OF NORTH TOPSAIL BEACH  
SPECIAL MEETING  
FEBRUARY 10, 1990

PRESENT: Mayor W. Rodney Knowles, Mayor Pro-Tem Leland Newsome, Aldermen Weldon Hall, William Keister and Nathan McDaniels, Alderperson Charlotte Tippet, Attorney Marshall Dotson and Interim Town Clerk Ann Vause.

CONVOCATION: Mayor Knowles called the meeting to order at 9:05 a.m. and declared a quorum present.

ATTORNEY: Mayor Knowles turned the meeting over to Attorney Marshall Dotson. Mr. Dotson said he volunteered to help until such time as the Town is organized and can be aware and make decisions on government. He said he was using his experience from the City of Jacksonville in getting set up in accordance with General Statutes and setting up operating system. There are a number of things to be accomplished between now and then. Looking to see what will benefit people on the island and then once presented and finalized need to be carried out. Certain things need to be done. The Town is starting with no money, no tools and with volunteers. Need to be sure you don't do anything that is not in accordance with law. He said the first thing the board needs to do is adopt rules of procedure. Normally public meeting follows an agenda prepared ahead of time. This allows you to get things done. Agendas should be followed and if another subject comes up during meeting it should not be decided but put on agenda for next meeting. If someone wants to be put on the agenda they should notify the clerk to give the council time to study item to be addressed. If a legal matter comes up attorney should have time to research before giving answer. When item needs to be adopted rules of procedure should be followed. Mr. Dotson briefly explained suggested rules of procedure recommended. Remember all meetings are open under rules and everyone is bound by them. When item involves hiring and firing of personnel it needs to be discussed in executive session. Items that can be discussed in executive session were outlined. Reason for executive session must be spelled out for citizens and press. Mr. Dotson said critical items to be addressed now are sources of revenue. Basic source is ad valorem taxes. He reviewed ways to set up tax collection, explained how Holly Ridge and Jacksonville use the county tax office and why. County, with agreement, will bill and collect taxes for small percentage. They have personnel and equipment in place for this process. County would be required to account for funds and turn them over to municipality. Another item that needs to be addressed is zoning and land use planning, but it should not be done in haste. At the present time the Town can operate under county zoning and land use. This is a complex subject and you can not do it yourself. You need planner. Mr. Dotson advised he talked with



Jacksonville planner and he is willing to help implement zoning & planning. They have a good strict program but there may be other municipalities familiar with zoning and planning who may be willing to come in and help. Zoning and planning require public meeting, designation of area effected, etc. Also, people in affected area must be notified so they can give their view point. We will not be able to do this today. Budget will depend on taxes. The Town needs to set up interim budget. Local Government Commission should be able to help. They will send representative to meet with board and help set up budget. Most agencies will make every effort to help. Personnel needs to be addressed. Certain positions need to be set up. You need city manager with credentials for your needs but first you need salary funds. This will be contained in budget process. Mr. Dotson said they did not need to rush and get wrong person. You have county police and fire to utilize until you can employ someone. He said he realized some people in county were opposed to incorporation and may have attitude the county wants to cut Town off. The county cannot do this and do not believe this is the view of the county. Towns and county don't always agree but when service necessary you can require they do this until you get established and everything in order. There are basic things the Town needs to do, but cannot do it with 4 or 5 people. If people interested they can work on committees. If committees will help and let us know what they find out then board can look at and address problem. A lot of our people don't live on the island but they can help and serve on committee. This should benefit everyone and interest others on serving on committees and lending support. Alderman Keister ask about planning board in Jacksonville and how many would we need here. Mr. Dotson advised Jacksonville had 7 but you can set up your own planning board system. A planning board would need to meet with zoning officer and planner. The planning board would review and make recommendations to council. Jacksonville has council member as liason on planning board and other committees that reports to the council. Also, the council would receive minutes from the various committees.

The board discussed more items on tax collection. Mr. Dotson said he believes the county gets 1% of taxes up to \$95,000 and 5% thereafter but does not know definitely. Alderperson Tippet said she had heard they may charge more here than in Richlands. Can they do this? Attorney Dotson said no. Mr. Crawford, with county, said there would be a written agreement and either party could terminate agreement each year. Mr. Dotson said in his judgment this would help if only for one year because of expense to set up department and what is involved. Later you may want to change system and bill your own taxes. One thing you need to address as soon as possible is meeting with county because taxes need to go out. Legal issues that need to be addressed on how and what to collect. Mayor Knowles advised he talked with several people and explained what he was told. He said he was unsure what means we need to go by. Mr. Dotson said by putting burden on county we would receive



benefit from their legal opinion from Attorney Generals Office, etc. Also, they would have responsibility to collect taxes for you. Alderman Hall said Mr. Donald Horton would be here Wednesday to talk on this. He mentioned tax base rate of 40¢, plus penalty of 2 3.4%. This will be difficult matter to handle. Mr. Dotson said it may be and he advised they act cautiously. Briefly, discussed legislature and general statutes, what the county would have to do. Alderman Hall said it does not seem fair or logical to penalize the town citizens when they did not incorporate until January 1990. Attorney Dotson explained procedure and items that might effect this. When you operate under legislature act only way to change is through legislature. Mr. Dotson suggested tax question be on March agenda. Mr. Dotson also suggested the board authorize the clerk to contact League of Municipalities and someone from Local Government Commission to work with them on budget. Alderman Hall ask if they needed to vote to join League of Municipalities at this time. Mr. Dotson briefly explained some of the League services and advised most municipalities use them. He did not recommend the Town use them for codification service and charter. If you join the League you do not need to accept entire package. Alderperson Tippet advised they offered the first 6 months as free service. Alderman Hall ask if they provided lower rates on insurance. Attorney Dotson said they have liability insurance program and briefly explained. Also, other companies compete with them. Alderman Hall ask what type of liability we have through beach access, within city limits since we do not own road. Attorney Dotson briefly explained government immunity and suggested in budget they get errors and omissions insurance on employees and board. Other insurance can be added as needed. Anything you need to get in order to feel safe in way you are proceeding. This can be done in order with budget and tax records, once county or whoever you employ can give expected percent of taxes to be collected.

Attorney Dotson said the council needs to look at Charter and adopt, then have approved by legislature. While current one covers basics it should be more in detail. After charter in place you need policy to see charter. Now you are operating under State Law and county ordinances. You will need to adopt code of ordinances and will need someone with experience in this area. He said Mr. Bill Hemmingway, who attended February 1st meeting is now with Municipal Code Corporation. Mr. Dotson said he has known him for 20 years and he was Clerk/Tax Collector for Jacksonville for several years. The corporation handles Jacksonvilles codes and charter and keeps them up to date. They have plan where you don't need to come up with money at once. This corporation has experience in county and State law and knows how to bring into place with your desired ordinances such as beach access. They bring you different versions of ordinances you want and you decide what is best for you. Ordinances change from time to time and when they do this corporation prepares supplement for you.



Alderman Hall advised Mr. Haskell Rhett with CAMA was at the meeting to speak on zoning and planning and what they could do to help with State grants and how to adopt procedures for them. Mayor Knowles introduced Mr. Rhett. Mr. Rhett said he was with First Division of Coastal Management. He congratulated the council on getting together with Mr. Dotson on items to be addressed. Mr. Rhett said the Division of Coastal Management Program was in a variety of areas. Program will cover permits in areas of environmental concern, ocean front area. He said Alderman Hall spoke with him concerning planning issues you will be addressing. Monday or Tuesday information will be sent out concerning 1990-1991 grants. Planning and planning services are something to think about. Mr. Rhett explained what may be available to towns and who is on targeted list. He said they would do their best to consider all applications from governments. Planning is a good place to start, so is a land use plan. Mr. Rhett said he would be more than happy to help with grant money and working through planning consultant. He said the Jacksonville planner has worked with this before and is good at it. The Town is currently covered by Onslow plan adopted in 1986-87, but you may wish now that you've incorporated to have something more specific than the countys. Mr. Rhett said a personnel, LOP workshop will be held March 15th & 16th. This workshop will lead towards certification for local permit officers. You might want to get someone there to be certified. Alderman Hall ask if Town needed to adopt zoning ordinance and land use plan. Mr. Dotson said to adopt we will need a public hearing. Mayor explained hearing was called for but we were unable to get notice to the paper to meet legal requirements. Zoning & Land Use Plan for Onslow County as is pertains to incorporated area. After action study and consideration of what needs to change because of situation here you can look at. Mayor Knowles said it has to be updated by 1991. Mr. Rhett said management ask all area towns in coastal North Carolina be covered by land use plan and explained background. Everywhere is covered by plan whether they keep it or not. Land classification policy will be in place and will cover until plan is updated and in place. Attorney Dotson said they need to address in zoning and subdivision and site plan review. One thing in particular to address is site plan review and do you require map that shows area of environmental concern that will cause problem with CAMA. Other considerations are development of guidelines on site plan review, planning, fire, police, adequate water protection, etc. He said he does not believe this is in county plan. Even though State Building Code may address these there are other things to address such as set back, side line set back, fire department check to see if they can provide service and if not explain why. If adequate protection not available does developer provide protection for people? Mayor Knowles ask about technical review board of county. Attorney Dotson advised it was not set up as of last week. Alderman Hall wanted to know if there was any area in zoning they need to address. Any area that we might be sued for? Attorney Dotson said rules of procedure



were easy to adopt but taxes, budget, zoning, planning & something for building inspector to go by as well as, something effective and safe, was difficult. These are governed by State Law and must have zoning and planning in place. If someone needs permit now they can go to the county for one. Mayor Knowles advised they can get from us once we get inspection and can address this but need zoning in place first. There is no liability in question now.

Mayor Knowles ask attorney to set sequence of order to set up priority system. Attorney Dotson said first priority is rules of procedure. Next availability of agenda to public and press. He briefly explained how this works. If citizen wants something on agenda that effects them they need to know who to contact. Mayor ask if this needs to be done now or at next meeting. Mr. Dotson advised needs to be done now. Also, if item comes up and it is not on agenda you need motion and second to add on. At beginning of meeting first thing that needs to be done is adoption of agenda. Then council votes to add or amend items. Then agenda needs to be strictly followed. Be sure to add area for citizens comments or discussion. Mayor Knowles showed citizens present rules of procedure booklet and briefly explained that it contained extension of Roberts Rules of Order. A motion was made by Alderman Hall and seconded by Alderman Keister to adopt rules of procedure. Passed unanimously.

Mr. Dotson advised the council needs to give authority for clerk or someone to contact Local Government Commission and ask they send someone to next board meeting to discuss interim budget. Sooner or later we will have finance director who has expertise to set up accounting. Mayor Knowles advised meeting for February 14th did not get advertised and ask attorney what he suggested be done. Attorney Dotson said notice of special meeting for Local Government Commission may take care of this. Clerk needs to set up and notify the Mayor so he can call special meeting to discuss budget process. You could recess this meeting but not sure when representative can come down. Also, need to get someone here from League of Municipalities and tax office. Alderman Hall ask about inspection fees and stated clerk has papers for inspector to be completed and sent to Raleigh. Also, has schedule from New Hanover County and Jacksonville and license schedule. What is quickest way to adopt these? Attorney Dotson suggested it not be done today but at March meeting. Mr. Rhett, with CAMA, said he talked to county and needs notification that you wish county to continue inspections and permits. Mayor Knowles advised a letter went to the county Thursday and the clerk would provide him a copy. Attorney Dotson advised you need to authorize, by motion, for clerk or chairman to contact League and Local Government Commission. A motion was made by Mayor Pro-Tem Newsome and seconded by Alderperson Tippet to have clerk contact Local Government Commission, League of Municipalities and Mr. Crawford Collins, Onslow County Tax Office. Passed unanimously.



Attorney Dotson said he would contact Planning Director and see what he would charge and let them know at special meeting. Mayor Knowles ask about a planning board. Mr. Dotson advised we will need these but we need to get organized first and then request list of people who would be willing to serve on committee. Jacksonville has a form of application for this we might be able to use.

Mayor Knowles ask about personnel. Is it premature to advertise before budget? Attorney Dotson said yes because of social security reporting requirements, fair labor law, etc. Wait for Local Government Commission to set up budget, and then work on personnel. Mayor Knowles ask about Interim Manager. Attorney Dotson said he believes they are safe right now. Town Clerk is acting as clerk and interim manager. Eventually will advertise for someone with ability to put together personnel and grant packages. There are people out there who would be willing to come for reasonable salary. Motion by Mayor Pro-Tem Newsome to advertise for Town Clerk, Police Chief, Town Manager and any other officers needed. Attorney Dotson said its not clear what duties will be yet, and we don't know what certifications we want them to have. League has job descriptions and standards. Mayor Pro-Tem Newsome withdrew his motion.

Mayor Pro-Tem Newsome said Police Chief Smith, as consultant, suggested two police officers and one sergeant to set up and get department running at this time. Attorney Dotson said this needs to be addressed because when you talk in terms of hiring you need salaries which brings us back to budget. Also, when you advertise need salary range for employee. Alderman Hall talked about auxiliary officer. Mr. Dotson said they would have to operate under Pender sheriffs department and he questioned whether he could enforce law in Onslow County. Need to discuss auxiliary police with Onslow County. Mayor Pro-Tem Newsome said sheriffs department will not enforce in our area. Alderman Hall said Chief Smith would operate in our community. Attorney Dotson questioned whether or not he could divide himself and do the work. Mayor Pro-Tem Newsome said he would uphold State and not county laws. Mr. Dotson suggested they have Chief contact Sheriffs department. Also, until paid how could you have auxiliary police? Discussion held on recent burglaries and contacting sheriffs department.

Alderman Hall said beach access permits have stopped. Do we need to adopt fee schedule at next meeting? Attorney Dotson advised they need beach access ordinance first. You need to address how you want to do this but this is not immediate right now. Alderman Hall said driving on beach was permitted now and explained problem if abandoned all together. Mr. Dotson suggested it be put in fee schedule.

Attorney Dotson suggested they go slow because there is danger if you go to fast. Get all information before you do anything. Avoid any action outside board meetings. Encourage suggestions. Avoid anything that looks improper. If you meet anywhere for any reason be sure to notify press and invite them.

Alderman Hall ask about trash collection. He discussed company that would submit proposal to pick up trash and does one company or town have exclusive right to pick up trash? He would like to give all companies opportunity to bid on this process. Mr. Dotson said they need to decide if garbage is service, private or not private, service you can charge for. Is it cheaper for city vs private? Then ask for proposal. Always question whether or not you can require businesses to pay fee. Alderman Hall ask if it could be franchise for one or two years. Attorney Dotson said he questioned whether this could be done and explained problem. He said he did not know if you could require everyone to avail themselves of this service. Alderman Hall advised county was picking this up but instead of taking to county people are putting trash in barrells or burying it on the beach. We need to adopt some rule of procedure to stop this. Attorney Dotson said this needs to go before the board for discussion and see what they want to do. Alderman Willetts wanted to know if town could be held liable for improperly disposed trash. Mr. Dotson said if you engage in business yes, if done by independent contractor no. Alderman Hall wanted to know if we could advertise and Attorney Dotson said no.

Alderman Hall presented suggestions from fire department. Attorney said this needs to be given to board members and discussed in March.

Attorney Dotson said there was a long list and you need to work through them. He suggested people interested in advisory board need to contact named individual and give name, address, and telephone number. Alderman Hall gave town address for information. He also explained why town has Surf City post office box number. He said he would like to see letter suggesting committee to get mailing address system straightened out. Also, mentioned discussion with Postmaster about problem.

Mayor Knowles ask about discussing real estate subject. Attorney Dotson suggested it be held for regular meeting.

Mayor Knowles showed proposed town seal by John Nevins. Alderman Hall said we need to adopt seal. Attorney Dotson said it would be adopted with Charter. Motion by Alderman Hall and seconded by Mayor Pro-Tem Newsome to adopt official town seal. Attorney Dotson suggested they wait. Alderman Hall rescinded motion.

Board discussed when to have next meeting. They decided to wait until clerk contacts League, Local Government Commission and County Tax Collector before calling meeting.

Mayor ask if there was anything else to discuss. Attorney Advised no.

Mayor Knowles opened the meeting for questions/comments from approximately 20 citizens present. Following are comments:



MR. ED WARSAW:

Where will meeting notices and agendas be posted? Mayor advised on door of fire department or in Jacksonville paper.

MS. MARION HAWKINS:

Would you consider having clerk send agenda and back-up material to all citizens? Mr. Dotson said this could be done for service charge. Also, radio station will carry notice of meeting and agenda can be put in newspaper. Mayor advised it would be difficult to send copies of all ordinances because of size.

MR. BEN WHITLEY:

Can box for agenda be put in fire station? Mayor advised this was not town office. It is only used for meetings. Mr. Dotson suggested they consider putting agendas at Rogers Bay Campground Store.

MR. CHRIS SCHMIDT:

When you publish meeting agenda will it be the final one or will hidden items come in later? Mayor advised there would be no hidden items. Mr. Schmidt said he was concerned about county continuing services such as sheriffs department service and ordinances. Mayor advised prior to last Thursday some services were suspended but a letter was delivered last Thursday for them to continue back to what they were prior to January 16, 1990.

MR. TOM DRISKLE:

How about trash on beach from fishermen? Should the county stop serving the beach? Mayor advised right now the county is responsible and will determine in the future about beach access. Mr. Dotson said some of the beach is county property, some private. In the future access in corporation limits may be maintained by the town. Mr. Driskle explained problem that occurred after tourist were on beach. Mr. Dotson explained what other towns, such as Emerald Isle, do. This will need to be put in Town policy. Mr. Rhett with CAMA said county has responsibility to maintain access and all complaints need to be sent to them.

MS. PAT DEMSEY:

Homeowners on north end of island have association and they are interested in town progress. Can you have copy of minutes for her to send to homeowners? Mayor said yes but maybe in newsletter form. Mrs. Demsey said 65-70% of owners are non-residents and this would be nice courtesy to them.

MRS. JANE WARSAW:

Can copy of rules of procedure be available to citizens at next meeting? Mayor said a copy was at the local library.

MR. WARSAW:

A lot of people have yellow paper boxes for Wilmington paper. Do we need to advertise in only Jacksonville paper? Mayor said the board would take this under advisement.

MS. MARION HAWKINS:

How about publishing in the Pender Sounds? Mayor explained publication problem with them.

ADJOURNMENT:

A motion was made by Alderman Willetts and seconded by Alderperson Tippetts to adjourn meeting at 11:10 a.m. Passed unanimously.

Ann Vause  
Ann Vause - Interim Town Clerk



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TOWN OF NORTH TOPSAIL BEACH  
SPECIAL MEETING  
FEBRUARY 21, 1990

**PRESENT:** Mayor W. Rodney Knowles, Mayor Pro-Tem Leland Newsome, Aldermen Weldon Hall, Nathan McDaniels, William Keister, Alderperson Charlotte Tippet, Attorney Marshall Dotson, and Interim Town Clerk Ann Vause.

**CONVOCATION:** Mayor Knowles called the meeting to order at 1:10 p.m. and declared a quorum present.

**PURPOSE:** Mayor Knowles said the meeting was to discuss budget, taxes and personnel. He introduced Mr. Donald Horton with the Local Government Commission, Mr. Crawford Collins with the Onslow County Tax Office and Mr. Gene Dillman with the League of Municipalities. Also, he said we would be under the guidance of Attorney Dotson.

**BUDGET:** Mayor Knowles ask Mr. Horton how we need to prepare for tax and then get in on collection. Mr. Horton said it originated with proposed budget as you looked to legislature for incorporation. This is not appropriate as it seems now. There is less time than you hoped to have in Fiscal Year. You need to look at budget and revamp for June 30th. However, at this time you should be working on next years budget. Budgets are never what you would like to do but he reviewed what would be in it. There is not much this year based on ad valorem taxes, etc. Need to look at what kind of tax levy you would make and collect between now and June 30th. Budget mechanism something you want to go into at this time. It is a lengthy process and there will be some conversation on different funds such as office operations, streets, police, garbage, etc. All of these are contained in the general fund so it's the only one to worry about now. These items would be listed as different departments with different line items such as salary, supplies, renting office space, etc. Insurance is thing that might shock you. Insurance on employees, professional liability, retirement on employees, etc. He said he suggested they get lined up before they take action. You do not want to hire police until you get insurance in place. Mr. Horton explained why. These are some things you have to look at and it's detailed work. Is this what you want to talk about now or discuss other issues first, get comments League and Tax Collector have brought on budget and return to this later? Mr. Horton briefly explained tax collection. Even though bill not out tax calendar is running. Current penalty percent is 2 3/4 even though bills have not been mailed. This is difficult for citizens to understand. One way to notify is with letter stating full tax as follows: X amount full tax, since not full year this amount, incorporated this date so tax will be this amount. Alderman Keister ask how there could be penalty on something that did not exist. Mr. Horton explained except for calendar budget but not for tax purposes. He explained how this works. Also, this opinion needs to come from attorney. There are at least 2 legal opinions on whether or not you bill penalty. If you are required by law and you do not levy penalty you become individually liable for tax. Problem is how to explain penalty and how reduced because of way done. A number of things happened



to cause this such as delay of referendum and legislation being delivered differently. Alderman Hall said tax rate based on 40¢ per 100 evaluation, can this be dropped to 20¢ since incorporated in January and then send bill out? Mr. Horton said problem is penalty in March goes up to 3½%. You can reduce rate to compensate for this. Some will take offense any way you look at this. He deferred to attorney on what we need to do. Alderman Hall ask if we could lower to 17¢ since it is so late in the year? Mr. Horton said you do not have rate set until you adopt a budget. The 40¢ rate in legal standing, just for legislative purposes. Mayor Knowles said in July we will need new rate. Mr. Horton said July 1st will start new rate. All this flexibility is dependent on service you want to produce. Attorney Dotson ask if they had budget formula to work on. Mr. Horton said yes. This will contain line items, budget documents, administration, governing body, any compensation reserved, social security, travel expense, insurance, legal fees, auditing fees so they can work on developing financial records. Mr. Horton briefly explained some departments such as administration and what would be contained. After everything and all departments completed this is detailed budget document. Budget message and letter of transmittal is usually done by manager but since you do not have one Mayor will do this. He explained how the budget development process works; looking at each item, estimating amount needed, cutting estimates, balancing budget, etc. Mr. Horton said finance officer would be given certain authority, paragraphs on budget would contain tax rate, levy, collection rate, etc. That is outline of the process to adopt ordinance. Once adopted and appropriations in place then you can legally contract with attorney to work for you. Until then you have no authority to spend money. To get money immediately the tax evaluations need to be identified readily and those people who own large tracks, developers, etc. can be notified the bills are not out but the Town needs money to operate, can you pay taxes up front? This is prepayment of taxes and should be what bill will be. Mr. Horton said this was quick, dirty discussion of budget and he would be willing to stay after meeting and work with council on budget or modify proposed one. Remember some money is restricted. Mr. Horton briefly explained these funds such as Powell Bill, water/sewer. If you are not or don't intend to operate water/sewer system you can get exemption for up to 2 years on use of funds. Attorney Dotson ask Mr. Horton if between now and July 1st, Fiscal Year ordinance for next year he could help them set up interim budget ordinance to operate under. Mr. Horton explained interim budget is only used when fiscal year budget is not approved by council for next year and you would need previous years funds to operate on. Town does not have this, no technical expenses for this so we will need to go through process for short year budget. Attorney Dotson ask if they needed to use same format as next year. Mr. Horton advised yea. It's late for budget but you must have public hearing on proposed budget, keep copy in clerks office for everyone to review, advertise in paper of public circulation. You cannot do anything on taxes until you levy tax. You cannot send out bills. Alderman Keister said he



gave them alot to think about. Attorney Dotson said he had a previously scheduled meeting to go to at 4:30 p.m. but they needed to remember that their hands were tied until budget in place. Once you get budget you can contract with Onslow County, if you elect to, for them to process and collect taxes. The thing to work on immediately is sitting down and doing budget ordinance for this year. You may want to consider getting professional help, someone with experience, to help. You are not able to do everything you want to do. He can identify items you can defer. Mr. Horton said when adopted budget can be changed, with the exception of tax rate. Tax rate can be increased or decreased. Budget ordinance can be amended and he briefly explained how this is done. Do not look into what you have to do with ordinance. Once manager is hired he will work with what you have. What you want to do, how much money will it cost, adopt budget and get started and then start working on budget for Fiscal Year 1990-91. Alderman Hall said if we set levy at 20¢ for 1989-90 can we go back to 40¢ for 1990-91? Mr. Horton advised yes. Attorney Dotson suggested while Mr. Hortons here sit down and work on line items. You will need public hearing on budget ordinance. Possibly you can put something together today and set up hearing on this. Remember you must decide tax rate. Mr. Horton advised issues to be discussed are lengthy and you might want to hear from Mr. Collins and Mr. Dillman first. Issued they are going to discuss will be needed before developing budget.

#### TAXES:

Mr. Crawford Collins said he was not sure what the board needed from him at this point. First a letter needs to be sent to Onslow County Manager, if you want to use county, for them to collect taxes. He is here today acting on behalf of his department not the county. Request for assistance must go through county managers office. Once this is done someone from the Town needs to verify parcels in limits and then sign form to that effect. Next someone from his office would go in and key into system. Currently, working on 1990-91 abstracts. Remember before his office can do anything a written request needs to be completed and agreed upon. It would require looking back to July 1, 1989. He said he has never done this before. Explained problem encountered once with late notification of annexation and what occurred. Mr. Collins ask what information was needed or questions they had. Attorney Dotson ask him to explain control and what fee would be. Mr. Collins said sample was: 1% of levy up to 95%; 5% thereafter. Alderperson Tippettt wanted to know if each town was charged the same. Mr. Collins said yes. Also, would need letter from governing body authorizing Board of Commissioners to release and refund taxes. Towns are kept up to date and notified actions taken, receipts are mailed on daily basis. Mayor Pro-Tem Newsome ask who handled foreclosures. Mr. Collins briefly explained how tax would be figured and estimate of what might be received if maximum collected. Alderperson Tippettt ask if county would handle everything. Mr. Collins said yes, only board has to provide deposit slip for required bond. He said this situation was unique for his office and the State. Mayor Knowles ask Mr. Collins to explain homestead exemption. He said it was based on income of previous year. If 65 or older and income less than



\$11,000 per year can get 12,000 exemption. If permanently disabled and have doctors certificate they can get 12,000 exemption on home and lot. This also includes mobile homes. Application is submitted by individual each year. Applications go to listing department and if approved they are picked up as exemptions. Alderman Keister said they had \$11,000 limit for a long time. Mr. Collins said yes. They thought it would increase each year but it has not. Alderman Hall advised abstracts used for estimated tax was from Mr. Collins office on July 1, 1989. Would this be sufficient for your office to use? Mr. Collins said they would still need to sit down and take time to check. Will have to go back and look at last years system and create bill for X number of months. Alderman Hall explained how this list was prepared. Mr. Collins ask if this included personal property and Alderman Hall said yes. Mr. Collins said this is hard to get a handle on. Mayor Knowles said we are getting ready to do census within next 2 weeks. Mr. Collins said ok, we can always do discovery on back taxes. Mayor thanked Mr. Collins for attending meeting and advised we would notify the county once we decide. Mr. Horton said the State Treasurers Office was pushing for consolidation on taxes because it is cheaper on tax payers. He briefly reviewed why it cost more for towns to collect their own taxes.

PERSONNEL:

Mr. Gene Dillman, League of Municipalities, said he was here to explain how much personnel cost. He said it was a pleasure to be here and welcomed the Town. The League has 487 members scattered across the State; 52% of all North Carolina citizens now live in corporate limits. Mr. Dillman said his expertise was personnel. He said your Interim Clerk has abundance of experience in municipal work. How much will personnel cost; council-manager form of government. City Managers duties are spelled out in General Statutes and what manager does for city, responsibility and scope, what to report to board, etc. is determined by the board. He said he encouraged them to start looking for manager now. Also, decide what you expect from manager. He said he understood they were considering a manager, clerk, police chief and building inspector. How much will this cost? You have luxury of deciding to pay minimum salary or best salary in the county. There are a number of alternatives to choose from. When you hire employees you take on responsibility of livelihood of families. You have idea what kind of employer you want to be. There is no right or wrong answer on selecting salary level. Alderman Keister ask what he meant by kind of employer. Mr. Dillman said you are mandated by Fair Labor Standard Act to pay at least \$3.35 per hour up to 40 hours and 1½ beyond that except for police chief and manager. He explained why they would not receive overtime pay. You will also need to carry workmans compensation and unemployment insurance. You have right to pay minimum but also have right to pay high salary. You are running operation and need to decide what you want to be, average or above average. Totally subjective. Stop and decide where you want to be, call public and private employers and see what there schedule is. Mr. Dillman said he has never known a town to pay more than private sector. He briefly reviewed book on salaries for municipalities under 2500 population.



Average salary is around \$19,000 - \$19,500. Several booklets are available which include big boys as well as small. Compared to other areas with similar populations across the State. Analysis should be done with caution. Decide where you want to be and then look at this. Of all expenses personnel will be most expensive. What you pay, what benefits you will provide are annual decisions. Briefly explained why he feels this way. Biggest investment you will have will be employee. Mr. Dillman ask if anyone had been to newly elected officials school. No one had. He explained what classes involved and that last one was being held in Asheville this April. He recommended they try to attend. With council-manager form of government Mr. Dillman recommended they hire manager first and let him hire other employees. It's ok to advertise and start process on other 3 positions but let manager hire. Then let his first priority be to hire other employees. Manager will need to select people he or she will be comfortable with. A manager can do in 3 weeks what takes you several times longer. Professional managers out there are small group. For 400 plus cities and counties there are only 265 practicing managers, including assistant managers. There are abundance of people working with assistant managers who may be qualified. What will it cost? With limited experience less, with more experience more. Over the past 18 months there have been 15 vacancies across State. A lot of this has to do with managers moving up. Alderperson Tippet ask if he had job description for manager and others. Mr. Dillman said anything he has now would be out of date when put in place later. With information you can design ad for manager. Then guidelines later on that will help you in looking for kind you want. Once manager and staff on board they will handle day to day standards. What you put down today may not be what you want later. It is best to decide what type of person you want and what you want to pay. Once he is on board first thing that should be done is establishment of guidelines between manager and board. Other aspects, in relation to manager, discussed were: ad to run, agreeing on what you want, skills needed, experience required, things needed short & long term, how to get applications now and from where. Manager should have flexibility to handle day to day operations. Need to review compensation and recruitment.

RECESS: Mayor called for recess at 2:25 p.m., council agreed. Resumed meeting at 2:45 p.m.

PERSONNEL: Mr. Dillman again reviewed authority of manager to hire and fire employees. When you think of managers role, think about what board does and does not need to be involved in according to General Statutes. Professional managers have come a long way. Because North Carolina has professional managers and staff individuals are looking to locate and work in government in North Carolina. The timing in hiring manager is less than ideal because most managers like to be involved in budget they work under. There will be a minimum of 60-90 days before you could get someone for manager and then they need to give notice to present employer. It may be 4 months from today before you have manager and this will bump up to June 30th



budget deadline. Mr. Dillman said he was ask if formal advertising was required. He advised the council could do what it wanted. There are no federal for state mandates to cover this process. Only requirement is in clerks position and EEOC. The fact you advertise, leave open, select, etc. is strictly up to you and it can be as formal or informal as you choose. Mayor Knowles ask in hiring first manager what are guidelines as far as meetings concerned. Mr. Dillman said all personnel records past and present are covered under G.S. 160A-168. He briefly explained what items of personnel records were open to the public and what were not, also reviewed possible liability for releasing certain items. He was ask about interviews in executive session. Mr. Dillman said the only thing you have to do is make appointment in open session. Once appointment takes effect G.S. 160A-168 tells what will be released to the public. He briefly explained one non-traditional way in which the board could identify candidate and said advantage is you are able to save time. Remember it does not matter if you have 350 or 10 applications as long as you have 5 or more good applicants who meet your requirements and can do qualified, competent work. If you choose shorter process you save time on advertising and screening process.

Mr. Dillman reviewed mandated benefits on employees such as social security, workmans compensation, retirement, unemployment insurance. He said with unemployment you have luxury of being direct reimbursar which means you pay only when a claim has been filed and approved. What other benefits and what level you choose are up to you. This determines your ability to retain employees.

Mr. Dillman reviewed insurance and explained how and why the League go into the business. They now have four insurance programs at work (workmans compensation, health & life insurance, public officials insurance and general liability insurance). Mr. Harvey Mathis can give you all the information you need. Compare with other companies and then choose who you wish to go with.

Retirement is big issue. 99% of public employees belong to system. This is a portable system which means employee can transfer from one city to another and keep service. If employee works up to 1000 hours per year must belong to system. Employee pays 6% of gross salary and town pays 4.86% except on police. They require 5.14%. It would be less expensive to join before employees hired because after Town has to pay for back service. Debra Leonard, 733-4191, can help with application. He explained disadvantage of trying to recruit employee in system to come to Town without system.

Police require additional compensation. It is mandatory you pay 5% of gross salary into 401K profit plan of IRS for them. This would be employees money. The fund is called 401K and is handled by BB&T. Other employees are not in this system and Mr. Dillman explained why. In addition, he explained problem of hiring someone with great deal of service and what



Requirements would be on paying supplemental fund which is in addition to 401K and retirement funds. This was mandated by General Assembly. So remember if you hire someone with 29 years service and they retire next year with 30 years you are liable for 30 years of service. Mr. Horton said if you hire employee and he works 5 years in law enforcement you are liable for supplements. Keep this in mind when you hire police personnel.

Mr. Dillman said health and life insurance, workmans compensation, etc. are basic building blocks to look at and begin with next Fiscal Year.

Mr. Dillman advised them to wait on personnel policy. He said it was premature to decide what should and should not be in policy such as working hours, schedule, etc. Let your manager bring recommendation to you and decide what you feel comfortable with.

Mr. Dillman said basically that's the process. He will be resource person. If you have any questions please call.

LEAGUE:

Attorney Dotson ask if joining league would commit town to code codification, etc. Mr. Dillman said no, that would require a special contract. If you do not join League you would not be eligible for insurance plans because they are only for members. Once you become member you have 26 additional employees on payroll who have office in Raleigh, but do not require salaries. Mayor Knowles said joining the League at this time does not require expenditure.

LEAGUE

MEMBERSHIP:

A motion was made by Alderman Hall and seconded by Alderman Keister to join the League of Municipalities. Passed unanimously. Mr. Dillman said he would notify Mr. Knox, League President, that North Topsail was a new member.

SCHOOL FOR  
OFFICIALS:

Mr. Dillman said the Institute of Government has a school for newly elected officials. There are usually 4 or 5 sessions. The last one in Chapel Hill is today but there will be one in Asheville April 10th, 11th, 12th. It would require sacrifice to go but it would let you know what it takes to run a town and what is needed. It is taught by Institute of Government and League staff. Two basic reasons to attend: 1) chance to get with others like yourself; 2) helps those who have not been through this before. Alderperson Tippet ask about cost. Mr. Dillman said \$15.00 per person for fee and material plus accommodations and travel cost. He suggested the clerk contact Mr. Jake Wicker about school.

RECESS:

Mayor Knowles called for recess at 3:30 p.m., Council agreed. Back in session 3:45 p.m.

BUDGET:

Mayor Knowles said request concerning SR 1568 extension of 300' had been received and needed action from the council.

A motion was made by Alderman Hall for State to maintain SR 1568. Passed unanimously. The Mayor said a letter needs to be drafted in response to Mr. Robinsons letter and signed.

Attorney Dotson said the council needs to work as much as they can on proposed budget ordinance for short term and needs to take advantage of Mr. Hortons expertise. You will not be able to do everything you want. Mr. Horton will explain how some things can be deferred until budget in place. You need to allocate funds for hiring of manager. Sooner he gets on board, the sooner you can get budget in place. Mayor Knowles passed around previously proposed budget. Attorney Dotson said they were authorized to reduce tax rate to get budget in place. Summer months are coming up and you need to think about that. Mr. Horton said on tax situation you are starting with zero. Taxes are not due until September, then penalty begins in January so most people will not pay them until December 31st. You need to develop 9 month budget so you can operate until tax money comes in. Attorney Dotson said he had to leave but would be available by telephone tonight. If you need to recess meeting and continue you can without notice until later date. When you recess be certain press knows when you will continue meeting. It is best to get started on budget so you can adopt. You can amend it at a later date. Mayor Knowles ask if everything was variable but tax rate. Mr. Horton said can set rate, decide on what you want to appropriate in funds and balance.

Mr. Horton and the council worked on budget items as follows:

1. Personnel: No prior history so compared with other similar towns. Can set some now and then go back if you want to change.
2. Departments in General Fund:
  - a. Governing Body: Compensation, travel/training, social security, legal fees, auditor, medical cost and dues & subscriptions.
  - b. Administration: Salaries for manager & clerk; social security, insurance, retirement, travel/training, telephone & postage (this covers all departments), rent for building, equipment, supplies, advertising, etc.

Mr. Horton said they need to work on annual figure and then back down to 9 month figure for this year. First thing early on is what you will need for fund balance. This should be 8% for cash flow system. This figure is higher because you are new. Second thing to consider is what kind of catastrophic problem you would be liable for. Third need to look at top 3 tax payers to see if related by developer or general ownership because of possibility of bankruptcy. Fund balance should be sufficient to operate with until funds come in. If you have problem you can contact Janie Correll, 733-6555.

Alderman Keister ask if council compensation was taxable income. Mr. Horton advised yes and explained why. Alderman Hall ask about social security. Mr. Horton said town pays 7.65% and



deducts another 7.65% from employees paycheck.

Mr. Horton said this is process you need to use. One item at a time. Remember when you do police add 401K on top of retirement 5%. Briefly discussed what they might want in police department. After lengthy discussion Mr. Horton said they could probably take ones done and go from there.

After further discussion Mr. Horton said they could continue from where they are and go through budget. Look to total budget, decide when you will get up and operating, when you get manager. You need to fund as much as possible. When you start working on revenues you will have franchise tax, sales tax, but you will not get as much as on ad valorem taxes. Discussed how much you lose with population vs ad valorem tax basis. You will also have intangible tax, which you will get next year by levying tax this year, Powell Bill funds, utility franchise tax, beer & wine tax, sales tax (should begin getting on per capita basis if incorporated for more than  $\frac{1}{2}$  quarter). You will need to apply for exception on water/sewer fund if you do not plan to do this. You need to start process to be accepted on this. Contact Craig Barfield, 733-3064 and tell him you need information on opting out of restriction on sales tax. Roger Ellis and Nicky Underwood can also help.

Keep up with gas purchased and sales tax paid. You can apply and get this money back. This will cut 5% of cost on gas.

Need to look at auditor, town engineer and garbage fee, if you include this in future, as you are not required to provide garbage service.

Mr. Horton briefly reviewed account numbers used, discussed insurance, workmans compensation, liability and bonds. Also, police and liabilities involved.

Other things to consider are: go by sample ordinance, do first section by department, then revenues. Three things in revenue, tax rate, value and rate of collection. When you do budget for Fiscal Year 1990-91 tax collection rate cannot exceed % collected on this year (1989-90). This will put additional burden on you between now and June 30th. Mr. Horton reviewed what authority should be given budget officer. General discussion on this. He recommended they review G.S. 159-13 on budget. Budget can be amended but must remain balanced at all times. Watch you don't violate this provision.

Alderman Keister ask about emergency meeting. Mr. Horton explained how to do this if necessary. Alderman Hall ask how to safe guard against money being removed. Mr. Horton said if check signed by mayor and clerk be sure third party appointed to reconcile bank statement. This is a good safety check. Auditor should work with you on internal control so you know where you stand. Let auditor know up front that part of time you want them to show you how to do things right not

just come in to see what you are doing wrong. The board needs to be involved.

RECESS:

At 5:35 p.m., a motion was made by Mayor Pro-Tem Newsome and seconded by Alderman Hall to recess meeting until Tuesday, February 27th, at 7:00 p.m., in the temporary Town Hall. Passed unanimously.

Ann Vause

Ann Vause - Interim Town Clerk



TOWN OF NORTH TOPSAIL BEACH  
CONTINUED SPECIAL COUNCIL MEETING  
FEBRUARY 27, 1990

PRESENT: Mayor W. Rodney Knowles, Mayor Pro-Tem Leland Newsome, Aldermen Weldon Hall, William Keister, Nathan McDaniels, Alderperson Charlotte Tippet, Attorney Marshall Dotson, and Interim Town Clerk Ann Vause.

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

BUDGET: Mayor Knowles ask attorney if budget had to lay on the table 10 days before it could be adopted. Attorney Dotson said you need public hearing. He suggested they present budget, post on door and send copy to press, set public hearing as if it was annual budget.

Alderman Hall gave members building inspection fees for agenda and zoning request form.

Mayor Knowles stated they would go over budget and see if it was what they wanted. Alderman Hall ask what tax rate it was figured on and Mayor advised 40¢ per 100 evaluation. Alderman Hall ask if it included penalty. Mayor said no, just expenditures and it was a 9 month budget.

Alderman Hall said on building inspector portion they need to provide for a Level III in plumbing, electrical, and mechanical. Also, we need money for zoning and planning section that is required. The planning board will need a secretary who does everything for them. Attorney Dotson said they could have unappropriated fund. You can handle planning board, they can have hearing if you want but council usually has hearings. Planning Board meets with developer and reports to council for approval or denial. Council would then look at and make their own decision whether to approve or deny. The planning board is a fact finding board. Cost is not under planning and zoning. Alderman Hall said you charge for zoning but you still have to pay planning board members. Alderperson Tippet said enough people would volunteer their time. Attorney Dotson said they are usually not paid. Planning board elects their own officers and one of them is usually secretary. Alderman Hall ask where we get money for them. Alderperson Tippet said we do not have to pay. General discussion held on this. Attorney Dotson advised they budget certain amount for training of planning board members at Institute of Government in Chapel Hill. This would pay their transportation there and back. He said these classes are for council members too. Attorney Dotson recommended they get planner on consulting basis. He would help work up land use plan, like Jacksonville, with pretty good criteria. Attorney said it would cost about \$25.00 per hour for consultant fee. Alderman Hall ask if he would coordinate with Mr. Cassell and Mr. Rhett. Attorney said yes and could also check about grants. Mayor Knowles ask what

needed to be done to get in shape. Attorney Dotson said put something in planning and zoning. If you look at about 300 hours @ \$25.00 per hour, maybe \$9000 for planning. Attorney Dotson said it would not take long for planner to get recommendation on land use. Mayor Knowles ask if we use county are we subject to lose flood insurance. Attorney Dotson said it needs to be revised. Mayor said it has to be changed by 1991. FEMA said it needs to be done now. Attorney Dotson said you need this in land use and initially planner can do what you need and you will be safe for now. Alderman Hall said in land use where it mentions beach we do not need to adopt whole thing. Council discussed some problems that will need to change. Attorney Dotson said some could be controlled with subdivision regulations and briefly explained how. Attorney Dotson advised \$9000 was plugging in some of these figures and they would probably spend funds between now and next budget year. He suggested they put money in unappropriated balance so they could plug in needed figures then. He suggested the clerk call Donald Horton about this. Council requested line item on inspections be doubled.

The board discussed contingency and unappropriated funds. Attorney Dotson said they need 5% in contingency as set out in General Statutes. Then anything left over would go in unappropriated funds. Then you can transfer if necessary. You can set up initial amount and adjust later.

Mayor Knowles ask what we need to do about City Manager. Attorney Dotson said he had talked with John Pick and Bill Hemmingway and he recommended Mr. Hemmingway. He said Bill lives here and do not believe salary requirement would be that high. He served as Assistant City Manager, Finance Officer and City Clerk in Jacksonville. Alderman Hall ask about retirement fund. Attorney Dotson said he did not know if Bill would consider permanent position. If you get someone with experience you are not looking for them to stay forever. Mr. Hemmingway wants to get out of travel with present company but do not know if he would be interested in this position. If you hire someone from outside you will need to pay moving expense, ICMA dues, etc. Remember when you hire manager he serves at the pleasure of the board. Mayor Knowles ask if Mr. Hemmingway was hired would he be active manager or interim. Attorney said active. General discussion held on salary range, degree and experience required and what Town might have to pay to get someone.

Mayor Knowles ask attorney what we need to do. Attorney Dotson said get budget in order. Work on all line items and then check with Mr. Horton to be sure something is not in fund balance that should not be there. Try to present this Friday, set public hearing and then wait 10 days from hearing date to adopt. Then you can get tax. Alderman Hall explained what Mr. Crawford said about taxes. After brief discussion on scroll preparation and requirements Attorney Dotson recommended they appropriate \$10,000 for tax collection fee. Mayor Knowles ask when do you have to pay? Attorney said you appropriate and then pay.



Attorney said remember you can not pay anything that is not appropriated in budget. If something is not in budget as line item you will need amendment and he explained how this worked. Mayor Knowles ask if collection fee was paid as taxes collected or paid in advance to county. Attorney Dotson said he was not sure. They may deduct fee from tax and send balance to the Town. Alderperson Tippet said if they are deducted from tax we need to put back. Alderman Hall said it needs to be there before considered. Attorney Dotson said they need line item. It is better than adding later with budget amendment.

Alderman Hall said funds for street lights on Shore Drive needs to be added. He suggested \$10,000 for street lights. Attorney said it may be July or August before company actually does work and you do not need between now and July. This budget covers through June 30th. Mayor Knowles said also needs to carry us through until January when 1990-91 taxes would be paid. Alderman Hall said we would not have to pay for 3 months so money would be for last 6.

Mayor Pro-Tem Newsome said \$23,000 needs to be added for Police Chief. Town will need Chief and 3 officers and want 4 auxiliary police. Uniforms for 4 men cost \$6,000; 3 vehicles \$24,000; radios \$16,000 (includes base station for police); \$100 per officer for badges and \$600 per officer for equipment (gun, lights, etc.). Change overall police salaries from \$40,000 to \$68,000.

Council requested \$27,500 be added on fire department for fire marshall. Discussion held on effect on volunteer status, land for station on north end, can land be donated for station and possible agreement with Surf City until Town gets in position to provide necessary fire protection. Attorney Dotson suggested they go out and get donation now to see what they could use until they get their feet planted and can provide bigger department they want. The more interest you have the more you can get done. You might want to add line item for pump or something. Alderperson Tippet said she would call individual about donating land for fire department use. She also ask about salary for fire marshall who handles fire inspections. Attorney Dotson said if you do fire inspections it would be 8 hour a day job, so you are looking at between \$16,000 - \$18,000 with fringe benefits. Mayor Knowles said they need to get with whoever has charter and see how it works. We may need to give funds as donation to fire department. Alderman Hall ask if it covered rescue. Mayor Pro-tem Newsome said if they would be interested in county furnishing rescue service we need to send them a letter requesting this. Letter would go to Ms. Janie Johnson.

Attorney Dotson ask what figure was put in for meeting facility and so forth. He was advised \$1000. Attorney Dotson said you need funds for Town Hall rental. He was advised this was added.

Alderman Hall said auxiliary police are already sworn in for Onslow County. Mayor Knowles ask who handles insurance? General discussion held on this.

Council discussed errors and omissions insurance, liability and

workmens compensation insurance; services the county will charge for after March 16th. Attorney Dotson suggested they add \$2500 for partial payment on preparation of charter and code of ordinances. Usually cost around \$5000, and this is one thing you need to get in place. Alderman Keister ask about charter and code. Attorney Dotson explained what would be in code of ordinances and said company prepares format for you to approve. Once in place you will from time to time amend by adding new ordinances. Code and charter will be prepared in book form. Attorney Dotson said the charter needs to be in a better form than present bill to work with. Mayor Knowles ask if it needed to be in place before we do anything. Attorney Dotson said no, you need to pick out ones you need to operate under first.

Further discussion on items and what they need to do, what can be changed and what needed to be moved around. After discussion on these items and tax rate council decided to possibly lower tax rate from 40¢ to 36½¢ per 100 evaluation to accommodate penalty to be charged. The council also discussed length of time to get bills out. Mayor Knowles ask attorney if he thought there would be problem with citizens over taxes. Attorney Dotson said you reduced rate to accommodate penalty and that will help them.

Other budget items briefly discussed were: trash collection, pro and con of town operating; amount proposed for auditor and legal fees.

Clerk will prepare budget, with changes, for council review and review with Donald Horton of Local Government Commission.

No further business was discussed and a motion was made by Alderman Hall to adjourn meeting at 9:20 p.m. Passed unanimously.

Ann Vause  
Ann Vause - Interim Town Clerk



TOWN OF NORTH TOPSAIL BEACH  
REGULAR BOARD MEETING  
MARCH 2, 1990

PRESENT:

Mayor W. Rodney Knowles, Mayor Pro-Tem Leland Newsome, Aldermen Weldon Hall, William Keister, Nathan McDaniels, Alderperson Charlotte Tippet and Interim Town Clerk Ann Vause. Attorney Marshall Dotson was absent.

CONVOCATION:

Mayor Knowles called the meeting to order at 2:30 p.m., and declared a quorum present.

PUBLIC  
HEARING:

Mayor Knowles opened the public hearing at 2:31 p.m., and said the purpose of the hearing was to give everyone an idea of what we are doing concerning land use planning, zoning and fees, when we get inspection fee. Basically, we're looking at adopting the current Onslow County ordinance. Zoning plan and land use plan of 1986 which has been updated since then. Land use plan has to be renewed every 5 years and will be again in 1991. Mayor Knowles introduced Mr. Tom Casell with North Carolina Department of Natural Resources, who is assisting in modification of plan. Mr. Casell congratulated the Town on what they have done and their perseverance in what they've done so far. He said he hopes it will continue for all of the community, not just a few. Also, he stands ready to help. His office was formed in 1957 and now has an office in Wilmington, since 1974. He said he was currently looking at zoning and ready to make modifications. It will put you in the drivers seat as far as ordinance concerned. The county ordinance has not been looked at in depth but have looked at other divisions. There are major differences in ordinance which represents more consideration than anything. The test is to put in place and have continuity. Also, put in order so you can pick right up. He said he wanted to emphasize as soon as possible you need to get planning board, council on committee to look at this and see if it is what you want in the future. Land use is future, and is funded by Office of Coastal Management. You need to recognize what you want to accomplish. It is something you are responsible for. Regarding flood insurance, map will be prepared by federal agency. He recommended they write and request they make one for North Topsail Beach. Once it is prepared they will ask you to adopt. As usual, the county will continue to enforce damage control insurance. Damage prevention ordinance has been adopted by the county. He said he was fairly sure the county has adopted the minimum on requirements. Mr. Casell said he was available to answer questions and ask if council or citizens had any. Alderman Hall ask if it would take long to change ordinance. He said he understood people were ready for this to look at zoning. Mr. Casell said no problem at all. Probably will take 30 days, then can have something ready for public hearing. Alderman Hall said it would require replacing name used in county ordinance. Mr. Casell said yes, you are contemplating enforcement by building inspector who will handle zoning ordinance. The way it is now the county has it written for enforcement to be done by enforcement officer.

Following are questions by citizens and answers given by board and Mr. Casell:

Frank Stoner, Inlet End, Oyster Lane:

In the past alot of violations of ordinances have effected land owners in area. Recently meeting between Onslow County and developers Bostic & Paige. If we take control of zoning would it be our duty to meet and talk with them? Also, is there a grandfather clause for them to use. Mayor Knowles said he talked with Mr. Hedgepath, Onslow County and Roger Moore and was advised this was not their responsibility to do rezoning as of January 18th, 1990. They should be talking to board. Alderman Hall said he thinks violation is misinterruption of this ordinance. Mr. Casell said we are looking at clarification. When he talked to county they did not see anything wrong with that. He further explained what occurred when he went to the county. He said he thinks we could go along way to stop this if we talked to them and they know we have vested interest. Mayor Knowles said this was purpose of incorporation. We are here to listen. We are not in a position to do anything now but are working on it and need for you to bear with us. Mr. Stoner said there are 60 for sale signs in our subdivision alone. Looks like something is wrong but it's just island for sale. We can't take alot of this. Mayor Knowles said this is what Mr. Casell is doing and will have opportunity to express your opinion on this. Most do not understand what zoning is now. The original idea was good but need improvement. Also, needs voice of the people which has not been done before. It has been difficult to talk to the county and get our point across. Alderman Hall said we are not saying we support high or low density development. Individual has right to put what he wants on land. Also, right to reasonable use of land. Mr. Stoner said at one point of road water washes over roadway. He said road improvement only for Paige property so far, remainder not completed. Alderman Hall said this road is agreement with State and Paige and we look to State for enforcement. Mr. Stoner said if Paige can get road this way it's new way to make money. Mayor Knowles said in all respect, this is not county problem, not fully, but county can fix up. Alderperson Tippet said isn't it Paiges responsibility to finish other portion of road? She said that was her understanding. It is to be done within 18 months. Alderman Hall said it is out of our jurisdiction. Mayor Knowles said the board does make a difference. With us in place we can get in touch with right people. Mr. Stoner said this was the most sympathetic ears he had heard in 7 years.

Peter Hillyer - North End of Island:

Seems to be most unusual system in State. If you want to build, or develop, find plan then you can do anything you want. No policy for inspection or enforcement. Builder



who knows what he is doing and has no conscience can do what he wants. I hope when we have our rules and regulations. Although, they will not mean anything if we can't get enforced. Now if you send in good plan and have approved no one comes to check. Alderman Hall said this is a new day, and it's not case anymore.

Ben Whitley 24th Avenue:

On wet land can there be any identification or topography of land? Mr. Casell said the county was general board and had responsibility for identification of land. They would rely on corporation of engineers and State. State definition of marsh land, etc. would ultimately be town responsibility and we would approve before it goes to Coastal Management for their review. He ask if there had been any determination on committee. Mayor Knowles said it would be planning board. He ask citizens who want to be on committee to submit name and board will pick 5 members for this.

Margo Lombardo - St. Moritz:

She said she was worried about a track of land across from he. Suddenly one day a bulldozer appeared. Someone called and had work stopped. Apparently they were going to build without permit. Mayor Knowles said he heard about this and believes individual was fined.

Jim Harris

Stakes have been put out for street lights at cross-walks. They need to be moved because lights would cause area for garbage to accumulate and loitering problem.

Mr. Stoner:

Area was planned for single family or duplex. Somewhere, somehow, in closed meeting area turned into town houses. This allowed them to build as duplex and then sell half of land. He explained problem it created. More money for them because 75X150 lot for 1 or 2 family house now has town house on  $\frac{1}{2}$  to  $\frac{1}{4}$  of land. Therefore, 180 lots now 300. Can you put something in ordinance that says if lot 75X150 it can not change? Alderman Hall said ordinance does address this. Discussion held on R-10 & R-8 zoning and being able to divide lots. Mr. Stoner ask what single family was. He was told it was up to developer in area. Mr. Casell said this is type of difference he was speaking of. Gives impression they are protecting single family but it is misrepresenting because 2, 3 or 4 permitted. Usually where single allowed would require additional space for unit. Onslow County is backward. Density speaks to quality of line and if you do not respect will spoil this. Density was

designed to protect and now county is finding it is important to adhere to density. He said this needs to be studied at length and would like editorial clearance to improve. Alderman Hall said most designs of property are engineers and they try to develop good designs. Change comes in when one designs and another comes in and takes over so quality put in no longer there. This is what happen to Oceanridge. We have to look at these things carefully. Mr. Stoner explained how one area structure was for 2 families but ended up housing 4. Even water connection still shows 2 instead of 4.

Chris Schmidt - Bay Circle:

Mr. Schmidt said problem was in past history. The board is planning to get together a planning board but consider short time between now and when adopted. Who has control? We talked about Bostic & Paige. We can not stop development but it will take 2, 3 or 4 months to develop board. What assurance do we have it will not occur. Mayor Knowles said he does not believe we will have run on development. What we use now is CAMA, who looks at plans and we plan to make sure. It is countys responsibility until we have a planning board. Alderman Hall said County Planning Board is not able to do zoning change since January and will not be able to do so. Inspections will continue until March 16th. Mr. Casell said rezoning was legislative action and county does not feel they can do legislative action. When he talked with Mr. Hedgepath, Onslow County, he recommended that they do nothing since town incorporated. Rezoning would be referred to the Town. Mr. Schmidt said he was not concerned what zoning took place but definition of density and what does it mean. Concerned with wet land, what can be filled in and what can be cleared. Delegate with land use and be sure not with estimated ordinance. Who is in control of wet lands. Mayor Knowles said Army Corps of Engineers for 404 Wet Land. Mr. Schmidt said he talked with Mr. Hedgepath and wet land is not defined. Developer was allowed to clear land but not fill in. Mayor Knowles said before you can get in 404 wet land you need to get Corps of Engineers to look at and stake before they can do anything. Mr. Schmidt said this was not clear in some peoples minds. Mayor Knowles said if questionable on one certain body of water corps must be notified. Alderman Hall said CAMA also needs to look at. We do not have jurisdiction now, we call CAMA. As town we would have authority for local CAMA. If there has been a violation we deal with it but it does not make up for damage to date. We will be doing it with what resources we have available. Mayor Knowles said citizens will now have State, CAMA, Federal and local ordinance. Alderman Hall ask if we could define ordinance to supercede federal ordinance. Mr. Casell said no, area designated for development and needs permit. Alderman Hall said he understood these areas could not be



developed. Mr. Caswell said no, they can but they have restrictions they need to adhere to. Only way to prevent is to develop ordinance that would prohibit. They allow certain things in 404 but not others and explained what happened in Wilmington. Certain things are allowed, not prohibited. The town can control through zoning. Alderman Keister explained what happened in recent case. Mr. Casell said everyone is aware of violations that occur and explained what some of these were. If you find violation and complain they can not get insurance. Mr. Hillyer ask if they could make you remove violation. Mr. Casell said they were relying on county and they may not have best enforcement. Whatever the committee decides they want should be in zoning ordinance. Set ordinance and then building inspector would enforce. Discussion held on what has happened to some houses, what violations occurred, when work was done, etc.

Alderpersion Tippettt ask if after inspection and approved does individual have right to finish and put what they want at bottom of house? Mr. Casell said no, not if they read flood damage ordinance. FEMA will not pay claim for damage. Mr. Stoner explained house being advertised that is possibly in violation. Alderman Hall said there are alot of problems and it will take time to work them out.

Mrs. Melinda Whitley:

How are we going to set up priorities? She said she was hearing what is touching each of us. Hopefully, we will set priorities and see where we want to go. Do we want to protect land? Do we meet with county since they protect this but not do rezoning? As a group and new town what do we want to accomplish and protect? There are several things going on and alot of concerned people. Even if we are going to flounder we can do it as a cohesive group. Mayor Knowles said we get basic blueprint and go from there. Alderman Hall said we use General Statutes book. Mayor advised there was one in the library and one would be available at Town Hall. Alderman Hall suggested they read sections on zoning and land use in towns. Mr. Casell said book contains enabling legislature on planning and zoning but setting district is your choice. This grants local governments right to do certain things. Mr. Casell said with zoning you also have land use. He said he would prepare land use and zoning tool to implement. You need to have control and need to concentrate on tool first. State will help develop land use plan and help pay for it. They will help in areas you want to protect, etc.

No further comments from approximately 50 citizens present were received. Mayor Knowles said also wanted to discuss inspection fees. They are standard inspection fees and will be available in Town office for anyones review.

RECESS: Mayor Knowles called for recess at 3:30 p.m. and council agreed.

Meeting was called back into session at 3:45 p.m.

AGENDA: Mayor Knowles ask council if they had read agenda and were there any additions or deletions. He advised items 8 & 9, ordinances on inspection fees and privilege licenses were not finalized but would be when special meeting on budget was called next week. Discussion held on these items. After discussion a motion was made by Alderman Hall to delete items 8 & 9 from agenda until special meeting next week. Passed unanimously.

MINUTES: Mayor said minutes presented were from four previous meetings held. A motion was made by Mayor Pro-Tem Newsome to accept minutes form meetings held February 1st, February 10th, February 21st and February 27th, 1990, as written. Passed unanimously.

MONTHLY MEETING: Mayor Knowles advised after comments received the board decided to change monthly meeting time and date. A motion was made by Alderperson Tippet to change monthly meeting to the 1st Wednesday of each month at 7:00 p.m., in the West Onslow Beach Volunteer Fire building beginning with the May meeting. The April meeting will be held Friday, April 6th, at 2:30 p.m. in the West Onslow Beach Volunteer Fire Department building because of prior commitments. Passed unanimously.

OFFICE HOURS: Mayor Knowles said a temporary Town Hall has been established at Rogers Bay Campground. Mrs. Vause will be there from 10:00 a.m. - 2:00 p.m., Monday, Tuesday, Thursday and Friday. The Telephone number is 328-1349. All information on zoning land use, etc. will be there for public inspection. Also, a answering machine will be there for messages when office is closed.

BUDGET: Mayor Knowles explained that the board and clerk have put a tremendous amount of time in preparing the budget for this year. It has by no means been an easy task. Hope to present to public early next week. A copy has been sent to Local Government Commission and as soon as we discuss with them we hope to have meeting, Tuesday or Wednesday, to present to the public, then adopt and operate like a town. The budget has to be adopted and tax levied before we can do anything about expenditures of money.

CENSUS: Mayor Knowles advised a census is being taken. This is needed before we can receive State funds. He introduced Ms. Ginnie Hillyer, coordinator and requested status report. Ms. Hillyer said on Wednesday, March 7th, committee will meet with representative from Raleigh for training session for census



enumerator. After training census takers will go door to door asking citizens to complete form that will take 5 minutes to complete. Notices that census will be taken are posted in all prominent locations to let citizens know the date. Part of the towns income will be based on ratio of tax collected State-wide. Census will be taken March 8th - 11th. Mrs. Hillyer introduced the census committee. They are: Chris Schmidt, Bobby Driscall, Peter Hillyer and Pat Johnson. Mayor Knowles said he could not over emphasize how important this was. It is the basis for alot of State shared revenues. This is a resident census, not property owners census.

OPEN FORUM:

Mayor Knowles ask if there were any questions on zoning, land use, etc. from citizens. He ask if they had other questions or comments.

Mr. Casell said he welcomed the opportunity to work with the Town. His agency does not charge for services except after initial visit fee for transportation and mapping. There are 3 in office that cover 7 counties, 65 jurisdictions. Mayor Knowles ask if they had any plan for special mapping because we will be required to get mapping done. Mr. Casell said they rely on Raleigh and briefly explained. Only cost would be for aerial photos. Mayor ask if State wasn't doing this for counties now. Mr. Casell said he wasn't sure. In the past they have used DOT and other vendors. County is revising tax maps and we can use these too. We hope to use whatever basis is available. Mayor Knowles showed current zoning map of North Topsail Beach from county. Adlerman Hall showed city line on map. Mr. Casell said if they wanted copy he could run one for them and bill the Town later. Mayor said this is zoning as of today. Discussion with Mr. Casell about taking map and putting boundary on it since we're required to have boundary map since incorporation.

Mayor Knowles said businesses can look forward to privilege license taxes. Also, hope to have budget ready by Tuesday, and after requirements met and tax levied bill will be sent out.

Mr. Jack Dempsey thanked the board for work done on street. He said he had been working on this for 7 years. Mayor Knowles said this was small example of what community can do for you.

  
Ann Vause  
Interim Town Clerk

TOWN OF NORTH TOPSAIL BEACH  
SPECIAL COUNCIL MEETING  
MARCH 15, 1990

PRESENT: Mayor Rodney Knowles, Mayor Pro-Tem Leland Newsome, Aldermen Weldon Hall and Nathan McDaniels, Attorney Marshall Dotson and Interim Town Clerk Ann Vause. Alderperson Charlotte Tippet and Alderman William Keister were absent.

CONVOCATION: Mayor Knowles called the meeting to order at 5:30 p.m., and declared a quorum present.

BUDGET  
1989-1990: Mayor Knowles advised the budget for Fiscal Year 1989-90 will be at Town Hall for public inspection. March 29th, a public hearing will be held on this budget. If anyone wants a copy of budget there will be a minimum charge for it. Mayor Knowles ask if there were any questions on budget. He said being a first budget there are probably going to be some items omitted but things can be moved when proper ordinance passed. Attorney Dotson suggested the Mayor read the budget message. The message was read as follows:

BUDGET MESSAGE  
TOWN OF NORTH TOPSAIL BEACH

TO: THE HONORABLE TOWN COUNCIL  
NORTH TOPSAIL BEACH, NC

In accordance with the Local Government and Fiscal Control Act, the proposed budget for the Fiscal Year beginning January 16, 1990, is presented herewith for your consideration. At the request of the Mayor the budget hearing has been scheduled for Thursday, March 15, 1990, at in the West Onslow Beach Volunteer Fire Department Building. This date will be published as required by law.

Due to incorporation date, this budget has been figured on a 9 month basis. Efficient use of personnel and space are emphasized so that services for residents of North Topsail Beach can be initiated at an effective level. A conservative estimate of revenues has been made and expenditures do not exceed revenues in order to initiate fund balance for next year. This will enable the Town to have adequate cash reserves to meet operating expenses until ad valorem tax revenues are received.



SUMMARY OF BUDGET

Revenues sources of all funds may be summarized as follows:

Current years property taxes	352,973
Tax penalties & interest	<u>17,648</u>
	<u>370,621</u>

Expenditures may be summarized as follows:

Governing Body	23,960
Administration	111,016
Police	134,374
Planning & Zoning	76,123
Street Department	7,500
Contingency Appropriation	<u>17,648</u>
	<u>370,621</u>

GENERAL FUND

Total revenues are projected to raise \$352,973 in current years taxes. Total personnel will not exceed what is required to initiate services and operations. Since this first years budget is for 9 months it is anticipated that all the positions needed may not be filled during this fiscal year. The budget has been established for 9 months purposes even though we only have 3 months left in the fiscal year because these are anticipated revenues needed before the bulk of taxes for Fiscal Year 1990-91 can be received, usually the end of December of each year, and State shared funds.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF NORTH TOPSAIL BEACH, NORTH CAROLINA:

SECTION 1: The following amounts are hereby appropriated in the General Fund for the operation of town government and its activities for the Fiscal Year beginning January 16, 1990, and ending June 30, 1990, in accordance with the chart of accounts heretofore established for this Town:

Governing Body	23,960
Administration	111,016
Police	134,374
Planning & Zoning	76,123
Street Department	7,500
Contingency Appropriation	<u>17,648</u>
TOTAL	<u>370,621</u>

SECTION 2: It is estimated that the following revenues will be available in the General Fund for the Fiscal Year beginning January 16, 1990, and ending June 30, 1990:

Current years property taxes	352,973
Tax penalties & interest	<u>17,648</u>
TOTAL	<u><u>370,621</u></u>

SECTION 3: There is hereby levied a tax at the rate of thirty-six and one-half cents (36½¢) per one hundred dollars (\$100) valuation of property as listed for taxes as of January 1, 1989, for the purpose of raising the revenues listed as "Current Year's Property Taxes" in the General Fund in Section 2 of this ordinance.

This rate is based on an estimated total valuation of property for the purposes of taxation of 153,500,000 and an estimated rate of collection of 63%.

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

- a. He may transfer amounts between objects of expenditure within a department without a report being required.
- b. He may transfer amounts up to \$1000 between departments, including contingency appropriations, within the same fund. He must make an official report on such transfers at the next regular meeting of the Town Council.
- c. He may not transfer any amounts between funds, except as approved by the Board in the Budget Ordinance as amended.

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

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



DULY ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1990.

Alderman Hall asked about Section 3 concerning total valuation of property and collection rate of 63%. Is this 63% of all taxes due at this time? Mayor Knowles advised yes, considers taxes due. Some will require lengthy collection process because of money tied to home loan organizations. Alderman Hall asked on undeveloped property and rezoning is it feasible, or possible, when building permit or zoning request received that we ask that property tax be paid before we can issue them. Attorney Dotson said you can ask but cannot require. Alderman Hall ask if there was any way to make them pay tax before utilizing land. Attorney Dotson said yes, advertise and then sell. This is one procedure but contracting with county is best procedure because if you get involved there is alot of detail involved with this. Mayor Knowles said hopefully collection will be alot higher. Next year is based on whatever comes in this year. This figure was used on advice from Mr. Horton, Local Govt. Commission. This figure can go up but it is hard to go down on estimates. Alderman Hall said he did not see any appropriation for land acquisition at the north end. Mayor advised it could be in contingency and next years budget. This budget will give us something to go by. Mayor Pro-Tem Newsome said there should be 3 police cars instead of 2. Mayor asked if we had right quantity on supplies, etc. Mayor Pro-Tem Newsome said yes, Mayor Knowles advised the public hearing would be Thursday, March 29th, at 2:00 pm at West Onslow Beach Volunteer Fire Department. Attorney Dotson said he was glad budget was in place.

ORDINANCE  
ESTABLISHING  
PERMIT FEE  
SCHEDULE AND  
REQUIREMENTS FOR  
INSPECTIONS:

Mayor Knowles said at public hearing these fees were put out and they have been at Town Hall for last 2 weeks. He ask if there were any questions. Attorney Dotson ask if they were based upon examination of fees in other areas? Mayor Knowles said yes, Jacksonville and New Hanover County. Attorney Dotson said he has reviewed and the form is fine. Mayor said biggest question was in payment of inspector and fees, what would be date to commence? Alderman Hall said we need to adopt today, and during absence of Town Manager inspector

would work under Town Clerk and collect fees. Mayor advised we do not have bank account at this time. Attorney Dotson suggest it be adopted to be effective 45 days from date so once budget adopted can bring inspector on board. Mayor Pro-Tem Newsome ask if anyone issuing permits. Attorney Dotson advised the county will continue until you get yours in place. A motion was made by Alderman Hall and seconded by Mayor Pro-Tem Newsome to adopt the following ordinance and adoption to be effective when budget approved and will be in full force and effective no later than May 1, 1990. Passed unanimously. Mayor Knowles said the ordinance was hereby adopted to go into effect May 1, 1990.

AN ORDINANCE ESTABLISHING PERMIT FEE  
SCHEDULE & REQUIREMENTS FOR INSPECTIONS

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN  
OF NORTH TOPSAIL BEACH THAT:

SECTION 1: Schedule for building permits for new construction, repair and remodeling including inspection fees shall be in accordance with the following schedule:

- a. Building Permit Fees shall be calculated as follows:

Finished and unfinished space under roof times the current appropriate multiplier found in Building Valuation Data published by Southern Building. Decks etc., \$12.00 per square foot.

Permits are required on all construction costing in excess of \$200, unless exempted by State Statute 160A-417 or 153A-357.

Fee schedule #A based upon cost for 1 and 2 family detached residential units.

FROM: (DOLLARS)	TO: (DOLLARS)	COST:
200.01	1,000.00	\$ 30.00
1,000.01	3,000.00	\$ 37.00
3,000.01	6,000.00	\$ 45.00
6,000.01	10,000.00	\$ 60.00
10,000.01	15,000.00	\$ 74.00
15,000.01	25,000.00	\$105.00
25,000.01	50,000.00	\$150.00
50,000.01	and up	\$150.00
		plus \$2.00
		per thousand
		over \$50,000



A fixed fee of \$20.00 will be charged for all detached accessory structures less than 600 square feet serving single family dwellings. Over 600 square feet use appropriate schedule.

FEE SCHEDULE "B": Based upon cost for all new construction, additions and remodeling governed by Vol. I GENERAL CONSTRUCTION:

<u>FROM: (DOLLARS)</u>	<u>TO: (DOLLARS)</u>	<u>COST:</u>
200	4,999	\$50.00
5,000	9,999	\$70.00
10,000	and above	\$70.00
		plus \$3.00
		per thous d

SPRINKLER SYSTEMS: Require a separate Building Permit and the permit fee shall be based upon Schedule B.

- b. Mobile Home Fee.....\$25.00  
Mobile Home and Travel Trailer Park  
Fee.....\$ 4.00  
per space, minimum fee \$60.00.
- c. Houses Moved.....\$70.00
- d. Demolition Fee.....\$25.00
- e. Swimming Pools, residential or public..Permit fees for swimming pools are based on the permit fee schedule for general construction costs, (see building fees).
- f. Signs Fee.....\$22.00  
(In addition to the above fee, illuminated signs require an electrical permit in accordance with the Electrical Permit Fee Schedule.)
- g. Billboard.....\$300.00
- h. All call backs or extra inspections will be.....\$15.00
- i. Extra Inspections: The above entitle the contractor or applicant to the necessary footing, foundation, rough-in inspections and one final inspection. Extra inspections or inspection trips made necessary through the failure of any person, firm or corporation in charge of work, to give specific locations of work to be in-

spected or failure to install work according to Code regulations, are hereby designated "EXTRA BUILDING INSPECTIONS."

This Extra Building Inspection Fee  
shall be.....\$15.00

j. Refunds and Extensions:

- (1) 80% refunds on unexpired Building Permits may be authorized by the Building Inspector or the Town Manager upon request of the owner.
- (2) Building Permits may be extended upon request of the owner. The fee for permit extensions shall be 20% of the initial fee not to exceed \$200.00.

k. Working Without A Permit:

- (1) Fee for starting work without permit is twice the basic permit fee, minimum of \$25.00 additional.
- (2) Fee for starting and substantially completing the work without a permit, basic permit fee plus \$100.00..

Failure to obtain a final inspection immediately upon completion of work.....\$50.00

- l. Permits are not required on single family residential projects costing less than \$5000 if all of the following conditions are met:

The work does not involve bearing members; AND the project does not require a change in the electrical, mechanical, and plumbing systems. There are no exceptions for commercial and multi-family projects.

- m. Prior to Final Cut-On: Building \$15.00 plus \$15.00 per required Division (electrical, mechanical, plumbing).

- n. Commercial Verification: A no charge permit is required. The fee is included in the mandatory \$20.00 Electric permit.

- o. On commercial projects where shell and up fit permits are issued the shell permit shall be calculated at \$15.00 per square foot. Other fast track projects; i.e. where separate foundation, and other incremental building permits are issued shall be calculated at 110%



- p. Day Care licensing and related inspections.....\$25.00

SECTION 2: Schedule of Heating, Air Conditioning and Refrigeration Permit Fees for the inspection of work performed under the provisions of this Ordinance, inspection fees shall be in accordance with the following schedules:

- a. Heating systems, permit fees shall be in accordance with the following fee schedule for the installation or replacement of the following types of heating equipment, based on the BTU input of each unit: oil, gas, and electric furnaces (duct distribution). Boilers, conversion burners, heat exchanges, and hot water systems.
- (a) Gas and Oil.....0002¢ per BTU  
(b) Electric.....1.61 per KW
- b. Permit fees for central air-conditioning shall be in accordance with the following fee schedule for the installation or replacement of air-conditioning systems based on the BTU rating of each unit.
- .0005¢ per BTU
- c. Permit fee for a combination of piping and up to three (3) appliances (by same contractor).....\$15.00;  
Fee for single appliance.....\$12.00  
Fee for each additional appliance over three (3).....\$12.00.
- d. Solid Fuel Heater Equipment:
- Insert, Free Standing, and  
Pre-Fab.....\$17.00
- e. Permit fees for the installation or replacement of any blower or fan including duct distribution system installed for ventilation in other than residences and multi-family houses, shall be in accordance with:
- Each Fan.....\$20.00
- f. Permit fees for the installation or replacement of any commercial, residential or industrial tank for flammable or combustible liquids (underground or above ground under

10,000 gal.), shall be in accordance with:

Each tank.....\$33.00

Bulk storage over 10,000 gal...01¢ per  
barrel

- g. Permit fees for the installation, replacement or alteration of Fire Extinguisher Systems for commercial, and other than residences and multi-family houses, cooking applications shall be in accordance with:

One system.....\$22.00

At the time of application for a permit, the installer shall furnish the UL listed system or plan number of system to be installed.

Equipment shall be installed in accordance with North Carolina State Building Code, Volume III, Chapter 9.

Installation of system shall be made only by persons properly trained and qualified by the manufacturer of the system being installed.

A certificate of qualification shall be filed with the inspection office and updated yearly for all persons engaged in the installation of fire extinguishing systems.

A copy of certification of inspection shall be forwarded to the inspection office.

Installer shall call for inspection when system is completed and shall perform operational checks for the inspector as required by same.

- h. Hood and Canopies over Cooking Areas - Commercial Uses:

New Installations or Replacement...\$28.00

- i. Mobile Homes:

Permit fees for installation or replacement of furnaces (oil, gas, or electric) and air-conditioning equipment (central) in mobile homes shall be in accordance with Fee Schedule (a) Heating and Fee Schedule and (b) Air-Conditioning, of the Heating and Cooling Ordinance.



j. Solar Type Installation:

Permit fees for the installation, alteration, and/or replacement of each Total Solar or Solar assisted type appliance, equipment or other such devices utilizing solar energy, to include all associated piping valves, heat exchangers, storage tanks (excluding electrical elements), circulation pumps, rock storage bins, solar panels and any other such materials specifically designed and/or approved for use in solar installations.

Each system.....\$28.00

k. Mechanical Permit Fee for Refrigeration Equipment:

For: The INSTALLATION, ALTERATION, MAINTENANCE, SERVICING OR REPAIRING OF "Refrigeration Equipment/Devices".

\* \* A STATE REFRIGERATION LICENSE IS REQUIRED FOR ALL PERMITS

Section 1: Unitary (More than One Section) Refrigeration Units.

Condenser-Receiver Units,  
Condenser or Compressor Units....ea. \$30.00

And

Unit Coolers, Evaporator Units, Fan Coil Units, Heat Exchangers, Heat Reclaimers, Heat Recovery Units & Coils.....ea. \$20.00

Section 2: Self Contained Refrigeration Units (Factory Assembled).

Ice Makers and Dispensers  
Ice Box  
Ice Cream Makers  
Drink Box and Beverage Coolers  
Refrigerators and Freezers  
Meat Lockers.....ea. \$25.00

Section 3: Water Cooling Towers..Ea. \$45.00

1. Service Charge

Services not covered by permit..Minimum \$15.00 plus materials furnished by the Town.

- m. Prior Cut-On: (if required).....\$15.00
- n. Commercial Verification: A Mandatory free mechanical permit is required.
- o. Extra Inspections.....\$15.00

The above fees entitle the contractor or applicant to the necessary rough-in inspections and one final inspection. Extra inspection or inspection trips made necessary through the failure of any person, firm or corporation in charge of work, to give specific locations or work to be inspected or failure to install work according to code regulations, are hereby designated "Extra Heat and Air-Conditioning Inspections".

- p. Working Without A Permit:

(1) Fee for starting work without a permit, twice the basic permit fee, minimum of \$25.00 additional.

(2) Fee for starting and substantially completing the work without a permit, basic permit fee plus \$100.00.

Failure to obtain a final inspection immediately upon completion of work.....\$50.00

- q. FEE FOR NOT ACQUIRING A PERMIT FOR A SOLID FUEL APPLIANCE.

Wood stoves, wood heaters or room heaters, inserts, wood furnaces, pre-fab fireplaces, or any other type appliance designed to burn solid fuel.

Any person, firm or corporation who installs a solid fuel appliance for profit or compensation of any kind without first obtaining a permit and the necessary inspections shall be charged a fee of \$100.00 (ONE HUNDRED DOLLARS).

SECTION 3: Schedule for electrical permit fees for new construction and remodeling including inspection fees, shall be in accordance with the following schedules:



NEW CONSTRUCTION

(Fees to be based on Ampere Rating of Service)

RESIDENTIAL

00 - 200	\$50.00
201 - 400	\$85.00
401 & over	\$85.00 plus .20 per amp over 400

COMMERCIAL, INDUSTRIAL, INSTITUTIONAL (including motels & hotels)

00 - 60	\$40.00
61 - 200	\$80.00
201 & over	\$80.00 plus .25 per amp over 200

Apartments shall be based on each unit service.  
NOTE: Above rates include all special circuits, outlets, fixtures, signs, etc.

SERVICE UPGRADE, ADDITIONS, AND ALTERATIONS

NEW SERVICE

WIRING WITH NO SERVICE

00 - 200	\$35.00	Up to 20 outlets \$20.00
201 - 400	50.00	Over 20 outlets 30.00
401 & over	50.00 + .20 per amp	(The above fees do not include H/AC, Special Circuits, etc.)

(All fixtures, outlets, & special circuits included)  
Above rates apply to Main Service for multi-occupancy buildings.

MINIMUM FEE TO BE:.....\$12.00

SPECIAL CIRCUITS - \$4.00 EACH (TO BE USED WITH NO SERVICE CHARGE)

Electric Range	Dishwasher	Heating Circuit
Electric Sign	Water Heater	Laundry Circuit
A/C Circuit	Electric Furnace	Oil Burner
Electric Dryer	Space Heater	Walk-in Cooler

MISCELLANEOUS

Swimming Pool Wiring & Grounding	\$25.00
Swimming Pool Pump & Filter Only	12.00
Radio & TV Antenna Service	12.00
Temporary Pole (Saw Service)	12.00

Mobile Home Piping In	\$12.00
Mobile Home Pole & Pipe In	25.00
Household & Garden Water Pump	12.00
Commercial Verification	20.00
Commercial Verification	20.00
Minimum Fee \$12.00 per permit	
Grounding Mobile Home Pedestal (but not to exceed \$50.00)	12.00
Mobile Home Verification	15.00
Billboards	15.00
Pumping System - Low Voltage Wiring (up to 32 Volts)	25.00
Community Water	15.00
Each Gasoline Dispenser	10.00
Prior Cut-On (if required)	15.00
Extra Inspections	15.00
Cable TV Grounding	12.00

MOTORS - TO BE USED WITH NO SERVICE CHARGE

1st & 2nd Motor     \$25.00     Additional Motors \$3.00 ea.  
 Next 3 Motors       \$ 5.00 each

NOTE: The above fees entitle the permittee to the appropriate number of inspections for the work performed. Permits must be obtained prior to starting work.

WORKING WITHOUT A PERMIT

- (a) Fee for starting work without a permit - twice the basic fee, minimum of \$25.00 additional
- (b) Fee for starting and substantially completing the work without a permit, basic permit fee plus \$100.00.
- (c) Failure to obtain a final inspection immediately upon completion.....\$50.00



- (d) All call backs or extra inspections will be \$15.00.

SECTION 4: Plumbing permit fees will be as follows:

- a. Fixtures, Sewer & Water connections when in conjunction with other work.....\$ 4.25
- b. Sewer Connections Only.....\$15.00  
Each building (house) sewer, Public or Private System)
- c. Water Service Only.....\$15.00  
(Each water service pipe or water tap, Public or Private System.)
- d. Minimum Fee for any Plumbing Permit including Mobile Home.....\$15.00
- e. Extra Inspections.....\$15.00  
The above fees entitle the contractor or applicant to the necessary rough-in inspections and one final inspection. Extra inspections or inspection trips made necessary through the failure of any person, firm or corporation in charge of work, to give specific locations of work to be inspected or failure to install work according to code regulations are hereby designated "Extra Plumbing Inspections."
- f. Prior Cut-On (if required).....\$15.00
- g. Working Without a Permit:  
  
(1) Fee for starting work without a permit, equal the basic permit fee, minimum of \$25.00 additional.  
  
(2) Fee for starting and substantially completing the work without a permit, basic permit fee plus \$100.00.
- h. Failure to obtain a final inspection immediately upon completion of work.....\$50.00
- j. Commercial Verification: A Mandatory free plumbing permit is required.

SECTION 5: This ordinance shall be in full force and effect upon establishment of inspection department.

DULY ADOPTED THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 1990.

AN ORDINANCE FOR  
THE LEVY & COLLEC-  
TION OF BUSINESS  
LICENSE TAXES:

Mayor Knowles advised ordinance was for levy & collection of business license taxes for North Topsail Beach. It was prepared from other towns of our size & population. This will go into effect July 1st, 1990, for the whole year. If we adopted one now it would only be for 2 months. After brief discussion a motion was made by Alderman Hall and seconded by Alderman McDaniels to adopt the following ordinance on business license to be effective July 1, 1990. Passed unanimously.

AN ORDINANCE FOR THE LEVY AND COLLECTION OF  
BUSINESS LICENSE TAXES  
TOWN OF NORTH TOPSAIL BEACH

BE IT ORDAINED by the Town Council of the Town of North Topsail Beach that:

Section 1: Definitions: For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them:

- (a) "Agent". The person having the agency for the manufacturer, producer or distributor.
- (b) "Business". Any business, trade, occupation, profession, avocation or calling of any kind, subject, by the provision of this chapter, to a license tax.
- (c) "Engaged (or engaging) in business within this Town". A person is engaged in business within the town when he engages in business activity of any type, either as owner or operator of such business:
  - (1) By maintaining a business location within the Town;
  - (2) By soliciting business within this Town; or
  - (3) By picking up or delivering merchandise or performing services within the Town.
- (d) "Fiscal Year". The period beginning with the first day of July and ending with the thirtieth day of June next following.
- (e) "Quarter". Any three (3) consecutive months beginning on January 1, April 1, July 1, or October 1.



SECTION 2: Levy Generally:

In addition to the tax on property as otherwise provided for, and under the power and authority conferred in the laws of the State, there shall be levied and collected annually, or oftener, where provided for, a privilege license tax on trades, professions, agencies, business operations exhibitions, circuses, carnivals and all subjects authorized to be licensed, as set out in the sections and schedules of this chapter.

SECTION 3: Continuing Authority of Council:

Nothing contained in the provisions of this chapter shall be construed to prevent the Town Council from imposing, from time to time as it may see fit, such license taxes as are not specifically defined or included in this chapter, or from increasing or decreasing the amount of any special license tax, or from prohibiting or regulating the businesses or acts licensed, when not in conflict with State or Federal law.

SECTION 4: Collecting Officials:

The Town Clerk is hereby designated as the proper town official to collect license taxes and to issue privilege licenses.

SECTION 5: Required:

It shall be unlawful for any person or his agent or servant to engage in or carry on a business in the Town for which there is required license, without first having paid the license tax and obtained the license. For the purpose of this section the opening of a place of business, or offering to sell, followed by a single sale or the doing of any act or thing in furtherance of the business shall be construed to be engaging in or carrying on such business; and each day that such person shall engage in or carry on such business shall be construed to be a separate offense.

SECTION 6: Exemptions:

- (a) Any person who engaged in business within the Town for religious, educational or charitable purposes shall be exempt from paying any privilege license tax levied by this chapter.
- (b) Any blind person engaging in business within

this Town shall be exempt from paying any privilege license tax levied by this chapter, to the extent provided by G. S. 105-249.

- (c) Any person serving in any branch of the armed forces of the United States or in the merchant marine, and desiring to engage in business within this Town shall be exempt from paying any privilege license tax levied by this chapter during the period of such service, to the extent provided by G.S. 105-249.1.
- (d) In addition to the above, certain businesses are exempted from privilege licenses taxes by State law. A list of such exempted businesses is on file in the office of the Town Clerk.

SECTION 7: Multiple Businesses:

If a person is engaged in more than one business made subject to a license tax under this chapter, such person shall pay the license tax prescribed in the tax schedules of this chapter for each such business, even if the businesses are conducted at the same location.

SECTION 8: Separate Places of Business:

Unless otherwise provided by State law or by the tax schedules of this chapter, if a person engaged in a business in two (2) or more separate places, a separate license tax shall be required for each such place of business. For purposes of this section, if a person engaged in the same business at two (2) or more locations within the Town of North Topsail Beach, which locations:

- (1) Are contiguous;
- (2) Communicate with and open directly into each other; and
- (3) Are operated as a unit,

the person is liable for only one license tax.

SECTION 9: Application - Generally:

Every person desiring to obtain a license for the privilege of engaging in a business within the Town shall make application therefor in writing to the Town Clerk. The application, to be made on a form provided by the Town Clerk, shall contain the following information:



- (a) Name and nature of the business for which the license is sought;
- (b) The address where the business is conducted, and a mailing address for the business, if different. If the application is for a new business or for a new location of an existing business, the application shall be accompanied by a certificate of occupancy obtained from the inspections department certifying that the location meets all building code requirements for the intended use;
- (c) The name and address of the person filling out the application, and his relationship to the business;
- (d) The gross receipts of the business for the most recently completed tax year, if applicable; and
- (e) Any other information which the Town Clerk determines to be necessary.

SECTION 10: Same - False Statements:

Any person who willfully makes a false statement on a license application shall be guilty of a misdemeanor.

SECTION 11: Investigations:

The Town Clerk shall make any investigation necessary to determine the tax liability of person engaged in business within the Town. If necessary, the Town Clerk is authorized to enter upon the premises of any such business during normal business hours for the purpose of determining whether this chapter has been complied with.

SECTION 12: Issuance Conditional:

All licenses provided for by this chapter are granted subject to the provisions of this Code.

SECTION 13: Form and Contents:

Every license issued under the provisions of this Chapter shall show on the face thereof the name of the licensee, the nature of the business, the location thereof, if it is to be operated at a fixed place, the time of which issued, and the amount of license tax and penalty, if any, paid. Any license requiring the approval of the Town Board or of any officer of the Town shall show

such approval on its face; and it shall be the duty of the Town Clerk before issuing any such license to see that the required approval is properly endorsed on the application for the license.

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SECTION 14: Copy to be Filed:

The Town Clerk shall keep an exact copy of every license issued under the provisions of this chapter.

SECTION 15: Effect of Discontinuance of Business:

No license tax shall be abated nor shall any refund or any part thereof be made, in any case where the licensee discontinued his business before the end of the period for which such license was issued.

SECTION 16: Refunds:

A taxpayer may obtain a release or refund of a tax if he can demonstrate to the satisfaction of the Town Board that the tax was illegal, levied for illegal purpose, or imposed through clerical error. If the tax has been paid, the taxpayer's request for a refund must be made within three (3) years after the tax became due or within six (6) months after the date of payment, whichever is later.

SECTION 17: Duration:

All taxes provided for and fixed in the following sections and schedules shall be for twelve (12) months, unless otherwise specified, and shall so remain for each subsequent year to come until amended or changed by the Town Board. All of the licenses provided for in this chapter, except beer and wine, shall expire on June thirtieth. Unless otherwise specifically provided, any licensee applying for and obtaining a license after January first shall be required to pay one-half of the annual tax prescribed.

SECTION 18: Change in Place of Business:

If a person who has obtained a license for a business taxed under this chapter desires to move from one business location to another within the Town, the license which has been issued shall be valid for the remainder of the license year at this new location, and no additional tax



need be paid. Within a reasonable time after the change in location, however, such person shall inform the Town Clerk of the change in address.

SECTION 19: Transfer:

All licenses issued under the provisions of this chapter shall be a personal privilege and shall not be transferable.

SECTION 20: Display:

Every license shall be kept prominently displayed at the place of business of the licensee named in the license, of, if the licensee has no fixed place of business, such license shall be kept the same wherever such business is being operated and where it can be inspected at any time by the proper municipal official.

SECTION 21: Injunctive Relief:

The Town may seek an injunction against any person engaging in business in violation of this chapter.

SECTION 22: Collection of Unpaid Tax:

- (a) If a person begins or continues to engage in a business taxed under this chapter without payment of the required privilege license tax, the Town Clerk may use either of the following methods to collect the unpaid tax:
  - (1) The remedy of levy and sale or attachment and garnishment, in accordance with G.S. 160A-207; or
  - (2) The remedy of levy and sale of real and personal property of the tax payer in accordance with G.S. 105-109(d).
- (b) Any person who begins or continues to engage in a business taxed under this chapter without payment of such tax is liable for an additional tax of five (5) percent of the original tax due for each thirty (30) days or portion thereof that the tax is delinquent.
- (c) The payment of any penalty or unpaid tax under the provisions of this section shall not bar or otherwise preclude the imposition of a fine or imprisonment for the violation of this chapter under section 11 of this code.

SECTION 23: Revocation:

Any license issued under the provisions of this chapter may be revoked by the Town Board upon the finding by the Board that the licensee has willfully or persistently violated any one or more sections of this code or other ordinance of the Town or laws of the State, or that such licensee is conducting his business or obtained his license hereunder in a fraudulent or unlawful manner or is abusing the privileges granted by his license or that such licensee has a criminal record from this or another state which would warrant the Town Board in finding that the licensee is undesirable. Any such licensee shall be entitled to a hearing upon reasonable notice before his license shall be revoked, and the findings of the Town Board as a result of such hearing shall be final and conclusive.

SECTION 24: Schedule of Taxes:

On the following trades, professions, agencies, business operations and other subjects herein set out, the following taxes shall be levied and collected:

<u>TYPE OF BUSINESS:</u>	<u>FEE:</u>
Amusements	10.00
Automobile Dealers	20.00
Bait & Tackle	5.00
Beauty or Barber Shop (per operator)	2.50 ea.
Beer (Off Premises)	5.00
Beer (On Premises)	15.00
Bingo	25.00
Building Materials	10.00
Concrete Dealers	10.00
Contractor (Building, Roofing, Insulation, Painting)	10.00
Curtains, Draperies, etc.	10.00
Electrical Contracting	7.50
Engraver	7.00
Fishing Pier	50.00
Flea Market Operators (Specialty Mkt. Operators)	200.00
Flea Market Vendors (Specialty Mkt. Vendors)	25.00
Furniture	10.00
Games (Each machine)	5.00
Guard & Security Patrol	10.00
Heating & Air Conditioning	7.50
Ice Cream - Retail Dealers	2.50



Itinerant Merchant	
Laundries - Outside Town	12.50
Laundries - Inside Town	50.00
Lounges - Tap Rooms & Bars	50.00
Marina	25.00
Merchant (Groceries, Gifts, Clothing, Hardware, Seafood)	25.00
Motel (Min. \$5.00, per room \$1.00, owners of more than 1 rental cottage are subject to the tax)	
Music Machines	5.00 ea
Peddling (On foot)	10.00
Peddling (with vehicle)	25.00
Pinball Machines and Small Amusements	10.00 ea
Plant Shop	10.00
Plumbing Contractor	7.50
Pool Tables - 2½' X 5'	10.00 ea
Pool Tables - 3' X 6'	15.00 ea
Pool Tables - 4' X 8'	20.00 ea
Pool Tables - 4½' X 9'	25.00 ea
Pool Tables - More than 4½' X 9'	30.00 ea
Renting Bikes	5.00
Restaurant (\$2.00 per booth, 50¢ per seat)	
Rod & Reel Repairs	5.00
Sign Painter	2.50
Sprinkler Systems & Elevators - Instal- lation	25.00
Sprinkler Systems & Elevators - Servicing	5.00
Sundries (each location)	4.00
Taxicab (per vehicle)	15.00
Trailer spaces, campgrounds, tents, etc.	12.50
TV Repair	10.00
Wine (Off Premises)	10.00
Wine (On Premises)	10.00
Service Station (\$2.50 or \$1.25 per pump, whichever is greater)	
Miscellaneous	25.00

DULY ADOPTED THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 1990.

W. Rodney Knowles Interim Mayor

Ann Vause Interim Town Clerk

Mayor Knowles advised the ordinance has been passed and would go into effect July 1, 1990.

PUBLIC HEARING

- BUDGET

1989-90:

Mayor Knowles advised public hearing on Fiscal Year 1989-90 budget would be at 2:00 p.m., March 29, 1990, at West Onslow Beach Volunteer Fire Department and Mr. Donald Horton with Local Government Commission would be present.

OLD BUSINESS:

Zoning Ordinance: Mayor Knowles said zoning ordinance work by Mr. Tom Casell is almost ready. Alderman Hall said it may be ready for March 29th meeting but Mayor advised it will be addressed at April meeting.

CENSUS:

Mayor Knowles ask Mrs. Hillyer for report. She advised the committee of 6 were still canvassing areas that look suspiciously like people live there. Mrs. Hillyer said she will prepare work on this by Sunday March 18th, and will let them know when compiled and sent to Raleigh. Board said they appreciated work she has done.

ADJOURNMENT:

At 5:53 p.m. a motion was made by Alderman Hall to adjourn meeting. Passed unanimously.

Ann Vause

Ann Vause - Interim Town Clerk



TOWN OF NORTH TOPSAIL BEACH  
EMERGENCY MEETING  
MARCH 26, 1990

PRESENT: Mayor W. Rodney Knowles, Mayor Pro-Tem Leland Newsome, Aldermen Weldon Hall, William Keister, Nathan McDaniels, Alderperson Charlotte Tippet, Interim Town Clerk Ann Vause. Attorney Marshall was absent.

CONVOCATION: Mayor Knowles called the meeting to order at 11:00 a.m. and declared a quorum present.

RESOLUTION ON  
ON SLOW COUNTY  
ORDINANCE: Mayor Knowles said the proposed resolutions adopting Onslow County zoning, subdivision and other ordinances they enforce was requested by our attorney, Marshall Dotson, since 60 days of county enforcement in North Topsail Beach ended today on zoning, subdivision, and other ordinances they enforce. Alderperson Tippet ask if this was permanent. Mayor Knowles said he talked with Mr. Casell today and our ordinances should be ready in 60 days. Alderman Hall said Mr. Casell would have revisions by the 29th. Mayor Knowles said we could not do this the 29th because agenda was already set. We will need to set a special meeting or set on schedule for April 6th meeting. Alderman Hall said we need for Mr. Casell to come and explain it. Alderman Hall made a motion to adopt resolution and get in place as soon as possible. If problem with advertising we should make moratorium on planning and zoning. After further discussion Alderman Hall amended his motion to say: motion to adopt ordinances the county now has in place. Passed unanimously.

RESOLUTION ADOPTING THE ONSLOW COUNTY ZONING  
AND SUBDIVISION ORDINANCES AND SUCH OTHER  
ORDINANCES AS THE COUNTY PRESENTLY ENFORCES

WHEREAS, before continuing necessary services to the citizens of North Topsail Beach Onslow County requires the Town formally adopt their zoning and subdivision ordinances.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF  
ALDERMEN OF THE TOWN OF NORTH TOPSAIL BEACH THAT:

Effective March 26, 1990, the Board of Aldermen of the Town of North Topsail Beach formally adopts

Onslow County Zoning and Subdivision Ordinances and such other ordinances as the County presently enforces and request that Onslow County enforce them on behalf of the Town.

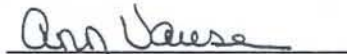
DULY ADOPTED THE 26th DAY OF MARCH, 1990.

A motion was made by Alderman Hall that if advertising required for 2 weeks or so put moratorium so we will not be wide open. Mayor Knowles said if resolution is not the way to go we should have another emergency meeting and redo this action. Alderman Hall withdrew this second motion.

Mayor Knowles said the basis for the emergency meeting was the resolution to adopt Onslow County Zoning, Subdivision, Planning and other ordinances they enforce and it hereby passed. Alderman Hall ask if we send letter to Mr. Moore and Mr. Leary will they enforce. Mayor advised yes.

ADJOURNMENT:

A motion was made by Alderman Hall to adjourn meeting at 11:15 a.m. Passed unanimously.

  
Ann Vause  
Interim Town Clerk



TOWN OF NORTH TOPSAIL BEACH  
PUBLIC HEARING  
MARCH 29, 1990

PRESENT: Mayor W. Rodney Knowles, Mayor Pro-Tem Leland Newsome, Aldermen Nathan McDaniels, William Keister, Alderperson Charlotte Tippet, Interim Town Clerk Ann Vause. Attorney Dotson was absent. Alderman Weldon Hall was absent due to death in the family.

CONVOCAATION: Mayor Knowles called the meeting to order at 2:00 p.m. and declared a quorem present.

PUBLIC HEARING  
ON FISCAL YEAR  
1989-90 BUDGET:

Mayor Knowles said the purpose of the public hearing was to receive citizens input on proposed budget for Fiscal Year 1989-90. He read the budget message to the 15 citizens present, approximately 15, and ask for their comments. He said the proposed budget has been available for inspection at Town Hall for the past 10 days. This budget was started from scratch because we had nothing to work with. Only guidelines available were from State Office of budget and State Treasurer. These figures are estimates and if anything else is needed it can be changed. He ask citizens to bear with them because they must go by State procedures and what they requested us to do on line items. Mayor Knowles said taxes were figured on 36½¢ per 100 valuation back to July 1, 1989. Unfortunately there will be a penalty on these taxes because it is required by State law and there is nothing we can do. Penalty will be about 3½%. He said budget was based on amount of collection between now and January, 1991, at 63%. This was figured low because of possible confusion on first years taxes. 63% is conservative and minimum we will need to operate with for next 9 months. Expenditures for Governing Body are \$23,960.00, Administration, which includes all administration and City Manager - \$111,016.00, Police - \$134,374.00, Planning & Zoning - \$76,123., Street Dept. - \$7,500.00, and contingency \$17,648. Expenditures match expected revenues. Revenue from State will not come into effect until Fiscal Year 1990-91 budget and that budget has to be in and presented to the board by June 1, 1990. Most everything is done by State standards. Mayor Knowles open the floor for comments or questions. Alderman Keister ask if tax penalty and interest was

guess estimate and Mayor said yes. One citizen ask when payments will be due. Mayor Knowles said when the bill was received. Citizen ask when they would be sent out. The mayor said he was hoping to hear from the county today and it depended on how the computer was set up, probably looking at 3-4 weeks. Citizen ask if we would pay to Jacksonville. Mayor Knowles said yes and they will send money to Town account. By law we need to advertise for bank proposal and etc. and this is being done now. Chris Schmidt ask why a penalty would be charged Mayor advised Mr. Horton with Local Gov't. was to be here to answer this by travel expense was cut. However, Mr. Bill Hemmingway was here as liason and Mayor Knowles introduced him and ask that he answer question. Mr. Hemmingway said penalty was fault of no one. North Carolina State Statutes prohibits the board from releasing tax penalty. Initial incorporate was to have been last year but because it was in January after penalty started by law a penalty was added to 1989-90 taxes. Chris Schmidt said if it was suppose to go through last year and did not then why do we have penalty and no state funds? Mayor Knowles said there are so few laws in book on new municipalities it's unbelievable. There are some on annexation but not a new municipality. No one has gone through trouble of setting up guidelines therefore, you go back to what is listed at this time. Mr. Hemmingway said that is why you go through the Genereal Assembly to incorporate. He explained what happened in the past and why legislature has this authority. There are no guidelines for incorporation. They need to do this but have not and Town is incorporated by present law. Chris Schmidt ask how they could levy penalty when you were not incorporated. There had to be some presumption in Raleigh. Mayor Knowles said Raleigh presumes nothing. We have been working on this for over a year. You are working after fact. Town Clerk runs into problems on this every day. Chris Schmidt said he did not understand where explanation said State could penalize us. Where does it say to penalize us? Mayor Knowles explained this. Mr. Schmidt said he paid State taxes before December 31 to take care of business last year. How does the state justify this? Alderperson Tippet said this is one reason tax rate dropped, from 40¢ to 36½¢ per 100 valuation, to cover this penalty. The only reason tax rate is 36½¢ now is because of penalty. Mayor Knowles said it may be 40¢ per valuation in Fiscal Year 1990-91 budget, as originally planned. He said he understood Mr. Schmidt's thinking but this is the way taxes are run. Alderperson Tippet said when Holly Ridge annexed individuals were penalized even though they were not in town whole year. Mr. Schmidt said he understood now. Before his



only answer to question was it's State law. He wanted more of an answer and what he was told today helped him. Mr. Hemmingway said the law was written to cover State but did not look to see what happens when town incorporates in the middle of a fiscal year. Mayor Knowles said timing was set for us to incorporate but we didn't and now we have to live with this. He said GS 105-374 pertains to penalty and why town has to charge it. Mr. Schmidt said they answered the best they could. Mayor Knowles said this will not occur again but this is what we need to go by on taxes.

Mayor Knowles said immediate concern is getting a Town Manager in place. He said he has talked to 2 applicants. One eliminated us and one we eliminated. Currently, looking at 2 more applicants. Once Town Manager in place everything else will fall in order.

Mr. Chris Schmidt ask how many employees there would be in police, planning & zoning. Mayor Knowles said between now and time tax notices go out and taxes come in will look at 4 police, one chief and 3 officers, some secretarial help; in planning and zoning chief inspector, clerical help and then outside inspectors in Level III on contract basis if there are large projects. Mr. Schmidt ask what was being done with planning & zoning now. Mayor Knowles read letter from County that stated they would continue services. They will not do legislative action such as rezoning. Next Friday at regular meeting will we discuss formation of planning board. Also, inspections will be done by the county at no cost to us. Mr. Schmidt ask when Town plans to take over. Mayor Knowles said hopefully May 1, 1990. Citizen ask if county would continue services. Mayor Knowles said they have been cooperative and will continue until we can take over. In the past there has been a lack of communication but it has been taken care of. We now have good working relationship with county.

Citizen ask about trash pick up. Mayor Knowles said this will be taken under consideration, but we can do nothing until the budget is in place. Mayor said we are looking at 1991 and getting into mandatory recycling. Now we unofficially talking with Surf City and Topsail Beach because none of us have enough recycling or revenue to take care of recycling. Within the next 90 days there will be more discussion with other towns about having our own recycling on island. With leadership covering entire island you will probably see alot of cooperation between fire,

police, etc. As a municipality we can talk to them where before there was no communication. We need input from other towns and all 3 municipalities realize it.

Mayor Knowles said no one knows the amount of time put in this budget. Town Clerk has put alot of time on budget and talking with State budget office. This budget is our best guess and remember things can be moved from one section to another. We hope to have things in place by 1st of June, or earlier depending on revenue. Mayor Knowles requested everyone pay tax as soon as possible because the only way to start is with income. Citizen ask when penalty increases to 5%. Mayor advised May 1, 1990. Citizen ask if they could evaluate and pay before further penalty. Mayor Knowles said we could but we need bank account and agreement with county on taxes. Discussion on how tax penalty increases. Mayor said he was hopeful we will be on time. We are waiting on county for answer. Mayor was ask if board could adopt budget and speed things up. He said no, we need to wait until next week. Since the hearing has been held we can put first on agenda and adopt next week. He said it may take until next Wednesday to get answer from county on whether or not they can bill and collect 1989-90 taxes. The burden is on them to put old tax program in and get ready to bill. Mayor advised we are in Stump Sound township and so is annexed area of Surf City. County needs to go back to July 1, 1989 and purge list. Then we need to send someone to verify. Citizen ask if volunteer could go. Mayor advised no, we need to send someone to verify and sign.

Mr. Jim Royal said they need to do as much as they could on garbage and police before summer renters come in. Mayor Knowles said we have only had one call on garbage so far. Please understand it will be a matter of priority and subject of discussion. Mr. Royal said what do we tell people who come in and rent. Mayor Knowles said same as before. He explained what our procedures would be: 1) policy; 2) planning; 3) then trash. Whoever we contract with, whatever trash company we choose will have to take into account new Federal law which starts Jan. 1, 1991. Some aspects are reduce garbage by 25%, and with no history we do not fall into this; tipping fee, whoever we contract with will need to take this in consideration. Some discussion held on recycling and changes coming.

Mayor Knowles said the census was finished and sent to Raleigh. Official count was 750. The package



was received in Raleigh and they said it was the best they had seen. Work done by committee saved them several hours work. It says alot for people in our community. Mayor said he wants the committee to know he has alot of appreciation for all of them.

Some other concerns discussed were: dolfin that has been beached over a year; problem with people driving on beach last 2 or 3 weeks; dumping being done on beach. Mayor said if there is a problem call Ann, him or Sheriffs Dept. All county rules are back into effect.

No further comments on budget were received and a motion was made by Alderman Keister to adjourn public hearing at 2:53 p.m. Passed unanimously.

Ann Vause

Ann Vause  
Interim Town Clerk

TOWN OF NORTH TOPSAIL BEACH  
SPECIAL MEETING  
APRIL 4, 1990

PRESENT: Mayor W. Rodney Knowles, Mayor Pro-Tem Leland Newsome, Aldermen Weldon Hall and Nathan McDaniel, Alderperson Charlotte Tippet, Attorney Marshall Dotson and Interim Town Clerk Ann Vause. Alderman William Keister was absent.

CONVOCATION: Mayor Knowles called the meeting to order at 2:00 p.m. and declared a quorum present.

PLANNING  
WORKSHOP:

Mayor Knowles advised this meeting was a workshop called for presentation of the proposed zoning ordinance for North Topsail Beach. He said Mr. Tom Casell with NRCD was here for the presentation and he turned the meeting over to Mr. Casell.

Mr. Casell said he would like to summarize the ordinance. It is divided into 18 sections. He explained how quickly the ordinance was prepared by his office and advised he did not completely review before giving the board copies last week. Some minor typing and grammatical errors have now been corrected. He presented 3 corrected copies to the board. Mr. Casell said he would go through each section and if there were questions or comments would discuss them.

Section 1 - Legal Conditions:

This is pretty standard wording. Effective date needs to be noted. Also, page 2 requires signature of Town Clerk, Attorney and Mayor at a later date.

Section 2 - Definitions:

Onslow County's definitions were done in 1968. They were good for that time but we have come a long way since then. Originally had 54 definitions but it has expanded to over 100, some by State Law. Also, the term mobile home is no longer used. General Statutes suggest the term manufactured home and ask each municipality to give consideration to this. He explained what has occurred in some areas. If you allow single family area manufactured homes fall under same classification as house. You can not outright prohibit mobile homes but you can restrict them. Latest classifications on mobile homes from League of Municipalities is ABC. Discussion held on different classifications and what flood damage prevention ordinance and insurance may require.



Mr. Casell reviewed each definition and what they mean. He said there were 120 definitions in all.

Section 3 - Administration:

Mr. Casell said this deals with zoning enforcement officer and his responsibilities. It also deals with permits, approval of plans, certificate of occupancy/compliance, administrative procedures, hearings, appeals, etc. He said this is standard for small towns.

Section 4 - Enforcement and Penalties:

This section deals with enforcement authority and civil remedies. This section provides for \$50.00 fine or 30 days imprisonment for violation of ordinance. Attorney Dotson said they may want to increase this. Several areas have bill that will be presented at the Legislatures short session to increase these fees and Town may want to be included.

Section 5 - Changes and Amendments:

This section deals with boards authority to modify or repeal regulations or district boundaries established by this ordinance. It also explains procedures for applicant to request change in ordinance, method to protest amendment, withdrawal of application and conditional use district procedures. Mr. Casell said when amendment to zoning classification effects map you must notify property owners. This is a problem for small town because not only do you put notice in paper, you have to go to county records to find property owners but you have to notify each one in writing. You can request applicant wanting change to provide you with list of property owners as well as envelopes and stamps for letters. When application denied they cannot re-apply for 6 months unless 80% of board members vote to waive this restriction. Discussion held on conditional use district procedures, rezoning fee, and conditional use permits which would be issued by the Board of Aldermen. In many cases conditional use permits are issued by the Board of Adjustment but Mr. Casell did not recommend this because they are often not familiar enough with particular request or zoning ordinance like the Board of Aldermen. Discussion also held on what conditional use district is and how Onslow County currently handles this.

RECESS:

The board requested a 5 minute recess at 2:35 p.m. At 2:40 p.m. the meeting was reconvened.

Section 6 - Board of Adjustment:

Mr. Casell said this section spells out what a Board of Adjustment is and what it does. If applicant is

not satisfied with building inspectors decisions then they can appeal to the Board of Adjustment. Board of Aldermen is legislative body. You make changes to and administer ordinance but do not get involved with interrupting ordinance. This is the Board of Adjustments area. They also issue variance but cannot issue conditional use permit. Discussion held on problems that can be encountered with gray area when issuing conditional use permits and procedures planning board would follow on this type of request.

Section 7 - General Provisions:

This section deals with zoning affect on land and building use, business uses of manufactured homes and trailers and appeals from the board of adjustment.

Section 8 - Zoning Districts and Regulations:

This section deals with designations and general purposes in zoning districts. Discussion held on type of districts and why Mr. Casell combined some districts in business classification so that the ordinance only has a B-1 and B-2 area. Also, discussed each district purpose and what is allowed in each. Other items discussed were: manufactured homes in single family areas and parks, and how they are affected by flood insurance coverage; travel districts and manufactured homes classifications; and permitted and conditional uses in districts. The board also discussed possible pressure and proposed legislation that would allow mobile homes in all residential districts and ways to address in subdivision ordinance with developers.

Attorney Dotson said map should be designed to designate districts. Mr. Casell said he could do that with map he has and magic marker.

Mr. Casell reviewed some items allowed in Onslow County districts that he moved in proposed ordinance. Some of these items were home occupation, recreation club, and outdoor advertising. Mr. Casell said large billboard, etc. were put in a section of their own. He said restaurants were allowed in B-1 and B-2 Districts. The board needs to look closely and if they see someone who may be effected address it. Also, if you discover you have restaurant outside B-1 and B-2 and interest would be served by including them it could probably be a conditional use.

The board also discussed density and how it affects districts, square footage for each type of unit, setbacks and giving individual maximum use of their



land without creating problems. Mr. Casell said there is high density in eastern North Carolina. The board also discussed height of building to be allowed. The county currently has no height limit but the proposed ordinance says 90 feet to 99 feet depending on district. One main thing to consider is quality of life and availability of fire and rescue to reach individuals in highrises and other areas. Also, need to consider water pressure available. When you look at site plan approval for developer you can request he put in what you need to protect people. General discussion held on this and areas with problems now because this was not considered.

Section 9 - Temporary and Accessory Uses:

This section addresses temporary mobile offices and accessories such as swimming pools, fences and satellite dish antennas. After discussion concerning CAMA and other problems Mr. Casell said this may need to be addressed further.

Section 10 - Exceptions and Modifications:

This section deals with front yard modifications in residential districts, retaining walls and zero lot line. Mr. Casell said they need to look at this closely and might need to refine.

\*Section 11 - Nonconforming Uses:

Mr. Casell said he followed Institute of Government information on non-conforming uses. Prior to 1970 non-conforming uses were allowed to continue until destroyed by natural disaster. Public recognized this would continue to exist and recommended that non-conforming uses be addressed. Now they say if something abandoned or not used for 180 days it must convert to use of district. Mr. Casell explained exception for beach area, and what Town may need to address.

\*Non-conforming use is pre-existing structure or lot, existing and lawful uses of any building or land which does not meet the minimum requirements of this ordinance for the district in which they are located.

Section 12 - Conditional Uses:

This is used for some land uses which are basically in keeping with the intent and purposes of district where permitted, but which may have an impact on the area around them which can only be determined by review of the specific proposal. Situations that may occur were discussed by the board.

The board decided to discontinue further review of proposed zoning ordinance until a later date. They discussed public hearing required, appointment of planning board and need to advertise for these.

The board discussed Onslow County Planning Board meeting scheduled for Thursday, April 5th, and projects that were up for approval that affected areas in the Town of North Topsail Beach. After discussion a motion was made by Alderman Hall to accept the following resolution and send to Charles Hedgepath immediately in the morning before the county meeting. Passed unanimously.

RESOLUTION REQUESTING ACTION BY  
ONslow COUNTY PLANNING BOARD

WHEREAS, certain developers are requesting approval of plans for development within the Town of North Topsail Beach limits; and

WHEREAS, the North Topsail Beach Board of Aldermen are in the process of developing for approval their Zoning Ordinance for the Town to be effective within the next 30 to 60 days; and

WHEREAS, it is anticipated that the Zoning Ordinance to be adopted will be substantially the same as the present Onslow County Zoning Ordinance with the exception of certain site plan and general plan approval requirement; and

WHEREAS, it would be in the best interest of the developer applicant that consideration of their respective application be deferred until such time as the proposed site plan and general plan approval requirements may be met to avoid delay in the issuance of building permits and certificate of occupancy by the Town of North Topsail Beach.

NOW, THEREFORE, BE IT RESOLVED BY THE NORTH TOPSAIL BEACH BOARD OF ALDERMEN AT THEIR SPECIAL MEETING HELD APRIL 4, 1990, THAT:

North Topsail Beach Board of Aldermen request that all zoning and subdivision request for approval before the Onslow County Planning Board and Board of Adjustment on properties which are located in the Town of North Topsail Beach Town limits be tabled for 30 to 60 days to allow the Town to get their zoning ordinance in place for the protection of the safety, health and welfare of the people.

DULY ADOPTED THE 4th DAY OF APRIL, 1990.



ADJOURNMENT:

At 4:35 p.m., a motion was made by Alderman Hall to adjourn meeting until earliest possible meeting with Mr. Casell. Passed unanimously.

Ann Vause

Ann Vause  
Interim Town Clerk

TOWN OF NORTH TOPSAIL BEACH  
 REGULAR BOARD MEETING  
 APRIL 6, 1990

PRESENT: Mayor W. Rodney Knowles, Mayor Pro-Tem Leland Newsome, Aldermen Weldon Hall, Nathan McDaniel, Alderperson Charlotte Tippet, Attorney Marshall Dotson and Interim Town Clerk Ann Vause. Alderman William Keister was absent.

CONVOCATION: Mayor Knowles called the meeting to order at 2:00 p.m. and declared a quorum present.

APPROVAL OF AGENDA: Mayor Knowles ask if anyone had a comment on the agenda or did they want to approve it as presented. Alderman Hall made a motion to add comments on Onslow County Planning Board meeting under open forum and remove item #8 - adoption of National Flood Insurance Ordinance from the agenda. Passed unanimously.

MINUTES: Mayor Knowles ask if everyone had read minutes from previous meeting and if they wanted to make any changes. No comments were received so he requested motion to approve. A motion was made by Mayor Pro-Tem Newsome to approve minutes from Regular meeting March 2nd, Special Meeting March 15th, Emergency Meeting March 26th and Public Hearing March 29th, 1990, as written. Passed unanimously.

BUDGET 1989-90: Mayor Knowles ask if there were any questions or comments budget presented for Fiscal Year 1989-90. Attorney Dotson said it had been on display for public and public hearing was held on it. No comments were received and Mayor ask for motion to adopt. A motion was made by Alderman Hall to adopt the budget and budget ordinance for Fiscal Year 1989-90 as presented. Passed unanimously.

TOWN OF NORTH TOPSAIL BEACH  
 BUDGET ORDINANCE  
 FISCAL YEAR 1989-90

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF NORTH TOPSAIL BEACH, NORTH CAROLINA:

SECTION 1: The following amounts are hereby appropriated in the General Fund for the operation of town government and its activities for the Fiscal Year beginning January 16, 1990 and ending June 30, 1990, in accordance with the chart of accounts heretofore established for this Town:



Governing Body	23,960	
Administration	111,016	
Police	134,374	
Planning & Zoning	76,123	
Street Department	7,500	
Contingency Appropriation	<u>17,648</u>	
TOTAL		<u>370,621</u>

SECTION 2: It is estimated that the following revenues will be available in the General Fund for the Fiscal Year beginning January 16, 1990, and ending June 30, 1990:

Current years property taxes	352,973	
Tax penalties & interest	<u>17,648</u>	
TOTAL		<u>370,621</u>

SECTION 3: There is hereby levied a tax at the rate of thirty-six and one-half cents ( $36\frac{1}{2}\phi$ ) per one hundred dollars (\$100) valuation of property as listed for taxes as of January 1, 1989, for the purpose of raising the revenues listed as "Current Year's Property Taxes" in the General Fund in Section 2 of this ordinance.

This rate is based on an estimated total valuation of property for the purposes of taxation of 153,500,000 and an estimated rate of collection of 63%.

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

- a. He may transfer amounts between objects of expenditure within a department without limitations and without a report being required.
- b. He may transfer amounts up to \$1000 between departments, including contingency appropriations, within the same fund. He must make an official report on such transfers at the next regular meeting of the Town Council.
- c. He may not transfer any amounts between funds, except as approved by the Board in the Budget Ordinance as amended.

SECTION 5: The Budget Officer may make cash advances between funds for periods not to exceed 60 days without reporting to the governing board. Any advances extending beyond 60 days must be approved by the Board. Any advances extending beyond June 30 must also be approved by the Board regardless of the number of days the advance is outstanding.

*Copy*

SECTION 6: Copies of the Budget Ord. furnished to the Clerk, to the Gover to the Budget Officer of the Town to be kept by them for their direction in the disbursement of funds.

Duly Adopted the 6th day of April, 1990.

AGREEMENT WITH  
ON SLOW COUNTY  
ON TAXES:

Mayor Knowles said the next item was an agreement with Onslow County to collect taxes for Fiscal Year 1989-90. He said they will charge 1% of first 95% collected, 1% of delinquent and 5% of all collections above 95%. Mayor Pro-Tem Newsome ask if they were charging 1% because this is the first budget. Mayor said on 1989-90 taxes there will be a \$600 fee for programming computer. Alderman Hall ask if this was in addition to \$8900. Mayor Knowles said this was based on first budget of about \$7,000 plus \$600 surcharge for programming computer. They had to reprogram to put information on back to July 1, 1989. Attorney Dotson said under agreement the board would have to approve release of someone picked up who is not in Town of North Topsail Beach. All releases have to be approved by the Board of Aldermen. The county can not take this on their own. Brief discussion held on contract. A motion was made by Alderperson Tippet to accept agreement for Onslow County to collect taxes for Fiscal Year 1989-90. Passed unanimously. (Agreement filed in vault.)

BANK PROPOSAL  
AND DEPOSITORY  
RESOLUTION:

Mayor Knowles presented recommendation on proposal and resolution for bank depository. He said through efforts of Clerk 2 proposals were received. After going through them she recommends the bid be awarded to NCNB to provide the type and quality of services needed by the Town at the lowest cost to the taxpayers. The resolution designates the depository, who will sign checks and who will reconcile the bank statements. Attorney Dotson said it was done this way because it is inappropriate for person signing check to reconcile bank statement. After brief discussion a motion was made by Mayor Pro-Tem Newsome to accept proposal from NCNB and approve resolution. Passed unanimously.

TOWN OF NORTH TOPSAIL BEACH  
RESOLUTION DESIGNATING BANK DEPOSITORY

BE IT RESOLVED by the Town of North Topsail Beach Board of Aldermen, in regular meeting assembled



this 6th day of April, 1990, that:

The finance officer of this unit shall be and is hereby authorized and directed to have deposited in the NCNB, in the name and to the credit of this unit all funds belonging to this unit with no exceptions which may come into his hands as an employee of this unit.

All checks, drafts or order of this unit drawn against said funds shall be signed by one of the following officers:

Finance Officer: Ann Vause  
Mayor: W. Rodney Knowles

and countersigned by the following officers:

Mayor Pro-Tem Leland Newsome

The names and signatures of the officers designated shall be duly certified by the Town Clerk of the board to said bank depository as from time to time necessary and no check, draft or order drawn against said bank shall be valid unless so signed.

The said bank depository shall be required to submit to this unit a surety bond and/or such other collateral securities as may be by law required.

The said bank depository shall be given written instructions that the proceeds from all checks payable to the order of this unit be deposited to the credit of this unit and that under no circumstances may an item be converted into cash.

The said bank shall send all statements and notices of irregularities to Alderman Nathan McDaniel at his residence at 21 Galleon Bay, Snead's Ferry, NC 28460, his home address.

Certified copies of this resolution shall be forwarded to the bank depository herein designated.

DULY ADOPTED THIS THE 6TH DAY OF APRIL, 1990.

ROUGH DRAFT ON

ZONING ORDINANCE: Mayor Knowles ask Attorney Dotson to comment on report to council by Mr. Casell with NRCD. Attorney Dotson suggested they set time for public hearing on the zoning ordinance. He said the board had one more work session with Mr. Casaell. At workshop you will understand and correct areas you are concern about. Mayor Knowles said they wanted work session at a special meeting Monday April 9th, but two board

members, (Keister and Knowles) will be out of town and Alderperson Tippet would not be able to attend. Could we get alternate date? Alderman Hall said not without going into following week. General discussion on what would be best date. After discussion decided to have special meeting Monday, April 9th, at 10:00 a.m., Attorney Dotson said if you set public hearing Mr. Casell will be able to make changes, then if you are not satisfied you can change at public hearing. After discussion the board decided the public hearing would be held Monday, April 23rd, 10:00 a.m. at West Onslow Beach Volunteer Fire Department.

ROUGH DRAFT  
ON MUNICIPAL  
CODE:

Mayor Knowles said this has been presented to the board but a workshop has not been held yet. Attorney Dotson said this is paper bond copy. It is a code of ordinances which refers to charter, general regulations and provisions governing town. Also, included are regulations on beach, beach access, fine and violations of certain ordinances, subdivision regulations, etc. This is primary tool Town Manager will work with. The proposed codes parallel of other beach town. Attorney Dotson said this is rough draft that contains alot of standards, certain things to address in beach town, environmental concerns and wetlands to be consistent with Federal and State regulations. He suggested the board review and highlight areas they want to discuss because this will help when workshop held. Once it's adopted and zoning in place anyone can find out what we need. Mayor Knowles said we were fortunate to have at this time. Most towns incorporate long before North Topsail Beach are still trying to get their code done. He explained how Bill Hemmingway, who works with code company, got this done for us at minimum cost. Alderman Hall ask if Bill Hemmingway would be available to explain. Attorney Dotson said yes. Also, Mr. Casell will go through it. Mayor advised workshop would be set up at their availability.

PETITION TO  
ADD STREET  
TO STATE SYSTEM:

Mayor Knowles said a petition has been received from property owners on section of old State Road 1568 requesting it be added to State maintained system. Discussion held on where this area is and how many residents access would be involved. Mayor Knowles said this is similar to request made earlier by Mr. Dempsey. After discussion a motion was made by Alderman Hall that a resolution be drafted requesting this portion of old S.R. 1568 be added to State maintained system. Passed unanimously.



TIME, DATE  
AND PLACE OF  
MONTHLY MEETING:

Mayor Knowles said the board previously discussed changing meeting time from daytime to night. It has been suggested the meeting be held at 7:00 p.m. on the 1st Wednesday of each month. Alderman Hall said he received several calls from Mr. Dempsey. Mr. Dempsey said his wife prefers morning or evening time. He said he received alot of calls requesting it be at both times. Marion Hankins said morning and afternoon precluded working people from attending. After discussion on calls received and best time for attorney to attend a motion was made by Alderman Hall to hold monthly meeting at 7:00 p.m. the first Wednesday of each month at West Onslow Beach Volunteer Fire Department beginning May 2, 1990. Passed unanimously.

Mayor Knowles said this is only our third regular meeting and we are not well oiled yet. As time goes by information will be available earlier for meetings. We are doing the best we can with what we have now.

AUTHORITY FOR  
AUDITOR PROPOSAL:

Mayor Knowles said the budget, bank proposal, and agreement on tax collection has been approved. Now the board needs to authorize the Town Clerk to get proposals for auditor. Attorney Dotson said Local Government Commission requires yearly audit of municipalities by certified auditor. He said there are not alot of auditors interested in doing this because of firm requirements. He also explained additional audit requirements for grant funds. It is important that they have experience in municipal government audit procedures. After brief discussion a motion was made by Mayor Pro-Tem Newsome to authorize Town Clerk to solicit proposals for the job of auditor for the Town of North Topsail Beach. Passed unanimously.

RECESS:

The board requested a recess at 2:44 p.m. Meeting was reconvened at 2:53 p.m.

WATER TANK:

Mayor Knowles said there has been some discussion on water improvements and he ask Attorney Dotson to explain. He said he wanted to bring everyone who is not familiar with problem up to date. There is not enough water pressure on this end of the island to fight fires or provide adequate water supply. The county advised they did not put in water lines to fight fires, just for potable water. Area like St. Regis is extrememly vulnerable. So is the Dunes and Topsail Reef. The board at St. Regis has dor engineering study and found there is not enough pressure from lines to afford fire protection.

Between Dixon water tank and here are several users and line size varies from 12" to 8". They looked at 42,500 gallon water tank to serve them, but it would help no one else. Engineers indicated if tank was 350,000 gallons and at the end of the island it would be sufficient for fire protection but it is extremely expensive. St. Regis cost would be around \$200,000 for their booster pump and tank. There are no plans for the county to put in larger lines or water tank, especially not what you're incorporated. Attorney Dotson said there are ways to get grants for this type of project. St. Regis is more than willing to combine funds with Dunes & Topsail Reef and other home owners associations with Town matching funds to make application to the government for water lines, booster pump and tank. The ideal situation would be to have loop and connect to county water system. Discussion held on problems with water pressure that occurs now on peak weekends, estimated cost for water tank and size of tank not at Dixon. Attorney Dotson said St. Regis and possible other home owners associations will have to build tank whether Town does or not but they would rather help the Town than to do on an individual basis. Mayor introduced Mr. Best with West Onslow Beach Volunteer Fire Department. Mr. Best said tank was a good idea. He ask if there would be well to support tank. Attorney Dotson said only county water system. Alderman Hall said with all the money paid by consumer and the county unwilling to help could we cut them off and get our own system? Mr. Best explained what would be needed if there was a fire at St. Regis. Further discussion held on what developers put in and how they still have problems because of amount of water pressure. Mr. Best explained how system might help lower insurance rates. He also reviewed what area the West Onslow Beach Volunteer Fire Department Charter covers and where class 9 insurance stops and class 10 begins. Mr. Best advised they need a station at the North end to help protect them. Attorney Dotson said this subject should be budget consideration for Fiscal Year 1990-1991. Everyone should press to get some type of system for fire protection. Mayor Pro-Tem Newsome ask if resolution could be passed to require fee for fire, etc. if someone was planning to do construction. Attorney Dotson said yes and explained how this works. Mr. Ed Warsaw, northend of island, ask on funding water tanks does the Town now have option of issuing bonds. Attorney Dotson said yes, general obligation bonds or revenue bonds but there are other agencies to assist in water/sewer construction. With assistance of other home owners groups could cover alot of ground. Mr. Warsaw also ask if there was any obligation on the part of the county. Attorney Dotson explained what he was told by county. He said St.



Regis will need to do something and it seems senseless for them to put up tank just for them. Mr. Warsaw said if you increase water pressure you need to increase size of main. Attorney Dotson said yes but it would cause county line to collapse. Alderman Hall said a check valve would be needed. Discussion held on Neuse River Co G and ways they may be able to help. Also, discussed tap fees and monthly water cost now paid to county. Mrs. Ginny Hillyer said if St. Regis built tank would it be on private property, what would it cost for Town and where would it be? Attorney Dotson said land was available at no cost to the Town if approved. Also, there is a well at the northend that is capped off and owner is willing for the Town to use. Mr. Tim Driscoll said we earlier discussed height of buildings. In the future are we going to limit height because of fire protection? Attorney Dotson advised this was being looked at in zoning now. General discussion on this, impact fees, site plan approval and what Town may require from developer. Attorney Dotson said the board will be seeking Federal and State sources for solution to problem. Alderman Hall said citizens do not hear this talked about much but they were working on it. Attorney Dotson said talks are going on now with respect to developers with county that other homeowner associations may want to look into.

TOWN MANAGER  
APPLICATIONS:

Mayor Knowles said 2 applications have just been received and today the first advertisement came out in the League of Municipalities letter. Discussion held on how applications would be handled if large number received. Attorney Dotson said there was no problem with selection committee going through applications received and selecting number to be interviewed. Board would not discuss any of them until they were ready to make offer. Mayor Knowles said it would take a special person to run this town. Mrs. Jane Warsaw ask what planned schedule for hiring manager was. Mayor advised this would be determined by applications received. Attorney Dotson said they need key person to run town under the plan they selected. Alderman Hall said it would be a hard job and they would need alot of experience and highly qualified.

X OPEN FORUM/

CITIZENS REQUEST: Alderman Hall said Mayor Pro-Tem Newsome attended Onslow County Planning Board meeting last night. There were 3 projects discussed that are in North Topsail Beach and all 3 were approved by county. e board of North Topsail Beach had adopted a resolution asking they not approve because we did not have all

the information. They disregarded this and approved final and preliminary plats last night. This upset most of this board and now we are discussing with our legal council what to do to change this. He explained his conversation with Ms. Gandy, Onslow Board of Commissioners. She advised Planning Board she did not want anymore to come across her desk. Mayor Pro-Tem Newsome said Onslow Technical Review Board disapproved but Planning Board disregarded this and approved anyway. Discussion held on whether or not County Commissioners had to approve before final. Attorney Dotson explained how board of North Topsail Beach may be in catch-22 situation. It's been just over 60 days since incorporation and we had to request county continue enforcement until we get our ordinances in place. This would allow county inspector to inspect. But, if this had not been done anything could happen. Problem is county could approve based on their rules. The real question now is does any of these approved need to go back to the county commissioners for final approval. Planning board approval does not give them vested right. When resolution approved March 26th we ask that they not do legislative action. Alderman Hall said we misunderstood and did not know those approved were pending. If we had we would have added action on them in our resolution. General discussion on these projects. Attorney Dotson said he will check right now he does not have enough facts to give opinion. He will investigate and report back to the board.

River Road:

Mr. Tom Dricall ask if anyone had ask who owns River Road? The road is in such a hazardous condition to be an access. Attorney Dotson said it is not on State system. It is now responsibility of developer. Mrs. Hillyer said it is access to county beach even though lawyer explained the county is not in the business of developing road and private road is not a beach access. If it is an access what responsibility does county have? Attorney Dotson said it could be closed up to a point and they will not be able to get to the beach. One thing incorporation did was intitle Town to Powell Bill Funds. Town can acquire road and pave with funds. Mr. Driscall said there is no retaining wall and it would cost about 11 million to do this. Alderman Hall ask if county access can you demand they be responsible? Attorney said yes, if they use as access you can make them pay. Mr. Brad Minchew said they have written to Mrs. Buck but have received no answer. We wanted to handle this in business atmosphere but now don't know what to do. Attorney Dotson said this particular road is a sensitive private easement. There was an easement around island almost at inlet waterway. Road has been moved from original location. He said



they may be able to get help from Mr. Pollard with D.O.T. and suggested they write him. Mr. Driscall ask if it was a side road. Attorney Dotson said unfortunately it is and do not know what to call it. He explained when he dealt with this on closing he recorded it as access way. Property owners on road would be responsible for maintaining. He suggested they get owners on both sides and estimate roll between themselves. You have right to keep public out. Street is for property owners in there, not public way.

ADJOURNMENT:

No further comments were received and at 3:55 p.m. a motion was made by Mayor Pro-Tem Newsome to adjourn meeting. Passed unanimously.

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Ann Vause

Ann Vause  
Interim Town Clerk

TOWN OF NORTH TOPSAIL BEACH  
SPECIAL MEETING  
APRIL 9, 1990

PRESENT: Mayor Pro-Tem Newsome, Aldermen Weldon Hall and Nathan McDaniel and Interim Town Clerk Ann Vause, Tom Casell with N.R.C.D. and Mrs. Ginny Hillyer. Mayor Knowles, Alderperson Charlotte Tippet, Alderman William Keister and Attorney Marshall Dotson were absent.

CONVOCAATION: Mayor Pro-Tem Newsome called the meeting to order at 10:12 a.m., to consider planning workshop. He said one board member was absent and excused, two were absent without notification. He wanted to know if members not excused were counted as yes vote and requested this be checked by Town Clerk. Alderman Hall said he understands there will be no voting today. If interim planning board set it would not require vote but if vote on public hearing needed would vote and direct Town Clerk to contact Attorney Dotson and see if correct procedures were followed at this time. Mr. Casell said vote was not required to set public hearing to consider something.

ZONING ORDINANCE: Mr. Casell ask if there were any questions about 12 sections covered at previous workshop. Alderman Hall said on page 50, agreed in some fashion that R-5, R-8, R-10 and R-15 residential districts allow duplex at same density as single family. Mr. Casell said R-20 and R-15 are primarily single family. R-10, R-8 and R-5 allow additional multifamily units. Discussion held on what this means and square footage allowed on each type. Also, discussed density of different districts. Mr. Casell said it was important to recognize single family preference and have district to permit that.

Section 13 - Off Street Loading & Parking:

Mr. Casell said this section contains 8 pages on off street loading and parking requirements. Basically, residential requires 2 parking spaces per family unit. The more units you have the less space for parking demanded. He explained why this occurs. Discussed what occured at housing complex where Alderperson Tippet lives and ways to avoid this. Alderman Hall ask if ordinance addressed drive ways and side yard set bck as we are experiencing now with county using side setback as parking area. Mr. Casell said no there was no particular passage in ordinance. This is addressed by enforcement of Building Inspector and subdivision ordinance. Discussion held on how this would be mis-interpretation of ordinance. Also, discussed way county permitted this to happen. Alderman Hall said one way



to prevent would be with stamp with appropriate signatures and inspector visiting site before recommending approval to planning board. Mayor Pro-Tem Newsome ask if this was put in ordinance or subdivision regulations. Mr. Casell said first instruct inspector that side yard is not to be used as driveway and also, need to put in subdivision regulations dealing with flag lot and advise planning board has no authority to allow side yard as driveway. Alderman Hall said N. C. Building Codes allow decks and proches to be built in side yard set back. Mr. Casell said State Codes would not cover or address side yard set back. They would only address type of materials, safety, etc. Other items discussed were Onslow County Ordinance, vehicle storage and parking minimum requirements. Mr. Casell said these requirements were based on use or activity on particular lot and other standards used in other places. They are tied to square footage, number of buildings and number of people who work at location on industrial use as well as unloading supplies, etc.

#### Section 14 - Buffers:

This section gives purpose of requirements for buffer. Mr. Casell explained these are often used when commercial business set up and adjacent to residential unit. Buffers are important because being adjacent to area will go a long way to avoid conflict that would normally occur. He said there were various buffer options such as ABCD and explained what these were. Alderman Hall said type of trees need to be specified because on beach only a few will survive in the wind here. Discussion held on what would be appropriate in this area and giving option between fence and plants. Mayor Pro-Tem Newsome said he had no problem as long as it divided commercial and residential. Also, discussed noise, what other towns and counties have done with ordinances on this subject and where or not we need to study. Mr. Casell said you could study this but need to try and control with land use first. Section 14.8 deals with requirements by district and types of development. Page 75 deals with multi-family development, shopping centers, etc. Mrs. Hillyer ask if noise ordinance established would it establish difference between entertainment as opposed to private party? Mr. Casell said noise ordinance might be related to certain residential zoning district and explained how this would work. He said you might not want to deal with this within zoning ordinance but look at separate ordinance at a later date.

RECESS:

The board requested a recess at 10:50 a.m. and Mayor Pro-tem Newsome agreed. Meeting reconvened at 11:00 a.m.

Section 15 - Signs:

This contains general requirements for signs to be approved by the zoning officer. There are some exceptions, signs that do not need approval. Mr. Casell said this was trying to deal with signs you have to have. Signs permitted in residential district are signs that identify development, home occupation, etc. Section 15.5 deals with signs permitted in B-1 and B-2 Districts. Section 15.6 deals with shopping center signs. Mr. Casell said this is type we want to permit because it's more beneficial to them. Page 81 deals with temporary signs for construction for commercial or residential districts. Section 15.9 deals with non-conforming signs. These are allowed to continue for 5 years. Length of time is set to allow developer or builder to get money back. After 5 years they would need to bring into compliance with ordinance. This will require record keeping by zoning officer. Alderman Hall ask if 18 months wouldn't be sufficient time. Mr. Casell said it depends on cost of sign. This would be fine for some signs. Alderman Hall said if they know they only have 18 months maybe they would build better sign. Mr. Casell said reason for 5 years is that this is sufficient time to get return on sign cost. General discussion on this. After discussion Alderman Hall ask if we need to talk with Attorney Dotson or just let go. Mr. Casell suggested they talk with Attorney Dotson about page 83. Discussed signs that might be possible hazard and how some slip by 5 year limit and records that would be required. Mr. Casell said on prohibited signs they might want to look at them closely. The board briefly discussed billboards and their size. Also, discussed signs for special events and where they are provided for in ordinance, as well as when signs such as election signs need to be removed. Mr. Casell said these items are addressed in Section 15.10. He ask them to look at Section 15.7 and see if it is what they were discussing. You need to review each section and what it means. If it does not include what you want you may need to revise. Mayor Pro-Tem Newsome said his home owners association allows someone to put advertising signs between 2 poles provided they are put up by Jones Onslow. After further discussion on promotional signs, new business signs and coming events decided to change 21 days in 15.7 to 30 days. Mr. Casell said Section 15.11 deals with illumination of signs and what they need to conform too. He explained what is in this provision. Alderman Hall said the wind factor needs to be considered. If it blows off and hurts someone somebody may be sued. Mrs. Hillyer ask if they don't comply with provisions would they be cited? Also, where are penalty provisions or do we determine at another time. Mr. Casell said penalty is in Section 4, basic violation covered under GS 14-4 which makes it a misdemeanor by State Law.



Discussion held on Attorney Dotsons suggestion that dollar amount and days be increased on fine. Alderman Hall said we need to get League to tell us what type of resolution needs to be drafted as soon as possible.

Section 16 - Manufactured Home Parks:

Mr. Casell said there is some more information on manufactured homes that is not in. This section includes information available now. Alderman Hall ask if this should be tabled until public hearing and maybe information will be here by then. Mr. Casell said this section is like subdivision regulations except for manufactured homes district. This is not talking about home on individual lot. If they happen to be in a flood zone chances are they will have to be elevated, also, tied down. Alderman Hall ask if tie down would work same as one that is on the ground. Mr. Casell said they could put it up 6 ft. and tie down. Discussion held on how this might be done. Also, discussed land value in relation to manufactured home park and need to have regulations even though there may only be few developed in the future. This section also includes standards for driveways, refuse collection, operating standards, etc. Alderman Hall ask if someone put in 4 manufactured homes is it a manufactured home park. Mr. Casell reviewed design standards and said it might be but cost of land is so expensive now to consider for mobile home parks. Discussed whether individual could buy 15 lots, develop some and put mobile homes on remainder and how this is covered by zoning ordinance. Some land is already zoned R-5 and does not allow mobile homes without special use permit from the planning board. Mr. Casell reviewed where manufactured homes are single family dwellings. However, only Class A homes would be allowed and he explained what this classification means and what requirements apply. Alderman Hall questioned 5,000/10,000 sq. footage requirement where on 50% of lot is available to be built on because 50% has been flagged by CAMA as wetlands. He said this needs to be addressed in some fashion in the footage of each lot in R-5 and B-1 zoning. Currently, when house built and  $\frac{1}{2}$  on wetlands they can build structure up on it but are not allowed to build driveways, etc. on it. Discussion held on this and Alderman Hall advised he would show Mr. Casell an area like this today. We want to be sure and close loop holes where possible because that is how violations occur. Mr. Casell said they will need to look at exemptions and see how to put this in. Alderman Hall said he did not see how some were approved in the past without site plan and this is what Onslow County failed to do. He said Mayor Knowles was addressing manufactured home and insurance requirements at last meeting

but without reading all information on this did not want to address.

#### Section 17 - Planned Residential Development:

Mr. Casell said this is a large tract of land of such a size that it could almost be a entity of its own. The unit is planned as a whole as described on page 95 of proposed ordinance. It's difficult to say what parcel size should be. He said he has seen alot of different sizes and explained some in New Hanover County Mr. Casell said he did not believe 100 acres is the right size for the beach but you want to further development because you get better land use arrangement. Mayor Pro-Tem Newsome ask if it could be done on 10 acres. Mr. Casell said one acre might be to small and 5 or 10 may be more appropriate. The idea in planning this is the governing body may give up lot by lot restrictions that would normally come with subdivision. Alderman Hall said if you look at map of island there is alot of land owned by certain people, and he explained Permuda Island acreage and possible development of Ashe Island for marine research. Discussion held on this and what may happen to areas like this in the future. Mr. Casell said there will be alot of development and they need to see it through planned use developements so it will require some approval and way to judge them. Mr. Casell said in future they may want to develop a special district for this type of development and his office would be available to help if needed. Mr. Casell explained section 17.5, application process and what is required. Other things discussed were control of development, planning board approval, permitted uses in planned residential development, commercial use in this district and density requirements. Alderman Hall requested Mr. Casell read one of density requirements such as duplex and explain. Mr. Casell ask Mrs. Hillyer what sq. footage of her home was and explained how this would work in relation to table used. He said this does not work well on small projects but does on large. Developers prefer this because it allows them flexibility on total floor area to ground. Architects like flexibility of design because they can market as 1, 2 or 3 bedroom unit. Mr. Casell said this was designed by Federal housing regulations for large developments. Discussion held on this. Mr. Casell explained requirements for access to water and said the only reason access is for general public is because of Coastal Area development.

#### Section 18 - Travel Trailer Parks:

Mr. Casell said these requirements are standard for travel trailer parks. These are needed for accommodations, sanitary conditions, etc. Brief discussion



held on this.

Mr. Casell said he also included sample of petition for change in zoning of ordinance that individual would need to complete. Alderman Hall said this is standard form used. Discussion held on whose obligation it is to have plat recorded once final approval has been received. Mr. Casell advised this procedure could be spelled out in subdivision ordinance and burden can be put on applicant, but state this can not be done until required signatures are on it. Alderman Hall ask if we could specify time frame for recording and Mr. Casell said yes. Alderman Hall said we also want to require resubmission of plat if changed in any way.

Mrs. Hillyer ask Mr. Casell to explain problem with run off from septic tanks and ask if this was only run off problem. Mr. Cassell explained what occurred in the past and how they now know septic tanks are not the only problem. The main key is enforcement of regulations.

Mr. Casell said he would review what was discussed and bring back additional comments to public hearing. Also, discussed the fact that they could not require someone to tie into private system on sewage disposal.

Mayor Pro-Tem Newsome said there was one more item to discuss and that was public hearing on establishment of planning board. The planning board is required to review and make recommendation on approval of zoning ordinance before it is adopted. Discussion held on when to have public hearing and when to appoint interim planning board. Mayor Pro-Tem Newsome said the interim planning board would only be for one year, until request for appointment can be obtained and final board approved. After discussion Alderman Hall said he recommended the following individuals for interim planning board: Ginny Hillyer, Bill Parr, Bill Rogers, Margaret Stackleather and Jack Dempsey. Anyone who has objection to these people can present their objection at public hearing. After further discussion Mayor Pro-Tem Newsome called for a public hearing to be held on Friday, April 27th, at 2:00 p.m., subject to availability of West Onslow Beach Volunteer Fire Department building. He said the public hearing would be held on 27th if possible, on ordinance to create planning board and appointment of interim members would be discussed at regular monthly meeting scheduled for Wednesday, May 2nd, Time and date of public hearing will be published by Town Clerk.

ADJOURNMENT: No further discussion was held and at 12:27 p.m. a motion was made by Alderman McDaniel to adjourn meeting. Passed unanimously.

  
Ann Vause, Interim Town Clerk

## PROPOSED INTERIM PLANNING BOARD: NORTH TOPSAIL BEACH

## 1. Ginny Hillyer

3900 River Road  
Sneads Ferry, NC 28460  
328-3374

## 2. Bill Parr

Shore Drive  
Sneads Ferry, NC 28460  
328-0330

## 3. Bill Rogers

2008 Topsail Drive  
Sneads Ferry, NC 28460  
328-0241

## 4. Margaret Stackleather

RFD 1  
Holly Ridge, NC 28445  
328-0190

## 5. Jack Dempsey

North Topsail Shores  
Sneads Ferry, NC 28460  
328-0899



TOWN OF NORTH TOPSAIL BEACH  
SPECIAL MEETING  
APRIL 16, 1990

- PRESENT: Mayor W. Rodney Knowles, Mayor Pro-Tem Leland Newsome, Aldermen Nathan McDaniel, Weldon Hall and William Keister, Alderperson Charlotte Tippet and Interim Town Clerk Ann Vause. Attorney Marshall Dotson was absent.
- CONVOCATION: Mayor Knowles called the meeting to order at 2:00 p.m. and declared a quorum present.
- ENFORCEMENT: Mayor Knowles said Mayor Pro-Tem Newsome called the meeting and requested he explain why. Mayor Pro-Tem Newsome said one reason the meeting was called was to discuss enforcement. He ask Alderman Hall to explain this. Alderman Hall said people wanted to know where we are with enforcement, vehicles on the beach and what we are doing about enforcement here. First Mr. Rick Smith, Topsail Beach Police Chief, will supervise our auxiliary police. We are in the process of negotiating with Jacksonville on automobiles and state certified auxiliary officers. The Police station will be in the West Onslow Beach Volunteer Fire Department building and has been set up. All we need is car and men out here. We cannot get new car until we have money. As soon as we reach agreement it will need to come back to the full board for approval. Second, on enforcement, building inspector and zoning ordinance. We signed contract in early February with Level III retired inspector from Wilmington. All paper mailed and certificates sent back to the office. CAMA, from Wilmington will be the one to write minor and major permits. It's just a matter of signing proper papers. On taxes, some have already gone out. Mayor Knowles said A-E went out Thursday then stamp machine broke so remainder will go out today. Mr. Bill Parr said his neighbor received his in Raleigh. Mayor Knowles said alot of them are out and the county has received 25 calls about them this morning. Alderman Hall said we are working hard on the enforcement situation through out the whole area. Hopefully, within next 2 weeks we'll have this. Mr. Chris Schmidt ask what happen to agreement with county discussed at first meeting. Alderman Hall said the way he understood it, they would keep police car here for enforcement of State law only, not county or town ordinances. Mayor Knowles said the last resolution requested they do all and they accepted that. Alderman Hall said they come only when called. He explained what happened in one case. We will try to put a stop to this kind of thing. Mayor Knowles ask if they could get license number in this instance. Mayor Pro-Tem Newsome said no and explained why. Mr. Schmidt said the county accepted this burden. Mayor Knowles said they will not do any more then they have too. Alderperson Tippet said they are still making

an effort to cover and explained how. Discussion held on whether vehicle here was police car or beach recreation vehicle. After discussion Alderman Hall said this is what occurred in enforcement in the past and he has explained where we are heading. He said this covers enforcement part of the meeting and ask if there were any questions. Mr. Bill Parr ask if we had enforcement of the beach ordinance. Mayor Knowles said yes, from the county but this is like trash pick-up. Alderman Hall said this is type we have experienced from the county. Mayor Knowles said we get the same excuse, no 4-wheel drive vehicle for the beach. Mr. Parr said County has beach warden and this should be his whole job. He was advised this individual reports to clean county. Alderman Hall ask if there were more questions on enforcement of zoning ordinance. Mayor Pro-Tem Newsome explained what was being discussed concerning way police will patrol area. He explained reception problem and how long it took for county police to get here. We want where when we need police and need as soon as possible we can get them. Alderman Hall estimated in about 2 weeks we should have agreement with Jacksonville for cars. The board will need to approve for cars & officers. A citizen ask if he could publicize number of police. Alderman Hall said yes, everything in place with the exception of agreement. Then Mayor Knowles will need to swear in officers. Mr. Parr ask how soon the town would get tax money from county. Mayor Knowles said as soon as deposited. He said at the last meeting NCNB was chosen as bank, tax notices are out and we could get money as early as tomorrow or Wednesday. Deposit slips should go to the county tomorrow or Wednesday and direct deposits will come to us daily from the county. Mayor Pro-Tem Newsome said 2 police cars cost \$24,000. The 1990 are Chevrolet Capri. Used cars cost from \$5,200. to \$6,200 and they have 60,000 miles on them. They would be painted to our specifications and have ready to roll. Then people will put in radios. Base station and 2 radios for cars will cost \$16,500 - \$17,000 for used ones. Or we can 2 used radios and one new one. Mayor Knowles ask if we were looking for a 4-wheel drive vehicle. Mayor Pro-Tem Newsome said he ask Elizabeth Town to look for 4-wheel drive and explained this. He said it would cost \$6,000 to outfit 4 officers with what they need. Money has been set aside in the budget for these items. Mayor Knowles said on radios it seems more practical to go with one new and two used. If we get 3 or 4 used they will go fast. With one new one and the rest used we could start cycle. Mayor Pro-Tem Newsome said used ones last about 2 years. Mr. Parr ask if we would have to wait for 4-wheel drive to get litter cleaned off. Mayor Pro-Tem Newsome said county will do this. Alderman Hall explained conversation with Ms. Gandy, of county and fact that she did not trust the board to maintain beach access. He explained how she wanted the county to maintain beach accesses and that CAMA was paying



county to maintain them. If they do this they will have to keep trash cans clean too. Mr. Parr said they have not done an acceptable job in the past 6 years he has been here. This was one reason for incorporation. Alderman Hall said it has come to point where we have to build what we need. Mayor Knowles said we would need to hire appropriate personnel to do this. Mayor Pro-Tem Newsome ask if there was anything else on enforcement to discuss. He said there are so many items we can't remember them all. Alderman Hall said proposed zoning ordinance is basically existing county ordinance.

LOGO: Mayor Pro-Tem Newsome said we do not have both proposed logo here. Mayor Knowles suggested this be tabled and discussed at May 2nd meeting. Alderman Hall said at meeting we will have a show of hands and get one approved.

RESOLUTION  
TO COUNTY:

Mayor Pro-Tem Newsome said a resolution to Onslow County concerning appointment of election board and polling place was drafted. However, it has not been reviewed by attorney and may need to be drafted to another agency. Mayor Knowles said we do not have to request Onslow County do this. We set and inform them. Alderman Hall ask if we supply personnel. Mayor Knowles said we supply 2 people and county supplies machines. People from our precinct will run polling place. Alderman Hall ask if they would set rules of procedure. Mayor Knowles said it was State law, our people will run. Alderman Hall said people on books should be required to identify themselves. Discussion held on this. Alderman Hall said petition by Mr. Bostic and Morley trying to call for new election. This is a power struggle. We had election for a new town, we won and we are here. Now they want election or recall. If we do have election it will not be in 1990. If they get enough signatures we beat one time and will beat again. Pros and cons on this subject were briefly discussed by the board.

Mayor Knowles said this concluded 3 items up for discussion. He ask if there were any more comments from citizens present.

Mr. Jack Weslan

What are these taxes due. Mayor Knowles explained procedure and said State law was never set up for middle of the tax year and was never addressed. He explained penalty percentages.

Mr. Bill Rogers

Have you talked to the Town Attorney. We were not incorporated for time of tax. Mayor Knowles said

we put this to State Treasurers office and they demanded we do this way. Mr. Rogers said you have right to protest, if you tender money and no one to collect them legally you paid. Alderman Hall said it was ratified on successful vote. Once we voted we became a town by law and it spells out when taxes would be in. He explained what happened on this, and advised State Treasurer said we have to enforce. Mayor Pro-Tem Newsome explained the tax rate was cut to offset penalty required.

Mr. Bill Parr

He said he had been on the island about 7 years and he had a lot of interest in the island, fire department was building he was instrumental in getting for area. There was a lot of blood, sweat and tears but he wanted to show interest in it. We are not able to sustain fire and rescue with people on this end of the island. He said he was going on 67 and it was hard for him to handle things. It's apparent we need tax money to pay people to do this work. He explained what happened when they tried to get fire tax earlier. He said he noticed there was indecisiveness going on. He said he was aware some of the board do not like each other and it was becoming more apparent with petition being circulated. He was approached by 2 with petition. Mr. Parr said he wanted to plead with them to put personality aside and work together to get town going. Don't judge each other on moral character, leave this to Almighty God and judge on basis of performance and if you can't get out during election. The pressure you are under is tremendous. Mayor Knowles said since being established we have been doing what we have to do in order with people involved and informed of what we are doing. That was the whole idea behind incorporation was not for the board to run the town but the people. We want all the input we can get. This is not just our town but all of us in community. We want to do the best we can in orderly, progressive way. Alderman Hall said to do this we need building, law enforcement and preventive enforcement. We are trying to get zoning building regulations done with next 2 weeks, then town codes and charter. This requires a lot of paper work and public hearings which all takes some time. He said there was so much to do that is why each board member took different areas. We are working as hard as we can. Mayor Knowles said a lot of people who were not for incorporation are willing to work now. Mr. Chris Schmidt said when he met with Mr. Hall & Mr. Newsome last week that informed him certain committees were decided. What else has been decided like the planning board? Mayor Knowles said the planning board was not decided on. This will be done at public meeting. Mr. Schmidt said he was told it was decided. Mayor Pro-Tem Newsome said not decided, proposed. Alderman Hall said individuals were on original board and when called said they



would sit on this board. He said 5 were decided. Mayor Knowles said not agreed to yet and Alderperson Tippettt agreed. Mr. Chris Schmidt said they need to work together as a board. He said he did not know what has taken place with the board and if an election was needed maybe that was the way to go. He said two board members said the planning board had been decided and he read names he was given. Mr. Schmidt ask what the mechanics were they were using to decide this. Are you using those that are loyal to the town, re-paying them for interest in town or getting people involved? He said he was no opposed to them but what have you decided. Alderman Hall said Mayor Knowles and Alderperson Tippettt were not at last meeting. Mayor Knowles was out of town and Alderperson Tippettt advised she could not attend. Alderman Hall said the only names submitted were ones mentioned so no others were appointed at meeting. He explained what Mr. Casell said about needing planning board to review proposed zoning ordinance. Each proposed member of the planning board were given copy of ordinance so they would understand what is expected. He said these people were interested in the planning board all along. Mayor Knowles said as point of order this board and no other can do anything without quorum. Alderperson Tippettt said Brad Minshew was suppose to be on first planning board and ask how someone else get their. Mayor Knowles said there were 7 or 8 on original list.

ADJOURNMENT: No further business was discussed and at 2:52 p.m. Alderperson Tippettt made a motion to adjourn meeting. Passed unanimously.

Ann Vause  
Ann Vause  
Town Clerk

20<sup>th</sup>  
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TOWN OF NORTH TOPSAIL BEACH  
PUBLIC HEARINGS  
APRIL 23, 1990

PRESENT: Mayor W. Rodney Knowles, Mayor Pro-Tem Leland Newsome, Aldermen Weldon Hall and Nathan McDaniel, Town Attorney Marshall Dotson and Town Clerk Ann Vause. Alderman William Keister and Alderperson Charlotte Tippet were absent.

QUORUM: Mayor Knowles called the meeting to order at 10:00 am, and declared a quorum present.

ZONING  
ORDINANCE:

Mayor Knowles said the public hearing on the proposed zoning ordinance was now in session. He advised a copy of the ordinance has been at town hall for public inspection. Approximately 20 citizens were present and Mayor Knowles ask if there were any questions on proposed ordinance. Mr. Any Koch requested a copy of the and was advised he could get one from town hall. The cost would be 15¢ a page.

Mayor Knowles advised two workshops were held on this ordinance by the board. He said Mr. Tom Casell with NRCD was here and requested he explain the ordinance and proposed changes. Mr. Casell said at the workshops the board went through the ordinance one section at a time. Because of the time this required he would not be able to do this at this meeting but would be able to answer questions. He advised other than typographical and grammatical errors there were only two substantial changes. The first regarded dimentional table. Mayor Knowles said 95% - 98% of ordinance was exactly like Onslow County with no major changes. Mr. Casell said the dimentional tables refers to number dwelling units, height, etc. Took county plan and followed their pattern. However, there was a little problem because there was some confusion in districts allowed for single family. He explained what proposed ordinance provides for this and how table interputs number of units permitted after two. Mr. Casell explained he had to work backward and come up with capacity on maximum number allowed per acre. He advised of square footage requirements for single and duplex units as compared to Onslow County and what districts were involved. A citizen ask if this was contingent on septic tank. Mr. Casell said this mandated for both septic tank and private company. Septic tank would have to be permitted by health department. One chance from conventional ordinance is to allow duplex same as single family. Mayor ask about putting duplex on 5,000 square footage if it is intended to be built to rent out. He said they can subdivide and sell as fee simple. Mr. Casell said this does not deal with subdivision. Mayor ask if duplex could be sub-



divided and sold to 2 different people. Mr. Casell advised this would be subdivided lot and should fall under subdivision ordinance. It would violate this ordinance and should be addressed in subdivision ordinance. Also, there would be a problem with duplex in all districts.

Mr. Dennis Mercer:

We have built duplex on Topsail before under this scenario and at that time built on single family lot and sold to individuals. Each individual owned 50% and this was without going into subdivision. Also, each individual owned 1/2 of septic tank. Would this be allowed in this ordinance? Attorney Dotson said zoning on subdivision would prohibit selling 1/2 of property and briefly explained why. However, some consideration given if you have duplex and meet requirements. Sometimes they do not meet standards on such things as fire walls, etc. Mr. Mercer said before was favorable situation for producing recreation homes for people in N. C. Anything that would discourage this needs to be looked at, as well as legal technicality or other regulations. Hopefully, you will recommend favorably on duplexes where ever they need to be. Alderman Hall said this was a reasonable request to consider. He said fire walls are building code requirement and Attorney Dotson could advise whether or not to approve. Mr. Casell ask do we allow duplex in residential district and what about density? He explained what is in proposed ordinance concerning this. Discussion held on whether or not duplexes should be allowed on 5000 sq. ft. lot considering land and facilities, and amount of additional footage suggested for each unit over one. Citizen ask if you used this what could be built on 5,000 sq. ft. Attorney Dotson advised this would be addressed by subdivision ordinance. Subdivision ordinance addresses what can be subdivided, what zoning it is based on, etc. Discussion held on allowing duplex on 15,000 sq. ft., lot size after being subdivided and where it may be prohibited. Also, discussed need for site plan and how individual would be required to meet certain requirements and restrictions before approval. Further discussion on subdivisions already in existence, way lots are advertised for sale and what occurs when they are told they can no longer use for original purpose even though taxes were paid. Attorney Dotson reviewed land value controlling factor and court case involved with this. Also, safety and public welfare when you have zoning like we've had here. He said they need to remember when ordinance adopted it is not in stone and can be amended. You are setting up initial zoning and deviating from what is already in place with county. If area creates unusual hardship the board has authority to give relief if it does not effect zoning. That is what planning board and board of adjustment is for.

Mr. Harris:

City zoning can over ride zoning enforced by State not Federal Government as county has done. He said his mobile homes are up and tied down. Also, his park has been here 24 years. Why should he put up additional things when he has no problem. Mayor Knowles advised this would be addressed later in the meeting because new restrictions involve flood ordinance.

Chris Schmidt:

He said he was trying to understand where this is going. Is all this current in North Topsail Beach or are we defining this for our area? Attorney Dotson explained what the town was doing. Mayor Knowles currently the ordinance is similar to the present zoning. Density and what can be put on land legally are two items considered. We need to look at density in relation to health, safety and welfare of this community and how to mesh them. Mr. Casell said they are trying to get zoning in place the most expedient way and trying to put in order for town to start with. Some items will need to be addressed in more detail in the future. If town received land use grant could hire consultant to meet with the board and citizens to discuss and then adopt policy to help. Mr. Schmidt says this seems to be responsible way to go. He was afraid that once this proposed ordinance was in place the cost to redo would be such that it would be put back. Mayor Knowles said we must have land plan by May 1, 1990. Town applied for CAMA grant March 31 and zoning will be addressed.

Mr. Casell said the second item addressed at workshops was chart of permitted uses. This deals with, among other items, manufactured homes in single family dwelling districts. He explained some instances that you might want to exclude manufactured homes but cannot. The county only allowed in certain districts, however, court case said manufactured home was a single family dwelling. If you want conventional homes only and not manufactured homes this needs to be put in provisions. Some districts like R-15 and R-20 allow single family homes but does not desire to have manufactured homes. Mayor ask difference in mobile home subdivision and mobile home park. Mr. Casell said in mobile home subdivision individual owns land and in mobile home park land is leased. He said county has 2 districts but proposed ordinance combines these two. It requires 5,000 sq. footage for homes.

Mr. Casell said the county had R-40 zoning beyond North Topsail Beach and airport into county. This was eliminated.

County has B-1, B-2 & B-3 business districts. B-1 & B-2 were essentially the same so Mr. Casell said these



were combined. B-3 will be for marinas.

More discussion held on manufactured homes, and areas zoned to accommodate condos. Mr. Royal ask if mobile home would be allowed on 5,000 sq. ft. lot that was not in mobile home subdivision. Mr. Casell said he has not changed designation on map and does not intend too. Only change would be combining B-1 & B-2 and eliminating R-40 district. Mr. Royal again ask for definition between 5,000 sq. ft. in mobile home subdivision and any 5,000 sq. ft. lot setting somewhere. Are you going to permit mobile home in area not designated? Mr. Casell said manufactured homes are not permitted in R-20. Manufactured homes are permitted in other districts if they are Class A homes and he explained the difference in Class A, B & C manufactured homes. This is significantly different from the county because they would not allow and did not distinguish between Class A, B or C. Onslow County's documents are 10-15 years old and when established definitions were simpler. Mr. Dennis Mercer said you mean they would be allowed. Alderman Hall said mobile homes subdivision, R-5, will still be continued by new proposal for subdivision would not allow unless it meets the criteria. Lengthy discussion on districts, classes of homes, HUD standards now met and districts they will and will not be allowed in. Attorney Dotson ask if mobile home was class C and built prior to 1976, 1964, can it be turned down. Mr. Casell said as presently written yes, but some towns have changed. Attorney Dotson ask if older mobile homes could be put next to Class A manufactured home. Mr. Casell said they might prohibit if you put in Class A District and they need to meet that criteria. Mr. Royal said you are discussing is property for permanent home but what about one that is idle for 8 months of year. Mr. Casell said MHR, which combines all 3 classes allow this. Mr. Harris said they may put home in the 1st of season and not move out. Why should they go to all this expense you're speaking of? Mr. Casell said he was talking about following mandates of FEMA. Mr. Harris said it should be more standard than this but, in mobile home park they put alot of restrictions and it is putting a hardship on them.

Mr. Casell reviewed requirement for buffer in zoning to separate business from residential. Discussion held on type allowed, vegetation for beach area and length of strips allowed.

Attorney Dotson ask if mixed zoning was allowed. An example of this is home above shop. Mr. Casell said it is allowed in planned development residential and explained. He said it was not allowed in other districts, but he was open to suggestion on what district might encompass this. Mr. Dennis Mercer said trend last

10 years was that medium density of any size has potential for home above shop. Mr. Casell said it is allowed in planned residential district. Mr. Mercer said what if he wanted to change to commercial. Mr. Casell advised the board would entertain rezoning application.

RECESS:

Mayor Knowles called for a recess at 11:00 a.m. and board agreed. Board went back in session at 11:10 a.m.

Discussion held on building height in ordinance and assurances they can require from developer in site plan regarding problems of water pressure and fire fighting capabilities.

Mayor Knowles ask if there were any other questions or things to address that are different from county. Mr. Royal ask that engineer recap. Mr. Casell said he could run down improvements over county but it would not be good use of time. This was covered in workshops. This ordinance is more restrictive than countys. Mr. Royal ask for definition of unit and Mr. Casell explained. Mr. Casell said under State Law changed in 1985 change in land classification requires each property owner be notified and explained how this was addressed in ordinance. Mayor Knowles said the ordinance was basically same as county, maybe a little strictor and he briefly explained how they would be enforced. Mr. Royal ask if there was a grace period on this ordinance. Alderman Hall said grace period is now. We are looking to possibly adopt today, appoint planning board the 30th and enforce by May 2, 1990. Mayor Knowles said he wanted to commend the board and Mr. Casell for work done in such a short period of time. Alderman Hall said between this and budget alot of hours were spent. Chris Schmidt ask if final printed when would one be available to public. Mr. Casell said shortly, Mr. Bill Parr said 5,00 sq. ft. on duplex was too stringent and he would like for the board to consider it. Mayor Knowles said in area of environmental concern do not know how this can be done. Alderman Hall said some instances of 5,000 sq. ft. lot where duplex built some side yard set backs were met and some were not. General discussion on this, septic tanks, etc. Alderman Hall said this was good things to look at when the planning board is considering these.

Discussion held on whether or not a voting quorum was present at the meeting. Attorney Dotson said charter does not address Mayors right to vote under these circumstances. Mayor can only vote when there is equal vote and his would break a tie. He said the board had quorum to vote to put zoning ordinance on May 2nd agenda but not to adopt ordinance. Mayor ask if this would be considered first reading after simple vote. Attorney Dotson said the question you are looking at is on re-



zoning and he is looking for distinction. He said he was hoping to find provision they could use to go on with this. Mayor said could be delayed until regular meeting May 2nd. Attorney Dotson said the only problem was moritorium from county. You can not go on with business until adopted. Attorney Dotson suggested they close public hearing on zoning, take action you want and then go back into 2nd hearing to consider flood insurance. A motion was made by Mayor Pro-Tem Newsome to close public hearing on zoning ordinance at 11:36 a.m. Passed unanimously.

A motion was made by Alderman Hall and seconded by Mayor Pro-Tem Newsome that resolution to adopt zoning ordinance be presented at May 2nd meeting. Passed unanimously.

PUBLIC  
HEARING  
FLOOD  
INSURANCE:

Mayor Knowles opened public hearing on resolution and proposed ordinance on Flood Prevention at 11:38 a.m. He said ordinance and resolution were required by Federal agency and has to be in place by all counties and municipalities which are in federal flood areas. They are some changes, particularly concerning manufactured homes, in this ordinance. The mandate was set up in 1987 and 1988 and this is more defining of them. It is to maintain areas in flood insurance zone. He ask the attorney if this followed the same classification as other subject. Attorney Dotson said no, you need public inpur and explained what this is. Mayor Knowles explained what was in the ordinance and why it is required. He read the statement of purpose, objective and finding of act to citizens present. Definitions follow those in zoning ordinance. Mayor Knowles advised all of North Topsail Beach was in area of environmental concern. Permit and certificate will be maintained in zoning and building ordinance. All other provisions go along with zoning ordinance and building permit. Mr. Casell said the ordinance is strict and the town does not have any option. If it wants insurance it must be adopted. Attorney Dotson said some think this is automatic but it is not. Requirements will have to be met and there is a penalty if they are not met.

Mr. Harris:

This is federal. He reviewed papers on where plan came from and who sent them. He said as policy places like his are grandfathered unless 50% improvements are done. He reviewed his particular case and showed letter from engineer. Attorney Dotson said he might be grandfathered and might not. This must be determined by them. Discussion held on this.

Mr. Royal:

What about height requirement? Mr. Casell said since town was newly incorporated and could not follow the county's a new one must be adopted and he explained what is required. Mr. Royal ask about water level. How high above sea level. Mayor Knowles said elevation on flood map plus 2 feet. You need to look at map because it changes for different parts of the island. Mr. Royal ask if reference to mean high water was 7 ft. or 9 ft. Mayor Knowles explained A, B and V zones and what each would have. Discussion held on BFE, what is set by insurance commission, what happens when block under homes stretch and rewording on manufactured homes. Mr. Casell said this is what they can require as a minimum and if they want they can go above this. Further discussion on whether to hire engineer to study why Town needs to meet their minimum and fact that all model ordinances have this in them. Alderman Hall ask if they need to consider 0 or 2 additional feet required. Mr. Casell said they need to go with 2 additional feet and explained how this works. Mr. Harris said he had been here 25 years with 100 mobile home park and ones destroyed were by wind, not water. Citizen ask if wind would be addressed in ordinance. Alderman Hall said it is ground level where trailers are now. Mr. Harris said extra 2 feet required was killing them. Mr. Casell said this is only on new construction, not existing. Discussion on possible problems with extra 2 feet requirement, mobile homes elevated, and wind factor. Attorney Dotson said question before the board is would you still qualify if you adopted this without additional 2 feet. Also, he said he does not think this board has the authority to change the federal flood program. Mr. Harris ask if they had book from office in Atlanta. Mayor Knowles said this was received 4 weeks ago and must be adopted by May 1, 1990. This is mandated by Federal Government. Mr. Royal said he could not understand why this is minimum and additional 2 feet required. Mayor said we are living on bank and must put in 2 feet. He said several areas have had to add more than 2 feet.

Mayor Knowles ask if there were any additional comments. None were received and a motion was made by Mayor Pro-Tem Newsome to close public hearing and go into regular session at 12:06 p.m. Passed unanimously.

Mayor Knowles ask for motion to adopt Flood Insurance resolution and ordinance. A motion was made by Alderman Hall and seconded by Mayor Pro-Tem Newsome to adopt resolution and Flood Prevention Ordinance. Passed unanimously.



PUBLIC

COMMENTS:

Alderman Hall requested public comments. Mr. Harris ask if he would be able to put another mobile home in his park. Mayor Knowles said we need to get ordinance in place and we hope to have this done by May 2nd. Briefly discussed.

ADJOURNMENT:

A motion was made by Mayor Pro-Tem Newsome to adjourn meeting at 12:10 p.m. Passed unanimously.

Ann Vause

Ann Vause  
Town Clerk

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TOWN OF NORTH TOPSAIL BEACH  
PUBLIC HEARINGS  
APRIL 30, 1990

PRESENT: Mayor Rodney Knowles, Mayor Pro-Tem Leland Newsome, Aldermen Weldon Hall, Nathan McDaniel, William Keister Alderperson Charlotte Tippet, Attorney Marshall Dotson and Town Clerk Ann Vause.

CONVOCATION: Mayor Knowles called the meeting to order at 2:08 p.m. and declared a quorum present.

PUBLIC HEARING: X Mayor Knowles opened the public hearing at 2:09 p.m. and advised the purpose was to consider an ordinance establishing a planning board. He requested the Town Clerk highlight the provisions of the ordinance for the approximately 25 citizens present. She reviewed NC General Statutes providing for establishment purpose, membership and vacancies, organization, rules, meetings, records required, general powers and duties etc. Mayor Knowles ask the attorney basically what we were looking at and was it pretty much documented. Attorney Dotson said there were no problems with the general plan for the board and once you implement they will be advisors. Alderman Keister ask which statutes authorized this board. He was advised GS 160A-361. Alderman Keister said he did not feel he had sufficient time to consider names proposed for this board. Mayor Knowles said this would be covered at next public hearing. This portion is for establishment of the board as prescribed by State Law. Attorney Dotson said planning board was to be advisory on planning, zoning, etc. and would watch to be sure it was followed correctly. The people who serve are important. They need to have time to commit to this and pledge they will attend all meetings. Mayor Knowles said this is basically standard State form for establishment of board. It does not have anything to do with people to serve on board. Attorney Dotson suggested they close hearing, go into regular session and adopt ordinance. Once adopted get nominations to fill seats. He said normally when request to rezone or change subdivision or action on property requested it generally goes before planning board. They gather information, visit site, look at zoning and subdivision ordinances, request information comply with things such as building height, size of lot etc. to serve property and then decide whether or not to recommend approval of request. He also explained appeal procedure. Mayor Knowles said this board was not a judicial board and only recommended approval. Approval must come from the Board of Alderman. Attorney Dotson said the planning board must notify adjacent property owners of request. Members selected will need to go to Institute of Government for some training. Mayor Knowles said this was the most important board



next to the Aldermen. He requested comments or questions from citizens.

Susan Teuman, 3944 River Road:

Will there just be a planning board and Board of Aldermen? Attorney Dotson said there would be a zoning inspector, planning board and Board of Aldermen. She ask if planning board would recommend all changes. Attorney Dotson gave example of what they would do on each request. Mrs. Teuman ask if there would be a sign on property or notice in newspaper of requested change. Attorney Dotson said the law requires it be posted and he explained how this is done. Mrs. Teuman said this would be important to adjacent property owners. Mayor Knowles said whoever request rezoning must give the board envelopes, stamped and addressed, for adjacent property owners. Alderman Keister ask if they answer to impact study and attorney advised yes. Attorney Dotson said one tool in proposed ordinance was utilization of special committee on advisory board. This would enable the planning board to request homeowners association serve on committee so out of town property owners would have a chance to make recommendation on the island.

Mayor Knowles introduced Mr. Tom Casell, NRCD and requested his comments. Mr. Casell said he had nothing to add. His agency has workshops for planning boards and board of adjustment and they would be happy to work with planning board to provide material, etc. Alderman Keister ask how many are on board of adjustment Mr. Casell said usually 5, but it depends on the town.

Mr. Ed Warsaw:

What is function of board of adjustment in scenario of planning board? Mayor advised it was not set up with planning board. Board of adjustment will be set up later. They would be set up to handle variances not rezoning applications. They would be appeal board from building inspections decision. Mr. Casell said their authority is spelled out in zoning ordinance. The board of adjustment is like court, planning board is legislative body. Planning board interrupts the zoning ordinance and is advisor to the Town Board. No further comments were received and Mayor closed the public hearing at 2:30 p.m.

ORDINANCE-  
PLANNING  
BOARD:

Mayor Knowles ask what action the board wanted to take on ordinance as presented. Alderman Hall said first board would be interim for short time and future applications would be taken. Do we need to appoint them as stated? Attorney Dotson said ordinance does not provide for interim board. Mr. Casell said the appointment was for only one year. After discussion decided

to handle this later in meeting.

A motion was made by Alderman Hall and seconded by Mayor Pro-Tem Newsome to adopt ordinance to establish planning board as presented. Passed unanimously. Mayor Knowles advised the ordinance was approved.

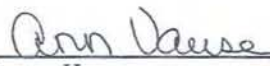
PUBLIC  
HEARING-  
NAMES FOR  
PLANNING  
BOARD:

Attorney Dotson said if you want to take nominations for board you can or you are entitled to hear nominations. Each planning board member must be voted on by the town board. You can receive nomination from town board members on who has showed interest in serving. What ever action the board wants to take. You can appoint today or defer until later. Alderman Hall made a motion and seconded by Mayer Pro-Tem Newsome to accept 5 members submitted to serve (Ginny Hillyer, Margaret Stackleather, Bill Parr, Bill Rogers and Jack Dempsey). Mayor Knowles said he had no problem with individuals. They were all capable but he had a problem with the way they were nominated. It was done at meeting with only 3 board members present and he would like for other members to have opportunity to review and give nominations. Attorney Dotson said public hearing on ordinance held, had discussion, approved ordinance and now need to accept nominations for this board from public and the board. If you have name for nomination you can put in or if one or more feel they need additional time to submit names they are entitled to do this. Alderman Hall said we need planning board established now. Mayor Pro-Tem Newsome said other 2 members had every opportunity to be there and nominate those they wanted. He suggested those people that are nominated have worked on planning committee, worked on proposed plan and with all that work they have good idea of what needs to be done. He said he was in favor because they would only be on for one year. Mayor Knowles read the names of those submitted for this board. Alderperson Tippettt said some names of individuals in folder for today, example Chris Schmidt who is well qualified. Also, there are some people on the board she does not know and would like to know more about them. She made a motion to defer until they have time to study. Attorney Dotson said motion was inappropriate because another motion was on the floor so Alderperson Tippettt withdrew her motion. Mayor Knowles requested vote on Alderman Halls motion. Voting aye: Alderman Hall, Alderman McDaniel and Mayor Pro-Tem Newsome. Voting Nay: Alderman Keister and Alderperson Tippettt. Attorney Dotson said he was not aware they were nominated. Discussion held on this. After discussion



Alderman Hall said 5 were in charter and 5 names submitted and amended his motion to say 5 needed to fill board and wanted to go with 5 names submitted. Attorney Dotson said the problem is you may have excluded other nominations. If other members have names motion would be made before they have chance to nominate anyone. He said he did not know if there would be any difference if you deferred. There maybe questions on nominations or others that they would like to nominate. Mr. Bill Parr said he was disturbed by the way things were going and he will not serve on basis of a 3 to 2 vote by the board. This would leave opening on the planning board. He said he would only serve if looked on and approved by entire board, with their respect. Alderman Keister said he had support of the entire board. He was not voting on individual but on procedure used. Mr. Parr said this is on individual because when it goes to the public it will look like split vote. He said he was willing to help whether on board or not and did not want to get in a battle. He suggested they vote on individual, not all 5 at once and not put him in compromising position. Mr. Peter Hillyer said he was not a candidate for the board. He ask in situation where nominations are needed but 3 aldermen cannot get together with declaring a meeting how are you going to qualify some and agree on 5. You can not get together and decide who is right, wrong, or who cares and who doesn't. You can always be against what someone else does. Mayor Knowles said there was no problem with anyone nominated. They were new at this and looked to attorney for direction. Attorney Dotson said motion to defer until next meeting would be appropriate. If there are any questions they should be able to ask them and then when you vote you will have had talked to meet with them. Therefore, when recommendations sent to the board you will know where they are coming from. He said he did not see need to act on this today. After discussion Alderman Hall made a motion that previous action was reconsidered and rescind previous action on planning board members until Wednesday nights meeting at 7:00 p.m. Passed unanimously. Attorney Dotson said at Wednesday's meeting nominate 5 people and vote on each individually to be elected for one year. Those with highest number of votes will be seated.

ADJOURNMENT: A motion was made by Mayor Pro-Tem Newsome to close public hearing and adjourn meeting at 2:55 p.m. Passed unanimously.

  
Ann Vause  
Town Clerk

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TOWN OF NORTH TOPSAIL BEACH  
REGULAR MEETING  
MAY 2, 1990

PRESENT: Mayor W. Rodney Knowles, Mayor Pro-Tem Leland Newsome, Aldermen Weldon Hall, Nathan McDaniel, Alderperson Charlotte Tippet, Attorney Marshall Dotson and Town Clerk Ann Vause. Alderman William Keister came in at 8:15 p.m.

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

APPROVAL OF AGENDA: Mayor Knowles requested the board review and advise if there were any changes. After review the board left the agenda as presented.

MINUTES: Mayor Knowles said minutes presented were from last 4 meetings and ask if the board had read them. After brief discussion a motion was made by Mayor Pro-Tem Newsome and seconded by Alderman Hall to accept minutes of special meeting April 4, 1990, Regular Meeting April 6, 1990, Special Meeting April 9, 1990 and Special Meeting April 16, 1990 as written. Passed unanimously.

PLANNING BOARD MEMBERS: Mayor Knowles said five names were nominated for the planning board. They were Bill Parr, Ginny Hillyer, Bill Rogers, Margaret Stackleather and Jack Dempsey. He opened the nominations to the board for additional names. Alderperson Tippet nominated Melinda Whitney, Raymond Kalm, Marian Hawkins and Stella Tripp. Mayor Knowles said term of initial board would be for one year. He explained ordinance establishing the planning board and what would be required of members. Attorney Dotson said the board needs to move to vote by written ballot or raised hand vote. Mrs. Melinda Whitney ask what criteria was used for individuals submitted. She was not ask about her background or qualifications. Mayor Knowles said criteria was set by the board. There was no set presidency other than the board has authority and wanted people that would work with the board. Mrs. Whitney said she submitted her name prior to tonight but still had to be put in tonight. She ask how much preparation went into tonight's list. Mayor Knowles said this is small town, everyone knows everyone else and these appointments would only be for one year. Mrs. Whitney said there were significant resources if you looked into them and you need more than just a name to vote. Mayor Knowles said the board was doing the best they could with resources available and nothing was set ahead of time on names. Mrs. Harris ask if the planning board would decide where town hall,



fire department, etc. would be built. Mayor Knowles said no, this board would do planning for future of North Topsail Beach. He said they have had 2 public hearings on this and now it's time for the board to vote on members. He ask the board if they wanted written ballots. A motion was made by Mayor Pro-Tem Newsome and seconded by Alderman Hall to handle voting by written ballot and signed by board member when names you nominate are checked off. Passed unanimously. Attorney Dotson said ballots would be signed and given to clerk for tally. It is not a secret ballot. The board votes for 5 seats and highest voters are seated. Several questions were ask by citizens and answered by Mayor and Attorney. Mayor Knowles said they have been requesting people submit names since January and have only received 5 replies. Forms will be prepared in the future for individuals interested in boards/committees to submit. The only way to participate is to attend meetings. Attorney Dotson said the problem is planning board is essential because county has us working under moratorium. We either let Onslow County inspect or continue and set up our zoning. Once zoning in place we need planning board. Planning board will review site plans, location of buildings, etc. and make recommendations to the board of aldermen. All planning board meetings are open to the public and are subject to the open meeting law. Chris Schmidt ask if more authority could be given to the planning board. Mayor Knowles said procedures for establishment and authority are set out in GS 160A-361. Mr. Schmidt ask that Section 3 of ordinance on planning board be read and Mayor Knowles complied. Attorney Dotson said there was one other provision in the ordinance that deals with advisory council and special committees to help planning board. These groups do not have to be made up of residents. When you only have 5 members on planning board and as much activity as you do here you need for individuals to bring informations to the board. He said he hoped the appointed board would make use of this with homeowners associations because input will be important for us. After ballots were marked, signed, the Town Clerk tallied votes received and advised the ones receiving the highest votes were: Ginny Hillyer, Bill Parr, Bill Rogers, Jack Dempsey and Margaret Stackleather. Mayor Knowles said the planning board was established. It was an excellent board and hoped they will work diligently for the betterment of the whole island.

TRASH COLLECTION:

Mayor Knowles ask Alderman Hall if he had any information of this. Alderman Hall said he would like address this briefly now and in more detail during open forum part of the meeting. A citizen ask what has been the delay on this item. Mayor Knowles

said it is a serious thing with Federal guidelines required as January 1st. To put a policy in place now and change in January would be expensive. After brief discussion the board decided to postpone further discussion until open forum.

STREET LIGHTS:

Alderman Hall read proposal on street lights. He said during the process of incorporation chartered committee was formed on utilities. Part of that committee job was to search and seek out dark areas of town for lights. A list of recommended areas, which included from north end of Scotch Bonnett Pier was marked on a map now at town hall. Coming up later on the agenda you will see where we talked with Jacksonville police. When we rode with them and checked the island one of the first things they mentioned was street lights. He briefly explained where lights would be and said they tried to light up areas where needed. If you have any areas not mentioned come by town hall and notify clerk. Lights are mizer type and are type not to confuse turtles. Also, they will be cut off during turtle nesting season. Jones Onslow is giving us 3 months service on lights without billing us. Mr. Ben Whitney ask if lights cost \$10,000 plus what part of budget does it come from. Alderman Hall said it was part of tax rate proposed and explained how they originally wanted to designate funds for certain things but Local Gov't. Commission said it had to be in general fund. Mayor Knowles said if you are in area and have question go by town hall to see where lights will be and if your area is not lighted properly leave name and area for consideration. Town hall is now open 5 days a week, the clerk now has someone to help her and we hope to have manager within next few weeks. Everything we had done is documented. Alderman Hall said Jones Onslow is installing some lights now but they are premature because agreement not approved. Mayor Knowles advised that this will be taken up at next meeting.

POLICE:

Mayor Pro-Tem Newsome said several weeks ago Attorney Dotson met with Jacksonville police and ask they make survey of our town and have professionals decide what was needed for maximum police dept. He and Alderman Hall rode with with them. First thing they wanted to know was about lights, taverns, bars and where problem areas were. He said the town received a recommendation from them today. There are 29 miles from one end of beach and back, 3 runs per shift, 87 shifts, 261 miles for all 3 shifts, 95,265 miles for 365 days. Total bill to set up police with all equipment, manpower, supplies, etc. is \$432,000. We do not have the money for this, but we needed the report for a guideline. He said he called police chief and suggested he figure on 2



police officers, 2 shifts, 4:00 p.m. - 8:00 a.m., 2 cars and other incidentals. They plan to meet with the City Manager tomorrow and hope to sign contract with Jacksonville until we can hire our police and buy cars. Mayor Pro-Tem Newsome said we want to get this done in 1st class manner. It will take a month to 6 weeks to get this done. We'll have to wait until tomorrow to see what Jacksonville will charge. Mayor Knowles said we would like to work with local community but when we checked with Surf City and Topsail Beach they said there was no way they could help because they are operating at their peak. Onslow County is working half staffed and can not help. Mayor Pro-Tem Newsome said we will be brand new and will need to scale back to what we can afford. Attorney Dotson said Jacksonville proposal has \$160,000. involved in vehicle, radios and lights; \$13,000. uniforms; \$8,000. in professional liability insurance, retirement; plus administrative cost. Hopefully, if the town can get through season, find police chief and set up department by next budget department should be set up. Briefly discussed radios and ways criminals know where police are.

LOGO:

Mayor Knowles said the town was looking at at two logos proposed. The one prepared by Mr. John Nivens is excellent rendition of what the island means. The logo will be on police cars, stationery, etc. After brief discussion a motion was made by Alderperson Tippet and seconded by Alderman Hall to adopt logo designed by John Nivens as Town logo. Passed unanimously. Mayor Knowles said the logo for town was adopted and he would call Mr. Nivens.

FIRE DEPARTMENT:

Mayor Knowles called on Mr. Tom Best, fire chief, to fill town in on what we are looking at in immediate future as far as fire dept. needs. He said we looked at police, now we want to look at fire. Mr. Best said he wanted to talk about fire rating West Onslow Volunteer Fire Department is chartered for island but stops at airport. He explained what areas were class 9 and what areas were Class 10 for insurance. Mr. Best said he and assistant chief went to meeting at Coastal Carolina and received information on lowering fire insurance rating. It will take alot of work to get to a class 6 and they are trying to work with surrounding fire departments. He recommended the town have fire station on the north end. This station will need ladder truck for high rise units and should have sleeping quarters for paid personnel. Mr. Best said they recommended paid personnel because they are havin a hard time getting volunteers and explained problem. Equipment needed is 2 engine companies, lad-

der company and 1 service truck. ISO requires that station have 15,000 gallons of water capacity to drop to class 9 rating. He reviewed capacity of various trucks and what is needed for type of buildings in town. Mr. Best said they recommended the town hire 2 people, Chief and Asst. Chief, for paper work in the beginning and then maybe later others for day crew and then night crew. He said the current water distribution system does not have enough water pressure on the north end and explained what happens with water pressure during the summer months. The water lines are designed to provide drinking water not water for fire fighting. One way around this is to purchase dry hydrant for sea water. Mr. Best explained how this works. Another thing to help with water situation is water tower at north end that would help loop system. As it stands now if a place like St. Regis caught on fire, we would have a serious problem. Lengthy discussion on what St. Regis is looking at on water tank, possibility of other homeowners associations and town joining with them on cost so tank can be put at north end. Citizen ask about help from Camp LeJeune and Mr. Best advised they would help but it takes 45 minutes to get here. Mr. Whitney ask if they were looking at land on north end. Mayor Knowles advised this was another thing they were looking at. Mr. Whitney ask if developers could be made to help pay for some of this. Mayor Knowles said this was discussed at the last 2 meetings and explained what might be requested in ordinances. Attorney Dotson again explained what St. Regis would like to do with developers and town regarding water tank. He explained how our subdivision ordinance would address this. The county subdivision ordinance did not address this issue. He said we may get sales tax down here and that will help. Mayor Knowles said county's decision on sales tax was money from home without asking. Mr. Bill Parr said he had a great deal to do with developing fire and rescue. There is still \$60,000 due on building and they need a certain amount of funds to operate but there are only 2 sources to get funds. One is fund raiser and the other is voluntary contributions from property owners. These sources will dry up because of taxes from incorporation and now town has obligation to support. He said the town needs to look toward paid firemen because most citizens too old to help on calls. Alderman Keister said he had a good point but as far back as he can remember he was expected to contribute to the fire department. Mr. Parr said yes, but alot of out of town property owners are irrate and until they get over being mad we will not be successful in getting funds. Attorney Dotson said the town has a statutory obligation to help with mortgage on fire department and this



will be addressed in Fiscal Year 1990-91 budget.

RESCUE:

Mr. Best said he would like for the board to see about getting signs on access about emergency vehicles. He explained what happened when they had call and accesses were blocked by vehicles. Mayor Knowles advised him to see what kind of signs they need and then talk to the Town Clerk. Mr. Best said after May 15th they would like permission to ride beach on weekend to try and get their quicker on calls. He explained how this would be handled with boat, etc. Alderman Hall said this could be handled. Attorney Dotson said emergency vehicles are not prohibited on beach as long as they are marked. Mr. Best said the 4 wheel drive was marked and they are getting sign and bubble light for other vehicle. He advised there was a fence on North Shore Dr. at Surf City Campground that needs to be moved because they cannot get across. Mayor Knowles ask Mr. Parr to explain this. Mr. Parr said when he bought property in 1978 fence was there. Residents put it up because of traffic but you cannot get to Wicker Drive. He said with permission of the board he will see if residents will remove fence. The board said they were in favor of this. Discussion held on how originally put up. Mr. Best said if they find extra accesses needed they will notify the board. Mayor Knowles requested they get cost and advise Town Clerk. Alderman Hall reviewed beach access problem and what has occurred. If you have problem let us know and we'll work on it

ENFORCEMENT OFFICER: Mayor Knowles advised employment of enforcement will not be with contract. He will be salaried employee. Attorney Dotson said you have an application from Rossie Thompson who has a level III in building. If he is hired it will be done like other employees, not contract.

COPIER:

Mayor Knowles advised 2 bids were received on copier. He reviewed how many copies were needed and what a problem we had getting them until vendor left us machine to use about 2 weeks ago. He advised 2 bids, from Cavins and 3-D Copy Company, were received on copier. Since clerk has responsibility of this he ask for her recommendation and advised we were looking at lease purchase. Town Clerk reviewed bids received and what was required for the towns needs and recommended lease purchase on a Lanier 6315, price \$2,444.60, monthly lease price \$135.00 which includes full service maintenance. After brief discussion a motion was made by Mayor Pro-Tem Newsome and seconded by Alderman Keister to purchase Lanier 6315 copier, with full service on 36 months lease-purchase agreement. Passed unanimously.

RECES

The board requested a recess at 8:30 p.m. The board reconvened meeting at 8:45 p.m.

ZONING  
ORDINANCE:

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Mayor Knowles advised the zoning ordinance was being presented for adoption. It has been at Town Hall for public review since April 3rd. He said at this time he would like to ask Mr. Casell to address this for a few minutes and give a brief summary of what we have done. Mr. Casell said the board held 2 workshops and went through the ordinance section by section. He briefly reviewed minor changes made and said final ordinance was ready for adoption today, May 2nd. He ask that this not be confused with subdivision ordinance presented to the board before the meeting. This ordinance will be worked on after zoning completed. This zoning ordinance is an improvement over the countys. Additional definitions, terms were more defined, section dealing more in detail with manufactured homes, reclassification of land and notification to adjacent property owners are some of improvements. Mr. Casell said reclassification is where you change map and he gave the board a copy of the new map for North Topsail Beach zoning. He explained what he did to the map and how zones were indicated. The base map is one used by Onslow County but he made minor changes in districts as discussed. Mr. Casell said they did not attempt to make changes in uses in districts, he just combined B-1 & B-2 into B-1 district, mobile home parks and mobile homes into mobile home district and deleted industrial district. He said the ideal way to show districts on map was with lines but that would take additional time so he used same coding as county. In land use planning with consultant and State mandates you will need new base map. The map you are using today is dated and when you adopt ordinance you should reference it. Mr. Casell said he would be happy to answer questions. Ms. Chris Carver, 311 Bay Circle, said it sounded like we were taking part of countys to conform to the beach. In county you can put duplex in much smaller area than town. Mr. Casell said town requires 15,000 sq. ft. for single and additional 15,000 for duplex. County's reads 15,000 sq. ft. for single or duplex. Mr. Ben Whitney ask if wetlands were redefined on new map. Mr. Casell said there was no change on map. Discussion on how wetland designations are changed and by who. The town controls use of the land, then additional requirements by CAMA and next comes requirements of Corps of Engineers. The last 2 do not specify use of property only performance. Mayor Knowles said we are in process of addressing in 1990-91 Land Use Plan. Mr. Casell said this plan will require you identify



areas of environmental concern, but still needs to be determination of 404 by CAMA. You do not make changes to conservation district. After another brief discussion the Mayor said he would entertain motion to adopt ordinance. A motion was made by Alderman Keister and seconded by Mayor Pro-Tem Newsome to adopt zoning ordinance and map dated May 2, 1990. Passed unanimously. Mayor Knowles said the ordinance passed as presented and thanked Mr. Casell for his hard work on this. He said it was a tremendous effort to put in place in such short amount of time. Mr. Casell said this was their job and they were happy to work with the town now and in the future.

FLOOD INSURANCE  
ORDINANCE:

Mayor Knowles presented the flood insurance ordinance for adoption and ask Attorney if this was in compliance. Attorney Dotson said yes. Mr. Casell said this was model ordinance permitted by State agencies. It has been adopted by towns up and down the coast and is required by FEMA. It speaks to all structures being elevated above base level. Brief discussion on what this means, 100 year storm scenario and fact that requirement to elevate above base flood level was only used to encourage people to do this. Mr. Casell said there was a discount in insurance to elevate up to 4 feet but this is up to the individual. Alderman Keister requested he explain elevation in flood level. Mr. Casell said you need to look at map to see what BFE is and how it is referenced and he explained how this is figured. He said it was up to the community to decide whether or not there are reasons for using 2 feet above base flood level. Mayor Knowles said we agreed to use standard 2 feet. Alderman Hall said he changed his opinion because of hardship it may cause. He said he looked at some that were elevated and it created problem. If people are willing to let it be option of property owner and let them add later so is he. Instead of two 2 ft. if we put -0- we would still be within minimum. Mr. Harris said it should be up to the people if they want to go above. It depends if they want to lower insurance cost. Alderman Hall said he thinks we need to put -0- flood level and then when property comes up for rezoning let the planning board look at it. We are pushing something that puts burden on people. Mayor Knowles said he was told something different and ask attorney. Attorney Dotson said if you use additional language it meets requirement of FEMA but 2 feet not mandatory. Mr. Casell said alot of towns using ordinance FEMA & State provided to encourage this be done. Alderman Hall said you create wind hazard when you put them up. Further discussion on this and whether

or not it could be changed in the future. After discussion a motion was made by Alderman Hall and seconded by Mayor Pro-Tem Newsome to adopt ordinance with all structures elevated to at least 2 feet or above. Passed unanimously.

WORKSHOP-  
MUNICIPAL CODES:

5/2/90

Mayor Knowles said we would have to wait at least 2 weeks. Attorney Dotson said it needs to be scheduled after subdivision ordinance and does not need to be scheduled right now.

OFFICE HOURS:

Mayor Knowles advised Town Hall was now open 8:00 a.m. to 4:30 p.m., Monday thru Friday.

RESORT TOWNS  
ASSOCIATION:

Mayor Knowles said the Resort Town Association gives good information. The total cost to the town was \$100 per year and was an advantage to the town for tourism, etc. After brief discussion a motion was made by Alderman Keister and seconded by Mayor Pro-Tem Newsome to join NC Resort Towns Association. Passed unanimously.

INSURANCE FOR  
TOWN:

Mayor Knowles said insurance quote from the League of Municipalities insurance would carry us through June 30th, and ask the clerk to explain coverage. Town Clerk explained it covered general liability, bonds required by State, public officials and work-mans compensation insurance. The total cost would be about \$603. A motion was made by Mayor Pro-Tem Newsome and seconded by Alderperson Tippet to accept insurance proposal from the League of Municipalities insurance. Passed unanimously.

OPEN FORUM:

Mayor Knowles ask if there were any comments or questions at this time. Alderman Hall explained the trash situation. He said awhile back they requested quotes on trash for NTB hoping the rate would not be what they are charging elsewhere. Some board members are not sure this is the best way to go but we needed to start somewhere. Town package was discussed but that was before tipping fee. They said the only way to get a true idea was was to have 12 months of dumping useage and get cost. We don't want to do this and don't know how to get true figure. Pender County is charging each resident \$50.00 per year. North Topsail Beach cannot charge through utility bill since we don't send any out. We will need to come up with a fair way to charge for this. Some residents are only here for a few weeks during summer. Mayor Knowles said January 1, 1991, towns must address recycling and other towns like Surf City and Topsail Beach can-



not do it by themselves. We may need to join together. It is something we need to look at seriously. Companies we are talking to are working with other towns and will have meeting with them. Mrs. Whitnew said she would like to see area doing recycling. It is long past due. Maybe as cohesive group we need to join together. In recycling area mayor will have to get together with other communities to look at solid waste disposal. Alderman Hall said he did not know how good, fair way can be worked out on resort community with vacant homes. Mayor Knowles said they need to get together. General discussion on problem.

Mr. Harris said he would like to see smoking ban during public meeting.

ADJOURNMENT:

No further comments were received and a motion was made by Alderman Keister and seconded by Alderperson Tippet to adjourn meeting at 9:30 p.m. Passed unanimously.



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Ann Vause  
Town Clerk

TOWN OF NORTH TOPSAIL BEACH  
SPECIAL BOARD MEETING  
MAY 23, 1990

PRESENT: Mayor Rodney Knowles, Mayor Pro-Tem Leland Newsome,  
Aldermen Weldon Hall, William Keister, Nathan McDaniel,  
Aldersperson Charlotte Tippet, Attorney Marshall Dotson,  
and Town Clerk Ann Vause.

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

EXECUTIVE  
SESSION: A motion was made by Alderman Hall and seconded by Mayor  
Pro-Tem Newsome to go into executive session to discuss  
personnel and land acquisition. Passed unanimously.

A motion was made by Aldersperson Tippet and seconded  
by Mayor Pro-Tem Newsome to go back into regular session.  
Passed unanimously.

ADJOURNMENT: A motion was made by Aldersperson Tippet and seconded by  
Alderman Hall to adjourn the meeting at 9:20 p.m. Passed  
unanimously.

Ann Vause  
Ann Vause - Town Clerk



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TOWN OF NORTH TOPSAIL BEACH  
SPECIAL MEETING  
MAY 30, 1990

PRESENT: Mayor W. Rodney Knowles, Mayor Pro-Tem Leland Newsome, Aldermen Weldon Hall, William Keister, Nathan McDaniel, Alderperson Charlotte Tippet and Town Clerk Ann Vause. Attorney Marshall Dotson was absent.

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

WORKSHOP - TRASH: Mayor Knowles said the purpose of the workshop was to discuss waste disposal. He requested Alderman Hall address the issue. Alderman Hall said as you know the board has been working on this issue for some time and has made no headway. This is still a very touchy situation with residents since we do not own water/sewer system. It is hard to find an equitable way to charge, especially since county charges at land fill. This subject was on the agenda for June but the board felt we could not discuss enough so this meeting was scheduled tonight. Last weekend caused a problem but we handled it. Alderman Hall said we have a problem with trash and do not know how to handle it yet. There are two other towns struggling with the same problem. We talked with contractor and tried to work out something feasible but hav enot been able too. Alderman Hall explained information from Jacksonville but they have water/sewer in place. We are here tonight for suggestions and want to meet with trash contractors this week. Hopefully, we will have manager soon and maybe we can rely on his expertise. He explained some people rent and some live here all year. Mayor Knowles said towns with water/sewer are adding garbage with tipping fee, on these bills but we do not have the system for this. To institute system just for this fee would be expensive. Mr. Bill Parr ask if they had access to county billing. Mayor Knowles said this would be difficult and hard for them to separate out. Citizen ask if they caould be billed by zip code. Mayor adivsed 3 zip codes used for citizens in town. Estelle Sherwood suggested they bring in their water bill stubs. Alderman Hall said recycling was coming up in 1991 and we will have to look at it, but we are trying to deal with trash pick up now. We can but trash bags, 33 gallon size, from county and dispose of at trash site for 50¢ a bag. The landfill tipping fee is \$25.00 a ton. We are looking at granting one contractor a franchise for the whole town. He explained how this works. On pro-rated basis it may cost citizens from \$8.00 to \$14.00 a month. This looks like the most favorable way. Alderman Hall said it will make people mad and we have to figure least way to make them mad. Mr. Bill Parr ask about beach trash. Mayor Knowles said the town hired a gentleman who now drives a blue and white truck. This past weekend he worked with Mr. Calhoun of Clean County. They were allowed to take trash to the county site on Folkstone Road, however, as of tomorrow they do not want anything to do with the beach even though they get most of their revenue here. We

have two ways to go; 1) have truck go once or twice on weekends to landfill at a cost of \$25.00 a ton and 2 hours on the road; 2) buy 33 gallon bags and take them to Folkstone Road as needed at a cost of 50¢ per bag. Mr. Bill Parr said alternative may be to have contractor put dumpster in town. Mayor Knowles ask how we would keep people from using it. Mr. Parr said town would need additional person and this would be expensive. Also, land for dumpster would be expensive. Mr. Parr said maybe someone would let the town use a lot, then we could use dumpster and have contractor empty it. Also, we could build a fence around it. Discussion held on this possibility.

Alderman Hall said if dumpster used and people put trash in it, attorney advised earlier that when police in place we could charge people for dumping. Representative from Waste Industries said fine is now \$50.00 and explained what happened in one area. Alderman Hall said one problem is renters. They do not know where to take trash. Waste Industry representative said this would be the responsibility of rental agency. Alderman Hall said this needs to stop and we are working on it hard. He said he attended Topsail Beach meeting and it went well but we could not use their system. Mr. Parr said he did not understand the problem. He contracts for garbage removal and so do his neighbors. Alderman Hall said before we were a town we knew where to go. Mr. Parr said problem was no worse than before except for beach. Mayor Knowles said we are trying to get uniformity on trash and discussed what happened past holiday weekend. Discussion held on cost for once or twice a week pickup by contractor. Mr. Harris said this is fine for permanent residents but not for homes shut up until holiday and then opened. Mayor Knowles said garbage is like utilities. You can not cut off when not being used. Mr. Harris explained what it would cost him and said it was not fair. Mayor Knowles said this is why we are here. Some places can be picked up fairly, others cannot. What we want to do is get uniformity. Mr. Harris suggested individual contract for it. Mayor Knowles said we want unity. Mr. Harris said it would cost for once a month on each trailer. Mayor Knowles said maybe he could have dumpster for his area, and they would price it at nominal fee. Mr. Harris said this would create problem for him and explained. Alderperson Tippet ask if fee per month would be mandatory for each resident. Mayor Knowles said this is purpose of discussion. General discussion on various options available to people. Alderman Hall reviewed information from previous meeting with contractors and said we did not make clear what we wanted. We need fair way for contractors to bid and he said hopefully new manager can help. Further discussion on how homeowners associations paid for disposal, citizens wanting year round service and problems renters will have. Alderman Hall said we have to get rid of garbage and we are looking the best, most efficient way. Citizen ask about winter fees and service. Mayor Knowles said this has to be taken into account. Citizen ask if it could be on optional basis.



Mayor said this is what we are looking at. Citizen ask if this meant they have option of 6 or 12 month service. Alderman Hall said the town could not furnish because with \$600,000. in taxes at \$25.00 a ton the town would run out of funds fast. A citizen said why not home owner say what they want. Alderman Hall said that is why we are here looking at pro-rated option. Mayor Knowles said we need to work it out some way. Alderman Hall said Pender County charges each resident \$50.00 per year on their tax bill. One citizen said you would need some way to know residential ones and this would take up alot of time. He ask how Surf City handles this. Alderman Hall said it was based on sewer and is mandatory in Surf City and Topsail Beach. Discussion on how this is done and how everyone pays minimum whether used or not, and when service is cut off in connection with non-payment of water bill. Alderman Hall said a meeting was scheduled for 10:00 a.m. on June 16th at Surf City Town Hall on recycling trash and he urged everyone to attend. Mr. Bill Parr ask if we had any money for trash collection. Alderman Hall said no, may need to use tipping fee for picking up trash. He said we are in the process of hiring a manager and once hired we will have a meeting to see what we come up with. Questions ask about notice given for meetings and policy used. Mayor Knowles explained how notice was posted, when and where. Citizen ask if we could use vehicle for announcements or cable TV. Discussion held on possibility of getting list from county water department to use for notification and possible trash billing. Also, discussed putting lien on property if collection fee not paid, how Pender County handles this and problem of having more property than dwellings. Mr. Parr said more trash on empty lots than occupied.

Alderman Hall said this is where we are on trash issue. You know where we are heading and what we want to do. Citizen ask about recycling in 1991. Waste Industries representative explained this was mandate for county. Mayor Knowles said we are looking to recycling with Surf City and Topsail Beach because not enough from each one for private company to do 3 separate ones when one will do. We have had one meeting and are suppose to have another in the future. Citizen ask if this could be written in the contract. Alderman Hall said not at this time. Mayor Knowles said when you get into recycling you are looking at 3 to 4 different type containers. Discussion held on this. Mr. Parr ask if litter ordinance held on this. Mayor Knowles said partly, we are still putting together. Discussed problem with animals and litter and when trash on beach needs to be picked up. Alderman Hall said trash on beach would be picked up as needed.

Mayor Knowles ask if there was any further discussion on trash. Mr. Vusick said he would like to serve on committee because he worked on this in New York and has some ideas. Mayor Knowles ask citizens to be thinking about this and call either Aldermen or Town Hall and we'll get back to

you.

No further discussion and a motion was made buy Mayor Pro-Tem Newsome to adjourn workshop at 7:44 p.m. Passed unanimously.

EXECUTIVE SESSION: A motion was made by Mayor Pro-Tem Newsome and seconded by Alderman Hall to go into executive session to discuss personnel. Passed unanimously.

A motion was made by Mayor Pro-Tem Newsome and seconded by Alderperson Tippet to go back into regular session. Passed unanimously.

TOWN MANAGER: A motion was made by Alderperson Tippet and seconded by Mayor Pro-Tem Newsome to hire Gary Britt as Town Manager for North Topsail Beach. Passed unanimously. Mayor Knowles advised Mr. Britt would begin work on June 10, 1990.

POLICE CHIEF: A motion was made by Mayor Pro-Tem Newsome and seconded by Alderperson Tippet to hire Roland Melton as police chief for the Town of North Topsail Beach, effective June 1, 1990. Passed unanimously.

FIRE CHIEF/FIRE MARSHALL: A motion was made by Alderman Keister and seconded by Mayor Pro-Tem Newsome to hire Thomas Best as fire chief/fire marshall for North Topsail Beach, effective June 1, 1990. Passed unanimously.

PRESS CONFERENCE: Mayor Knowles said there would be a press conference to introduce the Town Manager, Police Chief and Fire Chief/Fire Marshall on Thursday, May 31st, at 2:00 p.m., at the West Onslow Beach Volunteer Fire Department Building.

ADJOURNMENT: A motion was made by Mayor Pro-Tem Newsome and seconded by Alderperson Tippet to adjourn meeting at 8:52 p.m. Passed unanimously.

Ann Vause

Ann Vause  
Town Clerk



# TOWN OF NORTH TOPSAIL BEACH

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P.O. Box 2709  
Surf City, North Carolina 28445  
(919) 328-1349



REGULAR BOARD MEETING  
JUNE 6, 1990

PRESENT: Mayor Rodney Knowles, Mayor Pro-Tem Leland Newsome, Aldermen Nathan McDaniel, Weldon Hall, William Keister, Alderperson Charlotte Tippet, and Town Clerk Ann Vause. Attorney Marshall Dotson was absent.

CONVOCATION: Mayor Knowles called the meeting to order at 7:00 p.m. and declared a quorum present. He introduced the board members to citizens present and welcomed them to the meeting.

MINUTES: Mayor Knowles asked if the board had read the minutes presented for approval and if there were any changes. There were no changes and a motion was made by Alderman Keister and seconded by Mayor Pro-Tem Newsome to approve the minutes of the public hearing April 23, 1990, public hearings April 30, 1990, regular board meeting May 2, 1990, Special Board Meeting May 23, 1990, and Special Board Meeting May 30, 1990, as written. Passed unanimously.

ANNOUNCEMENT OF  
POSITIONS:

Mayor Knowles said the board took alot of steps within the last week. Four appointments were made. First was a Town Manager. Mr. Gary Britt of Long Beach was hired. He could not be here tonight but will officially start work June 11th, in Town office. He has extensive financial and coastal background. The town is fortunate to have someone come into situation with our particular problem. The second appointment was Police Chief. Mr. Roland Melton from Jacksonville Police Dept. was hired. He has been with Jacksonville 16 years. Mr. Melton, like the others hired, exemplifies what we want. He is a highly qualified, low key individual and we are fortunate to have someone of his caliber. There were over 40 applicants for this job. The third appointment was Fire Chief/Fire Marshall. Mr. Tommy Best was hired effective June 1, 1990. Mr. Best was fire chief of the volunteer department. Fourth appointment was Beach Warden/Maintenance. Mr. Hollis Batts was employed and start work one week ago last Friday. Since then we have received nothing but compliments about his work. He has done more in 2 weeks than predecessor did in several years.

The town logos are in and one has been put on truck Mr. Batts drives. The town purchased 4 police cars and logo and radios are being put on now. We hope to have them ready by Saturday. If you hear siren Saturday it's just to let you know police are in force. They will run cars from Surf City limits to the end of the island. Three cars are in now and the fourth is being worked on.

APPROVAL OF  
AGENDA:

Mayor Knowles said Attorney Dotson could not be here and he has all the information on the water tank so he suggested this item be deferred. Alderman Hall said Mr. Rossie Thompson could not be here so he would like to defer Item #7b, report from building inspector. A motion was made by Mayor Pro-Tem Newsome and seconded by Alderman Hall to approve agenda as modified with Items #6-b and 7-b deferred. Passed unanimously.

STREET LIGHTS:

Mayor Knowles advised we need to get agreement on lighting system approved. He ask what citizens thought of street lights. Our comments indicate citizen approve of lights and locations, with few exceptions. Alderman Hall said a few were put in the wrong place. Some were suppose to be put in other areas and some were on the wrong poles. Power company needs to come back and put them where they should be. Some should be at beach access. Mayor Knowles said please call town hall if you have any questions or comments. Alderman Keister said some that need to be put in have not yet. Alderman Hall said some have been shot out on the north end but will be replaced. Power company will not charge us for 3 months. Mayor Knowles said this gives us a chance to get your input and see where we might need some more. Mr. Paul Herring said there were 8 houses north of Villa Capriani on old SR 1568 without lights. After brief discussion a motion was made by Alderman Hall and seconded by Mayor Pro-Tem Newsome to accept proposal from Jones Onslow as written and forward to them. Passed unanimously. (filed in the vault under Agreement # 6).

Mayor Knowles said Alderman Hall has turtle nest as his property and has turned into turtle lover. We are talking to Jones Onslow to see if something can be done in September to cut lights out at midnight. Alderman Hall said they will be out on North Topsail Drive and other areas that need to be determined during hatching season. So far there are 7 nests in area from the fire station to SR 1568. Pat Kime, Jacksonville Daily News ask if sodium lights were used because they are cheaper or more turtle oriented. Alderman Hall said it was a little of both. Jones Onslow suggested sodium lights and Mr. John Niven, who is interested in environment and turtles, had information from individual on vapor light system. Mayor Knowles ask if there were any more comments. Remember, if there is any places neglected or any questions please call town hall. Alderman Hall said these are lights that subcommittee checked and this was under old budget. When new budget comes in we will put more up. Donna Long, Wilmington Star News, ask about the cost of lights. Mayor Knowles said about \$1,400. a month.

ELECTION:

Mayor Knowles ask Mayor Pro-Tem Newsome to read the letter from the State Board of Elections on called election. Mayor Pro-Tem Newsome reviewed why election was called, when registration books will be open. He said election was scheduled for September 18th, and will be conducted by the Onslow County Board of Elections. However, date must be reviewed by the justice department. Mayor Knowles said we



we are trying to get clarification on when new board would take over but so far no one knows answer. Mr. Bill Parr ask who makes determination. Mayor Knowles said the board of elections. Brief discussion on when and how petition was handled and certified and why there are some questions on procedure.

I-40:

Mayor Knowles advised we received letter from Onslow County about study on impact of I-40 being considered. I-40 goes from California to Wilmington, N. C. Basically, we need to be on mailing list to receive information from U. S. government and States on impact. Choosing to adopt resolution and join this will cost \$150.00 but it will be to our advantage. We will get exposure nation wide. It will be money well spent. After brief discussion a motion was made by Mayor Pro-Tem Newsome and seconded by Alderman McDaniel to approve following resolution and appropriate \$150.00 to join in I-40 Impact Study. Passed unanimously.

A RESOLUTION AUTHORIZING PARTICIPATION IN THE I-40 ECONOMIC IMPACT STUDY

WHEREAS, economic development and land use issues are of mutual concern and interest to private citizens and local government leaders in communities affected by the completion of I-40 and the four laning of US 17 and SR 24; and

WHEREAS, the North Carolina Department of Economic and Community Development is coordinating an I-40 Economic Impact Study which will: (1) identify and research the major economic impacts and economic development opportunities resulting from the completion of I-40 and the four-laning of US 17 and SR 24, (2) provide resource teams to assist with local strategic planning initiatives, (3) build permanent networks of communication and cooperation between the public and private sector in communities throughout the I-40 region; and

WHEREAS, the Town of North Topsail Beach desires to participate fully in the I-40 Economic Impact Study; and

WHEREAS, the Town of North Topsail Beach wants to contribute its proportionate share for the study, defined as three (3) cents per capita (July 1, 1987, estimate, Office of State Budget and Management), with a minimum payment of \$150.00 or a maximum of \$3,000.00;

NOW, THEREFORE, BE IT RESOLVED that the Board of Aldermen of the Town of North Topsail Beach agrees to participate in the I-40 Economic Impact Study; and

BE IT FURTHER RESOLVED that the Town of North Topsail Beach agrees to pay its proportionate local share for the study, as defined above, in the amount of \$150.00, when invoiced for this amount by the North Carolina Department of Economic and Community Development.

DULY ADOPTED IN THE TOWN OF NORTH TOPSAIL BEACH, NORTH CAROLINA THIS 6TH DAY OF JUNE, 1990.

PLANNING BOARD:

Mayor Knowles said the planning board has done alot of work in a short period of time. He requested Mr. Bill Parr, chairman of the Planning Board, give a short report. Mr. Parr said their organizational meeting was held May 17th. He was elected chairman and Mr. Bill Roger Vice-Chairman. For those not familiar with them he introduced the members present. Mr. Parr said they have had 3 meetings. Mr. Parr advised the secretary will be one the town hires. With this employment the needs of the planning board and town can be met because individual will work with the planning board and zoning officer. Mayor Knowles advised the secretary reports on the 18th of this month. Mr. Parr said in the mean time we are being covered by town office staff. The regular monthly meetings are held the last Thursday of each month at 7:30 p.m. in the West Onslow Beach Fire Department Building. During their second meeting the planning board tried to find out what they were responsible for and become familiar with the zoning ordinance. They discussed need for advisory councils they are authorized to form and posted notice requesting interested individuals contact them. Mr. Parr said they had some offers and are now in the process of forming committees. We want to get as many citizens involved as we can. Also, they are seeking help from other coastal communities such as Emerald Isle and are getting a good response. Mr. Parr said their third meeting on May 31st, was actually their first regular business meeting. It was opened and held knowing they did not have CLUP (Comprehensive Land Use Plan), even though they were suppose to. He said a grant for this has been requested because it is required by Federal law. Mayor Knowles advised we are operating under Onslow County 1986 plan but it must be updated by Jan. 1, 1991. Mr. Parr said town does not have subdivision ordinance we need yet but are working on it. Mr. Parr said the board members did not have alot of experience but must deal with request from developers and citizens in an orderly, expeditious manner because they do not want to hold up request because of lack of experience. On the other hand, they must act for the betterment of the town without to many mistakes. Even though the board makes some mistakes they must make decision and apologize when necessary. Currently, the board is looking at 3 petitions on subdivision and zoning. Public hearings on these will be held June 28th and notice has been put in the newspaper, to be published the 14th and 21st. Mr. Parr said meetings that need public input will be held at night but workshops will mostly be in the daytime. He briefly reviewed meeting scheduled for June 7th and its purpose. Mr. Frank Stomer explained what happened under Onslow County zoning with property on northend and asked if the planning board could do something under our zoning to prohibit this. Mayor Knowles said they are takin this up in subdivision ordinance and hope to eliminate. Mr. Parr said planning board has authority with yours and other input. Also, will be discussed in workshop tomorrow and suggested Mr. Stomer attend. Mr. Parr advised there was no



money in the budget this year for the planning board, or in 1990-91. He reviewed how Emerald Isle works and said he did not know what to ask for. However, he wanted to go on record as requesting funds to carry out duties. Mayor Knowles advised the proposed budget for Fiscal Year 1990-91 has been presented to the board and is available for ins town hall. He said the planning board has done : in a short period of time. Mr. Denning asked i were advised of request. Process was explained Mr. Parr.

NEWSLETTER:

Mayor Knowles said, with Mr. Peter Hillyers hel try to put out newsletter for town. Mr. Hillyer i and is exceptionally good at this type of thing b is high because of postage, supplies, etc. We to put one out once or twice a year especially for citizens who do not get down very often. Mr. Parr said this is an outstanding idea and fire department personnel have alot of experience with this so maybe they can help. Mayor Knowles said our new manager purchased computer for Long Beach and has extensive experience in this field. We hope to have computer in next 3-4 months with capability we are looking for.

ENGINEERING  
PROPOSAL:

Mayor Knowles said we need to get roads measured for Powell Bill funds and it must be in Raleigh by June 30th. Engineer Charles Riggs has been contacted about this work and will present us wit rough estimate. Discussion held on number of street miles, minus State roads, how much Powell Bill funds town may receive and what they can be used for. Mayor Knowles said Mr. Riggs is the one who did survey for town during incorporation process. After discussion a motion was made by Alderman Hall and seconded by Alderperson Tippet to contact Charles Riggs and ask him to bid on measuring roads, bid not to exceeed \$5,000.00 Passed unanimously. Mayor Knowles said Mr. Riggs would be advised he was authorized to begin work on Powell Bill survey not to exceed \$5,000 and that the deadline was June 30th, 1990 and it must be in Raleigh by deadline or he would not get paid.

WORKSHOPS:

4/2/90  
Mayor Knowles advised they need to set up several workshops. One on subdivision has been set for Monday, June 11th, at 3:00 p.m. and we need one on code of ordinances. Alderman Hall said he marked out some that overlapped and gave his book to the clerk so she could mark the others. After discussion the board decided to hold first meeting on codes at 10:00 a.m., June 9th, at West Onslow Beach Volunteer Fire Department Building. Mayor Knowles said they will probably continue this meeting until we go through entire book. At first meeting we will go as far as we can and then will recess to time and date set so it will be continued meeting.

Meeting schedule is as follows:

June 9th - 1st workshop meeting on code of ordinances;

June 11th - workshop on subdivision ordinance;  
 June 14th - public hearing on proposed budget for 1990-91;  
 Week of June 18th to carry budget meetings, etc.

OPEN FORUM:

Citizen said she came to discuss water tank. Can't you discuss without attorney? Mayor Knowles advised he had all the information. It will have to be a combined effort between condo and home owners at north end to bolster fire system. He ask the fire chief if it has been discussed with his department and he said no.

Mayor Knowles asked if there was any other business to be brought to the attention of the board. There was none and he opened the floor for comments from citizens. Mr. Bill Rogers said on water tank would it be town property or private. Mayor Knowles said it may be lease-purchase or combination. They are not sure yet, will need to talk to Attorney Dotson. Mr. Rogers said there will need to be telometering so fire department would know the level of water in the tank. Mr. Tommy Best said maybe when tank built meter would be at future station on the north end. Mr. Rogers said they will always need to know the water level. After discussion on this Mayor Knowles said when it's done it will be done the correct way. Alderman Hall ask if it would be on potable water system or a well. Discussion held on this, money that may be needed from homeowners associations, need for way to fight fires and possible cost. Citizen asked if they had any idea when this would be put up and wasn't additional tax for this. Mayor Knowles said this was discussed at the last meeting and originally St. Regis planned to put up their own tank but thought if everyone joined together we could get bigger tank for better protection. Discussion held on this and current water pressure problems. Mayor Knowles requested Mr. Bill Harvey be at July meeting to address this issue and he will send letter to him. Tommy Best said the July board meeting would be July 4th, and he asked the board if they were going to change to another date. Mayor Knowles suggested the meeting be changed to the 11th. After brief discussion a motion was made by Alderperson Tippet to change July meeting from the 4th to the 11th. Passed unanimously.

Citizen asked what beach wardens duties would be. Mayor Pro-Tem Newsome said he would clean trash cans on the beach. Citizen said there was one on 18th St. across from Mr. & Mrs. Harris that had not been emptied for 3 weeks. Mayor Pro-Tem Newsome said he would see this is done.

Citizen asked about garbage pick-up for citizens. Alderman Hall said we are working on this. He and Mayor Pro-Tem Newsome attended meeting last week with Surf City and Topsail Beach on recycling that goes into effect January 1, 1991. Mayor Knowles advised there were 2 citizens who want to work on committee. Alderman Hall said he would contact them this week.



Mr. Herring mentioned tax and fact he met with the mayor. He said he was upset and had not paid taxes yet but would now. He reviewed past problem of 8 homeowners in his area with Salty's Pier and possible closing of strip used as road. Discussion held on putting up blockade like one removed at Bill Parrs house. Alderman Keister asked if it was a private road. Mr. Herring said yes and asked permission to call it Goldsboro Blvd.

Discussion was held on cleaning up lots and debris, responsibility for and fact that until town ordinances are in place the town is using the countys. Also discussed building that burnt on SR 1568 and why it has not been cleaned up.

Citizen ask when new part of SR 1568 would be continued. Mayor Knowles said he did not know and has not been able to get answer. General discussion held when another citizen asked about Roger Page and Department of Transportation. Mayor Knowles said road arrangements were made prior to incorporation and is still under State jurisdiction.

ADJOURNMENT:

No further comments or questions were received and a motion was made by Alderperson Tippet and seconded by Mayor Pro-Tem Newsome to adjourn meeting at 8:25 p.m. Passed unanimously.

Ann Vause  
Ann Vause, Town Clerk

# TOWN OF NORTH TOPSAIL BEACH

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P.O. Box 2709  
Surf City, North Carolina 28445  
(919) 328-1349



SPECIAL MEETING  
JUNE 9, 1990

PRESENT: Mayor Rodney Knowles, Mayor Pro-Tem Newsome, Aldermen Weldon Hall and Nathan McDaniel, Alderperson Charlotte Tippet, Town Attorney Marshall Dotson and Town Clerk Ann Vause. Alderman William Keister was absent.

CONVOCATION: Mayor Knowles called the meeting to order at 10:00 a.m. and declared a quorum present.

CODE OF ORDINANCES: Mayor Knowles said workshop was to review code of ordinances and proposed draft has 500 pages. He turned the meeting over to Bill Hemingway with Municipal Code Company and Attorney Dotson. Attorney Dotson said draft was one recently done for a town similar to ours. Some ordinances apply here, as well as other municipalities, some do not. So you won't be wasting time we won't go over administrative and charter because you have already done those. Remember even after you fix ordinances they will not be in stone and can be changed. If they do not work you can amend them. General ordinances can be amended at meeting without public hearing. The advantage is you have something in place to enforce. He reviewed what is contained in code of ordinances. On emergency management, you are allowed by general statutes to have your own and can work in coordination with the county. Once code company gets what you want they will put it in code form and as you amend it they will conform to correct form. Some ordinances you can work on today, others will require study and can be done later. Alderman Hall said Tom Casell marked in yellow what he felt we did already, such as zoning, subdivision, etc. Code Company marked some things out in black before we got the draft. Red marks were made by him. General discussion on what the town has already adopted.

The board reviewed and discussed the following chapters:

1. General Provisions:

Discussion on holidays and comp time, general personnel policy and benefits. After discussion the board added Memorial Day, removed Easter Monday and added Martin Luther King Day. They reviewed authority of manager and mayor.



2. Purchasing Procedures:

Manager and Finance Officer responsible for purchasing.

3. Lease Law:

Discussion on how this would be enforced and what would be needed.

4. Boats, Beaches and Waterways:

Discussed how hard this is to enforce but how necessary it is. Also discussed beach regarding handicap vehicles. Attorney Dotson said ordinance on licensed and authorized vehicles for handicapped was recently adopted by someone. Other things discussed were times to allow vehicles on beach, problems encountered by property owners and coordination with Surf City and Topsail Beach ordinances. Attorney Dotson suggested they adopt the strictest one possible for now.

5. Building & Building Regulations:

Contains State law requirements

6. Permits and Inspection Fees:

already adopted

7. Emergency Preparedness:

Studying this now and working with coordinator. Town needs their own but can sign off on county's for now. Attorney Dotson said you do need your own but need to agree to coordinate with the county. When you do ordinance you need to designate someone to be responsible such as manager police chief or fire chief. Briefly discussed.

8. Alcoholic Beverages:

This section will be removed.

9. Sand Dune Protection Provision:

Need to codify ordinance and provide for criminal enforcement by the town. Discussed need to get legislators to change penalty from \$50 or 30 days to \$500 or 6 months. Alderman Hall ask if resolution to legislators could be drafted for their approval. Attorney Dotson said they could authorize attorney to submit request to legislators for them to tack on to a bill. After discussion a motion was made by Alderperson Tippet to authorize attorney to draft resolution to legislators to increase criminal penalty from \$50 or 30 days to \$500 or 6 months. Passed unanimously. Lengthy discussion held on dunes, local requirements, CAMA regulations, preparing something for planning board and board of adjustments to use and adopting in conjunction with CAMA.

10. CAMA and Building Inspector:

Spells out what needs to be done under CAMA & permit process. Attorney Dotson said building inspector needs to look at this and see what guidelines he was given. Also discussed posting of areas for environmental concern. This is something the county never did. Attorney Dotson said this was important and building inspector needs to get with CAMA and post these. Briefly discussed.

11. Motor Vehicles and Traffic:

Attorney Dotson explained this section. He also explained storage fees, etc. This is something we do not have yet. Also, you may not want authority with board of aldermen but with police chief. The wording on storage fee needs to be changed from \$5.00 to just storage fee with no amount listed.

Skate boards are not permitted on sidewalks or areas such as parking lots.

Section on vehicle operations contains general rules. Once the town takes over streets you can impose speed limits on all streets but State highway. State controls Highway 210 and State Road 1568. Need to leave in portion on municipal streets even though you don't have any at this point. Portion on stop signs gives authority to ticket violators. Also, discussed map of speed zones, cutting corners, parking and parking of trucks and travel trailers. These will be left in for future use.

15. Nuisances:

Sections include abandoned motor vehicles, purpose and fact on junk vehicles and removal authority on private property. These are important and need to be checked by building inspector. Attorney Dotson said this follows State Law of abatement and except for governmental error it should cover situation with these vehicles. It is important and covers two types of vehicles you are having trouble with already.

16. Lot Cutting:

Attorney Dotson reviewed this section. Alderman Hall asked about absentee landowners property. Attorney Dotson explained how this works. He said it will allow you to do things you have not been able to do before. He told the board they need to adopt this right away. Alderman Hall asked attorney if nuisance ordinance could be adopted now. Attorney Dotson said yes. A motion was made by Mayor Pro-Tem Newsome and seconded by Alderperson Tippet to adopt nuisance ordinance as of today. Passed unanimously. (filed in vault, # 6 ).

Attorney Dotson asked the board if they want to recess until Monday. Mayor Knowles said a specail meeting was being held on Monday, at 3:00 p.m., for workshop on subdivision ordinance. After brief discussion the board decided to recess this meeting until after workshop on subdivision.

MUTUAL AID  
AGREEMENT:

Mayor Pro-Tem Newsome presented an agreement on mutual aid between the North Topsail Beach Police Department and the Topsail Beach Police Department and requested the board approve it. A motion was made by Mayor Pro-Tem Newsome and seconded by Alderperson Tippet to adopt mutual aid agreement with Topsail Beach Police Department. Passed unanimously.



TOWN OF NORTH TOPSAIL BEACH  
NUISANCE ORDINANCE

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SECTION	I.	In General, §§ 1.1 - 1.31
SECTION	II.	Abandoned and Junked Vehicles, §§ 1.1 - 1.23
		Div. 1. Generally, §§ 1.1 - 1.6
		Div. 2. Removal Procedure, §§ 1.7 - 1.15
		Div. 3. Nuisance Vehicles, §§ 1.16 - 1.23
SECTION	III.	Lot Clearing, §§ 1.24 - 1.31

A R T I C L E   I .   I N   G E N E R A L

Section I - Reserved.

A R T I C L E   II .   A B A N D O N E D   A N D   J U N K E D  
V E H I C L E S

DIVISION 1. GENERALLY

Sec. 1.1. Definitions.

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

Abandoned motor vehicle means a motor vehicle that:

- (1) Is left on public grounds or town-owned property in violation of a law or ordinance prohibiting parking; or
- (2) Is left for longer than twenty-four (24) hours on property owned or operated by the town; or
- (3) Is left for longer than two (2) hours on private property without the consent of the owner, occupant or lessee of the property; or
- (4) Is left for longer than seven (7) days on public ground.

Junked motor vehicle means an abandoned motor vehicle that also:

- (1) Is partially dismantled or wrecked; or
- (2) Cannot be self-propelled or moved in the manner in which it was originally intended to move; or
- (3) Is more than five (5) years old and appears to be worth less than one hundred dollars (\$100.00); or
- (4) Does not display a current license plate.

Motor vehicle includes any machine designed or intended to travel over land or water by self-propulsion or while attached to a self-propelled vehicle.

Tag means any type of label or ticket of suitable material affixed to an abandoned or junked motor vehicle advising the owner or person in possession of the vehicle that it has been declared an abandoned or junked vehicle and will be proceeded against pursuant to this article.

Cross reference Definitions and rules of construction generally.\$1-

Sec. 1.2. Findings of fact and purpose.

Abandoned and junked motor vehicles constitute a hazard to the health and welfare of the people of the town and such vehicles can harbor noxious diseases, furnish shelter and breeding places for vermin, and present physical dangers to the safety and well-being of children and other citizens. It is therefore in the public interest that the present accumulation of abandoned and derelict motor vehicles be eliminated and that future abandonments of such vehicles be prevented.

Sec. 1.3. Exemption.

This article does not apply to:

- (1) Any vehicle in an enclosed building.
- (2) Any vehicle on the premises of a business or enterprise being operated in a lawful manner and place if the vehicle is necessary to the operation of the enterprise.
- (3) Any vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the town.
- (4) Motor vehicles (including junked motor vehicles) kept or stored at automobile graveyards or junkyards as defined in G.S. § 136-143 provided the same are otherwise allowed by this article and in complete compliance therewith.
- (5) Any motor vehicle used on a regular basis for business or personal use as a motor vehicle.

State law reference-Required exemptions, G.S. § 160A-303(g).

Sec. 1.4. Exemption from liability.

No person nor the town may be held to answer in a civil or criminal action to any owner or other person legally entitled to the possession of an abandoned, junked, lost, or stolen motor vehicle for disposing of the vehicle as provided in this article.

Sec. 1.5. Violations and penalties.

- (a) Violations of this article are a misdemeanor.
- (b) Any person who violates this article is subject to a civil debt or penalty of one hundred fifty dollars (\$150.00) per day for each violation in addition to any other penalties. Each day of the continuing violation shall constitute a separate violation. Before imposing a civil penalty, the zoning officer shall give notice of the violation to the owner of the junked motor vehicle, if ascertainable, and the property owner upon which the junked motor vehicle is located. The notification of the violation must be in writing and the writing must include the following:
  - (1) The name and address of the person cited for the violation.
  - (2) The date of the notice.
  - (3) For each violation, a description of the location of the violaton and a brief description of the junked motor vehicle



- (4) A statement that if the civil penalty is not paid within five, (5), business days after the date of service of the notice, the town shall have the right to recover the civil penalty in a civil action in the nature of debt.

A copy of this section shall be attached to and included in the citation or notice.

- (c) The notice or citation shall be served on the person cited in any manner which, under G.S. § 1A-1, rule 4, would be proper for serving a civil complaint except for service by publication.
- (d) The civil and criminal penalties and remedies provided in this section are cumulative, and not exclusive, and may be independently pursued against the same person for the same activity constituting a violation of this article.

State law reference-Penalties for ordinance violations, G.S. §§ 14-4, 160A-175.

#### Sec. 1.6. Administrative search and inspection warrants.

- (a) A town employee may obtain a warrant authorizing the employee to conduct a search or inspection of property if such a search or inspection is one that is elsewhere authorized by law, either with or without the consent of the person whose privacy would be thereby invaded, and is one for which such a warrant is constitutionally required.
- (b) The town employee shall apply to any magistrate of the general court of justice, judge, clerk, or assistant or deputy clerk of the county court for an administrative and inspection warrant. The application for such a warrant must include an affidavit signed by the affiant that the property to be searched or inspected is to be searched or inspected as part of a legally authorized program of inspection which naturally includes that property, or that there is probably cause for believing that there is a condition, object, activity or circumstance which legally justifies such a search or inspection of that property.
- (c) Any warrant issued pursuant to G.S. § 15-27.2 shall be valid for only twenty-four (24) hours after its issuance, must be personally served upon the owner or possessor of the property between the hours of 8:00 a.m. and 8:00 p.m. and must be returned within forty-eight (48) hours. If the owner or possessor of the property is not present on the property at the time of the search or inspection and reasonable efforts to locate the owner or possessor have been made same effect as if served personally upon the owner or possessor.

### DIVISION 2. REMOVAL PROCEDURE

#### Sec. 1.7. Generally.

- (a) The town may remove to a storage garage or area an abandoned or junked vehicle found to be:

- (1) Left on public grounds or town-owned property in violation of a law or ordinance prohibiting parking on such grounds or property; or
  - (2) Left for longer than twenty-four (24) hours on property owned or operated by the town; or
  - (3) Left for longer than seven (7) days on public grounds; or
  - (4) Left for longer than two (2) hours on private property without the written consent of the owner, lessee, or occupant of the premises.
- (b) The town may remove a junked or abandoned motor vehicle from private property to a storage garage or area without the consent of the owner, occupant or lessee of the property when the vehicle is a health or safety hazard. Unless the junked or abandoned motor vehicle located on private property is a safety or health hazard, and except as otherwise provided, the town may remove an abandoned or junked motor vehicle from private property only with the written approval of the owner, lessee, or occupant of the premises.
- (c) A junked or abandoned motor vehicle may be declared a health or safety hazard by the building inspector when it is found to be any of the following:
- (1) A breeding ground or harbor for mosquitoes or other insects, snakes, rats, or other pest.
  - (2) A point of heavy growth of weeds or other noxious vegetation over eight (8) inches in height.
  - (3) A point of collection of pools or ponds of water.
  - (4) A point of concentration of gasoline, oil, or other flammable or explosive materials.
  - (5) So located that there is a danger of the vehicle falling or turning over.
  - (6) A source of danger for children through entrapment in areas of confinement that cannot be opened from the inside or from exposed surfaces of metal, glass, or other rigid materials.

The foregoing list shall not be considered inclusive, but shall be illustrative of junked motor vehicles which shall constitute a health or safety hazard; however, a junked motor vehicle is a health or safety hazard when it is found to harbor noxious diseases, or furnish shelter and breeding places for vermin, or present physical dangers to the safety and well-being of children and other citizens.

- (d) Appropriate town officers and employees have a right, upon presentation of proper credentials (including an administrative search warrant), to enter on any premises within the town's ordinance-making jurisdiction at any reasonable hour in order to determine if any vehicles are health or safety hazards or are junked motor vehicles subject to removal under this article.

**State law reference**-Removal of abandoned, unauthorized, junked, etc., vehicles, G.S. §§ 160A-303(c), 20-137.9, 20-219.2, 20-219.3.



Sec. 1.8. Indemnification of town.

Any person requesting the removal of a junked or abandoned motor vehicle from private property shall indemnify the town against any loss, expense, or liability incurred because of the removal, storage or sale of such vehicle.

**State law reference**-Similar provisions, G.S. § 160A-303(f).

Sec. 1.9. Notice of removal.

When an abandoned motor vehicle is removed by the town, as provided for in this division, the town shall promptly give written notice of removal to the registered owner at his last known address according to the latest registration certificate or certificate of title on file with the state division of motor vehicles. The notice shall inform the owner of the possible sale or other disposition that may be made of the vehicle under this division and that the owner may regain possession of the vehicle by paying to the town all reasonable costs incidental to the removal and storage of the vehicle. If the vehicle does not display a current license plate and the vehicle identification numbers have been removed or defaced so as to be illegible, the town need not give notice to the vehicle's registered owner. If the motor vehicle is not required to be registered with the state division of motor vehicles or the department of transportation, but is required to be registered with a state agency, then the town shall send the notice to the last addressee shown on the records of the agency with whom the vehicle must be registered.

**State law reference**-Required notice, G.S. §§ 160A-303(c), 20-219.11(a), (b).

Sec. 1.10. Redemption by owner.

The owner of an abandoned or junked vehicle may regain possession of any vehicle removed by the town pursuant to the provisions of this division by paying to the town all reasonable costs incidental to the removal and storage of such vehicle as well as any other costs or expense required by this article.

**Cross reference**-Impounded vehicle storage fee, § 11-1.

Sec. 1.11. Tower's lien.

The town and the tower shall have a lien as by law provided for the towing and storing charges against any motor vehicle towed pursuant to this division.

**State law reference**-Tower's lien, G.S. §§ 20-219.11(e), 20-219.13.

Sec. 1.12. Notice and hearing.

- (a) Whenever a vehicle with a valid registration plate or registration is towed as provided in this division, the town clerk or other authorized person shall immediately notify the last known registered owner of the vehicle of the following:

- (1) A description of the vehicle.

- (2) The place where the vehicle is stored.
- (3) Any violation of law with which the owner is charged, if any.
- (4) The procedure the owner must follow to have the vehicle returned to him.
- (5) The procedure the owner must follow to request a probable cause hearing on the towing.

If the vehicle has a state registration plate or registration, notice shall be given to the owner within twenty-four (24) hours. If the vehicle is not registered in this state, notice shall be given to the owner with seventy-two (72) hours. This notice shall, if feasible, be given by telephone. Whether or not the owner is reached by telephone, notice shall be mailed to his last known address unless he or his agent waives such notice in writing.

- (b) Whenever a vehicle with neither a valid registration plate nor registration is towed, as provided herein, the town clerk or duly authorized town official or employee shall make reasonable efforts, including checking the vehicle identification number, to determine the last known registered owner of the vehicle and to notify him of the information listed in subsection (a). Unless the owner has otherwise been given notice, it shall be presumed that the authorizing person has not made reasonable efforts, as required under this subsection, unless notice that the vehicle would be towed was posted on the windshield or some other conspicuous place on the vehicle at least seven (7) days before the towing actually occurred; except that no pretowing notice need be given if the vehicle impeded the flow of traffic or otherwise jeopardized the public welfare so that immediate towing was necessary.
- (c) Within seventy-two (72) hours of receiving notice as provided in this section the owner or any other person entitled to claim possession of the vehicle may request in writing a hearing to determine if probable cause existed for the towing. The request shall be filed with the county magistrate in the warrant-issuing office in Jacksonville, North Carolina, or in any other office designated to receive requests by the chief district court judge. The required notice shall include the address of each magistrate's office in the county which has been designated to receive probable cause hearing requests pursuant to this section. The magistrate shall set the hearing seventy-two (72) hours of his receiving the request. The owner, or the person who requested the hearing if someone other than the owner, the tower, and the town clerk or the duly authorized town official or employee who authorized the towing shall be apprised in writing of the time and place of the hearing by the party requesting the same, in any matter which, under G.S. § 1A-1, rule 4, would be proper for serving a civil complaint except for service by publication.
- (d) The owner, the tower, the town clerk or the authorized town official or employee who authorized the towing and any other interested party may present evidence at the hearing. The town clerk or the town official or employee authorizing the towing



and the tower may submit an affidavit in lieu of appearing personally, but the affidavit does not preclude that person from also testifying.

- (e) The only issue at the hearing before the magistrate is whether or not probably cause existed for the towing. If the magistrate finds that probably cause did exist, the tower's lien continues. If the magistrate finds that probably cause did not exist, the tower's lien is extinguished.
- (f) Any aggrieved party may appeal the magistrate's decision to district court by giving notice of appeal orally at the hearing or by filing a written notice of appeal with the clerk of superior court of the county within ten (10) days of the date of hearing. The appealing party shall also serve written notice of appeal on the other parties by mailing a copy of the notice of appeal addressed to each party within ten (10) days of the date of the hearing.

State law reference-Hearing, etc., G.S. §§ 160A-303(d), 20-219.11.

Sec. 1.13. Option to pay or post bond; fees, towing contracts, etc.

- (a) At any stage of the proceeding, including before the probably cause hearing, the owner may obtain possession of the towed vehicle by:
  - (1) Paying the towing and storage fee; or
  - (2) Posting a bond for double the amount of the towing fee.

State law reference-Bond, G.S. §§ 160A-303(d), 20-219.2.

- (b) The town shall collect all towing and storage fees and shall distribute them in accordance with the terms hereof. The Board of Aldermen shall adopt and execute contracts providing for reasonable towing and storage fees after the contracts and fees have been reviewed in a regular meeting of the Board of Aldermen and the approval of the Board of Aldermen entered into the minutes of the meeting.
- (c) Every contract executed pursuant to this section shall provide that the tower shall be compensated as provided in the contract notwithstanding final adjudication by the court that no probable cause existed for towing.

Cross reference-Impounded vehicle storage fee, § 11-1.

Sec. 1.14. Disposal of impounded vehicles.

- (a) If the towing and storage charges remain unpaid or unsatisfied for thirty (30) days following service of the notice required in section 12-36, or thirty (30) days after the final adjudication of a court of competent jurisdiction that probably cause existed for the towing of the abandoned or junked motor vehicle, whichever is later, the town may sell the vehicle at a public sale. If no one purchases the vehicle at the public sale and if the vehicle is less than the amount of the towing and storage charges, the town may destroy it.
- (b) No less than twenty (20) days prior to the date of the public

sale, the town shall:

- (1) Notify the state commissioner of motor vehicles on a form approved by the commissioner of the public sale.
  - (2) Cause notice of the public sale to be mailed to the person having legal title to the motor vehicle if reasonably ascertainable and to the person with whom the lienor dealt, if different, and to each secured party or other person claiming an interest in the property who is actually known to the town or can be reasonably ascertained, provided that notices provided pursuant to paragraph (3) of this subsection shall be sufficient for these purposes if such notices contain the information required by subsection (d).
  - (3) Advertise the sale by posting a copy of the notice of the sale at the courthouse door and then publish notice of sale once a week for two (2) consecutive weeks in a newspaper of general circulation in the county, the date of the last publication being not less than five (5) days prior to the sale.
- (c) A public sale must be held on a date other than Sunday and between the hours of 10:00 a.m. and 4:00 p.m. in the county.
- (d) The notice of public sale shall contain:
- (1) The address of the town hall and the name of the mayor or person duly designated and acting in the capacity of the mayor or the mayor pro-tem.
  - (2) The name of the person having legal title to the property if such person can be reasonably ascertained and the name of the person with whom the town dealt.
  - (3) A description of the motor vehicle.
  - (4) The amount due for towing and storage charges.
  - (5) The place of the sale.
  - (6) The date and hour when the sale is to be held.

**State law reference**—Sale of vehicles, G.S. § 160A-303(d).

Sec. 1.15. Use of proceeds from sale of vehicle.

The proceeds of the sale of the junked or abandoned motor vehicle shall be paid to the town finance officer who shall apply them as follows:

- (1) The payment of reasonable expenses incurred in connection with the sale, including investigation, advertising, and conducting the sale. The expenses of the sale include but are not limited to reasonable storage and boarding expenses after giving notice of the sale.
- (2) Payment of the towing charges and storage charges.
- (3) Any surplus shall be paid to the person entitled thereto; but when such person cannot be found the surplus shall be paid to the clerk of superior court of the county, to be held by the clerk for the person entitled thereto.



DIVISION 3. NUISANCE VEHICLES\*

Sec. 1.16. Definitions.

(a) In this article "junked motor vehicle" means a vehicle that does not display a current license plate, a valid motor vehicle safety inspection certificate or sticker and that:

- (1) Is partially dismantled or wrecked; or
- (2) Cannot be self-propelled or moved in the manner in which it was originally intended to move; or
- (3) Is more than five (5) years old and appears to be worth less than one hundred dollars (\$100.00).

Cross reference-Definitions and rules of construction generally, § 1-2.

(b) A junked motor vehicle is abandoned when it is:

- (1) Left on a public street or highway in violation of the law or an ordinance prohibiting parking; or
- (2) Left longer than twenty-four (24) hours on property owned or operated by the town; or
- (3) Left for longer than seven (7) days on public grounds; or
- (4) Left for longer than two (2) hours on private property without the written consent of the owner, lessee, or occupant of the premises; or
- (5) Left on private property for longer than twenty (20) days and visible to public view from outside the boundaries of the private property for one (1) or more days of such twenty-day period.

Sec. 1.17. Finding of fact and purpose.

The town derives much of its revenues from the tourist industry due to its proximity to the Atlantic Ocean and the inland sounds and bays. The town believes that the appearance of the community promotes tourism and the economic well-being of the community, and that the existence and presence of (unenclosed) junked motor vehicles on public grounds or private property (open to public view) has a depreciating effect on the value of other property and is unsightly and such a discordant sight as to adversely affect tourism and the overall appearance of the town. The town finds and determines that it is desirable and necessary to prohibit unenclosed junked cars on public grounds and private property in order to promote and enhance the appearance of the town, its neighborhoods and other town areas (whether developed or undeveloped). It is therefore in the public interest that the present junked cars be eliminated and the existence of junked cars in the future prohibited in order to promote and enhance the general appearance of the town.

Sec. 1.18. Prohibited.

(a) Except as otherwise by law or this article provided, no junked

\*State law reference-Supplemental regulations authorized, G.S. §160A-

motor vehicle shall be left by its owner on public grounds or on private property open to public view or visible from public streets, accessways, or public property. No owner of real property within the town shall permit or allow unenclosed junked motor vehicles to be on his real property.

- (b) It shall be the duty of the owner of a junked motor vehicle in violation of this article and/or the real property owner on which the vehicle is located to cause the removal thereof immediately and to pay all costs incident to such removal. It shall be unlawful for any owner of a junked motor vehicle or the owner of property on which a junked motor vehicle is located to allow the junked motor vehicle to remain on the public grounds or private property except as otherwise provided.
- (c) Except as otherwise provided in this article, no abandoned junked motor vehicle shall be located by its owner on public grounds or private property within the town. No real property owner within the town shall permit or allow abandoned junked motor vehicles to be on the owner's real property. It shall be the duty and responsibility of the owner of such junked motor vehicles and/or the real property owner upon which the vehicle is located to cause the removal thereof. It shall be unlawful for any owner of an abandoned junked motor vehicle or the owner of property on which an abandoned junked motor vehicle is located to allow the abandoned junked motor vehicle to remain on the public grounds or private property except as provided in this article.

Sec. 1.19. Declaration of public nuisance.

The location or presence of any junked vehicle or junked vehicles on any lot, tract, parcel of land or portion thereof, occupied or unoccupied, improved or unimproved, within the town shall be deemed a public nuisance and is hereby declared to be prejudicial to the public health, safety, and welfare. It shall be unlawful for any person to cause or maintain such public nuisance by wrecking, dismantling, rendering inoperable, abandoning or discarding his vehicle on the property of another or to suffer, permit, or allow the same to be placed, located, maintained or exist upon his own real property; provided that this section shall not apply to:

- (1) A vehicle or part thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property.
- (2) A vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or a junkyard.
- (3) An unlicensed, inoperable vehicle stored on private property provided, however, that the vehicles and outdoor storage areas are maintained in such a manner that they do not constitute a health hazard and are screened from ordinary public view by means of a fence, rapidly growing trees, shrubbery, or other appropriate means.



Sec. 1.20. Abatement-Generally.

- (a) The remedy of injunction and abatement thereof pursuant to G.S. § 160A-175(e) and as provided by and in accordance with the procedure set forth in this section shall be applicable to the enjoining and abatement of nuisances under this provision.
- (b) When a junked or other motor vehicle is found to be a nuisance or whenever it appears that such conditions exist, the building inspector shall serve the owner of the property upon which the vehicle is located at the address shown by the records shown by the town or county tax office and the owner of the motor vehicle as shown on the records of the department of motor vehicles of the state in which the vehicle is registered (or is shown on the vehicle registration form) a written notice stating the conditions which may or do constitute a public nuisance and a violation and that a hearing will be held before the building inspector at a place therein fixed not less than fifteen (15) nor more than thirty (30) days after the delivery or mailing of the notice. The notice may be served on the person to be notified in any manner which, under G.S. § 1A-1, rule 4, would be proper for serving a civil complaint. Notice shall also be published in a newspaper in the county once a week for two (2) weeks which describes the location of the vehicle, a general description of the vehicle, time and place of the hearing, and informing any person having an interest therein to appear and be heard. Notice shall also be made by placing a tag on the motor vehicle in such a way that it will be conspicuous. The owner or any party in interest shall have the right to file an answer to the notice and to appear in person, or otherwise, and to give evidence at the place and time fixed in the notice. Any person desiring to do so may attend such hearing and give evidence relevant to the matter being heard. The rules of evidence prevailing in courts of law or equity shall not be controlling in such hearings.
- (c) If a determination is made by the building inspector that such conditions constituting a public nuisance exist or that the junked motor vehicle is a public nuisance as set forth in this division, the building inspector shall notify, in writing, the owner of the premises in question, and the owner of the motor vehicle, if reasonably ascertainable, of the conditions constituting such public nuisance (including a description of the junked motor vehicle and its location) and shall order the prompt abatement thereof within fifteen (15) days of the date of service of said notice in any manner which is authorized under G.S. § 1A-1, rule 4.
- (d) Within the fifteen day period after service of notice, the owner of the property of the junked motor vehicle may appeal the finding that the vehicle is a public nuisance to the Board Of Aldermen. Written notice of the appeal shall be filed with the town manager and the hearing of the appeal shall be placed on the agenda of the next regular board of aldermen meeting first occurring fifteen (15) days after the date of the appeal. The appellant shall be given an opportunity at the hearing to present sworn testimony and offer evidence that the vehicle is not a public nuisance. The town and the appellant shall have the right to cross-examine any witnesses so testifying. The filing of an appeal shall stay removal proceedings until the board of aldermen

- acts on the appeal. The board shall determine the issues by voting thereon in the open meeting, but they may consult with the town attorney concerning the matter in an executive session prior to voting thereon. If the board of aldermen determines that the junked motor vehicle is a public nuisance, then the property owner and the motor vehicle owner (if different than the property owner) shall abate such public nuisance within fifteen (15) days of the date of the board of aldermen hearing.
- (e) If the owner of the property and the motor vehicle, having been ordered to abate such public nuisance, fails, neglects, or refuses to abate or remove the condition constituting the nuisance within fifteen (15) days of the order from the board of aldermen, the building inspector shall cause the condition to be removed or otherwise remedied by having employees of the town to go upon the premises and remove or otherwise abate such nuisances under the supervision of the building inspector or an officer or employee designated by the building inspector. Any person who has been ordered to abate a public nuisance may within the time allowed in this division request the town in writing to remove such condition, the cost of which shall be paid by the person making such request.

Sec. 1.21. Same-Costs.

The actual cost incurred by the town in removing or otherwise remedying a public nuisance under this division shall be charged to the owner or other person in possession of such premises with instructions that such charges are due and payable in thirty (30) days from the receipt thereof.

Sec. 1.22. Same-Lien on property.

Charges for the removal or abatement of a public nuisance under this division that are not paid within thirty (30) days after the receipt of a statement of the charges shall become a lien upon the land or premises where the public nuisance existed and shall be collected as unpaid taxes as provided in G.S. § 160A-193.

Sec. 1.23. Removal and sale.

In addition to any other remedies set forth in this division, the town may remove and dispose of abandoned junked motor vehicles as provided in division 2 of this article.

ARTICLE III. LOT CLEARING\*

Sec. 1.24. Findings of fact.

The board of aldermen finds that the uncontrolled growth of noxious weeds and grass, the accumulation of offensive animal and vegetable matter, and the accumulation of refuse causes or threatens to cause a nuisance dangerous and prejudicial to the public health or safety and that it is in the best interest and welfare of the citizens of the town to abate such nuisances.

State law reference-Required findings, G.S. § 160A-303.2.

\*State law reference-Nuisance abatement, G.S. § 160A-193.



Sec. 1.25. Certain conditions declared nuisances.

The existence of any of the following conditions on any vacant lot or other parcel of land (whether improved or unimproved) within the town limits is declared to be dangerous and prejudicial to the public health or safety and constitute a public nuisance:

- (1) The uncontrolled growth of noxious weeds or grass to a height in excess of twenty-four (24) inches causing or threatening to cause a hazard detrimental to the public health or safety.
- (2) Any accumulation of rubbish, trash, or junk causing or threatening to cause a fire hazard, or causing or threatening to cause the accumulation of stagnant water, or causing or threatening to cause the inhabitation therein of rats, mice, snakes, or vermin of any kind which is or may be dangerous or prejudicial to the public health.
- (3) Any accumulation of animal or vegetable matter that is offensive by virtue of odors or vapors or by the inhabitation therein of rats, mice, snakes, or vermin of any kind which is or may be dangerous or prejudicial to the public health.
- (4) The open storage of any abandoned icebox, refrigerator, stove, glass, building material, building rubbish, or similar items, or wrecked or junked motor vehicles or parts thereof.
- (5) Any structure that has been condemned by the town building inspector as unfit for human habitation in accordance with the North Carolina State Building Code and as otherwise by law provided.
- (6) Household contents or portions of a building or structure remaining in an open area upon a lot or parcel of land after damage by fire, wind, water, erosion, or any combination of the foregoing.

Sec. 1.26. Investigation of complaints.

The building inspector, upon notice from any person of the possible existence of any of the conditions described in section 12-72 shall cause to be made by the appropriate county health department official or town official, such investigations as may be necessary to determine whether conditions exist which may constitute a public nuisance as declared in section 12-72.

Sec. 1.27. Notice and order to abate on finding of existence.

- (a) Whenever it appears that any conditions described in section 12.72 exist, the town building inspector shall cause to be delivered or mailed by certified mail, return receipt requested, to the owner of the property upon which the conditions exist a notice stating why the conditions may constitute a violation and that a hearing will be held before the building inspector at a place therein fixed, not less than ten (10) nor more than thirty (30) days after the delivery or mailing of the notice. The owner or any party in interest shall have the right to file an answer to the notice and to appear in person, or otherwise, and to give evidence at the place and time fixed in the notice. Any person

desiring to do so may attend such hearing and give evidence relevant to the matter being heard. The rules of evidence prevailing in courts of law or equity shall not be controlling in such hearings.

- (b) If a determination is made that such conditions constituting a public nuisance exist, the building inspector shall notify, in writing, the owner of the premises in question of the conditions constituting such public nuisance and shall order the prompt abatement thereof within fifteen (15) days from the receipt of such written notice.
- (c) Every decision of the building inspector shall be subject to review by the board of aldermen. Any appeal to the board of aldermen shall be taken within ten (10) days of the date of the hearing and written notice thereof shall be served upon the town within the ten-day period. During the appeal to the board of aldermen any action to abate the nuisance shall be stayed.

Sec. 1.28. Removal by town-Generally.

If the owner, having been ordered to abate a public nuisance pursuant to the provisions of this article, fails, neglects, or refuses to abate or remove the conditions constituting the nuisance within fifteen (15) days from receipt of the order, the building inspector shall cause the condition to be removed or otherwise remedied by having employees of the town to go upon the premises and remove or otherwise abate such nuisances under the supervision of an officer or employee designated by the building inspector. Any person who has been ordered to abate a public nuisance may within the time allowed in this article request the town in writing to remove such condition, the cost of which shall be paid by the person making such request.

Sec. 1.29. Same-Abatement cost.

The actual cost incurred by the town in removing or otherwise remedying a public nuisance under this article shall be charged to the owner of such lot or parcel of land, and it shall be the duty of the tax collector to mail a statement of such charges to the owner or other person in possession of such premises with instructions that such charges are due and payable within thirty (30) days from the receipt thereof.

Sec. 1.30. Same-Lien upon property.

Charges for the removal or abatement of a public nuisance under this article which are not paid within thirty (30) days after the receipt of a statement of the charges shall become a lien upon the land or premises where the public nuisance existed and shall be collected as unpaid taxes as provided in G.S. § 160A-193.

Sec. 1.31. Other remedies.

The procedure in this article shall be in addition to any other remedies that may now or hereafter exist under law for the abatement of public nuisances and this article shall not prevent the town from proceeding in a criminal action against any person violating the provisions of this article as provided in G.S. § 14-4.

DULY ADOPTED THIS 9TH DAY OF JUNE, 1990.




Alderman Hall said they were also looking at agreement with Surf City and would present it later. Attorney Dotson said the trend is going to regional agreement and we may get it that at a later date.

COUNTY FUNDS  
FOR FIRE DEPT.:

Alderman Hall requested Fire Chief Best explain county aid to fire department and possible problem. He said the county was cutting off funds because the town was taking over. However, other towns still receive funds. The county is refusing to let our department cross bridge and help other departments. General discussion held on this with attorney. Ricky Hardison, Asst. Fire Chief of Turkey Creek, explained what happened at meeting with County Manager Rick Leary. He said Mr. Leary cut funds to West Onslow Beach Volunteer Fire Department before request went to the commissioners and did not give them the true story. Mr. Hardison said members of the Fire Chiefs Association were concerned because this was not the way they wanted it to be. He said West Onslow Beach Volunteer Fire Department should get same amount as other towns. Also, he does not want the county to say they cannot respond to the beach area. West Onslow Beach Volunteer Fire Department is first responder just like everyone else and there is mutual aid agreement with 4 departments. After lengthy discussion a motion was made by Mayor Pro-Tem Newsome and seconded by Alderperson Tippet to authorize letter to Rick Leary and copy to each county commissioner to express ideas just explained. Alderman Hall said Daily News should get copy also. Health, safety and welfare should not be put in jeopardy. After further discussion motion passed unanimously.

RECESS:

At 12:30 p.m. a motion was made by Mayor Pro-Tem Newsome and seconded by Alderman Hall to recess meeting until after workshop on subdivision ordinance Monday afternoon. Passed unanimously.

  
Ann Vause, Town Clerk

# TOWN OF NORTH TOPSAIL BEACH

P.O. Box 2709  
Surf City, North Carolina 28445  
(919) 328-1349

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SPECIAL MEETING  
June 11, 1990

PRESENT: Mayor Rodney Knowles, Mayor Pro-Tem Leland Newsome, Aldermen Weldon Hall, Nathan McDaniel, William Keister, Town Manager Gary Britt, Attorney Marshall Dotson and Town Clerk Ann Vause. Alderperson Charlotte Tippet was absent.

CONVOCATION: Mayor Knowles called the meeting to order at 3:00 p.m. and declared a quorum present.

WORKSHOP -  
SUBDIVISION: Mayor Knowles said the purposed of this meeting was to review the proposed subdivision. He introduced Mr. Tom Casell and asked him to review to proposed ordinance. Mr. Casell said the ordinance was presented to the board May 2nd. Since distribution he has found 3 items that need to be addressed. The first is private streets. The board needs to address where they are allowed, standard, etc. Right now they all abut public streets. You need to decide if they are private, what is standard and be sure it does not fall back on town to keep up. If they are private the town would not be responsible. Attorney Dotson said normally in case of private street when developed there is some concern whether or not you can prohibit. You can require they have a method of maintenance such as a homeowners association and he explained what is done in Jacksonville. The town can require a utility easement, that homeowners association maintain and if they don't the town can do the work and put a lien on the property. Mr. Bill Rogers said he assumed ordinance will address set back in case the town took it over in the future. Mr. Casell said they want to make sure they are maintained so town will not take over. General discussion on standards needed, right to refuse access on private streets, etc. Mr. Casell recommended they include provision on private streets. The second item to address is what you need to have as far as utilities. He said there are comments by public agencies but suggested they go further and require developer have permit in hand from various agencies before you approve. The third item is submission of preliminary and final plat. The sequence may not be easily followed and it might be to long.



Mr. Casell said these were 3 items he wanted to bring to their attention. He feels they are worth looking into. Also, need to know how you want to discuss proposed ordinance. Zoning ordinance was discussed one section at a time but not sure if this is the best way to go with this. Mr. Casell said he could review each section generally and let you know what is in each one. Alderman Hall ask that set back from first sign of vegetation be addressed. Mr. Bill Rogers said provided it is not on top of dune. Rossie Thompson said in R-5 area 5,000 sq. ft. required to build. Alderman Hall asked how far to the ocean can you go in counting land for 5,000 sq. ft. Can you use in lot size or should it be exclusive of that. Attorney Dotson said lot size was determined by deed. Mayor Knowles said in several instances lot size is no where near size in deed because of erosion. General discussion on this, and CAMA permits to build in certain areas. Mrs. Sandy Dardy said she is working on development, Montserrat, and if you use legal description of lot it is mean high water mark and that is what you are taxed on. Further discussion on going back to CAMA and other agencies for determination on building area. Alderman Hall asked as erosion occurs when do you look to when people need to move their house. Mayor Knowles said FEMA will let you know. Mr. Casell explained how this works.

Mr. Casell explained lots in subdivision. We are only concerned with how land presented for development. You have to rely on zoning for compatibility, lot size, etc. It will address the lot size situation. He said subdivision definitions are by State law, not local.

Discussion on review procedure for sketch plans on minor subdivisions and plan for sketch of major subdivision. Mr. Casell defined major and minor subdivisions and said most would not be minor in North Topsail Beach. Alderman Hall ask if size of lot, 4 on 20,000 sq. ft. or 4 on 5,000 sq. ft., would acreage have anything to do with it. Mr. Casell said minor or small would not need to be reviewed because there would be no streets or utilities. They are separate class all together but CAMA is involved in an area of environmental concern. On major subdivision sketch plan is presented 15 days prior to date reviewed by planning board and 30 days for preliminary plat. Rossie Thompson said he was concerned with 15 and 30 days because it would take 45 days and then you will have final which requires additional 30 days. Attorney Dotson said when they have everything in order, (sketch, preliminary, etc.) 45 days is a long time to wait on 2 to 10 million dollar project. Mr. Thompson gave example of how time frame works and how it would effect project developers and he suggested time frame be changed to 20 days to give more time for preliminary plan. Mr. Bill Rogers asked if sketch and preliminary plan were required. Mayor advised yes, and it is expensive for developer to do sketch. Mr. Rogers said it looks like we are trying to make decision for them. Mr. Casell said this is general practice but sketch is optional.

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You could have it written so that sketch is voluntary action for developer. Mr. Thompson said sketch is good for everyone, just give them 10 days to work on preliminary plat. After discussion the board found no problem with this. Mr. Rogers asked about publication and Attorney Dotson said if it was properly zoned they would just need approval and would not need to be published. The board agreed to change from 30 days to 20 days on preliminary plat. Questions and answers reviewed on technical review section, zoning, preliminary plat with planning board, and developers requirement to submit new plat to technical review and why.

Sand Darby asked about requirement on section for public every 1300 ft. Tom Casell said you do not need this with private development. Ms. Darby said they will have nice area for people within and without project. Mr. Casell said this was requirement for development itself with guideline used. It is minimum saturation requirement with open space. Ms. Darby said she was concerned with requirement for open space for the public. Mr. Casell said it could be changed. Attorney Dotson said you can use subdivision instead of recreation. Ms. Darby said she had problem with  $\frac{1}{2}$  acre for recreation. Mr. Casell explained how this works. Mr. Rogers asked if this should apply to ocean front lots. After discussion Mr. Casell said he thought they should have standard for recreation in subdivision and have access for public on end of the development. Further discussion on subdivision providing own destiny, public parking area; Mr. Casell said he would redefine to hopefully address needs. Alderman Hall explained conversation with Haskell Rhett on funds for public access and said he thinks we need to change requirements. He said he was thinking of subdivision such as one up before the planning board. There are second row areas and no provision for beach access. What does this person do? He said he did not want to eliminate provision but suggested  $\frac{1}{2}$  acre for access and then another  $\frac{1}{2}$  acre. After further discussion Mr. Casell said he would work on this and submit new paragraph.

Attorney Dotson ask how many plans were before the planning board now. Mr. Thompson said 4 and explained them. Attorney Dotson asked how they could be expedited by planning board since they were left hanging with county. Mr. Thompson explained and asked if we had any official subdivision regulations now, such as countys. Attorney Dotson said no. Mr. Thompson said he needs to research minutes, meet with planning board, 10 days prior to meeting, make recommendation at planning boards June 28th meeting and then roll over to the Board of Aldermen in July.

Discussion held on what flag lots are, problems with developing them, problems in the past, turn around area for emergency vehicles and percent of land available on flag lot for development.



RECESS:

The board called for a recess at 4:35 p.m. They went back in session at 4:55 p.m.

\* correction  
requested 7-11-90  
insert time  
limits to be  
eliminated.

A motion was made by Mayor Pro-Tem Newsome and seconded by Alderman Hall that 4 projects submitted prior to today be put on fast track, each part will be gone through, each step must be taken care of. Rossie Thompson asked to amend as far as preliminary sketch. Mayor Pro-Tem Newsome amended his motion to take from drawing as of today and move forward. After brief discussion passed unanimously.

Mayor Knowles said we need a public hearing on the subdivision ordinance. Discussion held on date for public hearing and adoption of subdivision ordinance. A motion was made by Mayor Pro-Tem Newsome and seconded by Alderman Keister to hold public hearing on proposed subdivision ordinance June 27, 1990, at 7:00 p.m. at the West Onslow Beach Volunteer Fire Department Building. Passed unanimously.

SUBDIVISION WORK-  
SHOP ADJOURNMENT  
AND OPENING OF  
RECESSED MEETING:

A motion was made by Alderman Hall and seconded by Alderman Keister to adjourn workshop on subdivision ordinance and go into recessed meeting on workshop on code of ordinances. Passed unanimously.

CODE OF  
ORDINANCES:

6/11/90

Mayor Knowles introduced Mr. Bill Hemmingway with code company and said they needed to start with Chapter 15 - Police. Mayor Pro-Tem Newsome said the only thing he saw was that the Manager would be over the Chief but the chief needed to be over the men for chain of command. Mr. Bill Hemmingway said under manager form of government the chief would answer to the manager and he would change it accordingly. Attorney Dotson asked how it would work when police hired. Mayor Pro-Tem Newsome said Chief would run by manager with selection. He explained how this would work. Alderman Hall said the chief would reflect what the board wants for police and chief would represent what we need. Town Manager Gary Britt said now that you have a manager he is over personnel. Attorney Dotson said it is just check and balance. It would not be appropriate for the board to do this. General discussion on this and board agreed there was no problem.

The board discussed mutual aid in law enforcement. Mayor Knowles said we have agreement with Topsail Beach and we are looking at Surf City. In the future need way to include appropriate other municipalities. We will need to do this with Holly Ridge and Jacksonville in future.

#### Chapter 16 - Soil Erosion & Sedimentation Control

Attorney Dotson said this was taken from State Board. Mr. Hemmingway said all municipalities must adopt. Attorney

Dotson said he did not see anything wrong with this, it's standard.

#### Chapter 17 - Sold Waste, Littering

This was reviewed by Attorney Dotson and briefly discussed.

#### Chapter 18 - Subdivision

Attorney Dotson said this was just discussed in earlier workshop.

#### Chapter 19 - Zoning

Attorney Dotson said this has been completed and adopted.

Attorney Dotson said Rossie Thompson read through building inspection ordinance. Mr. Hemmingway said he met with Topsail Beach and got a copy of their new ordinance on handicap vehicles. Attorney Dotson reviewed this and board discussed various aspects of ordinance. Town Manager Gary Britt suggested 1000 lb. or less in weight. General discussion on parking provision and traffic regulations. Also, discussed amount of fire for blocking areas such as fire station, rescue, etc. Attorney Dotson said they need to set these fines and keep on file in managers office.

Attorney Dotson said the board had other things to consider such as camping on beach, will it be allowed. He reviewed what Surf City has in their ordinance.

The board discussed right to condemn buildings and hold hearings. Attorney Dotson explained what the town has the right to do. Manager Britt reviewed what was done in Long Beach in relation to appeals to the Board of Adjustment. Mr. Thompson said the local board has no control on zoning. Lengthy discussion held on this, driveways, and whether or not permit required on driveway.

Alderman Hall requested copy of planning board tapes, minutes and meeting notices be given to the board. Attorney Dotson said these were already public record and they do not need to be put in the code book.

#### DUMPSTER:

Alderman Hall said he asked the Town Clerk to figure cost of dumping trash at disposal site by town employee. The estimated cost is \$920. a month. He said he talked with contractor and he will put a dumpster here for \$300. a month, to be emptied twice a week. Individual asked gentlemen at Rusty Scupper if dumpster could be put there. With boards approval we can do this until issue settled by town. Attorney Dotson will sign form for Hunter Heath Trust allowing town to put dumpster on their property. After brief discussion a motion was made by Mayor Pro-Tem Newsome and seconded by Alderman Keister to accept proposal from Windfish for dumpster. Passed unanimously.



ADJOURNMENT:

A motion was made by Mayor Pro-Tem Newsome and seconded by Alderman Keister to adjourn meeting at 6:05 p.m. Passed unanimously.

Ann Vause  
Ann Vause, Town Clerk

# TOWN OF NORTH TOPSAIL BEACH

P.O. Box 2709  
Surf City, North Carolina 28445  
(919) 328-1349

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PUBLIC HEARING  
June 14, 1990

## PRESENT:

Mayor W. Rodney Knowles, Mayor Pro-Tem Leland Newsome, Aldermen Weldon Hall, Nathan McDaniel and William Keister, Town Manager Gary Britt, Town Attorney Marshall Dotson, and Town Clerk Ann Vause. Alderperson Charlotte Tippet was absent.

## CONVOCATION:

Mayor Knowles called the meeting to order at 7:00 p.m. and declared a quorum present.

## BUDGET FISCAL YEAR 1990- 1991:

Mayor Knowles said the proposed budget was presented to the board on May 30th, and has been available in town hall since that time. He ask if there were any comments from the approximate 15 citizens present. Mr. Ben Whitney ask about Section 3 of the budget ordinance which says the tax rate will be 40¢ per 100 valuation. He said he thought it was 45¢. Also, he ask about the 45% collection rate. Mayor Knowles said the tax rate was never 45¢ and the 45% collection was based on the amount collected this year. Attorney Dotson said the law will only let you base collection on amount collected in prior budget. Normally 75% or above is collected but bills did not go out until April. Mr. Whitney ask about section 4(a) concerning transfer without limitation or report. He said a report should be submitted for history in following budget. Alderman Hall said it would be documented. Attorney Dotson ask if they were talking about line items within department. Mr. Whitney said yes, for tax payers it should be brought up. Town Manager Britt said normally department head would request change, manager would approve and then report to the board. Mr. Whitney said he understood, just wanted budget up so people could see it. Mrs. Whitney ask about audit, who does this and how. Mayor Knowles ask the clerk to explain the procedure. She explained the request for proposal, submission to the board and local government commission. Also, she explained this is done annually. Mr. Ben Whitney said there was a pretty good amount of revenue from the state and ask when it would be available. Mayor Knowles said we do not know possibly July 15th. He turned the meeting over to Town Manager Britt and introduced him to the citizens. Town Manager Britt began by saying "Mayor, members of the board and citizens, I am glad to be here." He said he started last Monday and since



then he has reviewed the proposed budget and would like to make changes on recommendations for Fiscal Year 1990-91. He reviewed revenue changes such as increasing tax collection from 45% to 61%. The following are changes recommended:

Revenues: ad valorem taxes budget year from \$306,000 to \$414,800; prior year 1989-90 from \$50,000 to \$55,000; privilege licenses from -0- to \$100; utilities franchise tax from \$5,000 to \$10,000; and interest on investments from \$600 to \$5,000.

Expenditures: governing body from \$25,260 to 20,760; administrative from \$171,332 to \$182,625; Inspections from \$92,470 to \$90,348; Public Buildings from \$100,000 to \$105,353; Police from \$223,361 to \$309,369; Public Works from \$25,320 to \$33,173; Street Department \$10,000-unchanged; Street Improvements \$10,000-unchanged; Fire from \$82,540 to \$92,101; Raw Water Supply \$34,000-unchanged; Contingency from \$38,714 to \$45,068; Total revenues and expenditures are \$936,297.

Town Manager Britt said the major catagory of change was in place. We plan to hire 3 officers this year, and 4 additional officers next year (1990-91). Also, they need a records clerk for this department. This may be expensive but it is needed for maintenance and to maintain legal requirements for department. Mr. Whitney asked if additional officer would be temporary or permanent. Manager Britt advised permanent. Additional officers will be from assistance of neighboring towns.

Manager Britt said public works only allowed for one position but with the amount of work required, as beach warden and trash pick-up, he recommended a part-time assistant at the rate of \$4.50 per hour. Alderman Hall asked what we were going to do about trash barrels at beach accesses when the county gets CAMA money for them. It may cost us \$1,000 a month but they still belong to the county. Manager Britt said we need to negotiate with the county to correct this. Attorney Dotson said if they have barrelss and get money they are obigated to maintain. Mayor Knowles said Clean County said as of June 1st they will no longer maintain them. He suggested Manager bill them.

Alderman Keister ask what is overall thinking on adjustments. Is this project in line with aims. Manager Britt said yes, it follows town officials, and residents desires for basic services from the town. After careful review, he said he believes this will provide things in efficient manner. Some questions were asked and answered concerning interest on investments, cash in bank, and working capital. Manager Britt explained NC Management Trust and why the town should join.

Mr. Dan Tuman ask if budget provides for residential trash pick-up, Manager Britt said we are in the process of providing details for the board to determine cost and best method for revenues and expenditures. Mr. Tuman asked if he though there was enough money for this. Manager Britt said no, it will have to be provided. General discussion held on this.

Citizen asked if \$10,000 fund for street will be matched. Manager Britt said no. This is Powell Bill Funds to be spent on streets not taken over by Department of Transportation. The street in question, River Rd., is owned by developer. The town has no easement or anything to identify something they can do anything with. The town can not go on property without easement, etc. Powell Bill funds may be the answer for this street. Mr. Tuman said he plans to discuss this with the manager. Is it a town street or does town plan to develop standards for streets? Mayor Knowles said standards have already been developed and street will have to meet them for the town to accept. Briefly discussed the area and problem.

Mrs. Whitney asked about recycling. She said we need to start from the ground floor to see what we can do. She said she would rather spend money from her pocket to do this, if necessary. Manager Britt said we need to use volunteer program to get this off the ground. Attorney Dotson said Holly Ridge is starting on recycling plant and may invite the town to join. Mayor Knowles said Surf City and Topsail Beach have started discovery program on this. Alderman Hall explained meeting he attended with Mayor Pro-Tem Newsome with Surf City and Topsail Beach officials on this. Mr. Whitney said he would like to see this done. Pat Kime, Jacksonville Daily News, asked if they were planning on some sort of system or is it not necessary this fiscal year. Manager Britt said when he has an opportunity he will review. Mr. Stackleather said this was a hot issue, people are excited about trash and feel the town should do something about it. You should be able to get something in there. Mayor Knowles said they were trying. If they agreed yesterday it would still be August 1st before it could take effect. Brief discussion on this, cost, new guidelines, and tipping fee required now.

Manager Britt said total personnel requested for Fiscal Year 1990-91 is 15 full time and 2 part-time. Collection rate projected on taxes is 61%; tax rate is 40¢ per 100 valuation. Alderman Hall said on personnel we set high salaries and low salaries. Everyone came in on high side. Everyone was employed for one year, and once the manager came in he was to evaluate and set up pay scale. He said he was opposed to 5% increase on all salaries. Alderman Hall said he was opposed to started high and going higher. Manager Britt said this was proposed and would be voted on. If they are qualified we need to hire them. Alderman Hall said he opposed 5% cost of living and 2½% merit. He agreed qualified people need to be hired but we need house



to put them in. Also, we need fire station on the north end. He said he did not see how we could build and spend on high salaries. A citizen said 5% is high, federal government only gave 4% the last few years. Alderman Hall said if people working are not satisfied where they are believe you can get others for the jobs. Manager Britt said if merit approved by the board, it would be on annual basis and only for  $\frac{1}{2}$  of the employees. Alderman Hall asked on 5% cost of living would manager have authority to approve. Mayor Knowles said this is just to make budget work. Nothing is automatic or retroactive. All of this would have to come to the board. Alderman Hall said it is an awful lot of money when we have no place to put people. Manager Britt said he is working on new, temporary town hall. Manager Britt said there would be 3 people in administration, no increase from this year. Budget provides for insurance and retirement and will have to come before the board, which he recommends. Social security does not have to be withheld, it is an option but he recommends we do this. Hopefully, he will bring the required forms to the board next week. Mrs. Whitney asked if everyone was hired for one year when will benefits kick in? Manager Britt said he recommended it be done when decision made on which company to go with. He said he was in the process of developing a personnel ordinance which will include benefits such as vacation, holidays, etc. Probationary period for regular employees is 6 months and police is one year. General benefits will accrue. As far as vacation, sick leave is concerned they are not use unless urgent or extreme situation. After 6 months employee would be able to make use of this. Mayor Knowles said we are putting personnel policy in place as we go. Alderman Hall said employees must wear several different hats. The building inspector wears 7 hats. He said he needs to be on more hours and suggested he start on Monday.

Manager Britt said there would be 2 employees in inspections department, an inspector and secretary who would also be secretary for the board of adjustments and planning board, plus other duties in office. In some cases we may contract for inspector on buildings that require a Level III. Mrs. Whitney said if he goes from part-time to full-time will he be hourly or salaried? Manager Britt said it is in the budget as hourly, but will discuss and negotiate with him. Mrs. Whitney said \$25.00 per hour is alot for him and believes he can provide his own vehicle. Manager Britt said he does this now and we pay mileage. It would be cheaper to provide a truck.

Manager Britt said on public buildings balance figure put in this. Alderman Hall said this is priority and he needs to work on trying to find property we can buy on the north end for a fire department. Difficulty is those that have land will not sell. We were incorporated on basis we would provide fire department on the north end. However, we are looking at budget with only \$50,000 for fire. He said he could not understand that. The county gave us \$400,000

but may change next year. He believes this should be for town hall and land at the north end. Mayor Knowles said public building and/or town hall or fire. Alderman Hall said he wants to change fire to include new building at the north end. \$100,000 for town hall and fire department is out of the question. Briefly discussed. Mrs. Whitney said if the building is built it will not be the end at all. If built will change in 5 years. It may cost \$400,000 to \$600,000 for building and this is not where we are. Alderman Hall said we have got to build building and make payments on it. Mrs. Whitney said we can not spend money we do not have. Alderman Hall said \$400,000 should not be in operating budget. Attorney Dotson said it has to be. Mr. Stackleather ask if county had land we could get. Alderman Hall explained what they said about the fire department. Mayor Knowles said the county owns 2 public parks and access on north end and they are excluded from tax. Alderman Hall said the budget is based on 40¢ per 100 valuation and 61% collection rate. What we are looking at is not etched in stone. Manager Britt said the law prohibits going above what was collected this year. Alderman Hall said we can change each week and increase each different department by % as it comes in. Mayor Pro-Tem Newsome asked if we could earmark projected increase in one fund such as toward fire department. Discussion held on alternatives on financing over several years, what State allows and lease purchase. Attorney Dotson said some lease purchases are flexible and beneficial to the town. Alderman Hall explained conversation with Mr. Grant, Mr. Page and Mr. Bostic to see if they would work with the town and help finance. He said there were several proposals but nothing concrete. Manager Britt asked if response was favorable. Alderman Hall said if we cannot get reasonable we will, if not we should condemn. Citizen asked what size parcel was needed. Alderman Hall about 200' X 300', but nobody is talking less than \$300,000. Citizen asked how they could continue to sell property without fire protection. Discussion on what has occurred in the past and what town has built in site plan review regarding water/sewer, fire protection, etc. Also discussed other requirements on developers for streets, water/sewer, surety bonds, etc.

Discussion held on estimate for water tank, fee for design, engineer. Attorney Dotson said there are no plans by county to improve volume of water pressure. Discussed size of line needed, looping line, St. Regis' plans, etc. Attorney Dotson explained what happened when place burnt towards north end. He said engineer at St. Regis indicated the county system was not installed for fire protection, just drinking water. He explained if we are going to have continued building this board and others will have to consider fire safety and water tank. We will need this on northend and south. Discussed requiring developer to pay, problems with water pressure on north and south end of town. Mr. Whitney asked if \$35,000 was earmarked for us to look into problem. Attorney Dotson said yes.



Alderman Hall said we were also looking at hydrant system.

Manager Britt said \$2,000 was put in small budget for maintenance of facilities.

Manager Britt said police department included 9 employees, including Chief and records clerk. There would be 7 officers, plus funds for additional vehicle because with the size of the town we will have high mileage on ours and will need to replace one.

Manager Britt said public works consist of 1 full time and 1 part time employee plus funds for departmental supplies, and maintenance supplies for auto.

Manager Britt said street department contains cost for lights next year. Alderman Hall said street lights went up from \$7,500 to \$10,000. If we put 82 more lights it would be about \$5,300, but he does not know if we need more. Manager Britt said total includes lights put in this year. Alderman Hall said there have been alot of request for more lights.

Manager Britt said there was one position budgeted in the fired department at this time. Travel/Training account was increased because chief will have to become certified. Mr. Whitney asked about capital outlay. Manager Britt said \$8,200 was for equipment, \$30,000 for the boat for rescue. He said he talked with the chief and recommends, with the boards approval, that funds for the boat be considered for 4 wheel drive and other equipment. Mayor Knowles said some would be for the building. The town is to take over the department. Brief discussion on this. Alderman Hall said the boat should go to them. They requested it and have now changed. Manager Britt said they felt fire fighting equipment would be better purpose. Mrs. Whitney suggested they keep an eye on U.S. Government auction. Mayor Knowles said we do and Alderman Hall and Mayor Pro-Tem Newsome did an exceptionally good job on getting cars. Our office will be informed on what will be available from the State and Federal Government.

RECESS:

The board decided to take a break at 8:15. Meetins was called back to order at 8:25 p.m.

The next item explained was the raw water supply. Manager Britt said \$34,000 was for study. The next department, contingency, contains \$45,068. This is 5% of other expenditures and is set aside for emergency items needed. If it is not needed it can be used for future. Alderman Hall asked if this water study included hydrants. Manager Britt said he was not familiar with this but would study it. Attorney Dotson said we have had study and will get with manager to discuss this and other things.

Manager Britt said that was the last department and said any dollars that can be saved will be. Funds, personnel

used will be taken in account so we can be in a position for fund balance next year, so we can use funds for equipment needed. Mayor Knowles asked if there were any comments or questions. Alderman Hall asked when we can come back to look at this again. He said he wanted to look at it one more time between now and the 30th. Manager Britt said it must be completed by July 1. Alderman Hall said it can amended and he recommended we meet as soon as possible. Mayor Knowles asked what areas he wanted to discuss. Alderman Hall said he would talk with the manager later. The police are in good shape, but would like to discuss computer. Manager Britt said he has made provision for at least 3 terminals, one for police. The board discussed scheduled meetings and when they could meet again on the budget. Attorney Dotson suggested they close public hearing and recess regular meeting to point in time you set and then you can go back in to take action. A motion was made by Mayor Pro-Tem Newsome to close the public hearing at 8:31 p.m. Passed unanimously.

ELECTION-  
FILING FEE:

Mayor Knowles said there were 2 other items that needed to be discussed. The first is the board of elections asked this board to set a filing fee for election. The normal fee is 1% of annual salary. Discussion held on why we have to set fee. After discussion a motion was made by Mayor Pro-Tem Newsome and seconded by Alderman Keister to set filing fee for Mayor and Alderman at 1% of annual salary. Passed unanimously. Alderman Hall asked who gets the money for filing fee. Manager Britt said the town.

RESOLUTION  
FOR BANK:

Mayor Knowles said we have a new resolution on the bank depository now that Mr. Britt is on board. Alderman Hall said he went to First Citizens Bank and they wanted to know why they were not given an opportunity to bid. Mayor Knowles advised they were and did bid. Manager Britt said he would review and see what happened. Alderman Hall said he would appreciate it because he was not satisfied with what happened. He said he did not think it was handled professionally. A motion was made by Mayor Pro-Tem Newsome that the following resolution designating depository and signatures be accepted. Passed unanimously.

TOWN OF NORTH TOPSAIL BEACH  
RESOLUTION DESIGNATING BANK DEPOSITORY

BE IT RESOLVED by the Town of North Topsail Beach Board of Alderman, in special meeting assembled this 14th day of June, 1990, that:

The Finance Officer of this unit shall be and is hereby authorized and directed to have deposited in the NCNB, in the name and to the credit of this unit all funds belonging to this unit with no exceptions which may come into his hands as an employee of this unit.



All checks, drafts or order of this unit drawn against said funds shall be signed by one of the following officers:

Finance Officer - Ann Vause  
Mayor - W. Rodney Knowles

and countersigned by the following officer:

Town Manager - Gary W. Britt

The names and signatures of the officers designated shall be duly certified by the Town Clerk of the board to said bank depository as from time to time necessary and no check, draft or order drawn against said bank shall be valid unless so signed.

The said bank depository shall be given written instructions that the proceeds from all checks payable to the order of this unit be deposited to the credit of this unit and that under no circumstances may an item be converted into cash.

The said bank shall send all statements and notices of irregularities to the Town of North Topsail Beach, P.O. Box 2709, Surf City, N. C. 28445, ATTENTION: Ms. Sharon Braswell.

Certified copies of this resolution shall be forwarded to the bank depository herein designated.

DULY ADOPTED THIS 14TH DAY OF JUNE, 1990.

DATE, TIME FOR  
RECESSED MEETING:

After discussion the board decided to recess the budget meeting until Tuesday, June 19, 1990, at 7:00 p.m. at West Onslow Beach Volunteer Fire Department building.

RECESS:

At 8:50 p.m. a motion was made by Alderman Keister and seconded by Alderman Hall to recess meeting until 7:00 p.m., June 19, 1990, at West Onslow Beach Volunteer Fire Department. Passed unanimously.

Ann Vause  
Ann Vause, Town Clerk

# TOWN OF NORTH TOPSAIL BEACH

P.O. Box 2709  
Surf City, North Carolina 28445  
(919) 328-1349

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RECESSED MEETING  
June 19, 1990

PRESENT:

Mayor W. Rodney Knowles, Mayor Pro-Tem Leland Newsome, Aldermen Weldon Hall, Nathan McDaniel, and William Keister, Town Manager Gary Britt and Town Clerk Ann Vause, Alderperson Charlotte Tippettt Attorney Marshall Dotson were absent.

CONVOCATION:

Mayor Knowles called the meeting to order at 7:00 p.m. and declared a quorum present.

BUDGET-

FISCAL YEAR 1990-  
1991:

Mayor Knowles advised this meeting was a continuation of the budget meeting held June 14th and he turned the meeting over to Manager Gary Britt. Town Manager Britt explained he had made changes brought to his attention since the last meeting. The following changes were made:

Revenues

Tax collection changed from \$414,800 to \$425,000; (61% to 62½% collection rate)

Total Revenues from \$936,297 to \$946,497.

Expenditures

Inspections from \$92,470 to \$94,680;  
Public Buildings from \$100,000 to \$106,671;  
Police from \$223,361 to \$313,919;

Total Expenditures from \$936,297 to \$946,497.

Manager Britt said the changes in revenues and expenditures totaled \$10,200. The changes in inspection department were because FICA and retirement figures were understated. Also, travel/training was increased \$500; capital outlay was reduced \$3,300 and planning board expenses for travel/training and supplied in the amount of \$4,000 was added. In public buildings fund \$1,318 was added to balance revenues. Changes in the police department were made in capital outlay to accommodate 2 file cabinets, 3 desk/chairs, 1 typewriter and small copy machine, total increase \$4,550.



Manager Britt said at the last meeting discussion was held on facilities for fire department. This has not been incorporated yet, however the additional funds in public buildings could be used for this department plus money for town hall facility. Also, you can consider \$25,000 from contingency which would give you about \$120,000 for purchase of land or equipment on lease-purchase for these. Mayor Knowles said he talked with Crawford Collins about setting our standards for tax collection. We do not want to wait 3 years on back taxes, like the county, for collection remedies. Manager Britt agreed, we cannot wait 3 years. It needs to be done yearly. He said he will talk with Mr. Collins this Thursday and explained what would be done. Alderman Hall asked if this could be done by middle or late January, 1991. Manager Britt said yes. Alderman Hall said he wanted to talk about the fire situation. They have a \$60,000 mortgage on the building and there is only \$30,000 plus in this budget. If we can take something out he would like to see this paid because if we leave \$25,000 due who will be responsible for paying that off? If we pay \$30,000 this only \$65,000 for maintenance and operation and nothing for north end, which we very much need. He said he would like to see 61% - 62½% collection rate and asked if remaining 32% could be earmarked to get department at the north end as soon as possible. Alderman Hall suggested this be discussed this week. After brief discussion a motion was made by Alderman Hall that all money above 62½% on taxes be earmarked for operation of new fire department on the north end. Manager Britt said the board could take this approach but could not make it part of the budget. After further discussion, Alderman Hall amended his motion and Mayor Pro-Tem Newsome seconded it to read "all money collected above the 62½% be earmarked for acquisition for fire department, north end and town hall. Alderman Keister said \$25,000 is obligated to fire hall. Is this lump sum. Alderman Hall said we will have to assume this and pay off. Estelle Sherwood, with fire department, said it takes \$1,100 to \$1,200 a month to operate. Alderman Hall said it depends on gas, etc. used. After further brief discussion, motion passed unanimously.

Alderman Hall said there was on other thing he didn't see in amendment. In the budget presented June 14th, salary increase of 5% and 2% merit was included. If we eliminate this it would allow approximately \$16,000 - \$20,000 that we could use for loss of county funds to fire department. He asked if he would need a motion to do this. Manager Britt requested some funds in line item as contingency, part in fire payment on building and capital outlay line items. He said he has taken \$30,000 for boat out of fire capital outlay and added 4 wheel drive (\$10,000). Balance can go into operating fund for department. Alderman Hall agreed that would be reasonable approach to situation. I said salaries started high to begin with so it seems appropriate for us to use that money. Manager Britt said there are some employees we have not hired yet. Alderman

Hall said police salaries are good and agreed no problems. Officers starting at \$17,000 can work one year without increase. Mayor Knowles said it would still need to come before the board. General discussion on merit funds left in, federal tax and other salary related items. Alderman Hall said he was trying to be fair. Mayor Knowles said it appears he is taking from other departments and giving to fire. Alderman Hall said not really, and explained what would be left in other departments. This was briefly discussing. Manager Britt requested \$20,000 minimum for contingency. A motion was made by Alderman Hall and seconded by Alderman McDaniel that salary increase be dropped from a total of 7% (5% Cost of Living and 2% Merit), to 2% merit. Passed unanimously.

Mayor Knowles asked if there were any other comments or change. Alderman Hall asked when building fees and money come in, looking at \$26,000, does it go to general fund and allocated back to inspection department? Manager Britt said no, it's part of total, and as collected it is put in the general fund. Expenditures will be allocated as in the budget now. Alderman Hall asked if this was a good figure of what we hope to take in. Manager Britt said he hopes it is a conservative figure. Building Inspector Thompson agreed. Alderman Hall said he was not only asking about building but CAMA. Mr. Thompson said there may be additional from CAMA and fee for subdivision but this is not set yet. He said he feels this is a conservative figure and is based on what we have taken in in the last month. Alderman Hall said the planning board should have money to travel and look and \$3,000 won't get them far but will help. After brief discussion, a motion was made by Mayor Pro-Tem Newsome and seconded by Alderman Keister to accept budget and budget message for Fiscal Year 1990-91 as written with any changes made in motions tonight. Passed unanimously. Budget Ordinance for Fiscal Year 1990-91 is as follows:

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

Section 1. The following amounts are hereby appropriated in the General Fund for the operation of the town government and its activities for the fiscal year beginning July 1, 1990 and ending June 30, 1991, in accordance with the chart of accounts heretofore established for this Town:

Governing Body	\$ 20,760.00
Administration	179,472.00
Inspections	93,189.00
Public Buildings	106,671.00
Police	304,202.00
Public Works	33,173.00
Street Department	10,000.00
Street Improvements	10,000.00



Fire	\$ 106,462.00
Raw Water Supply	34,000.00
Contingency	45,068.00
Elections	1,500.00
Buildings & Ground Maintenance	<u>2,000.00</u>
TOTAL	\$ 946,497.00

Section 2. It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 1990 and ending June 30, 1991:

Current year's property taxes	\$ 425,000.00
Prior year's property taxes (1989-90)	50,000.00
Penalties & Interest on property taxes	3,000.00
Utilities Franchise Tax	10,000.00
Intangible Property Tax	6,000.00
Beer & Wine Tax	1,000.00
Powell Bill Allocation	10,000.00
Local Option Sales Tax	404,697.00
Other State Revenues	500.00
Interest on Investments	5,000.00
Miscellaneous Revenues	200.00
Building Permits	13,000.00
Inspection Fees	13,000.00
Refuse Collection Fees	0.00
License & Permits: Privilege License	<u>100.00</u>
TOTAL	\$ 946,497.00

Section 3. There is hereby levied a tax at the rate of forty cents (.40) per one hundred (\$100) valuation of property as listed for taxes as of January 1, 1990, for the purpose of raising the revenues listed as "Current Year's Property Taxes" in the General Fund in Section 2 of this ordinance.

This rate is based on an estimated total valuation of property for the purposes of taxation of \$170,000,000.00 and an estimated rate of collection of 62.5%. The estimated rate of collection is based on the fiscal 1989-90 collection rate of 62.5%.

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

- a. He may transfer amounts between objects of expenditure within a department without limitation and without a report being required.
- b. He may transfer amounts up to \$1,000 between departments, including contingency appropriations, within the same fund. He

must make an official report on such transfers at the next regular meeting of the Board of Aldermen.

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

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

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

DULY ADOPTED THIS 19TH DAY OF JUNE, 1990.


ABSENTEE  
BALLOTS:

Mayor Knowles said we have one other item to discuss. The County Board of Elections has asked for resolution on whether or not we will have absentee ballots on future elections. Manager Britt said this was not addressed in the Town Charter and the board needs to make this decision. Also, the money for filing fees you ask about does come back to the Town. Alderman Hall said he does not think we should have absentee voting. After brief discussion the board decided to table this until they talked with the attorney. Mayor Pro-Tem Newsome asked if you could challenge absentee ballots and Manager Britt said yes. Alderman Hall explained what happened with election petition for new election. This was briefly discussed.

Mayor Knowles said the budget for Fiscal Year 1990-91 has been passed. Manager Britt concluded that he would like an opportunity to go through salaries because some were set without 5% cost of living. He wants to make certain properly handled. Alderman Hall said in Fiscal Year 1991-92 with increase in county tax and our collection rate low, if all departments have their items be sees no reason the budget cannot drop. Mayor Knowles asked Manager Britt to look into allocation of room tax. Right now county has about \$340,000 in reserve that came from here and Jacksonville. This was briefly discussed.

ADJOURNMENT:

A motion was made by Mayor Pro-Tem Newsome and seconded by Alderman Keister to adjourn meeting at 7:35 p.m. Passed unanimously.

  
Ann Vause, Town Clerk





# TOWN OF NORTH TOPSAIL BEACH

P.O. Box 2709

Surf City, North Carolina 28445

(919) 328-1349



## PUBLIC HEARING AND SPECIAL MEETING JUNE 27, 1990

PRESENT: Mayor Rodney Knowles, Mayor Pro-Tem Leland Newsome, Aldermen Weldon Hall, Nathan McDaniel, and William Keister, Town Manager Gary Britt, Town Attorney Marshall Dotson and Town Clerk Ann Vause. Alderperson Charlotte Tippettt was absent.

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

### PUBLIC HEARING- SUBDIVISION ORDINANCE:

Mayor Knowles announced the public hearing on proposed subdivision ordinance was open. He said they have gone over the proposed ordinance to some extent and called on Mr. Tom Casell, NRCS and asked him to guide them through this. Mr. Casell said he would like to answer questions. He reviewed the purpose of a subdivision ordinance and advised it was for the consumers protection. He said the regulations before them were patterned after a model done 15 years ago and is a pretty good model. There have only been 5 or 6 additions made and most small communities across the State have utilized it. The main features are revealed in the table of contents. He said the building inspector is normally appointed as inspector and he explained how this works. Mr. Casell outlined and explained preliminary and final plat review process. He said once preliminary plat approved they can make improvements on property but before they can record they must submit final plat for approval and it must be accompanied by guarantee of improvements that are in the ordinance as well as what he said he would do. Mr. Casell listed and reviewed requirements improvements. Definitions for subdivision ordinance are listed and are defined in State Statutes. Mr. Casell said there are 4 exceptions that are included that are not subdivisions. He said if you ever need to question whether its a subdivision refer to this. Mr. Casell said he would like to point out changes from previous draft presented to the board. The following revisions were discussed during workshops. 1) Submission requirement: Mr. Rossie Thompson, Building Inspector, recommended time on preliminary plat submission and review, (Section 306.1, Submission Procedure,) be changed to submitted at least 20 days, instead of 30 days. He said he thought 30 days would not allow enough time. He said there should be 10 days for submission to the administrator of the ordinance and they



would need 10 more days to get things lined up before the planning board meeting. 2) Private streets: Questions were raised on whether or not they should allow private streets. The proposed ordinance was silent on this. Particularly where developer discloses whether private or public. The general consensus was they did want to allow private streets. Section 405.24 paragraph now says private streets may be permitted insubdivisions provided that all construction and maintenance responsibilities are assigned to a homeowners association established in accordance with NC Unit Ownership Act. The Town of North Topsail Beach shall not in any way be responsible for the maintenance nor shall the Town accept the streets for future maintenance. However, they did not set forth standards for these streets. There thinking was private streets would be reviewed by the planning board but they are not ready to recommend what standards whould be on these. Standards for public streets are set in ordinance and they are what D.O.T. requiries. Mr. Parr, planning board chairman, said section 405.1 of his draft says all subdivision lots shall abut on a public or private street. Also, all public streets are to be dedicated to the Town. Mr. Casell said his draft was alittle different than the one submitted to the board last Friday and he reviewed the current wording for Mr. Parr. Alderman Keister said excluding public streets would the Town maintain private streets. Mr. Casell said no, the Town would not be responsible for the maintenance of any private streets. He explained what developer would need to do for town t maintain street and utilities. Mr. Casell said the subdivision regulations are clear that any offer of dedication must receive an acceptance by the Town board to be effective. He said the Town should not be in the business of maintaining or constructing streets. Alderman Keister asked how this would effect fire hydrants. Mr. Casell said the county maintains water system. If the Town ever gets in this business agreements would need to be worked out with individual. Mayor Knowles said everything now is on public property. Alderman Hall said if road maintained by subdivision, like Galleon Bay, and water line, sewer, etc. has problem it is their responsibility to fix the road back. Mr. Casell said it would be between utility and propert, owner. General discussion held on this. Mr. Casell said there is alot of misunderstanding and it will have to be worked out. We will have to get word out to the public. It is the responsibility of the planning board for public information and education. That is why they play such critical part in development of this. He said this ordinance sets up procedures where this can be considered. The subdivision regulations have more to do with character of community than any other ordinance and also, what will be built next 30 years or so. The zoning ordinance also has an impact. It allows development in the first place but the subdivision ordinance determines if its good or not. T Town will need to be vigilant and watch this. Mr. Billa O'Donnell said D.O.T. went to alot of trouble to determine what is a good street, why don't we use this. MR. Casell explained

explained this was not addressed because for a number of years they did not allow private streets. In the last 10 years developers wanted to offer security in regard to development with gates, etc. This cannot be done with public streets. Mr. O'Donnell said he was thinking more along the lines of construction. Mr. Casell agreed D.O.T. should know what will last. That is the part that goes unanswered with private street. Mayor Knowles asked if this was with planning board. Mr. Casell said they do not set standards. Attorney Dotson said they can make requirements on private streets. Additional requirements would be in covenants, homeowners will maintain streets. They may not have an active association but will have provision for enforcement for the Town. He explained how they could apply lien to property, same as if public nuisance. Ms. Marion Harkins said she was against private streets but if we have them, make them equal to public streets. The developer will have streets, 3 years down the road when sold the association will have to take care of. Then they will want the Town to take over. Mayor Knowles said process calls for technical review board with planning board and this will be set up the right way. The Town Manager will set technical review board with planning board and Board of Aldermen. With individuals involved it will be maximum standards, no longer minimum. Alderman Keister said if not up to standard and build. Mr. Casell said normally towns are not equipped to do this. Mayor Knowles said for general information he wanted the citizens to know survey on mileage of streets shows we have 3 miles that are non-state maintained. Mr. Parr asked if the ordinance should have something other than just long private street. The planning board wants a little more guidance such as covenants, rather than leaving it up to the planning board without any guidance at all. We would rather have more definite guidance. Alderman Hall asked if standard for public street would be the same as private but private a little smaller. Mr. Parr said tomorrow they have 20' private street to consider and trying to get a fire truck in is problem for fire chief. There is no guidance on this. Mayor Knowles asked if this was covered in building code. Mr. Casell said it has standards for public streets. Attorney Dotson said in other areas at planning board and site review level, if they allow, recommendations can also be stated in accordance with D.O.T. standards. Also, in this ordinance where ever private streets there must be homeowners association. This is your key. They must show their papers on organization and conditions for you to see. Mr. Parr said different requirements. Each planning board is to come up with different standards. Maybe you would need to give latitude. You can do this to build in the future if the boards wants to change. Attorney Dotson said sometimes if you set up standards you may later want different standards so if you tie into criteria you may have to change to make different. General discussion was held on this. Mr. Parr said private streets in subdivisions is a new thing. Ordinance before did not allow them. Alderman Hall said this board can adopt regulations but the next board can delete or add so we are trying to establish good ones. Mayor Knowles said we are trying to set a good base and add or



delete as we need. Mr. Parr said we can assume they want private streets constructed in manner of D.O.T. whether the words are in ordinance or not. Mayor Knowles said in subdivision if you have so much paved you must have stormwater run off. There are so many regulations that have to be adhered to. Mr. Casell said yes, there are so many regulations and explained how this would work. Chris Schmidt asked if they were saying they might want to consider higher standards. Discussion held on D.O.T. standards, why some might want to be higher than 60 ft. Also, discussed water lines, why Town may require higher inside city limits than outside. Chris Schmidt asked if all this would be considered in preliminary plan and Mr. Parr said yes. Attorney Dotson said they can give higher standards to the planning board but you may want higher so you decide you do not want to approve because it is not in the best interest of health, etc. of citizens. Further discussion on D.O.T. standards and whether or not town will or should use. Alderman Keister gave example of what D.O.T. might require and higher standard we might request and said this is where standards come in. Also, briefly discussed SR 1568, right of way planned and what actually used. Mr. Schmidt said he was trying to understand why we are reluctant to establish minimum standards taking into account D.O.T. and developers. A citizen said he would like to see minimum standards for private streets. If you set higher you would need to change the ordinance. If you feel minimum is not good you should put in what is good. Mayor Knowles said we cannot do this without getting someone in to design. Citizen said this is a real problem. We can not address if it does not meet standards for health, etc. of public. General discussion held and Mayor Knowles read minimum in the ordinance. Attorney Dotson said if D.O.T. is going to take over it must meet their standards. If streets developed as private they don't anticipate D.O.T. taking over. The planning board should require developer meet certain criteria they have and explained. Marion Harkins said we can not assume we will not take over streets. Mr. Parr said he would be happy to have someone take over. Mayor Knowles said developer must bring up to standard. Melinda Whitney said the solution is obvious. If we adopt D.O.T. and leave so we are able to go higher have them make sure they bring someone in from D.O.T. and let developer pay for this before it is approved. That way no matter what street will meet standard. Then if the board wants to change they will still have street minimum of D.O.T. Mayor Knowles said this is basically there. General discussion on private streets citizens live on now, why developers don't want to develop properly and cut into profit. Chris Schmidt said minimum with D.O.T. does change so what is reluctance in applying this to standard streets? The alternatives are pot holes, sink holes, etc. After further discussion Mr. Casell said he would add sentence, like section 405.7, on private streets. Discussion of section 405.7 decided sentence would read all streets would be in accordance with standards of D.O.T. Mr. Parr said he would read this as applying to private as well as public streets. Attorney Dotson asked if this would mean they would

be excluding a developer who puts up gate or fence around it but had private street unpaved. Mayor Knowles said we do not have resources to pave roads in town we have now. Alderman Hall said when private developer brings in engineer to design wouldn't he talk about asphalt and be in position to say the road is up to standard better than we would. Tom Casell said yes, but it might be his own. Briefly discussed possible future engineer for this. Mr. Casell said the ordinance says we can do this and charge it to the developer. Mayor Knowles said the technical review board is the protection. With any subdivision we require a public hearing and this can be brought out. It should be up to each individual subdivision. That is why we have planning board and technical review board. Melinda Whitney said this board and planning board has expertise but not like D.O.T. If we do not set standard somewhere it should be tied to D.O.T. standards. Mr. Peter Hillyer said he thinks the concern is what happens in the future, and at the same time we are concerned with developer that comes in. Ginny Hillyer asked the attorney about avoiding litigation. If he met standards and we wanted more we need to design latitude to avoid problem. Briefly discussed problems that might occur when you try to get D.O.T. involved with private sector. Attorney said you have teeth in this ordinance if you use it. Mr. Parr said they have authority under Section 405.7 and he believes that settles it. Alderman Hall said in engineer comes in and he recommends they be bonded. He said he believes it would eliminate problem and the board would look favorably on this recommendation.

Mr. Casell also discussed private utility. He said there were questions about private utility and concern about having permits from approving state agencies. Section 406.1 addresses this and was briefly discussed. There was also concern about lot be approved with thought that private company be made to have proper authority from State.

Mr. Casell said the next concern was recreation requirement. Ordinance incorporates review much like subdivision regulations. Discussion on stand about development on public water, 10 ft. access and other public access. Mr. Casell said this ordinance also includes recreation or open space requirement for subdivision and he explained how this works. There was some concern that the developer might have to address more than subdivision so ordinance was modified to say "open space site to serve residents of subdivision." Many years down the road there might be parcel subdivided and you might need to set aside for recreation in open space. Citizen asked if each development must have public access. Mr. Casell said no, under planned use development, only access that borders water front property. Mayor Knowles said second row houses in subdivision would have to have access to the beach. Mr. Parr said this was in addition to public access and explained how this works. Mr. Parr said there was 1/2 acre for any subdivision and Mr. Casell agreed. Briefly discussed planned development and how this works out with coastal development and CAMA.



Mr. Casell said this was all corrections he has to review. Alderman Hall asked if it was in final form to adopt. Mr. Parr said he could not find anything that requires a public hearing. Mr. Casell said no and Mr. Parr asked if it should be in there. He said they have authority to have public hearing but it is not mandatory, should it be. Attorney Dotson advised a public hearing is not required for subdivisions. These hearings are at the planning board stage. It is not the same as zoning. Mr. Casell said it would be required if you change ordinance. A general discussion was held concerning this. Mr. Chris Schmidt said last February attorney explained distinction between public hearing and meeting on zoning. Meetings are open for citizens to attend but not to comment and public hearings are for citizens comments. Can you explain this again so he can understand? Attorney Dotson said public hearings are advertised, required notices and in addition requires notice to adjacent property owners. Public hearings are open meetings and citizens have the right to ask chairman to be heard. This can also be done at the planning board meeting. The subdivision may meet all requirements but if someone objects they have a right to be heard. Discussion held on this, when citizens can talk about agenda item and open forum section of board meetings. Also, discussed how the meetings of this board are more relaxed than other municipalities and why the board wants it this way. Attorney Dotson said the boards are always open for comments. Mr. Schmidt said it sounds like it is designed to guide the planning board, not the aldermen. Mayor Knowles said it is designed for developer to take to the planning board for their review. Melinda Whitney said as small as we are she does not think public hearing will be any problem. Lengthy discussion held on this and how when the town grows it will be harder to have relaxed, informal meetings. After discussion Mrs. Whitney said we need to set standards now. Attorney Dotson said they have another standard and that is chairman run meeting and he explained how this works.

Attorney Dotson said once property is rezoned or subdivision approved, developer meets criteria and it comes to the board even if opposed, the board may not be able to deny just because it's opposed. Mrs. Whitney said if we want standardized island that is what we will have. Ms. Harkins said if subdivision presented by developer meets all requirements it has to be approved. Mrs. Whitney asked if he was saying citizen can not bring up point without being ignored and board approving anyway. Attorney Dotson said no, and explained what he meant. Citizens can come to the meeting and express their view and the board can defer item until the next meeting. Mr. Schmidt said they were asking when subdivision presented to the board and they do not ask for comments can the public hearing requirement be put on planning board so they can give comments? Attorney Dotson said the planning board will adopt their own rules of procedure. Mr. Parr said Section 306.2 addresses review by other agencies. One section says they may have and the other says shall. He suggested it all be changed to "may" because

"shall" is required and "may" is optional. Mr. Casell and Attorney Dotson agreed. Attorney Dotson explained why it was in the ordinance this way. After discussion the board decided to change wording to "may" instead of "shall", and if deemed appropriated (Section 306.2)

Ms. Harkins asked if water access was large enough for emergency vehicles. Mr. Casell said it is in the zoning ordinance and standard is 10 ft. General discussion on this subject.

Ms. Harkins asked if subdivision developer could be required to tell potential buyer of flood insurance situation. Mr. Casell said design required on final plat, rating zone, etc. He said he does not know of any committee that requires this on disclosure statement. Attorney Dotson said it would require State legislation and explained. Mr. Casell said in Article 19 there is nothing to allow the Town to pass disclosure requirement.

Town Manager Britt said building inspector requested wording on Section 304.1, third paragraph be changed from 15 days to 14 days to conform to the zoning ordinance requirement. The board agreed.

No further comments were received from the 25 citizens present. A motion was made by Mayor Pro-Tem Newsome and seconded by Alderman Keister to close the public hearing at 8:47 p.m. Passed unanimously.

SUBDIVISION  
ORDINANCE:

A motion was made by Mayor Pro-Tem Newsome and seconded by Alderman Keister to adopt the subdivision ordinance as modified and approved by the Board. Passed unanimously.

RECESS:

Mayor and Board of Aldermen called for a recess at 8:48 p.m. The board reconvened the meeting at 9:01 p.m.

POLICE PROCEDURE  
MANUAL:

Town Manager Britt asked if there were any questions on the police policies and procedures manual presented. Mayor Pro-Tem Newsome said he has the rules and requirements. The only problem is item E on page 5 which refers to dismissal and disciplinary resting with Manager. He said he would like to include the board. Town Manager Britt said this was standard form recommended by justice department and is used in towns with council-manager form of government. Mayor Pro-Tem Newsome asked how the board gets involved. Town Manager Britt said before dismissal he would advise the board. At the level beneath the department head the board would not get involved at all. He advised there will be a grievance procedure in the personnel policy. Attorney Dotson said this is the normal procedure used. The board should not be in decision making or disciplinary process of employees. That process comes from department head to manager with grievance procedure board. The board can not get involved in this. They need to stay away because once they get involved in process and if litigation occurs they would be involved. He



explained how this works. Alderman Hall asked about portion on emergency and individuals being called in. Chief Meltor said in an emergency his men can be called in and he explained how this works. After brief discussion a motion was made by Alderman Hall and seconded by Mayor Pro-Tem Newsome to accept police policies and procedures manual. Passed unanimously. (Filed in vault, ordinance book, # 8).

UNEMPLOYMENT  
OPTION:

Town Manager Britt explained the following 3 options available on unemployment benefits.

1. The Town pays 100% of actual benefit charged to the Town account. Payment is made within 25 days after a list of benefit charges has been mailed to the Town. No non-charging of claims is allowed under this method.
2. Contributions are paid on an experience rating basis. The Town would start at a rate of 2.7% of actual wages paid until an actual experience rating can be calculated. This method would cost the Town approximately \$9,000 in Fiscal Year 1990-91.
3. The Town pays 120% of actual benefits charged to the Town account. Payment is made within 25 days after a list of benefit charges has been mailed to the Town. Non-charging of claims is allowed in with this method.

He recommend option one and advised a review of the cost/benefits of this method will be performed at the end of the Town's first 4 year period to determine if a change in the method of financing unemployment benefits would be beneficial. He said he does not intend to lay anyone off and does not believe we will discharge anyone. This is only for those that leave and qualify for benefits. Manager Britt said once option selected it remains in force for 4 years before the Town can change. After brief discussion a motion was made by Alderman Hall to accept Option #1 for Town unemployment method. Passed unanimously.

RETIREMENT:

Manager Britt explained retirement for employees and advised if the Town elected to participate the earliest they could join would be October 1. He recommended the Town approach retirement system and asked for evaluation of what the Town's cost would be. This service would cost the Town \$550.00 but would be beneficial. We would need to send them list of employees, age and salary for survey. After brief discussion a motion was made by Mayor Pro-Tem Newsome to approve \$550.00 expenditure for study of retirement cost to Town. Passed unanimously.

SOCIAL  
SECURITY:

Town Manager Britt advised this was social security benefit and old age survivor benefits. The town does have an option on whether or not they wish to participate. He said he knew of no reason for the town not to join and he does not know of anyone that does not participate. Once you elect to join you cannot change. The town's cost would be 7.65% of all gross wages, about \$25,000 for Fiscal Year 1990-91. After

brief discussion a motion was made by Mayor Pro-Tem Newsome to adopt the following resolution on social security. Passed unanimously.

RESOLUTION FOR COUNTIES, MUNICIPALITIES AND OTHER POLITICAL SUBDIVISIONS OF NORTH CAROLINA MAKING APPLICATION FOR COVERAGE OF ABSOLUTE COVERAGE GROUPS OF EMPLOYEES UNDER THE OLD AGE, SURVIVORS, AND DISABILITY INSURANCE PROVISIONS OF TITLE II OF THE FEDERAL SOCIAL SECURITY ACT

WHEREAS, Title II of the Federal Social Security Act has been amended for the purpose of extending to the employees of political subdivisions of the State and their instrumentalities, and to the dependents and survivors of such employees, the basic protection accorded to others by the Old Age and Survivors and Disability Insurance program as embodied in the Social Security Act, and

WHEREAS, the provisions of Article 2, Chapter 135 of the General Statutes designate the Director of the Teachers' and State Employees' Retirement System, whose title is Director of the North Carolina Public Employees' Social Security Agency, as the State Agency authorized to enter into agreements or coverage plans for the purpose of extending such benefits to employees of such political subdivisions, and

WHEREAS, the governing authority of this political subdivision of the State desires to extend to its eligible employees or eligible coverage groups of such employees, and their dependents and survivors, the security, protection and benefits provided by said laws and the regulations established thereunder:

NOW, THEREFORE,

Be it resolved by the Board of Aldermen of the Town of North Topsail Beach in regular meeting, a quorum being present:

1. That the governing authority of this political subdivision of the State, to the extent of its lawful authority and power, does hereby extend to its eligible employees and eligible groups and classes of such employees the benefits authorized by Title II of the Federal Social Security Act, as amended, and as authorized by Article 2, Chapter 135 of the General Statutes. The services of members of the governing board and the services of members of other boards, councils, commissions, and committees, whose duties require not more than 1000 hours of service per year, are to be (a) excluded from coverage or (b) included under coverage. (Selection "B" was marked with an "X")
2. That Gary W. Britt, Town Manager is hereby fully empowered and authorized, and is hereby ordered and directed, to prepare, with the cooperation of the Director of The North Carolina Public Employees' Social

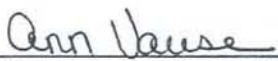


Security Agency, a suitable agreement or coverage plan as provided by law, the same to be properly executed by this governing authority and approved by said Director of the State Agency for the purpose of making available to such employees the benefits mentioned in Paragraph I and the preamble of this Resolution, effective the 1st day of April, 1990.

DULY ADOPTED THIS 27TH DAY OF JUNE, 1990.

ABSENTEE BALLOTS: Town Manager Britt said he was asked by the Board of Elections to request the board make a statement one way or another on absentee ballots for town elections. Mayor Pro-Tem Newsome said he would not be in favor of absentee ballots until we study it and talk with the people. He proposed it be tabled until next meeting. Attorney Dotson said they have 3 choices, either allow for ballots, not allow, or if concerned defer until you find out what you want to do. General discussion on what happens if the board takes no action, what the State might do or can do. After discussion a motion was made by Alderman Hall and seconded by Mayor Pro-Tem Newsome to table this until we can look into this further. Mrs. Whitney said there are alot of elderly and military who can not be here. Alderman Hall said he understood there are many situations when they can not be here but we still need to study this. After brief discussion the motion passed unanimously.

ADJOURNMENT: A motion was made by Mayor Pro-Tem Newsome to adjourn meeting at 9:25 p.m. Passed unanimously.

  
Ann Vause, Town Clerk

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TOWN OF NORTH TOPSAIL BEACH  
REGULAR BOARD MEETING  
JULY 11, 1990

**PRESENT:** Mayor Rodney Knowles, Mayor Pro-Tem Leland Newsome, Aldermen Nathan McDaniel, Weldon Hall, William Keister, Alderperson Charlotte Tippet, Town Manager Gary Britt, Town Attorney Marshall Dotson and Town Clerk Ann Vause.

**CONVOCAATION:** Mayor Knowles called the meeting to order at 7:05 p.m. and declared a quorum present.

**AGENDA:** Mayor Knowles said there were several citizens here and alot to cover on the agenda. He will hold as close as possible to this and advised there are last minute items added since agenda mailed last Friday. He requested the Board review these.

**PUBLIC HEARING -  
AMENDMENT TO  
ZONING ORDINANCE:** Mayor Knowles opened the public hearing at 7:07 p.m. and advised the approximately 60 citizens present that the public hearing was to review an amendment to Section 15.5E Signs Permitted, of the Zoning Ordinance. Mayor Pro-Tem Newsome said the amendment would change the size of permitted in B-1 and B-2 district from 6 foot in height above ground level to 14 foot and area size from 32 square feet to 160 square feet. Building Inspector Thompson said most business signs are 160 square feet but new zoning ordinance restricts them to 32 square feet but new zoning ordinance restricts them to 32 square feet. He explained individual who requested change and why.

Mrs. Belinda Whitney:

She advised she had a problem since the business zone is so small at this point. Why would we need sign that large when we have a limited area? She said a smaller, more tasteful sign is needed and she wanted to enjoy the beach. Mr. Thompson advised the size requested is the type normally allowed and briefly explained this and temporary business signs.

Mr. Chris Schmidt:

1) What constitutes a temporary sign? 2) A number of signs on north end have been there 3 years and still no development. Mr. Thompson read the definition of a temporary sign and advised current signs are non-conforming and would not fall under this ordinance.

Mr. Bill O'Donnell:

He said to increase from 32 square feet to 160 square feet is an excessive size increase and will block alot of area. Discussion held on number of possible signs in town, on premises business signs, what business requested this change and the fact that off premises signs and billboards would



not be addressed.

No further comments were received and a motion was made by Mayor Pro-Tem Newsome to close the public hearing at 7:22 p.m.

ORDINANCE  
AMENDMENT:

A motion was made by Mayor Pro-Tem Newsome to accept change in zoning ordinance. He said there are less than 5 signs on the island. The change is for sign that has existed for years and they want to replace what has blown down. Alderman Hall asked if they could amend and discuss later. After brief discussion Mayor Pro-Tem Newsome withdrew his motion until they get to item under business on agenda.

MINUTES:

\* see corrected  
minutes - June 11,  
1990. (AV)

Mayor Knowles asked if everyone read the minutes presented for approval and if there were any changes. Alderman Hall said on June 11, 1990, minutes the motion by Mayor Pro-Tem Newsome concerning subdivision of Yow, Montserrat, and Page, printed minutes do not indicate motion as made and needs to be changed. Discussion held on length of minutes and ways to decrease size of written ones. Alderman Hall said motions should be verbatim, and that each alderman should have copy of tapes from this board and planning board to study before they make decision. General discussion held on this. After discussion Manager Britt requested the names of aldermen wanting copy of tapes. Alderman Hall requested copies of all tapes. A motion was made by Mayor Pro-Tem Newsome and seconded by Alderperson Tippet that minutes of Regular Meeting June 6, 1990, Special Meeting June 9, 1990, Special Meeting/Public Hearing June 14, 1990, Recessed Meeting June 19, 1990, Public Hearing/Special Meeting June 27, 1990, be approved as written with correction requested made on June 11th, minutes. Passed unanimously.

CONTRACT WITH  
AUDITOR:

Manager Britt presented and the board briefly reviewed the proposed contract from John A. Carraway, auditor. A motion was made by Alderman Keister and seconded by Alderperson Tippet to accept audit contract for Fiscal Year 1989-90 from John A. Carraway, CPA, amount not to exceed \$1,275.00. Passed unanimously.

PLANNING BOARD  
RECOMMENDATION:

Mayor Knowles said because alot of citizens were here about the planning board recommendation and the agenda is rather lengthy, he would like to take the report and recommendation ahead of other items. He requested Mr. Parr present his report. Mr. Parr advised most of the planning board members were at this meeting and he reviewed their role with Board of Aldermen, as well as meetings they had on various items. Mr. Parr presented the following report and recommendations.

Guidelines on Decisions:

Listed below are broad guidelines to be used when decisions are made by the board. These guidelines were put forth since a comprehensive Land Use Plan or other standards to make considered judgments are lacking at the present time.

- A) Encourage the lowest possible density development.
  - Some development is necessary for the preservation of the natural resources in North Topsail Beach - more control of access to beach and sound is needed.
- B) Any zoning change recommendation to be based on the lowest possible density taking into consideration the needs of property owners, the desires of the citizens and the future of North Topsail Beach.
- C) Make no zoning change recommendation that allows a higher density than current zoning allows.
- D) Minimal business is needed on the island - particularly on the ocean side since the environment is best served by low density residential development.

Using the above broad guidelines, taking into consideration public comments (received in a public hearing held June 28, 1990) and inputs from interested developers, the Planning Board in a meeting held July 5, 1990 voted to make the following recommendations to the Board of Aldermen.

- I. F. Roger Page, Jr. request to rezone two (2) parcels of property on S.R. 1568 from R-20 to R-15:

Recommendation:

Reject the request from F. Roger Page, Jr. to rezone two (2) parcels of property on S.R. 1568 from R-20 to R-15.

Reasons:

- A. Concern over the density of development north of the high bridge on S.R. 1568.
- B. Controversy relative to S.R. 1568, including allegations that the new road is substandard and is lower than the old road.
- C. Setting of a precedent that will make it more difficult to deny others zoning changes that allows increased density north of the high bridge. This is the area where the only remaining R-20 zoning in North Topsail Beach is located. The lack of a comprehensive Land Use Plan for North Topsail Beach makes it prudent to move slowly in changes in zoning that allow increased density any place in the city.
- D. Citizens have purchased and built on land in this area because it was zoned R-20 and are against changing the zoning to a higher density zoning.



General discussion held on project, CAMA permits notification to adjacent property owners, etc. Building Inspector Thompson devised this was a zoning request. Mayor Knowles asked Mr. Lanier, developer and land owner, for his comments. He said only adjacent property owners were ones that are proposing this change except for George Jeffers and he wrote a letter in favor of this. Also, the State owns 600 foot. Ocean Dunes I, southside, is zoned for condos and was approved by the county. The otherside is R-20. Mr. Lanier said they feel they have met requirements of zoning. It would be single family and would not change zoning use just lot size. Discussion held on subdivision project proposed, size of lots and possible dams needed. Mr. Thompson advised intended use had nothing to do with rezoning and should not be addressed. Further discussion on 404 wetland and citizen comments received. After brief discussion a motion was made by Alderman Hall and seconded by Mayor Pro-Tem Newsome that this be tabled until the next regular meeting and deal with it at that time. Passed unanimously.

- II. Hunter Heath Trust request to rezone property on Highway 210, opposite Rogers Bay Campground, from B-1 to R-5:

Recommendation:

Reject the request from the Hunter Heath Trust to rezone property on Highway 210 opposite Rogers Bay Campground from B-1 to R-5, but recommend the rezoning of said property to R-10.

Reasons:

- A. Rezoning to R-10 will meet the guideline for minimal business on the ocean side.
- B. An R-5 zoning would set a precedent for others to request like treatment and the possible density of R-5 (15 units/acre compared to 4 units/acre in R-10) is inconsistent with a "lowest possible" density guideline.
- C. The current request for rezoning to an R-5 rather than an R-10 is based on the area of one (1) out of 27 in the proposed subdivision not meeting the requirement of an R-10 zoning. The impact of an R-10 zoning on the developer would be minimal - particularly when the need for recreational open space (required in the Subdivision Regulations) is considered.

NOTE:

The developers' plans for a subdivision on this property was well received by the public in the hearing held on June 28, 1990.

Mayor Knowles asked for comments from developer. Ms. Sandra Darby said they will accept R-10 instead of R-5 zoning. A motion was made by Alderman Keister and seconded by Mayor

2000  
change

Pro-Tem Newsome that zoning be upgraded from B-1 to R-10 on Hunter Heath Property. Passed unanimously.

III. Yow Property (Topsail Island's Ocean Dunes):

Recommendation:

Accept a conditional approval of a preliminary plat for a subdivision on the Yow Property on Highway 210 (Topsail Island's Ocean Dunes).

Conditions:

- A. The lots that abut Highway 210 should be restricted in such a manner as to stop access from Highway 210.
- B. Have a minimum of 5.1 acres of recreational and open spaces.
- C. Recommend the acceptance of one beach access with parking for (15) fifteen cars in lieu of the standards set out in the subdivision ordinance requiring one beach access every 1320 feet; and
- D. To meet all other standards of the North Topsail Beach Subdivision Regulations as determined by Rossie Thompson, Subdivision Enforcement Officer after consultation with the Chairman of the North Topsail Beach Planning Board.

Mayor Knowles asked for comments from developer. Mr. Yow said on lot on Highway 210 they will provide covenant on lot fronting on Highway 210. Also, will provide beach access. A motion was made by Mayor Pro-Tem Newsome and seconded by Alderperson Tippet to accept the planning board recommendation to approve project. Passed unanimously.

Chairman Parr said all developers were cooperative with the planning board. We are trying to do what you want done to have a well established community.

RECESS: The board decided to take a recess at 8:15 p.m. They went back into session at 8:30 p.m.

COPIER  
UPDATE:

Town Manager Britt said in order to keep up with demand for reproduction we need additional equipment for copier. The funds were budgeted this year. The proposed lease-purchase contract with Cavins Business Products would be for 2 years at \$129.00 a month. A motion was made by Alderperson Tippet and seconded by Alderman Keister to accept lease-purchase agreement from Cavins Business Products for \$129.00 a month. Passed unanimously. (Vault # 19).

CONTRACT - SURF  
CITY & NORTH  
TOPSAIL BEACH  
POLICE:

Town Manager Britt presented mutual aid agreement with Surf City Police Department. He said it was authorized under G.S. 160A-288 and is the same type signed with Topsail Beach. A motion was made by Mayor Pro-Tem Newsome and seconded by Alderperson Tippet to authorize approval of mutual aid



agreement between police departments of North Topsail Beach and Surf City. Passed unanimously. (Vault # 23)

CABLE TV  
FRANCHISE:

Town Manager Britt requested a workshop on this be coordinated with personnel workshop.

STREET LIGHT  
PROGRAM FOR  
1990-91:

Town Manager Britt said he wanted to make the board and citizens aware that lights program for last year was complete except for 2 lights changed. We are ready to start program for this fiscal period. At some point we will have to deal with updating the budget on this. Last year the first 3 months were free. Last years cost, with lights added, was \$8,600.00 Lights this year will be about the same amount. We budgeted \$10,000. After general discussion the board said at such time as needed we will discuss switching ordinance amounts.

SPEED LIMITS:

Town Manager Britt explained problem of inconsistent speed limits on State roads in town. He said he has talked with Chief Melton. He suggested 45 mph from highrise bridge to Rogers Bay Campground, then 35 mph from there to West Onslow Beach Volunteer Fire Department and then 45 mph to town limits. On SR 1568 suggest 45 mph to Villa Capriani, reduce to 35 mph, then increase to 45 mph to Topsail Reef and then reduce to 35 mph to end of town limits. Signs can be obtained from Department of Transportation. After discussion a motion was made by Alderman Hall and seconded by Alderperson Tippet that Mayor set up committee to study this and report back to the board. Passed unanimously. Mayor Knowles said he will set up the committee and if anyone wants to serve they can call town office and leave name with clerk.

WORKSHOP DATE-  
PERSONNEL:

Town Manager Britt said he would like to schedule this and cable TV franchise workshop at the same time. Also, he would like to get a copy of Jacksonville's for study purposes. After brief discussion, the board decided to have workshop on July 26th, at 3:00 p.m. at West Onslow Beach Volunteer Fire Department to discuss personnel ordinance and cable TV franchise.

401K:

Town Manager Britt said we need to get 401K program into effect as soon as possible. This is a mandatory state program and the town is required to pay 5% of each officers gross salary into the 401K Program per year. He presented a resolution to participate in this program. A motion was made by Alderman Keister and seconded by Alderperson Tippet to adopt the following resolution. Passed unanimously.

THE SUPPLEMENTAL RETIREMENT INCOME PLAN OF NORTH CAROLINA  
RESOLUTION

WHEREAS, the State of North Carolina, by action of the 1984 General Assembly, has adopted the Supplemental Retirement

Income Plan of North Carolina pursuant to which the State of North Carolina, its department, agencies and instrumentalities are authorized to provide a supplemental retirement income plan to conform with Section 401(K) of the Internal Revenue Code of 1954 as amended or the Internal Revenue Code of 1986 as each may apply, and

**WHEREAS**, the governing body of this unit realizes the necessity of providing its employees with the benefits of the Supplemental Retirement Income Plan of North Carolina.

**NOW, THEREFORE**, be it resolved by the Board of Aldermen in regular session,

1. That the Town of North Topsail Beach hereby elects to participate in the Supplemental Retirement Income Plan of North Carolina for law enforcement officers.
2. That the Town of North Topsail Beach hereby agrees to comply with all the provisions of the Plan and the operating procedures of the Administrator of the Plan.
3. That the Town Manger, Gary W. Britt is hereby ordered and directed to make application to the Board of Trustees of the Supplemental Retirement Income Plan of North Carolina for the enrollment of this Unit and its employees in said Plan.

DULY ADOPTED THIS 11TH DAY OF JULY, 1990.

LAW ENFORCEMENT  
ETHICS:

Town Manager Britt presented addendum to police policies and procedures manual concerning Law Enforcement Code of Ethics. He said this is a common part of procedures for police and is recommended by the justice department. General discussion held on this subject. A motion was made by Alderperson Tippet and seconded by Alderman Keister to adopt law enforcement code of ethics as addendum to police policies and procedures for North Topsail Beach. Passed unanimously. (Vault #\_\_\_\_\_).

ANNUAL  
SETTLEMENT OF  
TAX COLLECTION:

Town Manager Britt advised total billing for Fiscal Yera 1989-90 was \$662,433.33; collected \$420,451.22 and uncollected balance, including penalties, is \$241,982.16. This represents a collection rate of 63.47%. Therefore, the 62.5% used to base collection rate for 1990-91 budget was within legal limits. He said there was alot of concern about meeting requirement on tax collection but he talked with Mr. Bill Campbell at the Institute of Government and he reported the county does address all items in the State law. He requested the board direct him and the attorney to look at collection with the county, on items such as rate of collection, corrective action, etc. After general discussion on contract with county, when they want to begin procedures on back taxes, etc. the board instructed the Town Manager



and Attorney to meet with the county on these issues.

AMENDMENT TO  
ZONING  
ORDINANCE:

Town Manager Britt presented an ordinance amending Section 15.5E of the Zoning Ordinance. A motion was made by Mayor Pro-Tem Newsome and seconded by Alderman Keister that amendment ordinance for signs to include definition and size listed on sheet, 160 sq. ft. total amount of space. Voting aye: Mayor Pro-Tem Newsome, Aldermen Hall and Keister. Voting nay: Alderman McDaniel and Alderperson Tippet. Motion carried.

AN ORDINANCE AMENDING  
SECTION 15.5E OF THE NORTH  
TOPSAIL BEACH ZONING ORDINANCE

BE IT RESOLVED BY THE NORTH TOPSAIL BEACH BOARD OF ALDERMEN that:

Section I: Section 15.5 Signs Permitted in the Business 1 and 2 District, paragraph E, of the Zoning Ordinance is amended to read as follows:

Where there is a front yard of at least (fifty) 50 feet a free standing identification sign shall be permitted in the front yard. Such sign must be set back a minimum of (ten) 10 feet from any property line or public right-of-way, shall not exceed (fourteen) 14 feet in height above ground level and shall not exceed (one hundred sixty) 160 sq. feet in area. Illumination shall be limited to indirect white lighting.

Section II: This amendment will be effective immediately upon adoption.

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

EXECUTIVE  
SESSION:

Alderman Hall advised all the information he needed was not in. The board said they would postpone executive session because information has not arrived yet.

MANAGERS  
REPORT:

Bill Harvey:

Manager Britt said he talked with Mr. Bill Harvey and asked him to be at this meeting to discuss water system at North Topsail Beach. He was unable to attend but advised he would like to meet with the board and the manager. Manager Britt advised he is planning to visit Mr. Harvey and board members are welcome to attend.

Marine MP:

Manager Britt said Chief Melton talked with the Brigadier General at Camp LeJeune about concept of enlisting 2 marine

M.P.'s to assist our officers with late night patrolling. He has agreed and Manager Britt said he had a letter for the board to sign approving this.

Health Insurance:

The only company to respond to our request for bid was the North Carolina League of Municipalities. We were unable to get in place by July 1st. It looks like we will have it in place by August 1st. The amount would be within budget. It is adequate coverage, not luxury. Manager Britt advised as he got cost he would provide it to the board.

Garbage Pick-Up:

Manager Britt said he anticipated data from Onslow County but has not received it yet. As soon as it's received we will review and prepare information for the board.

Manager Britt said he attended a recycling meeting on July 10th at Surf City with Alderman Keister and Mr. Jack Woessner. The target date for program is October 1st and on this same date we should provide plan on how we plan to do this. This information must be in by July 1, 1991. He said he believed island wide recycling was a good idea. Manager Britt explained what site Surf City was looking at, number of accesses we may need and difficulty in projecting adequate cost. He also discussed possibility of site on the north end and why other towns on island may be reluctant to participate in this particular cost. General discussion held on this subject. The board also discussed garbage pick-up, type needed and possible need to consider curb side pick-up. Manager Britt advised he will keep the board advised of any thoughts or recommendations he may have on this subject.

Surplus Vehicles:

Manager Britt advised he would be in Raleigh tomorrow to look at surplus vehicles.

Attorney Dotson suggested Mr. Harvey be asked to attend meeting so he could answer questions first hand, for board and citizens, on water system. Mayor Knowles advised the board was pleased with the turn out for managers reception. Town Manager Britt stated both he and his wife enjoyed the reception and meeting the citizens.

OPEN FORUM:

Ben Whitney:

1. Can open forum portion of meeting be put at beginning of the agenda to give citizens opportunity to voice their views and concerns?
2. When workshops touch major areas, like zoning, he requested they be at night so working citizens can attend and present views.
3. Speed limits. Area congested during summer but winter it is a ghost town. Can you set winter and summer speed limits?



Margaret Stackleather:

On garbage and trash. We had some mighty windy storms that blows down the tree limbs, etc. Can the town purchase trash truck to remove this type of trash? Manager Britt advised he would study this.

Chris Schmidt:

1. Request you consider resolution for moritorium on construction for developers with unpaid taxes.
2. Suggested an ethics board for Town Manager and Board of Aldermen. This will ensure anyone with conflict of interest will abstain from voting.

Christy Carver:

1. She said she studied zoning that came before the board tonight and was disappointed the board had not.
2. Requested number to call for police. She was advised number was 911 for emergency.

Belinda Whitney:

Onslow County will do number on us in 1991 budget. We will receive about \$410,000 less. Town needs to be cautious in budget because people here no may or may not be here then.

Mr. Lanier:

There should be some requirement that owner clean up debris after fire, etc. One duplex burnt several months ago and debris still there. Mayor advised this was still under SB investigation and could not be disturbed.

Belinda Whitney:

1. Why do we have to have anyone riding on the beach. For the sake of children and citizens she would like to see no vehicles except emergency type. Attorney Dotson advised this and allowing handicap vehicles was under study now and reviewed case pending.

Mr. Wilkinson:

1. Advised he was official from New Jersey; He reviewed his background in municipal government and suggested until problem with developers such as water supply, solved a moratorium be imposed.
2. Impact ordinance. When major development comes in you can assess and charge developer for services needed such as water/sewer lines, etc. Advise them you will not hear application unless you have certification from treasurer that sufficient bond is in place.
3. On site plan you need to review ordinance, evaluate impact on drainage, etc. He was advised this is done through the planning board and site plan review board committee.
4. He has worked extensive in these areas and trash. If he can be of assistance he will be glad to help.

Ben Whitney:

He said he was not happy with the way the sign ordinance vote went. Board asked for citizen input, and then did a 180°

turn and approved.

Geraldine Daniel:

Garbage cans needed on the beach at the north end. Manager Britt advised the town just put 2 dozen out and as we get more we will put them out at north end.

The board thanked the citizens for their comments and suggestions.

ADJOURNMENT:

A motion was made by Alderman Hall and seconded by Alderperson Tippet to adjourn the meeting at 9:23 p.m. Passed unanimously.

Ann Vause  
Ann O. Vause, Town Clerk

TOWN OF NORTH TOPSAIL BEACH  
SPECIAL MEETING  
JULY 26, 1990

PRESENT:

Mayor Rodney Knowles, Mayor Pro-Tem Leland Newsome, Aldermen Weldon Hall, Nathan McDaniel and William Keister, Town Manager Gary W. Britt, and Town Clerk Ann Vause. Alderperson Charlotte Tippet and Attorney Marshall Dotson were absent.

CONVOCATION:

Mayor Knowles called the meeting to order at 3:00 p.m. and declared a quorum present.

WORKSHOP-  
CABLE T.V.:

Mayor Knowles said the workshop was for cable franchise. He turned the meeting over to Town Manager Britt for review of proposed franchises. Manager Britt said once draft ordinance reviewed and finalized you can approach the provider for service and then they have 30 days to approve or accept ordinance and put in place. Ordinance adopted would apply to Falcon Cable and any other cable system that approaches Town. The board reviewed the overall proposed ordinance which is the one currently used in Jacksonville as well as the generic ordinance provided earlier. Questions were asked and discussed on EMS service, non-commercial programming, antenna supporting structures, battery back-up, protection from possible law suits, franchise fee, etc.

Mr. Sam Wilson, Regional Manager of Falcon Cable, reviewed what the system was like when his company purchased it, where they have rebuilt to date and what their future plans are. He advised in North Topsail Beach, from Town's southern limits to State Road 1568, the new lines are installed and will be cut in within the next 2 weeks. The remainder of the Town is in their 1990 budget funding request.

Other items discussed were public service channel, rate control, and public alert system.



Town Manager Britt requested Mr. Wilson review proposed ordinance and notify him of his comments.

WORKSHOP-  
PERSONNEL  
ORDINANCE:

Town Manager Britt reviewed proposed job descriptions for police department and personnel ordinance for all employees. He recommended Article II, Code of Ethics be added to Section 18.4 (a) and (b); change wording requirement on Section 18-78 re: examinations may be required to pass, not mandatory but can be requested; change probationary period in Section 18.81 from 6 months to 1 year; residency requirement in Section 18.88 be retained at some distance requirement; temporarily request Section 18-156 on retirement benefits be removed until analysis completed and final approval from board received; insert "and Town Manager" in Section 18.236 on outside employment; Holidays in Section 18.214 be changed to conform to ones approved by the Board at an earlier workshop.

General discussion held on job descriptions and proposed ordinance. After discussion the board decided to delete

Section 18.88 Residency Requirement and leave  
Section 18.236 Outside Employment as written.

ADJOURNMENT:

At 4:52 p.m., a motion was made by Alderman Keister and seconded by Alderman Hall to adjourn workshop. Passed unanimously.

Ann Vause  
Ann Vause, Town Clerk

TOWN OF NORTH TOPSAIL BEACH  
SPECIAL MEETING  
JULY 30, 1990

PRESENT:

Mayor Rodney Knowles, Mayor Pro-Tem Leland Newsome, Aldermen Weldon Hall, William Keister, Nathan McDaniel, Town Manager Gary Britt, Building Inspector Rossie Thompson, NRCA Representative Tom Casell, CAMA Representative Haskell Rhett, Planning Board members: Bill Parr, Ginny Hillyer, Jack Dempsey, Bill Rogers and Margaret Stackleather and Town Clerk Ann Vause. Alderperson Charlotte Tippet and Attorney Marshall Dotson were absent.

CONVOCATION:

Mayor Knowles called the meeting to order at 10:00 a.m., in the West Onslow Beach Volunteer Fire Department, and declared a quorum present.

WORKSHOP:

Mayor Knowles advised this was a workshop between the Board of Aldermen and the Planning Board on planning. He introduced Mr. Bill Harvey, Onslow Water Department, and ask him to explain Onslow County Water System. Mr. Harvey explained the

study on water just completed by the county, upgrading schedule, proposed wastewater system within next 15 years, water storage capability and locations and hydrant system.

Mr. Jack Dempsey ask about water volume and pressure. Mr. Harvey advised the water volume was increasing in the North Topsail Beach area and this in addition to line size, was causing the drop in pressure.

Mr. Bill Parr ask if we would have a water tower here. Mr. Harvey advised it has been discussed and Water/Sewer Advisory Board will make a recommendation to the County Commissioners on what is needed.

Mr. Harvey was questioned on size of lines in North Topsail Beach. He said 8" on S.R. 1568 for 3 miles, 6" for one mile, back to 8" beyond the St. Regis Resort to new portion of S.R. 1568, then 12" to end of new road and 8" to north end. He advised that once remainder of new road is completed he would propose the line to the north end be upgraded to 12". Mr. Harvey said the line size south of the highrise bridge is 10". He said once new road is completed and the county has upgraded the line size there will be more water and better pressure for the Town.

Mayor Knowles ask with upgrade if it would still be only a potable system. Mr. Harvey said yes, but it will have the capability to meet fire criteria. A discussion was held on size of water mains required, pressure per square inch and hydrant flow required for fire protection. Mr. Harvey said flow testing was done by Water/Sewer Authority and EMS on hydrants and there is not a hydrant in the county that does not meet requirements. Fire Chief Best said on S.R. 1568 they get 1300 plus gallons per minute which is fine unless fire occurs at location such as St. Regis because if this happens they would drain the main dry.

Mr. Bill Harvey explained how water tanks are monitored and pressure maintained during peak times. He offered to meet with the Fire Chief on a holiday or weekend to check water pressure in various areas.

Mr. Harvey advised the Water/Sewer Authority meets the second Tuesday of each month at 6:30 p.m., in the Onslow Water Department and if anyone has a problem they need to request to be on the agenda. The deadline for submission of agenda items is the end of the month.

The Board of Aldermen and Mr. Harvey discussed how new subdivisions effect water supply and how the county calculates water usage and facility update, if required. They also discussed Onslow County water study, booster pumps needed in the future and items to address with developers when they present plans for projects.

RECESS:

Mayor Knowles called for a recess at 10:55 a.m. He called the meeting back to order at 11:10 a.m.



Adlerman Hall suggested the board consider impact fees on developers for water improvements needed for fire protection in development. This would be in addition to county requirements for water supply. General discussion concerning impact fees, fire fighting capabilities and current county requirements for water connections.

Mr. Tom Casell said there are additional requirements the Town can place on developers through such ordinances as subdivision requirements that they may not be able to do under the State Building Codes. He said this needs to be studied.

Mr. Haskell Rhett said the Land Use Plan will be a good tool to use when looking at future needs for water supply, fire protection, etc. He said it would take about a year to complete this plan.

Mr. Rhett reviewed time frame for notification on CAMA grant. Town Manager Britt advised funds for water study have been set aside in this years budget and he will get a list of engineers qualified to handle this type of study. Mr. Rhett suggested an engineer be qualified for both land use study and water study.

SUBDIVISION  
REGULATIONS:

Building Inspector Rossie Thompson and Planning Board Chairman Bill Parr presented the following suggested changes in the subdivision and zoning ordinances:

POSSIBLE SUBDIVISION REGULATION CHANGES

- 1) Section 305
  - \* Sketch Plan should be optional. Change the word "shall" to "may"
- 2) Section 306.3
  - \* Does not specify who the Planning Board should make its recommendations to.
- 3) Section 307.3(a)
  - Certificate of Ownership/Dedication
  - \* Delete the last sentence beginning with the word "Furthermore". The reason is that at the present time we do not have a sewer system.
- 4) Section 308
  - Preliminary and Final Plat Checklist
  - \* It should not be required for the Engineer to certify as to the work of the surveyors, etc., but only to his/her own work.
  - \* The flood zones should not be required to be shown on the plats because the lines would be so close together it may cause confusion when looking at the plat.
- 5) Section 402.6
  - \* This addresses public access on the sound side as well as the ocean side.
  - \* A modification should be made concerning a 10 foot easement every 1320 feet.
  - \* There should be flexibility on this matter, leaving an

\* Consideration should be made as whether to count from the mean high water line to the first line of vegetation, considering the amount of dry sand that should be counted.

opportunity for a better suggestion. (The Yow Property offered an access with parking in lieu of one every 1320 feet).

- \* If the subdivision is less than 1300 feet, the regulation does not specifically set out a requirement for an access.
- \*\* Discussion was made on marking accesses as needed on the map and requiring developer to put them in as marked.
- \*\* It was also discussed whether or not these accesses should be dedicated to the town.
- (6) Section 405.24  
Private Streets
  - \* A specification needs to be stated. A minimum of 18 foot pavement, 24 foot right-of-way was discussed.
  - \* It should also be stated that these roads must meet DOT standards.
- (7) Section 405.7  
Design standards
  - \* The word "private" should be inserted.
- (8) Recreation/Open Space
  - \* Discussion was had on dropping the "number of lots". Addition should be made to limit the developer, to do what they will be doing, such as Restrictive Covenants.
- \* Consideration should be made as whether to count from the mean water line to the first line of vegetation, considering the amount of dry sand that should be counted.

#### POSSIBLE ZONING ORDINANCE CHANGES

- (1) Section 5.1 and 5.3 \* Conflict
  - 5.1 Says the Board of Aldermen on its own motion can change the Zoning Ordinance.
  - 5.3 Says all changes must go through the Planning Board, then to the Board of Aldermen.

At the July 30, 1990, workshop between the Board of Aldermen and the Planning Board it was discussed that the Board of Aldermen should be allowed to call up a zoning change if it appears that the Planning Board is holding the matter up.

- (2) Height Limitation
  - At the July 30, 1990, workshop between the Board of Aldermen and the Planning Board, a discussion was held concerning placing a moratorium on building if the project exceeds a certain height, until the water problems can be solved due to the lack of fire-fighting facilities at this time.



(3) Section 8.6 and 8.8 \* Conflict

8.6 Says that R-15 allows single-family dwellings.

8.8 Says R-15 allows duplexes.

This matter was discussed at the July 30, 1990, workshop between the Board of Aldermen and the Planning Board. This is a technical error and it is traditional to allow duplexes in an R-15.

Mr. Thompson reviewed the reasons for the recommended changes to the Subdivision Ordinance.

A lengthy discussion was held on beach accesses, whether to require access to the sound as well as the ocean, and if the Town or developer should build accesses. After discussion the board decided to wait and talk with their attorney before they decided what to do with this section.

The Board of Aldermen and the Planning Board discussed the way lot size was determined in the subdivision ordinance and whether or not they should change method.

RECESS:

The Board called for a recess at 12:40 p.m. The meeting was called back to order at 12:50 p.m.

ZONING ORDINANCE:

Mr. Thompson reviewed the reasons for the recommended changes to the zoning ordinance.

The Board of Aldermen and the Planning Board discussed the possibility of limiting height of buildings to 35 feet because of fire fighting capability. Mr. Thompson and Mr. Parr reviewed the option of a moratorium on all buildings north of the highrise bridge until the matter can be resolved.

Mr. Bill Parr advised the planning board plans to hold a public hearing on these recommended changes August 30, 1990.

ADJOURNMENT:

A motion was made by Mayor Pro-Tem Newsome and seconded by Alderman Keister to adjourn the meeting at 1:30 p.m. Passed unanimously.



Ann Vause - Town Clerk

TOWN OF NORTH TOPSAIL BEACH  
REGULAR BOARD MEETING  
AUGUST 1, 1990

PRESENT:

Mayor Rodney Knowles, Mayor Pro-Tem Leland Newsome, Aldermen Weldon Hall, Nathan McDaniel, William Keister,

*rezone  
request*

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person Charlotte Tippet, Town Manager Gary  
Dotson, Town Attorney Marshall Dotson and Town Clerk  
Ann Vause.

CONVOCATION:

Mayor Knowles called the meeting to order at 7:00  
p.m. and declared a quorum present.

MINUTES:

Attorney Dotson requested this item be deferred until  
he could review and make some corrections to the  
minutes. A motion was made by Mayor Pro-Tem Newsome  
and seconded by Alderman Keister to defer approval  
of minutes until later in the meeting. Passed unanimously.

AGENDA APPROVAL:

Town Manager Britt requested the following items  
be added to the agenda under old business: 1) Carolina  
Telephone & Telegraph Rezoning Request; 2) Mr. Bill  
Parr, Planning Board Chairman request for moratorium  
on buildings over 35 feet in height.

Mayor Pro-Tem Newsome requested the discussion of  
the personnel ordinance, under New Business, be deleted  
until they can study more ordinances from Emerald  
Isle, Wilmington, Jacksonville and Wrightsville Beach.

Alderman Hall requested the executive session to  
discuss the potential purchase of town property be  
removed until the rest of the information is received.

A motion was made by Alderman Keister and seconded  
by Alderperson Tippet to approve the agenda as amended.  
Passed unanimously.

MONTSERRAT  
SUBDIVISION  
PROJECT:

Mayor Knowles advised this project has been reviewed  
3 or 4 times. The planning board, at their July  
26, 1990, voted to recommend approval of the preliminary  
plat for Montserrat, subject to meeting all standards  
of the North Topsail Beach Subdivision Regulations.  
Mayor Knowles ask the building inspector if there  
were any other conditions they need to meet. Mr.  
Thompson said no, but they do not have their permits  
yet. He said they do need preliminary plat approval.  
A motion was made by Alderman Hall that preliminary  
plat for Montserrat Subdivison be approved. Passed  
unanimously.

F. ROGER PAGE  
REZONING REQUEST:

Mayor Knowles said request by F. Roger Page to rezone  
2 parcels of land on S.R. 1568 from R-20 to R-15  
was tabled by the Board at their July 11, 1990, meeting.

Mr. Charles Lanier, developer, advised there was  
some concern as to whether they would build duplex  
units or single units. He stated development would  
be for single family only with restricted covenants  
and these would be submitted to the planning board



for their approval.

Mr. Bill Parr, Planning Board Chairman, said the board was only being ask to rezone property from R-20 to R-15. If the board approves zoning change they will be allowing duplex units in this area and will increase density. Mr. Parr advised the planning board recommended the zoning not be changed from R-20 to R-15.

After lengthy discussion a motion was made by Alderman Hall and seconded by Alderperson Tippet to rezone 2 parcels of property on S.R. 1568, owned by F. Roger Page, from R-20 to R-15. Voting aye: Alderman Hall, Alderperson Tippet, Alderman McDaniel, Mayor Pro-Tem Newsome. Alderman Keister abstained from voting. Motion carried.

CAROLINA TELEPHONE  
& TELEGRAPH REZONING  
REQUEST:

Mayor Knowles advised the planning board has reviewed and recommended approval of Carolina Telephone & Telegraph Company request for Conditional Use in R-20 Zoning District to locate an electronic switching equipment building on S.R. 1568, north of Villa Capriani. A motion was made by Mayor Pro-Tem Newsome and seconded by Alderperson Tippet to approve Carolina Telephone & Telegraph Company request for Conditional Use in R-20 Zoning District. Passed unanimously.

GARBAGE  
COLLECTION:

Town Manager Britt said he just recently gathered data needed for garbage collection and contacted Waste Industries, Windfish Disposal & Onslow Container for bids. He advised two bids were received today and one was received tonight. After discussion on collection requirements a motion was made by Alderperson Tippet and seconded by Alderman Keister that waste proposals be discussed at a special meeting as soon as possible. Passed unanimously.

LAWN  
SPRINKLERS:

Alderman Keister said he noticed sprinkler systems on north end were used during peak demand hours. He proposed that an ordinance be developed stating that automatic sprinkler systems are not to be used during high peak demand hours and that if used a \$50.00 fine for violation be charged. After brief discussion the board requested Attorney Dotson and Town Manager Britt develop ordinance on sprinkler systems.

LEASE-PURCHASE  
COPIER FOR  
POLICE DEPT.:

Town Manager Britt reviewed bids from Carolina Office Equipment, Three-D Copying Systems, Incorporated and Cavins Business Products for copier for police department. He recommended a SF 7350 from Carolina Office Equipment at the cost of \$134.40 per month for 24 months, which includes maintenance agreement.

A motion was made by Mayor Pro-Tem Newsome and seconded by Alderperson Tippet to purchase SF 7350 copier from Carolina Office Equipment Company on lease purchase for 24 months at \$134.40 per month, which includes maintenance agreement. Passed unanimously.

REQUEST FOR  
MORATORIUM:

Mr. Bill Parr, Chairman of the Planning Board, said since the Town is having problem with water pressure the planning board recommends a temporary moratorium be put on any permit for building above 35 feet in height until the water situation can be looked into. A motion was made by Alderman Keister to put a moratorium on anything over 35 feet in height until water situation is resolved. The board discussed current water system, fire protection problems and correct procedures with attorney.

Fire Chief Thomas Best said for health and safety of residents of North Topsail Beach the highest building height should be 35 feet until we can get adequate fire fighting equipment. There is nothing at the West Onslow Beach Volunteer Fire Department that can go above 35 feet and it would take approximately one hour and fifteen minutes for equipment to arrive. Chief Best said water is available but if they hook equipment to a hydrant it will drain it dry because of pressure problems.

After further discussion Alderman Keister withdrew his motion. The board discussed North Carolina Building Code Standards, authority to add restrictions in subdivision ordinance and whether or not Fire Chiefs statement was sufficient grounds for moratorium.

After discussion, a motion was made by Alderman Hall and seconded by Mayor Pro-Tem Newsome to put a moratorium on buildings above 35 feet in height until study on water and fire fighting capability is completed. Passed unanimously.

RECESS:

The board requested a recess at 7:55 p.m. The Mayor called the meeting back to order at 8:00 p.m.

MANAGER'S  
REPORT:

- 1) Emergency Preparedness Meeting:  
Manager Britt said he and Mayor Knowles attended meeting at Surf City Town Hall with Onslow County, Pender County and State representatives on emergency preparedness. Minutes of the meeting will be provided to the board members when received. Chief Melton will meet with Topsail Beach and Surf City Police Friday to discuss evacuation plans. Once plans are finalized a schedule will be provided to the board members.
- 2) Codification:  
A meeting with Mr. Bill Hemmingway, Municipal Code Corporation, and Attorney Dotson has been scheduled for Monday, August 6th, to discuss revisions made by the board on the first draft



Chris Schmidt:

Mr. Schmidt said he believes the developers have a bigger voice than individuals who live on the island.

Belinda Whitney:

Mrs. Whitney advised the board that she agreed with Mr. Parrs position.

## ADJOURNMENT:

A motion was made by Alderperson Tippet and seconded by Alderman Keister to adjourn the meeting at 8:30 p.m. Passed unanimously.

Ann Vause  
Ann Vause - Town Clerk

TOWN OF NORTH TOPSAIL BEACH  
SPECIAL BOARD MEETING  
AUGUST 9, 1990

## PRESENT:

Mayor Rodney Knowles, Mayor Pro-Tem Leland Newsome, Aldermen Weldon Hall, William Keister, and Nathan McDaniel, Alderperson Charlotte Tippet, Town Manager Gary Britt and Town Clerk Ann Vause. Attorney Marshall Dotson was absent.

## CONVOCATION:

Mayor Knowles called the meeting to order at 3:00 p.m. and declared a quorum present.

## GARBAGE/TRASH:

Town Manager Britt advised he received proposals on garbage collection from Onslow Container Service, Windfish Disposal and Waste Industries, Incorporated. The board reviewed each proposal and ask questions of the company representatives present. Discussion was held on type of containers, who furnished containers, number of residential and commercial customers and number of collections needed per week or per month. Length of contract period and recycling requirements under SB 111 were also discussed.

After discussion Mayor Pro-Tem Newsome advised the board should be able to give the contractors an answer on collection bids soon and he thanked company represent for attending the meeting.

## TOWN CHARTER:

Town Manager Britt advised he met with Attorney Dotson and Mr. Bill Hemmingway, with Municipal Code Corporation, and finalized the review of Kitty Hawks codes and items deleted or amended by the Board of Aldermen. The draft of ordinances is now in the Florida office for them to complete final draft. Once this is received it will be reviewed by the board for final adoption.

PERSONNEL  
ORDINANCE:

Town Manager Britt said the board has only discussed Jacksonville Personnel Ordinance. Mayor Pro-Tem Newsome said there would also be ordinances from Wilmington and Emerald Isle to review. The board decided to ask the attorney to review these ordinances and then discuss them at a later date.

TASK FORCE  
AGREEMENT/  
RESOLUTION:

Alderman Hall presented an agreement concerning a joint task force with law enforcement departments. Mayor Pro-Tem Newsome explained the task force would be used for special assignments. Town Manager Britt suggested the agreement be reviewed by the Town Attorney. After discussion a motion was made by Alderman Hall and seconded by Alderman Keister to approve the agreement on Law Enforcement Assistance Joint Task Force and adopt the following resolution: Passed unanimously. (agreement in vault # \_\_\_\_\_)

RESOLUTION BY THE BOARD OF ALDERMEN OF THE TOWN OF  
NORTH TOPSAIL BEACH, NORTH CAROLINA, ADOPTING A POLICY  
FOR MUTUAL ASSISTANCE BY THE NORTH TOPSAIL BEACH  
POLICE DEPARTMENT WITH OTHER LAW ENFORCEMENT AGENCIES  
IN THE STATE OF NORTH CAROLINA

WHEREAS, the governing body of a city or county is authorized pursuant to statutory amendments adopted by the 1977 General Assembly of North Carolina, such authority being codified as Chapter 160A-288 of the General Statutes of North Carolina permitting the adoption of appropriate guidelines and policies for the purpose of mutual assistance with other municipal, county, state, and federal law enforcement agencies; and

WHEREAS, pursuant to said law, the law enforcement assistance to be rendered authorizes those officers loaned to a requesting agency to work temporarily with the officers of said requesting agency, including in an undercover capacity and the further lending of equipment and supplies; and

WHEREAS, it is deemed by the Board of Aldermen of the Town of North Topsail Beach, North Carolina, to be in the best interest of said Town and its citizens to adopt a reasonable policy and guidelines whereby reciprocal law enforcement assistance can be both rendered to and obtained from other governmental jurisdictions and agencies; and

WHEREAS, such reciprocal assistance is deemed necessary for effective law enforcement in the Town of North Topsail Beach and of benefit for the protection of its citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF NORTH TOPSAIL BEACH, NORTH CAROLINA:



1. That the Chief of Police of the North Topsail Beach Police Department is hereby authorized to enter into mutual assistance agreements with other law enforcement agencies in accordance with such reasonable arrangements, terms and conditions as may be agreed upon between the respective heads of the law enforcement agencies involved in said reciprocal assistance.

2. The Chief of Police of the Town of North Topsail Beach is hereby authorized to enter into mutual assistance arrangements with other municipal and county law enforcement agencies, provided that the head of the requesting law enforcement agency or agencies make such request in writing.

3. The Chief of Police of the Town of North Topsail Beach is hereby authorized to permit officers of the North Topsail Beach Police Department to work temporarily with officers of the requesting agency or agencies, including in an undercover capacity, and may further lend equipment and supplies as agreed upon.

4. While working with the requesting agency or agencies, a police officer of the Town of North Topsail Beach shall have and be vested with the same jurisdiction, powers, rights, privileges, and immunities as an officer of the requesting agency or agencies.

5. The Town of North Topsail Beach will assume all liability and responsibility for the death of or injury to any North Topsail Beach police officer responding to the request for assistance. The Town of North Topsail Beach will not assume any liability or responsibility for the death of or injury to any personnel of the requesting agency.

6. The Town of North Topsail Beach will assume all liability and responsibility for damage to its own supplies, materials or equipment when responding to a request for assistance. The Town of North Topsail Beach will not assume any liability or responsibility for damage to the supplies, materials or equipment of the requesting agency.

7. The requesting agency will assume all liability and responsibility and the Town of North Topsail Beach will bear no liability or responsibility for death, personal injury or property damage suffered by third persons as a result of actions taken by North Topsail Beach police officers when responding to a request for assistance.

8. While on duty with the requesting agency, North Topsail Beach police officers shall be subject to the lawful operational commands of their superior officer in the requesting agency, but for personnel and administrative purposes, including the payment

of salaries, wages, bonuses, and other compensation, they shall remain under the control and authority of the Town of North Topsail Beach.

9. By the act of requesting assistance, the requesting agency agrees to comply with all of the terms and conditions enumerated in this policy for the furnishing of assistance by the Town of North Topsail Beach.

10. The mutual aid policy established herein shall govern all requests for assistance received after this date.

ADOPTED THIS THE 9th DAY OF August, 1990.

AGENDA:

Town Manager Britt advised he recently received a sample agenda, minutes, etc. from Jacksonville but has not had time to review them. He said agenda packages go out the Friday before meetings and ask the board to consider some type of cut off date for agenda request so material can be compiled and copied for the boards review prior to the meeting date. He suggested the cut off date be the Thursday before the regular board meeting date. Manager Britt also requested they think about scheduling of planning board meeting. The planning boards regular meeting date is the last Thursday night of each month and the Board of Aldermen meet the first Wednesday night of each month. It is difficult to get planning board items on the agenda and back-up material prepared for board packages by Friday. Mr Bill Rogers, Vice Chairman of the Planning Board, advised they would discuss this at their next meeting.

COUNTY TAX  
MONEY:

Fire Chief Best ask the board if they could find out where our county tax money was going. Mayor Knowles advised this subject was discussed over a year ago but has not been resolved. He requested Town Manager Britt meet with County Manager Leary on the subject and report back to the board.

RECESS:

Mayor Knowles called for a recess at 3:50 p.m. He reconvened the meeting at 4:00 p.m.

RESCUE SQUAD  
REQUEST:

Mrs. Johnson, Rescue Squad Captain, requested this item be deferred until a later date.

EXECUTIVE SESSION:

A motion was made by Alderperson Tippet and seconded by Mayor Pro-Tem Newsome to go into executive session to discuss possible land acquisition and personnel matter. Passed unanimously.



A motion was made by Alderperson Tippet and seconded by Mayor Pro-Tem Newsome to go back into regular session. Passed unanimously.

ADJOURNMENT:

A motion was made by Mayor Pro-Tem Newsome and seconded by Alderperson Tippet to adjourn the meeting at 5:09 p.m. Passed unanimously.

Ann Vause  
Ann Vause - Town Clerk

TOWN OF NORTH TOPSAIL BEACH  
SPECIAL MEETING  
AUGUST 20, 1990

PRESENT:

Mayor W. Rodney Knowles, Mayor Pro-Tem Leland Newsome, Aldermen Weldon Hall, Nathan McDaniel, and William Keister. Town Manager Gary Britt, Town Attorney Marshall Dotson and Town Clerk Ann Vause. Alderperson Charlotte Tippet was absent.

CONVOCATION:

Mayor Knowles called the meeting to order at 3:00 p.m. in the West Onslow Beach Volunteer Fire Department Building.

EXECUTIVE  
SESSION:

A motion was made by Mayor Pro-Tem Newsome and seconded by Alderman Hall to go into executive session to discuss possible land acquisition and personnel matter. Passed unanimously.

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

ADJOURNMENT:

A motion was made by Alderman Hall and seconded by Mayor Pro-Tem Newsome to adjourn the meeting at 5:15 p.m. Passed unanimously.

Ann Vause  
Ann Vause - Town Clerk

TOWN OF NORTH TOPSAIL BEACH  
EXECUTIVE SESSION  
AUGUST 31, 1990

PRESENT: Mayor Pro-Tem Leland Newsome, Aldermen Weldon Hall, Nathan McDaniel, Alderperson Charlotte Tippet, Town Manager Gary Britt, and Town Clerk Ann Vause. Mayor Rodney Knowles, Alderman William Keister and Town Attorney Marshall Dotson were absent.

CONVOCTION: Mayor Pro-Tem Newsome called the meeting to order at 3:00 p.m., and declared a quorum present.


EXECUTIVE  
SESSION:

A motion was made by Alderman Hall and seconded by Alderman McDaniel to go into executive session to discuss land acquisition and personnel. Passed unanimously.

A motion was made by Alderman Hall and seconded by Alderperson Tippet to go back into regular session. Passed unanimously.

No action was taken in executive session except to authorize the Town Attorney and Town Manager to continue negotiations regarding the acquisition of land.

ADJOURNMENT: A motion was made by Alderman Hall and seconded by Alderperson Tippet to adjourn meeting at 3:48 p.m. Passed unanimously.

  
Ann Vause - Town Clerk

TOWN OF NORTH TOPSAIL BEACH  
REGULAR MEETING  
SEPTEMBER 5, 1990

PRESENT: Mayor W. Rodney Knowles, Mayor Pro-Tem Leland Newsome, Alderman Weldon Hall, Alderperson Charlotte Tippet, Town Manager Gary Britt, Town Attorney Marshall Dotson, and Town Clerk Ann Vause. Aldermen Nathan McDaniel and William Keister were absent.

CONVOCAATION: Mayor Knowles called the meeting to order at 7:00 p.m. and declared a quorum present.

MINUTES: Mayor Knowles asked if there were any corrections to the minutes presented for approval. Alderman Hall requested the word "lot" be changed to "family" in section referring to F. Roger Page Rezoning Request at August 1, 1990, regular board meeting. A motion was made by Mayor Pro-Tem Newsome and seconded by Alderman Hall to approve minutes of Special Board Meeting July 30, 1990, Regular Board Meeting August 1, 1990, Special Board Meeting August 9, 1990, and Special



Board Meeting August 20, 1990, with correction to August 1, 1990, meeting as requested. Passed unanimously.

PUBLIC HEARINGS-  
CAMA

A motion was made by Alderman Hall and seconded by Mayor Pro-Tem Newsome to open the public hearing on Ordinance Requiring Permits for Minor Development within Areas of Environmental Concern and an Ordinance Establishing Administrative Policy for Minor Development Permit-Letting For The Town of North Topsail Beach at 7:08 p.m. Passed unanimously.

Town Manager Britt advised adoption of these ordinances would allow Rossie Thompson, Chief Building Inspector, to assume responsibility of issuing CAMA permits in areas of environmental concern. This would also include administrative policy to enforce ordinance.

Mayor Pro-Tem Newsome requested Mr. Thompson to explain what minor development under CAMA permits was. Mr. Thompson said any development less than one acre was minor development. Anything over one acre requires State approval for CAMA permit.

Mayor Knowles read the proposed ordinance to approximately 65 citizens present at the hearing and requested their comments.

Melinda Whitney:

Mrs. Whitney asked who was confirming authority for minor permits and what continuing education Mr. Thompson would have. Mr. Thompson explained he would be the confirming authority and that he is working with Mr. Bob Stroud, State CAMA Coordinator. Continuing education consists of classes provided by the Wilmington CAMA office.

Marion Harkins:

How long after application received is it published in the newspaper? Mr. Thompson advised as soon as possible, usually 15-25 days.

Patsy Jordan:

Mrs. Jordan said she was in favor of letting our official issue permits for CAMA.

Bill Kalm:

Can you go one acre at a time and develop up to 10 acres are would that be considered a subdivision? Mr. Thompson said it could not be done by acre and it would require a major CAMA permit from the State.

Melinda Whitney:

She asked Mr. Thompson if he was still part-time and could he do this work adequately. Mr. Thompson advised yes. He has a full time assistant who would issue permits in his absence.

Mayor Knowles read the ordinance establishing administrative policy and advised it authorized Mr. Thompson to issue minor CAMA permits, instead of Wilmington or Jacksonville.

No further comments were received. A motion was made by Alderman Hall and seconded by Alderperson Tippet to close the public hearing at 7:19 p.m. Passed unanimously.

ORDINANCE-  
REQUIRING PERMITS  
FOR MINOR DEVELOP-  
MENT - CAMA:

A motion was made by Alderman Hall and seconded by Alderperson Tippet to adopt the following ordinance requiring permits for minor development as written: Passed unanimously.

AN ORDINANCE REQUIRING PERMITS FOR MINOR DEVELOPMENT  
WITHIN AREAS OF ENVIRONMENTAL CONCERN

WHEREAS, the Board of Aldermen of the Town of North Topsail Beach desire to enact an ordinance for the implementation and enforcement of the Coastal Management Act;

NOW, THEREFORE, BE IT ORDAINED by the Town of North Topsail Beach as follows:

Section 1. Purposes.

The purposes of this Minor Development Permit Ordinance are as follows:

- a. To develop procedures for discharging the responsibilities of the "Local Permit-Letting Agencies" as authorized by the North Carolina Coastal Area Management Act by issuing minor development permits in Areas of Environmental Concern (AECs) within the jurisdictional area of the Town of North Topsail Beach.
- b. To insure that minor development undertaken within AECs is in conformance with local land use plans and applicable State guidelines and regulations; and
- c. To set forth the geographic extent of the jurisdiction of the Local Permit-Letting Program.

Section 2. Permit Requirements.

- a. Permits Required in AECs-After the date designated by the Secretary of Environment, Health and Natural Resources, every person shall obtain a "Development Permit" prior to undertaking any development activity within any area of Environmental Concern.
- b. Permit-Officer for Minor development within the jurisdictional area of the Town of North Topsail Beach, the permit shall be obtained from the Building Inspector, Highway 210, North Topsail Beach, North Carolina, who for the purposes of this ordinance, is designated "Permit Officer".



- c. Minor Development Defined-For the purposes of this ordinance, "minor development" is defined as any development which does not require permission, licensing, approval, certification, or authorization in any form from the Environmental Management Commission, the Department of Environment, Health and Natural Resources, the Department of Administration, the North Carolina Mining Commission, the North Carolina Pesticides Board, the North Carolina Sedimentation Controls Board or any federal agency, which occupies a land area of twenty (20) acres or less; or which occupies on a single parcel a structure or structures with a ground area of sixty thousand (60,000) square feet or less.
- d. Posting Requirements-The following materials shall be posted by the Permit Officer in the Town of North Topsail Beach.
  - 1. A precise description and map approximating all AECs within the jurisdictional area of North Topsail Beach.
  - 2. A copy of the standards for development adopted by the Coastal Resources Commission for each type of AEC found in the jurisdiction and the statutory grounds on which a permit may be denied or conditioned;
  - 3. A copy of this ordinance together with locally adopted administrative policies for its enforcement;
  - 4. The name, location and mailing address of the Permit Officer designated in Section 2b.

### Section 3. Permit Application.

- a. Required Materials-An application for a minor development permit shall consist of submitting the following to the Permit Officer and the Secretary of Environment, Health and Natural Resources.
  - 1. A completed application using a form approved and adopted by the Coastal Resources Commission. The application may be made in duplicate to the Permit Officer who will then forward a copy to the Secretary of Environment, Health and Natural Resources.
  - 2. An administrative fee in the amount of Twenty-five dollars (\$25.00).
- b. Time Limits-Upon receipt of a complete application for a minor development permit, the Permit Officer shall have twenty-five (25) calendar days to make final disposition of the application unless the applicant is given written notice by registered mail of one additional twenty-five (25) day extension. Such extensions may be made only in circumstances where the

magnitude or complexity of the proposed development requires additional time for proper evaluation of the application.

- c. Incomplete and Inappropriate Applications-The Permit Officer shall return incomplete, insufficient, or unauthorized applications to the applicant within fifteen (15) calendar days. Any application received for any activity which constitutes major development shall be returned by the Permit Officer with instructions for submitting the application to the appropriate State agency.
- d. Coordination with Other Local Permits-The Permit Officer shall determine from the application what other local permits are required for the development and shall inform the applicant of these other permit requirements.
- e. Disposition of Permit Application -After consideration of the evidence submitted with the application, the Permit Officer shall grant, deny, or give conditional approval to the minor development permit. The Permit Officer shall maintain a record of all evidence and all matter relevant to each minor development permit application. Such relevant information shall include, but is not limited to, applications, correspondence, public notices, responses to public notices and a copy of the final disposition. Statutory grounds upon which a Permit Officer bases the denial, conditioned grant or return of applications shall be set out in writing. One copy shall be maintained by the Permit Officer and one copy shall be given to the applicant, either in person or by registered mail.
  - 1. Grant. A minor development permit shall be granted only if consideration of the application results in none of the appropriate findings listed in G.S. 113A-120 (a)(i)-(viii).
  - 2. Conditional Approval. The approval of the minor development permit may be conditioned upon the acceptance by the applicant of certain reasonable conditions as set out by the Permit Officer to protect the public interest with respect to the appropriate findings listed in e(1) above. The applicant must sign the conditioned grant of approval as an acceptance of the amendments of the proposed project plans in a manner consistent with the conditions set out by the Permit Officer before the permit shall become effective.
- f. Passive Approval-Failure of the Permit Officer to approve or deny a properly completed and filed application or to give notice of an extension beyond the initial 25-day disposition period shall result in a passive grant. A passive approval shall have the full force and effect of an unconditioned approval.



- g. Permit Display-The property owner shall cause the properly granted minor development permit to be displayed in full view on the site of the development. This requirement shall apply to every permit no matter how it is granted. It is, therefore, necessary that the property owner acquire a permit received by passive approval for purposes of posting on the site before proceeding with the development.

#### Section 4. Appeal Procedures.

- a. Appeal to Coastal Resources Commission-Any person directly affected by the decision of the Permit Officer including the Secretary of the Environment, Health and Natural Resources, may within twenty (20) days after notice of the Permit Officer's disposition, request an appeal hearing by filing a petition with the Office of Administrative Hearings. The hearing shall be a quasi-judicial hearing conducted by an administrative law judge in accordance with the requirements of the Coastal Area Management Act (CAMA) and any other state laws applicable to such procedures. Final decision in the appeal will be made by the CRC based on evidence presented in the hearing.
- b. Appeal to Superior Court-Any person directly affected by any final decision or order of the Coastal Resources Commission may appeal such decision or order to the Superior Court.
- c. Appeal Pending-No action for which a minor development permit is required shall be taken while appeal of the Permit Officer's disposition of that permit request is pending.

#### Section 5. Injunctive Relief and Penalties.

- a. Injunctive Relief-Upon violation of this ordinance, the Permit Officer may, either before or after the institution of proceedings for the collection of any penalty imposed by CAMA for such violation, institute a civil action in the General Court of Justice in the name of the affected local government for the injunctive relief to restrain the violation and for such other or further relief in the premises as said court shall deem proper.

Neither the institution of the action nor any of the proceedings thereon shall relieve any party to such proceedings from any penalties prescribed by CAMA for any violation of same.

- b. Penalties-Any person adjudged guilty of knowingly and willfully undertaking any development without acquiring such a permit, or of conduct exceeding the authority of a permit granted, or of failure to observe the agreed modification of a conditioned grant, or of any other applicable regulations adopted by the Town of North Topsail Beach or the Coastal Resources Commission

pursuant to the CAMA shall be guilty of a misdemeanor, and for each violation shall be liable for a penalty of not less than one hundred dollars (\$100.00) or shall be imprisoned for not more than sixty (60) days, or both. In addition, if any person continues or further commits any of the above violations after written notice from the Permit Officer, the court may determine that each day during which the violation continues or is repeated constitutes a separate violation subject to the foregoing penalties. Any person who violated the CAMA or rules adopted pursuant to the Act may be subject to a civil penalty or not more than \$250.00.

#### Section 6. Amendment Procedures.

- a. Consistency-Amendments to this ordinance shall be in accordance with the provisions of the Coastal Area Management Act and with appropriate rules, criteria and requirements of the Coastal Resource Commission.
- b. Hearing Requirements-Prior to amendment of this ordinance, a public hearing concerning the proposed amendment shall be held. Notice of the public hearing shall appear in a local newspaper of general circulation at least fifteen (15) days prior to the date of the hearing. The Permit Officer shall compile and maintain a complete record of the hearing and written comments.
- c. Request to Waive Formal Amendment Requirement-Whenever a proposed amendment is deemed sufficiently insignificant by the Town of North Topsail Board, that body may petition the Coastal Management Resources Commissioner for a waiver of formal hearing and notice requirements.
- d. Coastal Resources Commissions Approval-Upon local acceptance of any amendment, the amendment shall be submitted to the Coastal Resources Commission for approval. Upon Coastal Resources Commission approval such amendment shall be adopted by the Town of North Topsail Beach Board of Aldermen as a part of the ordinances implementing this plan.

#### Section 7.

Any ordinance or any part of any ordinance in conflict with this ordinance to the extent of such conflict is hereby repealed.

#### Section 8.

This ordinance is adopted in the interest of public health, safety, morals and general welfare of the inhabitants of the Town of North Topsail Beach and its Exterritorial jurisdiction, and shall be in full force and effect from and after its adoption.

DULY ADOPTED THE 5TH DAY OF SEPTEMBER, 1990.



ORDINANCE -  
ADMINISTRATIVE  
POLICY-CAMA:

A motion was made by Alderman Hall and seconded by Mayor Pro-Tem Newsome to adopt the following ordinance on administrative policy-CAMA as written: passed unanimously.

AN ORDINANCE ESTABLISHING ADMINISTRATIVE POLICY  
FOR MINOR DEVELOPMENT PERMIT-LETTING FOR THE  
TOWN OF NORTH TOPSAIL BEACH

WHEREAS, the Board of Aldermen of the Town of North Topsail Beach desire to enact an ordinance establishing the administrative policy for the minor development permit-letting within its jurisdiction area;

NOW, THEREFORE, BE IT ORDAINED by the Town of North Topsail Beach as follows:

Section 1. Designation of Responsible Local Officer.

- a. The North Topsail Beach Building Inspector is hereby appointed "Permit Officer" and is authorized to carry out the duties described in this policy and required to implement the Ordinance Requiring Permits for Minor Development Within Areas of Environmental Concern, enacted by the Town of North Topsail Beach Board of Aldermen the 5th day of September, 1990.
- b. Qualifications-The Permit Officer shall be required to successfully complete, within the first twelve (12) months of employment, the required course of study consisting of no more than two weeks duration that shall be developed by the Department of Environment, Health and Natural Resources in cooperation with one or more of the State's institutions of higher learning.
- c. General Duties-In discharging his duties the Permit Officer shall:
  1. Administer and enforce in duly designated AECs the minor development permit process, all applicable local ordinances, and all other guidelines and standards established by the Coastal Resources Commission (CRC) and the Town of North Topsail Beach pursuant to the CAMA.
  2. Be familiar with existing State and Federal permits required in this jurisdiction so that he can aid potential developers in determining when a major development permit rather than minor development permit is required, and to aid the developers in applying to the CRC when a major development permit is required.
  3. Assist in identifying and assessing projects of greater than local concern and bring them to the attention of the CRC. (Such projects of regional,

state or national concern are almost certain to require some other state permit and, therefore, require a major development permit from the CRC. Therefore, they will usually be brought to the attention of the CRC through the major development permit application.)

4. Be responsible for implementing any procedures agreed on by the governing bodies of the jurisdictions to which the Minor Development Permit Ordinance applies for the purpose of coordinating the CAMA minor development permit with other locally required permits. Such locally required permits include, but are not limited to, plumbing permits, electrical permits, building permits, septic tank permits, sand dune permits, and certifications of compliance with zoning and subdivision regulations.
- d. Records-The Permit Officer shall prepare a quarterly summary of all permit applications and dispositions to be presented to the governing body of each of the jurisdictions to which this plan applies, to the CRC and to the Secretary of the Department of Environment, Health and Natural Resources. He shall keep correct and comprehensive records of all transactions related to minor development permit requests (applications, grants, denials, other dispositions) and shall maintain such records so long as any part of the structure or entity to which it relates remains in existence; or, in the case of denials or other instances, for a period of ten (10) years.

Section 2. Procedures for Responding to Complaint that this Plan is not Properly Enforced and Administered.

- a. Citizen Complaints-Upon receiving complaints from local citizens that the Implementation and Enforcement Plan is not being properly administered and enforced the North Topsail Beach Board of Aldermen will investigate the situation and respond to the alleged deficiencies. If the person making the complaint is not satisfied, then he will be advised that he may take his complaint either in writing or in person to the CRC.
- b. Response to the CRC-Upon notification from the CRC concerning deficiencies in administration and enforcement of the plan, the Town Board will investigate the alleged problem and prepare a response for the CRC. If the allegation of deficiencies is found to be valid, the Town Board will, within thirty (30) days of the original notifications from the CRC, inform the CRC of its willingness and ability to correct the deficiency and prevent similar problems in the future. If the Town Board finds the CRC's allegation of deficiencies invalid, they will so inform the CRC. If the CRC disagrees with that finding, the Town Board may request a hearing before the CRC or in some other manner attempt to day period after receipt of the CRC's original



notification of the deficiency. It is understood that if no such solution is reached within the 90 day period, then the authority to issue permits for minor development pursuant to this plan shall be automatically relinquished until such a time as the CRC is convinced that the program will be properly enforced.

DULY ADOPTED THE 5TH DAY OF SEPTEMBER, 1990.

CENSUS  
COMMITTEE:

Mayor Knowles said he would like to recognize the individuals who have been extremely helpful to the Town and conducted the census of our population. The State advised that this was the most comprehensive and concise report it has received from any town in North Carolina. Mayor Knowles presented a plaque to the following census committee members: Ben Whitney, Peter Hillyer, Pat Jordan, Barbara Driscoll and Ginny Hillyer. Committee members Chris Schmidt and Jenny Pelehach were not present. Their plaques will be sent to them.

PERSONNEL/CABLE  
ORDINANCE  
WORKSHOP:

The board decided to hold a workshop on the Personnel Ordinance and Cable TV Franchise Ordinance Thursday, September 13, 1990, at 5:00 p.m. in the West Onlow Beach Volunteer Fire Department Building.

RETIREMENT  
SYSTEM:

Town Manager Britt reviewed the pre-evaluation information the Town requested from the State Retirement System. The town's cost is 4.8% of general employees salaries and 3.86% of police officers salaries. These rates are within our budgeted limits. If the Town elects to join the retirement system it will be a permanent situation and the town will not be able to withdraw. If the board approves of joining the system a majority (51%) of our employees must be in favor of joining the system before it is final. The anticipated effective date will be October 1, 1990. After brief discussion a motion was made by Mayor Pro-Tem Newsome to adopt the following resolution to join the North Carolina Local Government Employees' Retirement System. Passed unanimously.

RESOLUTION ENLISTING IN NORTH CAROLINA  
LOCAL GOVERNMENT EMPLOYEES' RETIREMENT SYSTEM

WHEREAS, the 1945 General Assembly amended the North Carolina Local Governmental Employees' Retirement System so as to make the benefits of said System available to all counties, cities, and towns, and

WHEREAS, the governing body of this Unit realizes the necessity of providing its employees with the security and protection provided by a sound retirement plan, and

WHEREAS, Article 3 of Chapter 128 of the General Statutes of North Carolina provides that any governmental unit

desiring to enroll its employees in said System shall make application to the Board of Trustees of the North Carolina Local Government Employees' Retirement System and shall by resolution elect to participate in said System.

NOW, THEREFORE, be it resolved by the Board of Aldermen of North Topsail Beach in regular session, this 5th day of September, 1990:

1. That the Town of North Topsail Beach hereby elects to participate its employees in the North Carolina Local Government Employees' Retirement System.
2. That the Town of North Topsail Beach hereby agrees to comply with all provisions of the North Carolina Local Government Employees' Retirement System as defined in Article 3, Chapter 128 of the General Statutes of North Carolina as amended by the 1945 General Assembly.
3. That Gary W. Britt, Town Manager, is hereby ordered and directed to make application to the Board of Trustees of the North Carolina Local Government Employees' Retirement System for enrollment of this Unit and its employees in said System.

DULY ADOPTED THE 5TH DAY OF SEPTEMBER, 1990.

BIDS-GARBAGE  
DISPOSAL:

Town Manager Britt advised bids for garbage disposal were received from Windfish Disposal, Onslow Container and Waste Industry about a month ago. The bids were submitted based on an annual cost and he asked the board to consider that we are now at the end of the summer season. After brief discussion a motion was made by Mayor Pro-Tem Newsome and seconded by Alderperson Tippet to table this item until all board members are present. Passed unanimously.

PROPOSED  
SUBDIVISION

REGULATION CHANGES: Alderman Hall requested the discussion on proposed subdivision regulation changes be tabled for the time being. Building Inspector Thompson said some wording would be changed and some items need to be clarified. After brief discussion the board decided to hold a workshop on garbage disposal bids and proposed subdivision regulation changes Thursday September 20th, 5:00 p.m., at the West Onslow Beach Volunteer Fire Department Building.

BEACH VEHICLE  
ORDINANCE:

Town Manager Britt said the board had 3 different beach ordinances to review. In the past Onslow County allowed vehicles on the beach September 11th through May 15th of each year. He said the town has the option of keeping all vehicles off the beach, limiting them to certain areas as well as limiting the time of day and the time of year. The board needs to protect the safety of people, dunes, vegetation and 30-40 turtle nests not hatched yet. However, alot of people enjoy fishing and this can not be overlooked.



One item to address is motorized vehicles for handicapped individuals use on the beach. Mr. Britt reviewed Town of Long Beach ordinance on exceptions for handicapped vehicles. Discussion held on dates to be allowed, speed limit allowed, permit fees, access points, who would issue permits for the town and provision for handicapped vehicles.

The board decided to use Onslow County ordinance with the following modifications:

1. After section VI, add:

Notwithstanding section III and V, persons who have been issued a handicapped driver's license and permanent registration plates may operate a motorized wheelchair or other similar vehicle, not exceeding one thousand (1,000) pounds gross weight, as specified in Chapter 20-37.1 of the state motor vehicle laws, with a permit from the police department of the town to operate the vehicle on the beach. Operation is permitted only by the licensee, who shall at all times operate in a safe and prudent manner, who shall give way to pedestrians at all times, and who shall give warning before stopping, starting, turning or backing his vehicle. Number of passengers shall be limited to two (2).

2. Change dates from September 11 - May 15 to October 15th through April 15th.
3. Change speed limit from 20 m.p.h. to 15 m.p.h.

A motion was made by Alderman Hall and seconded by Alderperson Tippet to adopt the following Onslow County Beach Ordinance with modifications listed above. Passed unanimously.

ORDINANCE GOVERNING MOTOR DRIVEN VEHICLES AND HORSES ON  
THE DUNES AND BEACHES WITHIN THE TOWN OF  
NORTH TOPSAIL BEACH

BE IT ORDAINED by the North Topsail Beach Board of Aldermen that the following Ordinance regulating motor driven vehicles and horses is hereby adopted pursuant to authority granted by North Carolina General Statute 160A-308 and shall apply to all areas within the Town of North Topsail Beach hereinafter designated.

SECTION 1. PURPOSE:

In order to prevent and abate nuisances on public and private property, to minimize the possible adverse environmental impact on dunes and vegetation, and to supervise and regulate in the interest of public health, safety, comfort, convenience and welfare, the Board of Aldermen of the Town of North Topsail Beach do enact the following Ordinance.

## SECTION II. DEFINITIONS:

1. Accessways - Designated points or easements where vehicles may legally travel from public roads to the beach strand.
2. Beach Strand (Permitted Driving Area) - The area of the beach below mean high water.
3. Commercial Fisherman - A citizen (or citizens) who possesses a valid commercial fishing license and related gear (at least 100 yards of net, a fishing boar and two additional crew members).
4. Frontal Dune - The dune closest to the beach strand.
5. Handicapped Person - As related to this ordinance, an individual who is unable to walk without the aid of other persons or equipment and who has lost total use of either one or both legs.
6. Horses - A solid-hoofed, herbivorous, four-legged mammal including stallions, mares, geldings, mules, ponies, donkeys, etc. capable of being domesticated and ridden by homosapiens.
7. Motor Driven Vehicles - Any vehicle capable of transporting persons or property, consisting of two (2) or more wheels and propelled by a gasoline, electric, or other type of motor.
8. Sand Dune Area - Any area at North Topsail Beach landward of the mean high water mark on the ocean front the Intracoastal Waterway, New River Inlet, and the Surf City Line containing mounds of sand.
9. North Topsail Beach - That area of Onslow County between the Atlantic Ocean, New River Inlet, the Atlantic Intracoastal Waterway and the Surf City Line.

## SECTION III. BEACH ACCESS DRIVING REGULATIONS:

1. No motor driven vehicles shall operate on the beach strand and sand dune area of North Topsail Beach at any time during the period beginning at 12:01 a.m. on April 16th of each and every year and ending at midnight on October 14th of the same year.
2. Four-wheel drive vehicles shall be allowed on the beach strand, beginning at Paradise Pier and traveling northeast to New River Inlet, during the period beginning at 12:01 a.m. on October 15th of each and every year and ending at midnight on April 15th of next year.
3. No motor driven vehicles shall be allowed on the sand dunes of North Topsail Beach and on any point landward of mean high water (except on a public or private road, driveway, parking lot or the yard of a developed lot, exclusive of any sand dune).



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4. No motor driven vehicle shall be allowed on the beach strand unless the vehicle is a factory manufactured four-wheel drive vehicle (exception: farm tractors used by commercial fishermen). Certain handicapped vehicles (See Section VI) may be driven on the beach strand by handicapped persons. The Police Chief shall decide if a person is handicapped according to the definition in Section VI.
  5. No motor driven vehicle shall be allowed closer than twenty (20) feet to the front toe of the frontal dune.
  6. The speed of any motor driven vehicle operating on the beach strand at North Topsail Beach shall not exceed fifteen (15) miles per hour.
  7. No motor driven vehicle shall be allowed on the beach strand between Paradise Pier and the Surf City Line during any time of the year (exception: See Section IV).
  8. No motor driven vehicle shall at any time cross to the beach strand unless crossing is at accessways designated by the Town of North Topsail Beach Board of Aldermen as vehicular crossings.
  9. Pedestrians, swimmers and sunbathers shall have the right-of-way over all vehicles being operated on the beach strand.
  10. It shall be illegal to ride or walk horses on the beach strand and sand dune area of North Topsail Beach (unless on a public or private road, developed lot, or parking lot).

#### SECTION IV. COMMERCIAL FISHERMEN:

Upon proper showing to the Town of North Topsail Beach Board of Aldermen by a citizen who must use the beach strand for commercial fishing which is his or her livelihood, said citizen may be given permission to drive on the beach strand from the Surf City Line to New River Inlet from January 1 to May 14 from August 1 to December 31 of each year. All vehicles and drivers shall conform to Section V of this Ordinance.

#### SECTION V. PERMIT REQUIREMENTS:

1. Owners of all vehicles allowed to drive on the beach strand shall obtain a permit to do so. This permit shall be issued at a cost of twenty dollars (\$20.00) per annum (October 15-April 15) per vehicle. A two week permit shall also be available at a cost of five dollars (\$5.00). This permit is non-transferable and shall be affixed to the lower right side of the vehicle's windshield (exception: farm tractors used by commercial fisherman shall affix the sticker on the tractor in a place easily seen).
2. All vehicles allowed to drive on the beach strand shall have valid state licenses and registrations (exception:

farm tractors). All drivers must have valid drivers licenses.

3. The owner of a permitted vehicle shall be responsible for any person driving the vehicle on the permitted driving area or on any other area which is a violation of the Ordinance.
4. All permits to drive on the beach strand shall be issued by an agency or business approved by the North Topsail Beach Board of Aldermen.

SECTION VI. CLOSING THE BEACH STRAND:

The Town of North Topsail Beach Board of Aldermen shall have the authority to close any part or all of the beach to vehicular traffic if, in the opinion of the Board of Aldermen, vehicular traffic is detrimental to the health, safety and welfare of pedestrians, property, or the sand dunes.

SECTION VII. HANDICAPPED VEHICLES:

Notwithstanding Sections III & V, persons who have been issued a handicapped driver's license and permanent registration plates may operate a motorized wheelchair or other similar vehicle, not exceeding one thousand (1,000) pounds gross weight, as specified in Chapter 20-37.1 of the state motor vehicle laws, with a permit from the police department of the town to operate the vehicle on the beach. Operation is permitted only by the licensee, who shall at all times operate in a safe and prudent manner, who shall give way to pedestrians at all times, and who shall give warning before stopping, starting, turning or backing his vehicle. Number of passengers shall be limited to two (2).

SECTION VIII. PENALTIES:

Any person, firm or corporation who violates any section of this Ordinance shall be guilty of a misdemeanor and shall be punished by a fine not to exceed fifty dollars (\$50.00), or by imprisonment not to exceed thirty (30) days or by both. Permits shall also be revoked for any violation of this Ordinance for a period of one (1) year.

SECTION IX. SEVERABILITY:

Should any section of this Ordinance be decided by a court of competent jurisdiction to be unconstitutional or invalid, it shall not affect the validity of this Ordinance as a whole or any section thereof other than the section so declared to be unconstitutional or invalid.

SECTION X. EFFECTIVE DATE:

This Ordinance shall become effective September 5, 1990.

DULY ADOPTED THE 5TH DAY OF SEPTEMBER, 1990.



WATER STUDY:

Town Manager Britt said the proposed water engineering study from McKim and Creed would cost \$6,200.00. The study would evaluate the water system, identify problems and recommend solutions. McKim and Creed have already completed work with Onslow County and St. Regis Resort that relates to North Topsail Beach and have determined some of our problems.

Mayor Knowles asked if study would be used in the land use plan and if there was a possibility grant money, if received, could be used for this. Town Manager Britt advised it should be used with land use plan to identify and solve problems as well as any potential problems with future growth. If received, grant money could possibly be used to help with the water study cost and funds have been budgeted for the study.

Several questions were asked and answered concerning previous meeting with Bill Harvey on water problems, proposed water tower, booster pumps, dry hydrant system and potential hazards that now exist on the north end of town.

After discussion a motion was made by Mayor Pro-Tem Newsome and seconded by Alderman Hall to award water engineering contract to McKim and Creed for the amount of \$6,200.00 Passed unanimously.

CODE OF  
ORDINANCES:

9/8/95

Attorney Dotson said this is a contract for Municipal Code Corporation to codify all Town Ordinances. They are working on the final draft and have all ordinances adopted to date. However, there are some like personnel ordinances they do not have. When they are finalized and sent to them they will send you a complete draft for approval before the books are printed. Town Manager Britt said the cost is \$4,500.00 plus freight for 25 copies of codes. He recommended Subdivision and Zoning Ordinances be included at an additional cost of \$2,800.00 and 35 copies in reprint pamphlet form, at a reduced cost of \$2.50 per page, or approximately \$437.50.

A motion was made by Alderperson Tippet and seconded by Mayor Pro-Tem Newsome to accept contract with Municipal Code Corporation in the amount of \$4,500.00 for codification of code of ordinances, \$2,800.00 for Zoning & Subdivision to be included and 35 additional copies in reprint pamphlet form at a reduced cost of \$2.50 per page. Passed unanimously.

RESOLUTION-  
WATER & SEWER:

Town Manager Britt presented a resolution requesting exemption from requirement that certain local option sales tax revenues be used for water/wastewater capital needs. He said since the town does not operate water/wastewater facilities a letter was sent requesting exemption and it was approved but a resolution needs to be sent to the State. A motion was made by Mayor Pro-Tem Newsome and seconded by Alderperson Tippet to adopt the following resolution: Passed unanimously.

RESOLUTION REQUESTING EXEMPTION FROM THE REQUIREMENT  
THAT CERTAIN LOCAL OPTION SALES TAX REVENUES  
BE USED EXCLUSIVELY FOR WATER AND WASTEWATER  
CAPITAL NEEDS AND DEBT SERVICE PAYMENTS

WHEREAS, the North Carolina General Assembly enacted legislation authorizing a one-half cent (1/2 cent) and an additional one-half cent (1/2 cent) local option sales tax, with forty percent (40%) of the revenue generated for a municipality the first five years, and thirty percent (30%) of the revenue generated the next five years to be used exclusively for water and wastewater capital needs and debt service payments; and

WHEREAS, the Board of Commissioners of Onslow County, North Carolina, did vote to authorize said tax commencing October 1, 1983 and October 1, 1986; and

WHEREAS, the Local Government Commission has established procedures whereby a municipality not needing said sales tax revenue for water and wastewater capital needs and debt service payments may request an exemption from said requirement; and

WHEREAS, the Town of North Topsail Beach neither owns or operates the water and wastewater utilities within the Town; and

WHEREAS, a private corporation and Onslow County is responsible for the projected capital needs of the said utilities; and

WHEREAS, the Town of North Topsail Beach, through its Subdivision Ordinance adopted June 27, 1990, has established a requirement that any extensions of water and wastewater systems shall be paid by the developer, meeting both State of North Carolina minimum standards and approval of said private utility owner; and

WHEREAS, the Town of North Topsail Beach is clearly neither responsible for maintaining, upgrading, or extending the said utility systems.

NOW, THEREFORE BE IT RESOLVED by the Board of Aldermen of the Town of North Topsail Beach, in Regular Session assembled this 5th day of September, 1990, as follows:

SECTION 1. That the Local Government Commission of the State of North Carolina is hereby petitioned to grant for an indefinite period of time the Town of North Topsail Beach an exemption from the requirement to spend forty percent (40%) the first five years, and thirty percent (30%) the next five years of the revenue generated by the said sales tax, on capital needs and debt service payments for water and wastewater needs.



SECTION 2. That the Local Government Commission is further petitioned to allow expenditure of said sales tax revenue for any lawful purpose for which a municipality of the State of North Carolina is authorized to expend funds.

SECTION 3. That the Town Manager is hereby empowered, authorized and directed to take all lawful actions necessary to secure said exemption.

DULY ADOPTED THE 5TH DAY OF SEPTEMBER, 1990.

RIGHT-OF-WAY  
BATTS PROPERTY:

Mr. Robert Kilroy requested the Town adopt a resolution stating that the unused and never used portion of Ocean Drive at its northern terminus did not constitute part of a street plan of the Town. Building Inspector Thompson said he looked at the property which is on Ocean Drive past Chestnut St. and deadends to PortoFino. He said they wanted it closed so they would have another lot, but we do not have a procedure to close streets. Attorney Dotson said it was a street that has never been opened and is an abandoned State road. He said it was not maintained by the Town and the board had no jurisdiction over it. Mr. Kilroy advised resolution only stated it was not part of street plans. After brief discussion a motion was made by Alderman Hall and seconded by Mayor Pro-Tem Newsome to adopt the following resolution stating street was not a part of any future plan. Passed unanimously.

RESOLUTION TO WITHDRAW A PORTION OF  
OCEAN DRIVE AT ITS NORTHERN TERMINUS FROM PRESENT OR FUTURE  
STREET PLAN OF NORTH TOPSAIL BEACH

WHEREAS, the Mayor and Members of the Board of Aldermen were convened for their regular scheduled meeting on September 5, 1990; and

WHEREAS, Portofino Associates presented a plan to withdraw an unused portion of Ocean Drive at its northern terminus as described in Map Book 8 Page 48, Onslow County Registry of Deeds; and

WHEREAS, Portofino Associates has requested the Town of North Topsail Beach approve a resolution that the portion of Ocean Drive to be withdrawn does not constitute part of a street plan of the Town pursuant to North Carolina GS §136-66.2.

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

The portion of Ocean Drive, at its northern terminus does not constitute a portion of any present or future street plan of the Town of North Topsail Beach pursuant to North Carolina GS §136-66.2.

DULY ADOPTED THE 5TH DAY OF SEPTEMBER, 1990.

"NO NAME DRIVE":

Building Inspector Thompson said there is a street just past Salty's Pier called "No Name Drive" that the State agreed to add to their system prior to North Topsail Beach incorporation and they are requesting the town adopt a resolution adding this to the State System. A motion was made by Mayor Pro-Tem Newsome and seconded by Alderperson Tippet to adopt the following resolution adding "No Name Drive" to the State road system. Passed unanimously.

RESOLUTION REQUESTING NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION ADD "NO NAME DRIVE"  
TO THE STATE ROAD SYSTEM

WHEREAS, North Carolina Department of Transportation agreed to add No Name Drive to its system prior to incorporation of North Topsail Beach; and

WHEREAS, North Carolina Department of Transportation has requested the Town of North Topsail Beach approve a resolution adding this street to the State system.

NOW, THEREFORE, be it resolved by the Board of Aldermen at their regular meeting held on September 5, 1990, that:

The Town of North Topsail Beach request the North Carolina Department of Transportation add "No Name Drive" located off the relocated State Road 1568 to their system and maintain same.

DULY ADOPTED THE 5TH DAY OF SEPTEMBER, 1990.

RESOLUTIONS OF  
APPRECIATION:

Alderman Hall read resolutions of appreciation to the Towns of Topsail Beach and Jacksonville for their assistance in helping North Topsail Beach establish its police department and requested the board adopt them. In addition, he read a certificate of appreciation to be presented to North Topsail Beach Police Chief Roland Melton for his hard work. A motion was made by Mayor Pro-Tem Newsome and seconded by Alderperson Tippet to adopt resolutions of appreciation to the Town of Topsail Beach and Jacksonville as follows. Passed unanimously.

A RESOLUTION COMMENDING THE COOPERATIVE WORKING  
RELATIONSHIP BETWEEN NORTH TOPSAIL BEACH POLICE DEPARTMENT  
AND THE TOPSAIL BEACH POLICE DEPARTMENT

WHEREAS, the North Topsail Beach, North Carolina, Police Department is a newly organized law enforcement agency, and;

WHEREAS, the Topsail Beach Police Department assisted North Topsail Beach Police Department by conducting a Manpower Allocation Study, and;

WHEREAS, the Topsail Beach Police Department is currently extending communication service and drug task force assistance;



THEREFORE, BE IT RESOLVED, that the Town of North Topsail Beach expresses its gratitude to the Town of Topsail Beach and commends the Topsail Beach Police Department for the cooperative working relationship with the North Topsail Beach Police Department.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Town of Topsail Beach.

DULY ADOPTED THE 5TH DAY OF SEPTEMBER, 1990.

A RESOLUTION COMMENDING THE COOPERATIVE WORKING  
RELATIONSHIP BETWEEN NORTH TOPSAIL BEACH POLICE DEPARTMENT  
AND THE JACKSONVILLE POLICE DEPARTMENT

WHEREAS, the North Topsail Beach, North Carolina, Police Department is a newly organized law enforcement agency, and;

WHEREAS, the Jacksonville Police Department assisted North Topsail Beach Police Department by conducting Manpower Allocation Study, and;

WHEREAS, the Jacksonville Police Department is currently extending communication services and drug task force assistance,

THEREFORE, BE IT RESOLVED, that the Town of North Topsail Beach expresses its gratitude to the City of Jacksonville and commends the Jacksonville Police Department for the cooperative working relationship with the North Topsail Beach Police Department.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the City of Jacksonville.

DULY ADOPTED THE 5TH DAY OF SEPTEMBER, 1990.

MANAGERS REPORT:

1. Presented the board with a report of the police department activities for the month of August, 1990;
2. Reviewed budget adjustment transferring \$1,000.00 from Building & Grounds Maintenance to Sanitation to provide funding for dumpsters for beach trash. The amendment does not change the overall budget total. The revised appropriations are as follows:

REVISED DEPARTMENTAL APPROPRIATIONS  
FROM LINE ITEM ADJUSTMENT NUMBER 2, DATED AUGUST 27, 1990

SECTION 1. GENERAL FUND

A. REVENUES ANTICIPATED:

SOURCE	AMOUNT
Taxes, current year	425,000
Taxes, prior year	55,000

Tax Penalties & Interest	3,000	
Privilege License	100	
Inter-governmental		
revenues	432,197	
Other revenues	<u>31,200</u>	
TOTAL		<u>946,497</u>

B. EXPENDITURES AUTHORIZED BY DEPARTMENT:

DEPARTMENT	AMOUNT	
Governing Body	20,760	
Administration	179,472	
Elections	1,500	
Planning & Zoning	93,189	
Public Buildings	106,671	
Buildings & Grounds		
Maintenance	1,000	
Police	304,202	
Public Works	33,173	
Street Department	10,000	
Street Improvements	10,000	
Sanitation	1,000	
Fire	106,462	
Raw Water Supply	34,000	
Contingency	<u>45,068</u>	
TOTAL		<u>946,497</u>

3. Manager Britt said he has been working with Mrs. Beasley on the sea turtle project. Mrs. Beasley has done an outstanding job. Two nests with possible light problems have been picked out and we have requested Jones-Onslow put shields, at cost of \$30 each, on 2 poles to see if this will help.
4. Color coded hurricane re-entry cards have been printed and will be given to citizens shortly. Property owners will need to show proof of ownership to obtain cards but there will be no fee for them.
5. State Department of Transportation has been contacted about the speed limit study. They will contact us within the next 2 weeks.

MAYORS REPORT:

Mayor Knowles said he had the pleasure of attending a meeting with Lt. Governor Gardner and 50 other mayors in Morehead City to honor the families of men who have gone to Saudi Arabia. He said there are families where the husband or wife has left and if there is anything the Town, Board of Aldermen or Police can do to help please call. The displaying of yellow or red, white and blue ribbons would be appreciated. We need to be sure these people know they are a part of our community and we care.



ADJOURNMENT:

A motion was made by Mayor Pro-Tem Newsome and seconded by Alderperson Tippet to adjourn the meeting at 8:43 p.m. Passed unanimously.

Ann Vause  
Ann Vause, Town Clerk

TOWN OF NORTH TOPSAIL BEACH  
SPECIAL MEETING  
SEPTEMBER 13, 1990

PRESENT:

Mayor W. Rodney Knowles, Alderman William Keister, Town Manager Gary W. Britt, Town Attorney Marshall Dotson, and Town Clerk Ann Vause. Mayor Pro-Tem Leland Newsome, Aldermen Weldon Hall and Nathan McDaniel and Alderperson Charlotte Tippet were absent.

CONVOCATION:

Mayor Knowles called the meeting to order at 5:10 p.m. and stated a quorum was not present. He advised the meeting would be recessed until Monday, September 17, 1990 at 5:00 p.m., at the West Onslow Beach Volunteer Fire Department Building and the same items would be on the agenda.

Ann Vause  
Ann Vause, Town Clerk

TOWN OF NORTH TOPSAIL BEACH  
RECESSED SPECIAL MEETING  
SEPTEMBER 17, 1990

PRESENT:

Mayor W. Rodney Knowles, Mayor Pro-Tem Leland Newsome, Aldermen Weldon Hall, Nathan McDaniel, and William Keister, Town Manager Gary Britt, Town Attorney Marshall Dotson and Town Clerk Ann Vause. Alderperson Charlotte Tippet was absent.

CONVOCATION:

Mayor Knowles called the meeting to order at 5:05 p.m., and declared a quorum present. He advised Attorney Dotson was delayed but would be at meeting shortly.

PERSONNEL

ORDINANCE:

The board decided to defer discussion on this item until the attorney arrives.

CABLE TV

ORDINANCE:

Mayor Knowles advised the Cable TV Franchise Ordinance has been re-written and presented for the boards review. The general statutes require a franchise ordinance be read at two regular board meetings before adoption. It will be on the October and November agendas.

RESOLUTION  
WOBVFD:

Town Manager Britt presented a resolution accepting responsibility of West Onslow Beach Volunteer Fire Department by the Town of North Topsail Beach for the boards review. Mayor Knowles requested the words "also assets" be added to the 2nd paragraph of the resolution after "to assume the debts". A motion was made by Alderman Hall and seconded by Mayor Pro-Tem Newsome to adopt the following resolution and add the words "also assets" after "to assume the debts" in the 2nd paragraph. Passed unanimously.

RESOLUTION ACCEPTING RESPONSIBILITY OF  
WEST ONSLOW BEACH VOLUNTEER FIRE DEPARTMENT  
BY THE TOWN OF NORTH TOPSAIL BEACH

WHEREAS, the West Onslow Beach Volunteer Fire Department is a non-profit organization established to provide fire protection for citizens on the north end of Topsail Island; and

WHEREAS, the Town of North Topsail Beach was incorporated January 19, 1990; and

WHEREAS, the incorporation obligates North Topsail Beach under N.C. General Statute 160A-37.1 to assume the debts, also assets, and responsibilities of the operation of the West Onslow Beach Volunteer Fire Department; and

WHEREAS, the newly incorporated Town of North Topsail Beach desires to take over the financing and operation of the West Onslow Beach Volunteer Fire Department and provide its citizens with additional, expanded services and facilities for their safety and welfare.

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of North Topsail Beach meeting in special session this 17th day of September, 1990, that:

1. Effective October 1, 1990, the Town of North Topsail Beach will assume all debts & financial responsibility for the West Onslow Beach Volunteer Fire Department;
2. On October 1, 1990, the volunteer fire departments name will be changed to the North Topsail Beach Volunteer Fire Department;
3. All equipment, land, building, etc. will become property of the Town of North Topsail Beach.

BE IT FURTHER RESOLVED THAT:

All volunteers and contributors connected with the West Onslow Beach Volunteer Fire Department are to be commended for their service and dedication to the citizens and community now known as the Town of North Topsail Beach.

DULY ADOPTED THE 17TH DAY OF SEPTEMBER, 1990.



Mayor Pro-Tem Newsome ask for a financial report on West Onslow Beach Volunteer Fire Department. Town Manager Britt advised he talked with Mr. Harris, President of West Onslow Beach Volunteer Fire Department Board of Directors, and they will provide the Town with their latest financial report. Mayor Knowles ask that audit company prepare audit.

BEACH DRIVING  
ORDINANCE:

Town Manager Britt reviewed the changes made in the Onslow County Beach Driving Ordinance before it was adopted by this board, for North Topsail Beach, September 5, 1990. Section 4 of the ordinance allows for commercial fishermen to operate August 1st - December 31st and January 1st - May 14th. The area open for beach permits was Paradise Pier to the New River Inlet. The board reviewed and discussed changing dates for commercial fishermen to same as sports fishermen, allowing individuals to drive from New River Inlet to Surf City limits, who will police area to ensure only permitted vehicles are on the beach and adding factory lift vehicles to handicapped section. Mayor Pro-Tem Newsome suggested a feasibility study, for one year, allowing permits from October 15th - April 15th, to see how it works and what needs to be changed.

A motion was made by Mayor Pro-Tem Newsome and seconded by Alderman Keister to add that factory lift vehicles of 4 wheel drive nature are permitted if used for handicap individuals, without a fee. Passed unanimously.

A motion was made by Mayor Pro-Tem Newsome and seconded by Alderman Keister to allow permits from October 15th - April 15th for commercial and sports fishermen, boundary to be from New River Inlet to Surf City limits and have a feasibility study for one year, bring information back to the May meeting and see how it works and what needs to be changed. Passed unanimously.

Mayor Knowles requested a definition of a sports fisherman be added to the ordinance.

Town Manager Britt advised the ordinance states the agent or other designee can issue the permits. He explained how this was handled in the past and suggested we provide for someone to issue permits on the weekends.

The board requested the Town Manager meet with the county representative and define what portion of the area around the county access at the end of River Road is town area and what portion is county access area.

RECESS:

The board requested a recess at 5:40 p.m. to wait for the attorney. Mayor Knowles reconvened the meeting at 6:00 p.m.

Mayor Knowles said the attorney has not arrived and it is imperative he be here to discuss personnel. He suggested the meeting be recessed and bring this subject up as part of the special meeting scheduled for Thursday, September 20th.

ADJOURNMENT: A motion was made by Alderman Keister and seconded by Mayor Pro-Tem Newsome to adjourn the meeting at 6:05 p.m. Passed unanimously.

REOPENING OF MEETING: Attorney Dotson arrived at 6:07 p.m. and a motion was made by Mayor Pro-Tem Newsome and seconded by Alderman Keister to go back into session. Passed unanimously.


PERSONNEL ORDINANCE: Attorney Dotson said there were 2 areas in primary personnel ordinance that need to be addressed. One is in respect to the managers authority over department heads and the second is chain of command. The remainder of the ordinance is standard provisions.

General discussion was held on how the board wants to handle the managers position, what his functions would be and how it relates to employees.

Other items discussed were: evaluation process for employees, hiring or discharging of employees and when the board or attorney gets involved in personnel matters.

After discussion the board decided to study this and review personnel ordinance in further detail at their special meeting scheduled for September 20th.

ADJOURNMENT: A motion was made by Alderman Hall and seconded by Mayor Pro-Tem Newsome to adjourn the meeting at 6:35 p.m .

  
Ann Vause - Town Clerk

TOWN OF NORTH TOPSAIL BEACH  
SPECIAL BOARD MEETING  
SEPTEMBER 20, 1990

PRESENT: Mayor W. Rodney Knowles, Mayor Pro-Tem Leland Newsome, Aldermen Weldon Hall, Nathan McDaniel, William Keister, Alderperson Charlotte Tippet, Town Manager Gary Britt, Town Attorney Marshall Dotson and Town Clerk Ann Vause.

CONVOCATION: Mayor Knowles called the meeting to order at 5:00 p.m. and declared a quorum present.

GARBAGE  
DISPOSAL  
BIDS:

A motion was made by Alderman Hall and seconded by Mayor Pro-Tem Newsome to table discussion/approval of the garbage disposal bids until January 5, 1991, meeting. Voting aye: Mayor Pro-Tem Newsome, Aldermen Hall, McDaniel and Keister. Voting nay: Alderperson Charlotte Tippet. Motion carried.



PROPOSED  
SUBDIVISION  
REGULATION  
CHANGES:

Mayor Knowles said the proposed subdivision regulation changes were the ones approved by the planning board at their last meeting. Building Inspector Thompson advised this was tabled by the Board of Aldermen at an earlier meeting because they wanted to review changes and make some changes. Mayor Pro-Tem Newsome advised he had not been able to get answers to some questions yet. After brief discussion a motion was made by Mayor Pro-Tem Newsome and seconded by Alderperson Tippet to table discussion/approval of proposed subdivision regulations until the October 3rd, meeting. Passed unanimously.

RESOLUTION -  
RETIREMENT TAX  
SHELTER:

Town Manager Britt said at the September 5th meeting the board approved the Town joining the Local Governmental Employees Retirement System with employee approval and the employees voted to join the system. In addition, a resolution is needed by the Retirement System to make 6% paid by the employees tax exempt. After brief discussion a motion was made by Alderman Hall and seconded by Alderperson Tippet to adopt the following resolution on tax shelter for retirement contributions of employees: Passed unanimously.

RESOLUTION TO ELECT A TAX SHELTER OF EMPLOYEES' CONTRIBUTIONS  
PAYABLE AS MEMBERS OF THE NORTH CAROLINA LOCAL  
GOVERNMENTAL EMPLOYEES RETIREMENT SYSTEM

WHEREAS, the 1981 Session (1982 Regular Session) of the North Carolina General Assembly, by a duly ratified bill effective July 1, 1982, enacted North Carolina General Statute 128-30(b), which under the conditions specified therein permits an employer participating in the North Carolina Local Governmental Employees' Retirement System to tax shelter the contributions payable to this System by its employees who are members of this System; and

WHEREAS, this employer is an employer participating in the North Carolina Local Governmental Employees' Retirement System with respect to its eligible employees; and

WHEREAS, this employer deems it desirable to tax shelter the contributions payable by its employees as members of the North Carolina Local Governmental Employees' Retirement System.

NOW, THEREFORE, BE IT RESOLVED BY THE NORTH TOPSAIL BEACH BOARD OF ALDERMEN meeting in special session this 20th day of September, 1990, that as of October 1, 1990, the Town of North Topsail Beach elects pursuant to the provisions of North Carolina General Statute 128-30(b) to pick up and pay to the North Carolina Local Governmental Employees' Retirement System the contributions which would be otherwise payable to this System by its employees who are members of this System and to treat in all respects such contributions in the manner specified in said North Carolina General Statute

128-30(b).

DULY ADOPTED THE 20TH DAY OF SEPTEMBER, 1990.

PERSONNEL  
ORDINANCE:

The board briefly discussed proposed personnel ordinance presented at the September 17th meeting. Aldermen Hall presented an alternate personnel ordinance for consideration. He briefly reviewed proposed classification/pay plan, which included minimum and maximum salary ranges for all employees. Salaries were based on study of 7 beach towns. A motion was made by Alderperson Tippet and seconded by Mayor Pro-Tem Newsome that these ordinances be studied and placed on the October 3rd agenda. Passed unanimously.

Building Inspector Thompson requested permission to add a full-time Clerk I position. A lengthy discussion was held on why this additional position was needed, annual cost, additional time it would allow the inspector to be in the field, and what the duties of Clerk I would be. After discussion a motion was made by Mayor Pro-Tem Newsome and seconded by Alderman Hall to accept proposal and advertise Clerk I position. Mayor Knowles advised this needs to be discussed with the Town Manager and see where the money will come from. Building Inspector Thompson said he feels permit fees, at same schedule, will more than cover this cost. Perhaps more if we can do the job properly. After further discussion Mayor Pro-Tem Newsome withdrew his motion and made a motion, seconded by Alderman Hall that Town Manager Britt and Building Inspector Thompson get together and if money is available authorize advertising the Clerk I position and secure service of individual qualified for this position. Passed unanimously.

RE-AFFIRM  
APPOINTMENT:

Alderman Hall requested a resolution to reaffirm appointment of Police Chief and Building Inspector. A motion was made by Alderman Hall to reaffirm appointments of Roland Melton and G. Rossie Thompson as Police Chief and Building Inspector. Attorney Dotson said this would be done by the pay plan/classification when approved. Alderman Hall withdrew his motion.

RESOLUTION -  
PROCEDURE FOR  
PUBLIC ADDRESS  
AT MEETINGS:

Mayor Knowles reviewed resolution concerning establishing and maintaining order procedure for public address at the board meetings for citizens present. After a few questions were ask and answered by citizens and the board members a motion was made by Alderman Hall and seconded by Mayor Pro-Tem Newsome to adopt the following resolution. Passed unanimously.

RESOLUTION TO ESTABLISH AND MAINTAIN AN ORDERLY  
PROCEDURE FOR PUBLIC ADDRESS DURING  
NORTH TOPSAIL BEACH BOARD MEETINGS

WHEREAS, proper decorum must be maintained in order to ensure productive public meetings; and



WHEREAS, the Town Board of Aldermen desire, in the interest of the public welfare, to insure that North Topsail Beach Board meetings are conducted in an orderly manner.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF NORTH TOPSAIL BEACH BOARD OF ALDERMEN that the following rules shall apply to individuals and groups wishing to address the Town Board of Aldermen, Planning Board and other boards which may be established or authorized by the Town of North Topsail Beach at public meetings:

1. Anyone wishing to be on the agenda to speak at a Board Meeting must submit a written request to the appropriate Board Secretary, six (6) days before the meeting. That person will be allowed five (5) minutes (more if approved by the Board) at the podium.
2. Anyone wishing to address the Board and who is not on the agenda may speak only if recognized by the chairman. Once recognized, that person will be allowed three (3) minutes at the podium.

DULY ADOPTED THE 20TH DAY OF SEPTEMBER, 1990.

NUMBER OF  
PLANNING  
BOARD

MEMBERS:

Alderman Hall requested this item be tabled until the October 3rd meeting and the board agreed.

BEACH  
DRIVING  
ORDINANCE:

Town Manager Britt presented the following definition of a sports fisherman: "A person possessing one or more rod and reel, bait and tackle who is engaged in fishing as a hobby, recreation, pleasure or as a source of diversion." He requested clarification of following items in ordinance adopted September 17th concerning beach driving:

1. Handicap Vehicle: 1,000 pounds or less vehicle allowed access on beach year round, does this include 4 wheel drive vehicle for handicapped. Attorney Dotson explained 4 wheel drive provision and the board advised they are the same as other full size 4 wheel drive vehicles.
2. Time of Day: Do you want to restrict time? Mayor Pro-Tem Newsome suggested sunrise to 2 hours after sunset and after discussion the board agreed.
3. Agent to Issue Permit: The board needs to approve the agent who will issue these permits. Town Manager Britt requested it be Rogers Bay Campground for a fee of 5% of permit collected. The board agreed.
4. Joy Riding: Ordinance needs to state no joy riding, etc. Fishing permits only. The board agreed.
5. Inlet at North End by County Access: The county only owns area for parking. Town would enforce ordinance in the area of the inlet.

Several comments were received from citizens on fine for violation of ordinance, county signs presently on beach that need to be changed and where to post new signs.

The board requested the Police Chief get with the Town Manager and decide how many signs are needed concerning ordinance.

POLICE OFFICE  
HOURS:

Mayor Knowles ask Chief Melton to explain when citizens could call the police station and when they should call 911. Chief Melton said 8:00 a.m. - 4:30 p.m. Monday-Friday the citizens can call 328-0042; after 4:30 p.m. and on weekends they need to call 911. He suggested the Town purchase stickers to go on the back of the telephone for citizens.

BEACH  
SWEEP:

Town Manager Britt advised a beach sweep was scheduled for Saturday, September 12th. The Town will assist with truck and driver but it may have to be after sweep because sweep will be during high tide.

RE-ENTRY  
PASSES:

Town Manager Britt advised re-entry identification passes were available for citizens at town hall.

ADJOURNMENT:

A motion was made by Alderman Keister and seconded by Alderperson Tippet to adjourn the meeting at 5:55 p.m. Passed unanimously.

*Ann Vause*

Ann Vause - Town Clerk

TOWN OF NORTH TOPSAIL BEACH  
REGULAR BOARD MEETING  
OCTOBER 3, 1990

PRESENT:

Mayor W. Rodney Knowles, Mayor Pro-Tem Leland Newsome, Aldermen Weldon Hall, Nathan McDaniel, & William Keister, Town Manager Gary Britt, Town Attorney Marshall Dotson and Town Clerk Ann Vause. Alderperson Charlotte Tippet was absent.

CONVOCATION:

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

MINUTES:

A motion was made by Mayor Pro-Tem Newsome and seconded by Alderman Keister to accept minutes of Executive Session August 31, 1990. Regular Board Meeting September 5, 1990, Special Board Meeting September 13, 1990, Special Board Meeting September 17, 1990, and Special Board Meeting September 20, 1990, as written. Passed unanimously.

AGENDA:

Mayor Knowles advised Attorney Dotson said Item C, under Old Business, Discussion/Approval of Recommended Subdivision Regulation Amendments needs further discussion and needs to be continued. Also, Approval of La Costa Bay preliminary plat needs to be added under New Business. Alderman Hall said Item D, Discussion of the number of members on the Town Planning Board and Item



F, Discussion/Approval of Town Personnel Ordinance, under Old Business, need to be tabled. A motion was made by Mayor Pro-Tem Newsome and seconded by Alderman Hall that La Costa Bay preliminary plat be added under New Business and agenda be approved as amended. Passed unanimously.

CABLE TV  
FRANCHISE:

Mayor Knowles advised the State Law requires franchise agreements be read at two (2) regular meetings before approval. He requested Town Manager Britt review the franchise ordinance for the 20 citizens present. Town Manager Britt reviewed various sections of the ordinance relating to granting of the franchise; acceptance and effective date; length of franchise (10 years) and fact that the contract would not be exclusive; conditions under which the contract could be terminated; conditions under which transfer of the franchise would be considered; conditions and restrictions cable company would have to adhere to; franchise fee to be paid to the Town (3% of annual gross revenue); limitations of franchise; current service area of Town and future service areas; length of time after franchise approval to provide service to areas not currently served; conditions on use of streets and roads for service poles; number of channels to be provided within 18 months of franchise approval; emergency alert override system; authority to connect with other systems for wider programming; community channel for non-commercial programming; channel for educational and governmental access; penalties that may be imposed if cable company does not comply with provisions of franchise; construction standards for cable equipment; operational standards and signal quality including service repair time; new development request such as new channels or updated technology; how rates and schedules should follow current schedule, terms and conditions and how request for changes would be handled; rights of individual for service; liability and indemnification (protection for the Town); insurance required for cable company and what must be filed with the Town Clerk; franchise bond to be filed with the Town Clerk; letters of credit required by the Town; requirements for filing and communicating with regulatory agencies; reports that must be filed with the Town annually; standby emergency power source required; franchise renewal provisions; unauthorized connections; any notice, by either party, which refers to franchise must be in writing; action and affect on franchise if section is found invalid or unconstitutional and amendment to cable communications policy of 1984.

Several citizens ask questions concerning Falcon Cables ability to finance expansion required, protection from rate increases, & availability of technicians when service interruptions occur. They were advised these concerns would be checked into and addressed at the next meeting on franchise. Attorney Dotson suggested representative of Falcon Cable be at the next meeting in November. Town Manager Britt will contact the representative to be here in November.

BEACH DRIVING  
ORDINANCE:

Town Manager Britt said the ordinance presented contains changes and clarifications made by the board since the ordinance was adopted at the September 5th, meeting.

Mr. Glenn Gore, Manager of Rusty Scupper Restaurant, requested the board rethink shortening the time on beach driving permits. The Town is basically for tourist, fishing and water sports. With the shortened time for fishermen the 3 or 4 small business owners on the north end have had a drop in revenue. Basically, there have been no problems in the past except when someone got their vehicle stuck. Mr. Gore said he would appreciate the boards support and ask that next fall they consider extending the time and hours. He said Surf City and Topsail Beach have already opened the beach in their areas.

Some citizens complained about the trash/garbage left on the beach. Mr. Gore said he and Mike Moore, Manager Rogers Bay Campground, have spent about \$2,000 keeping the area around the restaurant and campground clean and that most fishermen do not litter the beach.

After Town Manager Britt reviewed the ordinance, with changes requested by the board, and advised that Mr. Lanier with Marine Fisheries felt it would be sufficient a motion was made by Mayor Pro-Tem Newsome and seconded by Alderman Keister that the ordinance with changes be adopted: Passed unanimously.

AN ORDINANCE AMENDING ORDINANCE GOVERNING MOTOR DRIVEN  
VEHICLES AND HORSES ON THE DUNES AND BEACHES WITHIN THE  
TOWN OF NORTH TOPSAIL BEACH

BE IT ORDAINED BY THE NORTH TOPSAIL BEACH BOARD OF ALDERMEN  
that:

SECTION 1: The ordinance concerning motor driven vehicles and horses on the dunes and beaches within the Town of North Topsail Beach adopted September 5, 1990, is amended to read as follows:

SECTION I	Purpose
SECTION II	Definitions
SECTION III	Beach Access Driving Regulations
SECTION IV	Commercial Fishermen
SECTION V	Permit Requirements
SECTION VI	Closing the Beach Strand
SECTION VII	Handicapped Vehicles
SECTION VIII	Penalties
SECTION IX	Severability
SECTION X	Effective Date

SECTION I - PURPOSE:

In order to prevent and abate nuisances on public and private property, to minimize the possible adverse environmental impact on dunes and vegetation, and to supervise and regulate in the interest of public health, safety, comfort, convenience and welfare, the Board of Aldermen of the Town of North Topsail Beach do enact the following ordinance:



## SECTION II. DEFINITIONS:

1. Accessways - Designated points or easements where vehicles may legally travel from public roads to the beach strand.
2. Beach Strand (Permitted Driving Area) - The area of the beach below mean high water.
3. Commercial Fishermen - A citizen (or citizens) who possesses a valid commercial fishing license and related gear (at least 100 yards of net, a fishing boat and two additional crew members).
4. Frontal Dune - The dune closest to the beach strand.
5. Handicapped Person - As related to this ordinance, an individual who is unable to walk without the aid of other persons or equipment and who has lost total use of either one or both legs.
6. Horses - A solid-hoofed, herbivorous, four-legged mammal including stallions, mares, geldings, mules, ponies, donkeys, etc. capable of being domesticated and ridden by homosapiens.
7. Motor Driven Vehicles - Any vehicle capable of transporting persons or property, consisting of two (2) or more wheels and propelled by a gasoline, electric or other type of motor.
8. Sand Dune Area - Any area at North Topsail Beach landward of the mean high water mark on the ocean front, the intracoastal Waterway, New River Inlet and the Surf City Line containing mounds of sand.
9. Sports Fisherman - A person possessing one or more rod and reel, bait and tackle who is engaged in fishing as a hobby, recreation, pleasure or as a source of diversion.
10. North Topsail Beach - That incorporated area of Onslow County between the Atlantic Ocean, New River Inlet, the Atlantic Intracoastal Waterway and the Surf City Line.

## SECTION III. BEACH ACCESS DRIVING REGULATIONS:

1. No motor driven vehicles shall operate on the beach strand and sand dune area of North Topsail Beach at any time during the period beginning at 12:01 a.m. on April 16th of each and every year and ending at midnight on October 14th of the same year.

2. Four-wheel drive vehicles shall be allowed on the beach strand from New River Inlet to Surf City Limits during the period beginning on October 15th of each and every year and ending on April 15th of next year.
3. Permitted vehicles shall operate only during the hours between sunrise and two (2) hours after sunset.
4. No motor driven vehicles shall be allowed on the sand dunes of North Topsail Beach and on any point landward of mean high water (except on a public or private road, driveway, parking lot or the yard of a developed lot, exclusive of any sand dune).
5. No motor driven vehicle shall be allowed on the beach strand unless the vehicle is a factory manufactured four-wheel drive vehicle (exception: farm tractors used by commercial fishermen). Certain handicapped vehicles (see Section VII) may be driven on the beach strand by handicapped persons. The Police Chief shall decide if a person is handicapped according to the definitions in Section VII.
6. No motor driven vehicle shall be allowed closer than twenty (20) feet to the front toe of the frontal dune.
7. The speed of any motor driven vehicle operating on the beach strand at North Topsail Beach shall not exceed fifteen (15) miles per hour.
8. No motor driven vehicle shall at any time cross to the beach strand unless crossing is at accessways designated by the Town of North Topsail Beach Board of Aldermen as vehicular crossings.
9. Pedestrians, swimmers and sunbathers shall have the right-of-way over all vehicles being operated on the beach strand.
10. It shall be illegal to ride or walk horses on the beach strand and sand dune area of North Topsail Beach (unless on a public or private road, developed lot, or parking lot).
11. No joy riding shall be allowed on the beach strand and sand dune area of North Topsail Beach at any time.



SECTION IV. COMMERCIAL FISHERMEN:

Upon proper showing to the Town of North Topsail Beach Board of Aldermen by a citizen who must use the beach strand for commercial fishing which is his or her livelihood, said citizen may be given permission to drive on the beach strand from the Surf City Line to New River Inlet from October 15th to April 15th of each year. All vehicles and drivers shall conform to Section V of this Ordinance.

SECTION V. PERMIT REQUIREMENTS:

1. Owners of all vehicles allowed to drive on the beach strand shall obtain a permit to do so. This permit shall be issued at a cost of twenty dollars (\$20.00) per annum (October 15 - April 15) per vehicle. A two-week permit shall also be available at a cost of five dollars (\$5.00). This permit is non-transferable and shall be affixed to the lower right side of the vehicle's windshield (exception: farm tractors used by commercial fishermen shall affix the sticker on the tractor in a place easily seen).
2. All vehicles allowed to drive on the beach strand shall have valid state licenses and registrations (exception: farm tractors). All drivers must have valid drivers licenses.
3. The owner of a permitted vehicle shall be responsible for any person driving the vehicle on the permitted driving area or on any other area which is a violation of this Ordinance.
4. All permits to drive on the beach strand shall be issued by an agency or business approved by the North Topsail Beach Board of Aldermen.

SECTION VI. CLOSING THE BEACH STRAND:

The Town of North Topsail Beach Board of Aldermen shall have the authority to close any part or all of the beach to vehicular traffic, if, in the opinion of the Board of Aldermen, vehicular traffic is detrimental in the health, safety and welfare of pedestrians, property, or the sand dunes.

SECTION VII. HANDICAPPED VEHICLES:

Notwithstanding Sections III & V, persons who have been issued a handicapped driver's license and permanent registration plates may operate

a motorized wheelchair or other similar vehicle, not exceeding one thousand (1,000) pounds gross weight, as specified in Chapter 20-27.1 of the state motor vehicle laws, with a permit from the police department of the Town to operate the vehicle on the beach. Operation is permitted only while the handicapped individual is in the vehicle. Operation shall at all times be in a safe and prudent manner, giving way to pedestrians at all times, and giving warning before stopping, starting, turning or backing the vehicle. Such vehicles, with permit, may operate on the beach strand year round.

Factory lift vehicles of 4 wheel drive nature are permitted if used for handicapped individuals.

Full sized, factory 4 wheel drive handicapped vehicles can only be operated, with permit, on the beach strand between the dates of October 15th and April 15th of each year.

There shall be no charge for handicapped vehicle permits.

SECTION VIII. PENALTIES:

All persons, firm or corporation who violates any section of this ordinance shall be guilty of a misdemeanor and shall be punished by a fine not to exceed fifty dollars (\$50), or by imprisonment not to exceed thirty (30) days or by both. Permits shall also be revoked for any violation of this ordinance for a period of one (1) year.

SECTION IX. SEVERABILITY:

Should any section of this Ordinance be decided by a court of competent jurisdiction to be unconstitutional or invalid, it shall not affect the validity of this Ordinance as a whole or any section thereof other than the section so declared to be unconstitutional or invalid.

SECTION X. EFFECTIVE DATE:

This ordinance shall be effective upon adoption by the North Topsail Beach Board of Aldermen.

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

DULY ADOPTED THE 3RD DAY OF OCTOBER, 1990.



RECESS: The Board called for a recess at 8:05 p.m. Mayor Knowles called the meeting back to order at 8:15 p.m.

BUDGET  
AMENDMENT:

Town Manager Britt reviewed the budget amendment needed to add position in inspection department. He said salaries, FICA and group insurance would be increased by \$12,851.63 and travel/training, contracted services would be decreased by \$5,567.03. The additional \$5,284.60 would be from contingency. This would not change the overall budget total. A motion was made by Mayor Pro-Tem Newsome and seconded by Alderman Hall that increase for the department be granted and amounts from these sections be deducted as follows: Passed unanimously.

BUDGET AMENDMENT - INSPECTIONS DEPARTMENT PERSONNEL

In order to fund the proposed Inspections Department new position and position reclassification, the following Budget Amendment is recommended:

Inspections 10-490:

Salaries 10-490-02 <u>Increased</u>	\$ 9,898.84
FICA 10-490-05 <u>Increased</u>	142.27
Group Insurance <u>Increased</u>	\$ 2,810.52
<u>TOTAL</u>	<u>\$12,851.63</u>

Travel & Training 10-490-14 ( <u>Decreased</u> )	\$(2,000.00)
Contracted Services 10-490-45 ( <u>Decreased</u> )	\$(5,567.03)

Contingency 10-999

Contingency 10-999-00 ( <u>Decreased</u> )	<u>-(5,284.60)</u>
<u>TOTAL</u>	<u>\$12,851.63</u>

The overall budget will not change.

DULY ADOPTED THE 3RD DAY OF OCTOBER, 1990.

Mrs. Melinda Whitney requested the record show she was opposed to making any position at this time. The town has not reviewed the ones we have now. She said it was premature to do this now.

LA COSTA BAY  
PRELIMINARY  
PLAT:

Building Inspector Rossie Thompson reviewed the preliminary plat approval for La Costa Bay. He said the planning board recommended approval at their September 27, 1990, meeting provided two changes concerning size of open space area and access to water be public. Mr. Thompson said they increased open space to 1/2 acre and have designated road as public road. Mr. Parr, Planning Board Chairman, said they were working

with the developer on proper definition of recreation space and public access to water. It looks like most of this area is wetland and can not be used for recreation. He requested they give them a chance to look at this again and see if they allow wetland for recreation area. Also, the planning board has not seen the changes on plat until tonight. Mr. Thompson advised alot of places use wetland for open space recreation areas. A discussion was held on this, beach access for public and subdivisions and ordinance requirements on recreation area. Developer Glenn Watson reviewed what has occurred since they purchased the property in 1983. He said this was the third or fourth meeting on this one parcel and they have made changes the planning board ask for. They have done everything they were ask to do and there is nothing wrong with the property. After further discussion and comments from citizens a motion was made by Alderman Hall and seconded by Mayor Pro-Tem Newsome to have conditional approval of preliminary plat of La Costa Bay lots, based on planning board approval of September 27, 1990. Passed unanimously.

Mayor Knowles said the preliminary site plan of La Costa Bay was approved.

RECESS:

The board requested a recess at 8:45 p.m. Mayor Knowles called the meeting backs to order at 9:00 p.m.

EXECUTIVE  
SESSION:

A motion was made by Mayor Pro-Tem Newsome and seconded by Alderman McDaniel to go into executive session to discuss land acquisition and personnel matter. Passed unanimously.

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

Mayor Knowles advised the board discussed land acquisition and set a public hearing for October 24, 1990, at 7:00 p.m., West Onslow Beach Volunteer Fire Department building on possible acquisition of two pieces of property. One is for fire station at the north end and is 400'X500' located on corner of Seagull Drive and Marine Boulevard, left hand side and is part of Hunter Heath Trust. The second is Chestnut property adjacent to West Onslow Beach Volunteer Fire Department building, lots 3 & 4. This will be for fire, rescue, planning & police.

The Board ask the Attorney and Manager to check and negotiate option for another piece of property on the other side of waterway, approximately 11 acres.

A motion was made by Mayor Pro-Tem Newsome and seconded by Alderman Keister to hold a public hearing October 24, 1990, at 7:00 p.m., at West Onslow Beach Volunteer Fire Department building on possible acquisition of two (2) pieces of property. Passed unanimously.

Mayor Knowles advised nothing was done on town personnel matter.



MANAGER'S  
REPORT:

1. A tentative meeting has been scheduled for Thursday, October 11, 1990, with McKim & Creed for update on water study;
2. Preliminary codification of ordinances is due March 24, 1991;
3. Plan to set meeting on speed limit study with Department of Transportation and will notify the board of the date and time of the meeting;
4. Re-entry passes are still available. Alot have not been picked up yet;
5. September police report was presented to the board;
6. Hope to have modular office building just down Highway 210 across from Monsterrat soon;
7. Remember, there is no smoking in the room during meetings.

ADJOURNMENT:

A motion was made by Mayor Pro-Tem Newsome and seconded by Alderman Keister to adjourn the meeting at 9:47 p.m. Passed unanimously.

  
Ann Vause - Town Clerk

TOWN OF NORTH TOPSAIL BEACH  
SPECIAL BOARD MEETING  
OCTOBER 15, 1990

PRESENT:

Mayor Pro-Tem Leland Newsome, Aldermen Weldon Hall and William Keister and Town Clerk Ann Vause. Mayor W. Rodney Knowles, Alderman Nathan McDaniel, Alderperson Charlotte Tippet, Town Manager Gary Britt, and Town Attorney Marshall Dotson were absent.

CONVOCATION:

Mayor Pro-Tem Newsome called the meeting to order at 3:05 p.m., and advised a quorum was not present so no business can be transacted.

Mayor Pro-Tem Newsome said three (3) additional parcels of land, at the north end for a fire station, have been proposed.

Alderman Hall briefly reviewed each parcel of land (location, size, proposed cost) and gave the Town Clerk a map showing location of property.

Mayor Pro-Tem Newsome advised these parcels will be submitted to the board for public hearing on the 24th of October, to rule on these as well as other tracks discussed at previous meeting.

Meeting adjourned at 3:14 p.m.

Ann Vause  
Ann Vause - Town Clerk

TOWN OF NORTH TOPSAIL BEACH  
PUBLIC HEARING & SPECIAL MEETING  
OCTOBER 24, 1990

PRESENT: Mayor W. Rodney Knowles, Mayor Pro-Tem Leland Newsome, Aldermen Weldon Hall, Nathan McDaniel and William Keister, Town Manager Gary Britt, Town Attorney Marshall Dotson and Town Clerk Ann Vause. Alderperson Charlotte Tippet was absent.

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

APPROVAL OF AGENDA: Mayor Pro-Tem Newsome requested an executive session, before the public hearing, to bring the Aldermen up to date on additional property proposed. A motion was made by Alderman Hall to go in executive session to discuss new property available since Mondays meeting (October 15, 1990). After brief discussion Alderman Hall withdrew his motion.

PUBLIC HEARING -  
ACQUISITION OF  
REAL ESTATE FOR  
MUNICIPAL  
PURPOSES:

Mayor Knowles opened the public hearing at 7:05 p.m. and advised the approximately 38 citizens present that there were several pieces of real estate, for town acquisition, to discuss. He requested Alderman Hall explain the parcels. Alderman Hall said there were 3 parcels at the north end offered by Oceanridge, Bostic property, last Monday and he would discuss one tract at a time.

TRACT I:

Commercial square at the north end near Bobby Dixons convenience store. Lot is 95' wide, 160' deep. Alleyway behind lot will be included which changes depth to 220'. Price \$175,000.

TRACT II:

Lot # 14, northwestern corner, 220' deep, 95' wide. Price \$100,000.

TRACT III:

Lot # 16 & 17, next to tennis court, 220' deep (includes alleyway property), 122.2 across. Price \$95,000.



Another parcel offered is owned by Hunter Heath Trust. It is off of S.R. 1568, across from St. Regis Resort and is 598' deep and 104' wide. Price \$100,000.

Alderman Hall explained the type of building to be built and advised any building would have to meet subdivision guidelines.

The following comments/questions were received from citizens:

Mr. O'Donnell:

On second plat off S.R. 1568, where does buildable land stop? Attorney Dotson said with wetland flagged off it leaves a buildable lot size of 375' X 100'.

Diana Hopkins:

How much is involved in clearing Hunter Heath Trust lot? Alderman Hall said at this point we don't know.

Marianne Harkins:

What kind of easements are involved in these properties? If there is dedicated land we could not do anything with it. Alderman Hall said we would get title to the land and if we own all of the lot easements can be withdrawn. Also, all lands looked at would be appraised and title searched to be sure we can use what we buy.

Alderman Hall said all four (4) parcels looked at are available for a fire department on the north end. Although all the appraisals are not in yet they would be before the board voted on them.

Mayor Knowles ask Fire Chief Best what size lot he was looking at as a minimum for a fire station. Chief Best said to house a ladder truck, 120' platform and building the lot should be at least 100'X60' and all of the proposed property would fit in this category.

Margaret Stackleather:

Insurance rate is cheaper if you live within 5 miles of a fire station. If you have one here and at the north end will it take care of everyone? She was advised yes.

Mayor Knowles ask if we had terms on payments on these lots. Alderman Hall advised only on the Hunter Heath Trust property. Terms will be discussed with owners of other parcels.

Stella Tripp:

When you consider terms on Heath property you need to consider what it will cost the Town to clear the lot.

Mr. Mosley:

Which property is easier to get in and out of with fire truck? Chief Best explained access to each parcel.

Marty Bost, Jr. & Marianne Harkins:

They ask about access for volunteers and swing room for fire trucks. These were reviewed by Chief Best.

Lois Kyle:

Where does this put us as far as covering area we have to cover? She was advised a station on the north end would cover from the north end to the airport area and West Onslow Beach Volunteer Fire Department would cover from there to south city limits.

Marianne Harkins:

What is zoning on properties now and do home owners have to be notified of possibility of use for fire station? Alderman Hall said notification was the purpose of the public hearing and Attorney Dotson advised they were zoned R-20.

Ed Warsaw:

He said he preferred property on corner of S.R. 1568 because there were not residents in this area and the lot would not need to be cleared.

Marty Bostic:

Would it be needed for anything other than fire department. Alderman Hall said no, just fire, rescue and two police units at the north end. If police cars are there it would cut their response time to 2½ minutes.

Peter Hillyer:

He requested they consider corner lot, next to tennis courts, for \$95,000.

Mr. O'Donnell:

He said he was in favor of something at the north end as well as getting the most for the dollars spent. However, he said we should not get more land than we need. Also, clearing a lot is not a big expense and should not be a deciding factor.

Attorney Dotson advised whatever lot they decided on it should be large enough for a water tank. He said he did not know if a moratorium on developers would help. The board needs to plan for a water tank. Also, public hearings would be required for citizen input.

Alderman Hall said they have been looking at land for over a year and this is all that has surfaced to date.

Marlow Bostic:

Mr. Bostic said 95% of the footing for a water tank has been installed on the north end within 100' of the well



on Stacy Grant property. Alderman Hall advised Mr. Grant would not discuss the property.

Jim Harris:

He suggested the water tank be installed on wetland on Hunter Heath Trust property because if it is installed near the ocean the salt build up on the tank would require it be painted often and that is expensive.

Attorney Dotson said the board needs to check and see if lots can accommodate need, how much they are willing to pay, what owners will sell the land for and how the town will pay for the land. There are other obligations coming in and you are now living out of a shoe. As you grow the budget will call for more outlay than you have had so you need to decide on site and go for it. Alderman Hall said between now and the November 7th meeting they would decide on property and make decision.

Melinda Whitney:

Why is November 7th time constraint? Mayor Knowles said because that is the regular meeting and this board has been working on this for about 3 years.

CHESTNUT PROPERTY:

Alderman Hall advised this property was next to the West Onslow Beach Volunteer Fire Department off Highway 210 and there is a dedicated street that goes to the back trees. It has been offered at \$55,000. Down payment is \$11,000 and \$10,000 a year for the next 59 months. Lot is 118'X135', 8000 square foot lot. The town would like to build a building to house police, inspections, board meeting room and 2 bay garage to work on vehicles.

Marianne Harkins:

Is land good, high buildable land? She was advised yes.

Melinda Whitney:

The town is looking at alot of land and money. First priority is the fire station at the north end. General discussion on this, owner finance versus lender financing and fact that this land was budgeted for.

Ed Warsaw:

We have not heard about a location for the Town Managers office. Where will this be? Mayor Knowles advised it would be south of Rogers Bay Campground and a modular unit is due in tomorrow. Town Manager Britt said a provision has been made for 2 years but no further at this point.

Attorney Dotson said normally authority to buy land is budgeted but anytime you attempt to finance and give security

back it requires a public hearing. He explained the purpose of this provision, advantage for seller in this type financing and the fact that the town cannot obligate tax payers. He said the Chestnut property is owned by family members all over the world and if it is needed for fire/police department it may be a wise move to do this now. If the price and method of financing meets requirement of the board and is in the towns best interest the board might want to consider this parcel tonight.

General discussion held concerning whether or not all facilities could be consolidated in two story building, land behind West Onslow Beach Volunteer Fire Department and budget change in sales tax distribution next budget year.

#### RECESS:

Mayor Knowles called for a recess at 8:15 p.m. He called the meeting back in session at 8:30 p.m.

#### PUBLIC HEARING CONTINUED:

Alderman Hall said there were two (2) other pieces of property they were looking at. July 1, 1991, the town will have to get into recycling plus we will need a public utility building. In addition, if we have a hurricane we must have a place to go with equipment and town records. Between here and 4 corners there are two (2) pieces of land. One piece is on S.R. 1588, Old Folkstone Road, next to Food Lion and contains 4 tracts, about 11 acres. It is 495' wide and 890' deep. Price is \$325,000 and is owned by Three Associates. The second piece is further up the road near Faircloths Cement Plant. It is 250' wide and 1000' deep and joins property of Faircloth Plant. The price is \$250,000 and is owned by Marlow Bostic and Roger Page. He said they will bring more information on these parcels to November 7th meeting.

Several comments were received from citizens concerning need to look at recycling area, what we will need in the future, whether or not the town has to own the land records are moved to, value of land, past and future, etc.

No further comments were made. A motion was made by Mayor Pro-Tem Newsome and seconded by Alderman Keister to close the public hearing at 8:42 p.m. Passed unanimously.

#### CHESTNUT PROPERTY:

Attorney Dotson said they need to take action on Chestnut property. The terms need to be spelled out and definite figure authorized. A motion was made by Mayor Pro-Tem Newsome and seconded by Alderman Hall to offer \$67,000 for Chestnut property with \$23,000 downpayment, with \$12,000 cash donation coming back to the Town from the Chestnuts and a balance of \$44,000 to be paid at approximately \$10,000 a year for the next 59 months with annual interest rate of 10%. Passed unanimously.

The board instructed Attorney Dotson to draw up papers for proper offer.



AMENDMENTS TO  
ZONING/SUBDIVISION  
ORDINANCES:

Building Inspector Thompson presented proposed changes to subdivision and zoning ordinances and advised these were discussed in a workshop with the Board of Aldermen and the Planning Board at an earlier date. Alderman Hall said this item has been on the agenda several times but they have not been able to work with the Planning Board and Attorney Dotson. They are recommendations from the Planning Board on zoning/subdivision ordinances with some input from the Board of Aldermen at their July 20th meeting.

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Lengthy discussion on open space for recreation and the fact that changes have been discussed several times. Alderman Hall said the issue has been addressed and it is time to vote. Attorney Dotson said he believes the recommendations are appropriate but does not believe public hearing by the planning board would satisfy general statutes requirements.

After further discussion and comments were received from citizens concerning planning board input on changes and possibility of additional workshop Mr. Thompson explained motion of the planning board from their meeting of July 12th.

Alderman Keister said this is the type of problem we keep running into and he began to read a letter concerning the Planning Board Chairman. However, Mayor Knowles stopped him from reading the letter and advised this subject was not on the agenda of this special meeting.

Mr. Thompson said he would like to take each line change and review them at the November 7th meeting. Also, he will review minutes and state who approved by motion. Attorney Dotson said he did not know if each board member understood what they were changing. After discussion a motion was made by Mayor Pro-Tem Newsome and seconded by Alderman McDaniel to table proposed changes on zoning/subdivision ordinances until the November 7th meeting and bring copy of subdivision ordinance. Passed unanimously.

PUBLIC HEARING  
DATE - ORDINANCE  
AMENDMENT:

Town Manager Britt said in anticipation of approval a notice of the public hearing concerning amending ordinance establishing the planning board membership was sent to the newspaper for publication tomorrow, October 25th. After a brief discussion a motion was made by Mayor Pro-Tem Newsome and seconded by Alderman Hall to hold a public hearing, Wednesday, November 7, 1990, at 7:00 p.m., in the West Onslow Beach Volunteer Fire Department building to consider amendments to zoning and subdivision ordinances. Passed unanimously.

EXECUTIVE  
SESSION:

A motion was made by Mayor Pro-Tem Newsome and seconded by Alderman Keister to go into executive session to

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TOWN OF NORTH TOPSAIL BEACH  
Special Board Meeting  
November 16, 1990

PRESENT: Mayor W. Rodney Knowles, Mayor Pro-Tem Leland Newsome, Aldermen Weldon Hall and William Keister, Alderperson Charlotte Tippet, Town Manager Gary Britt, Town Attorney Marshall Dotson and Town Clerk Ann Vause. Alderman Nathan McDaniel was absent.

CONVOCATION: Mayor Knowles called the meeting to order at 3:00 p.m. and declared a quorum present.

EXECUTIVE SESSION: A motion was made by Mayor Pro-Tem Newsome and seconded by Alderman Keister to go into executive session to discuss potential land acquisition and personnel matter. Passed unanimously.

A motion was made by Alderman Hall and seconded by Alderperson Tippet to go back into regular session. Passed unanimously.

RECESS: The board called for a recess at 3:56 p.m. Mayor Knowles called the meeting back to order at 4:05 p.m.

Mayor Knowles advised the approximate 20 citizens present that the board discussed a personnel matter in executive session but nothing was acted on or suggested.

LAND

ACQUISITION: Mayor Knowles said the board discussed two (2) pieces of property for possible purchase.

The first was one of the 4 sights on the northend discussed at a public hearing held October 24, 1990, for a fire station and above ground water storage tank.

A motion was made by Alderman Hall and seconded by Mayor Pro-Tem Newsome to purchase the Hunter Heath property for the price of \$100,000. with terms as follows: \$36,000. down, balance of \$64,000. with 10% interest, in annual payments for the next 5 years. Passed unanimously. Mayor Knowles said this lot was chosen because of the width and depth of property (3/4 of an acre, 104' X 600'). Also, McKim & Creed Consultants recommended this lot because of the width, depth and aesthetic viewpoint in putting a water tank on this site instead of in a neighborhood setting.

Alderman Hall said the second piece of property is 11 acres on Hwy. 210 owned by Three Associates and it was also discussed at the October 24th public hearing. The 11 acres would be used for recycling center and proposed maintenance/storage building off the island in case of a hurricane. It is within the 3 mile limit of North Topsail Beach on the left side of highway 210 between Food Lion and the Baptist Church. Mayor Knowles advised the purchase price is \$325,000; \$25,000 down; \$25,000 to be paid before December 31, 1990; \$50,000 to paid March 1, 1991; balance of \$225,000 to be paid in monthly or annual installment, interest at First Citizens prime plus 1%, within 59 months of the date of the initial agreement. After brief discussion a motion was made by Alderman Hall and seconded by Alderman Keister to follow through with previous agreement and purchase 11 acres of land from Three Associates for a price of \$325,000 to be paid as follows: \$25,000 down, \$25,000



before December 31, 1990; \$50,000 March 1, 1991 and balance of \$225,000 in monthly or annual installments, interest at prime rate, within 59 months of the date of initial agreement. Passed unanimously.

AGREEMENT-  
CAMA GRANT:

Mayor Knowles advised this was a grant filed for 2 or 3 days after incorporation. With the Town Managers assistance and knowledge we received the grant. Town Manager Britt said the town would receive \$8,000 grant funds, provide \$1,000 in kind service and pay \$1,000 for its share of cost. This grant will enable the town to do a land use plan. These are federal funds and the town needs to develop the plan and a copy sent to the CRC by end of September, 1991. He briefly reviewed the resolution and agreement required to enable the town to receive funds. Discussion was held on the appointment of land use committee, purpose of the land use plan, and how the engineer/consultant would be selected. Town Manager Britt said he had a list of qualified engineering firms that he is reviewing. After discussion a motion was made by Mayor Pro-Tem Newsome and seconded by Alderperson Tippet to authorize the Mayor to sign the agreement with NC Department of Environment, Health and Natural Resources for the CAMA grant and adopt the following resolution:

RESOLUTION AUTHORIZING EXECUTION OF CONTRACT FOR  
PLANNING SERVICES (CAMA GRANT)

BE IT RESOLVED BY THE BOARD OF ALDERMEN 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 said contract be filed with the minutes. Upon motion of Mayor Pro-Tem Newsome, seconded by Alderperson Tippet, said resolution was unanimously passed.

DULY ADOPTED THE 16TH DAY OF NOVEMBER, 1990.

NEUSE COG:

Town Manager Britt said the Neuse River COG is an organization that provides services to local governments. They are funded annually by the State, according to the size of the Local governments in their area. However, for them to receive the funds the Town has to approve a resolution releasing its share, \$62.67, to them or the funds will go back to the State. After brief discussion, a motion was made by Alderman Hall and seconded by Alderperson Tippet to adopt the following resolution releasing funds of \$62.67 to the Neuse River COG:

RESOLUTION  
BY

THE TOWN OF NORTH TOPSAIL BEACH

WHEREAS, in North Carolina the Lead Regional Organizations, as

voluntary organizations serving municipal and county governments, have established productive working relationships with the cities and counties across the state; and

WHEREAS, the 1990 General Assembly recognized this need through the appropriation of \$960,300 to help the Lead Regional Organizations assist local governments with grant applications, economic development, community development, and to support local industrial development activities and other activities as deemed appropriate by their local governments; and

WHEREAS, these funds are not intended to be used for payment of member dues or assessments to a Lead Regional Organization or to supplant funds appropriated by the member governments; and

WHEREAS, in the event that a request is not made by June 30, 1991, for release of these funds to the Neuse River Council of Governments, the available funds will revert to State's general funds; and

WHEREAS, in Region "P" funds in the amount of \$53,350 will be used to (1) provide technical assistance to the local governments in the development and preparation of state and federal grant applications, the completion of environmental and historical impact statements, festival and tourism promotion; (2) provide statistical data from regional data center for local government economic and community development projects; (3) promote programs designed to help small business start-ups and expansions; (4) provide assistance to local governments on multi-county jurisdictional and environmental issues; (5) assist in implementing the Intergovernmental Project Notification System (A-95); and (6) assist with other economic and community development activities which will enhance and support economic and industrial development efforts.

NOW, THEREFORE BE IT RESOLVED, that the Town of North Topsail Beach requests the release of its share of these funds, \$62.67, to the Neuse River Council of Governments at the earliest possible time in accordance with the provisions of Chapter 1066, Senate Bill 1426, Section 42 of the 1990 Session Laws.

DULY ADOPTED THE 16TH DAY OF NOVEMBER, 1990.

EMPLOYEE  
HOLIDAYS:

Town Manager Britt said on June 9th, 1990, the board approved employee holidays when they were reviewing the code from Kitty Hawk. He presented a proposal to add the day after Thanksgiving, 2 additional days with Christmas and Easter Monday. After brief discussion, a motion was made by Mayor Pro-Tem Newsome and seconded by Alderman Keister to approve the following holidays for employees: New Years Day, Easter Monday, Memorial Day, 4th of July, Labor Day, Thanksgiving Day & the day after, day before/day after and Christmas Day, and Martin Luther King Day. Passed unanimously.

BEACH

PERMIT AGENT:

Town Manager Britt advised that when the town established the ordinance on beach permits they contracted with an agent to collect fees. The agent previously worked with the county and the board agreed to continue the policy already in place. We misunderstood the percentage paid the agent under the county contract. The agent



is being paid 5% of total fees collected under our contract and it should have been 20%. Town Manager Britt requested the board approve the increase in the fee. After brief discussion, a motion was made by Mayor Pro-Tem Newsome and seconded by Alderperson Tippettt to increase agents fee on collection of beach driving permits from 5% to 20%. Passed unanimously.

NEXT MEETING: Mayor Knowles advised there would be another special meeting Wednesday, November 21, 1990, at 7:00 p.m. at the West Onslow Beach Volunteer Fire Department building.

ADJOURNMENT: A motion was made by Alderman Keister and seconded by Mayor Pro-Tem Newsome to adjourn the meeting at 4:25 p.m. Passed unanimously.

Ann Vause  
Ann Vause, Town Clerk

TOWN OF NORTH TOPSAIL BEACH  
Special Meeting  
November 21, 1990

PRESENT: Mayor W. Rodney Knowles, Mayor Pro-Tem Leland Newsome, Aldermen Weldon Hall and William Keister, Town Manger Gary Britt, and Town Clerk Ann Vause. Alderman Nathan McDaniel, Alderperson Charlotte Tippettt, and Town Attorney Marshall Dotson were absent.

CONVOCAATION: Mayor Knowles called the meeting to order at 7:00 p.m. and declared a quorum present.

SURETY BONDS-  
LA COSTA BAY  
& VILLAGE OF  
STUMP SOUND:

Town Manager Britt said the subdivision ordinance requires developers provide estimate of project cost, and bond or letter of credit equal to 1.25 times project cost to the Town Clerk for board approval. The following was provided on La Costa Bay (Ocean Bay) and Village of Stump Sound: La Costa Bay - project cost of \$19,965 and letter of credit \$25,000; Village of Stump Sound Section I, Oceanside - project cost of \$84,000 and letter of credit \$105,000; Village of Stump Sound Section II, Soundside - project cost of \$182,000 and letter of credit \$228,000. Mayor Knowles advised these items need to be voted on and accepted by the board. A motion was made by Alderman Keister and seconded by Mayor Pro-Tem Newsome to accept \$25,000 letter of credit on La Costa Bay, \$105,000 letter of credit on Village of Stump Sound Section I Oceanside and \$228,000 letter of credit on Village of Stump Sound Section II Soundside as presented. Passed unanimously.

AUDIT-  
FISCAL YEAR  
1989-90:

Town Manager Britt said the audit for Fiscal Year 1989-90 was received from Mr. John Carraway, CPA. It does confirm the Town is in good fiscal condition and off to a good start. Mr. Carraway reviewed the audit for the board and advised the unappropriated fund balance was \$325,938. He concluded the Town was in excellent financial condition and commended the board and town staff.

CONSTRUCTION  
AGREEMENT:

Mr. Glenn Watson requested the moratorium be lifted on La Costa Bay because of fire fighting equipment and water tank planned. Also, they would install 12" line from existing line to the project. Building

Inspector Thompson said he wanted a building permit on 7 story building and it was denied. He said Mr. Watson wanted to know if he came up with a plan acceptable to the fire chief would the board consider modifying the moratorium to allow building of this height. Mr. Watson reviewed past history concerning county permits, legal problems, etc. with project. He said they were willing to go with a deep well to supply additional source of water for fire fighting becuae McKim & Creed information furnished says there is ample potable water to supply project. Mayor Pro-Tem Newsome asked Mr. Watson if they would be willing to provide deep well plus storage tank and he said yes. After brief discussion no action was taken by the board.

PRELIMINARY  
PLAT-ROYAL  
DUNES I & II:

Building Inspector Thompson said the preliminary plat on this project was passed from the Aldermen to the Planning Board, recommending approval. He advised the developer has gone a couple of steps further than requested but the planning board did not approve because they and developer came to an impass on recreation space so they decided to pass it back to the Board of Aldermen for their input on recreation space.

Mr. John Parker, developer, requested waiver of recreation space and explained why. He reviewed proposed public beach access and said they were not required but they reached an agreement with the planning board because it was important to them. After brief discussion a motion was made by Alderman Hall and seconded by Mayor Pro-Tem Newsome that preliminary plat of Royal Dunes I and II be accepted. Passed unanimously.

ADJOURNMENT: At 7:30 p.m., a motion was made be Alderman Hall and seconded by Mayor Pro-tem Newsome to adjourn the meeting. Passed unanimously.

Ann Vause  
Ann Vause, Town Clerk

TOWN OF NORTH TOPSAIL BEACH  
Public Hearing/Special Board Meeting  
November 26, 1990

PRESENT: Mayor W. Rodney Knowles, Mayor Pro-Tem Leland Newsome, Aldermen Weldon Hall and William Keister, Town Manager Gary Britt, Town Attorney Marshall Dotson and Town Clerk Ann Vause. Alderman Nathan McDaniel and Alderperson Charlotte Tippet were absent.

CONVOCAATION: Mayor Knowles called the meeting to order at 3:05 p.m. and declared a quorum present.

PUBLIC HEARING  
AMENDMENT TO  
PLANNING  
BOARD

ORDINANCE: Mayor Knowles opened the public hearing at 3:08 p.m. and advised the 35 citizens present the hearing was concerning an amendment to the ordinance establishing the planning board, Sections I & II.

Mayor Knowles read Section I which refers to membership and how it was originally organized, terms, vacancies, etc. He said there were



3 items in Section I to discuss; (1) proposal to change from 5 to 7 members; (2) all members shall be citizens of North Topsail Beach, appointed by the Board of Aldermen and to serve at the pleasure of the Board; (3) member can be removed with or without cause by the Board of Aldermen.

Mayor Pro-Tem Newsome advised they proposed the membership be bigger for diversity. The board needs a developer and builder to bring in expertise the average citizen would not have. The board could do a better job with less conflict since the members serving are new and have not served on a planning board before. Alderman Keister said the developer and builder would also know the aspects of the job they have to deal with.

Citizens Comments:

Peter Hillyer, 3900 River Road

He said he would like to know the rational for with or without cause. Alderman Hall said he asked the Town Attorney. Attorney Dotson advised if the board determined they wanted to change they could, and if they wanted to set terms they could with or without cause set up standards of what this is.

Melinda Whitney, 24th Avenue

Since this board will be removed December 6th, couldn't this be held off until the new board is in and the Town continues into next year?

Bill Rogers

He believes the board is showing poor judgment. Each individual on the planning board was interviewed and selected by Alderman Hall. He asked by what reasoning their judgment would be better in the future. He explained how he was interviewed and what was asked. Alderman Hall said we are all new at this. If he showed poor judgment and correction has to be made then we need to take steps to assure these things can be corrected.

Mr. Rogers asked why no one said anything to the planning board. Alderman Hall said they talked about the spirit of things, room for adjustment and flexibility for the planning board to recommend to this board. All boards do not agree but they need to follow the advice of the attorney, rules and regulations. He said they were trying to make things better for the new board.

Ed Warsaw, 3906 Shore Drive

If the new board can rescind this action why should this be done now? Alderman Hall said there is an appeal to the election and if upheld everything the new board does is null and void.

Melinda Whitney

She recommended this be put off until December 6th meeting and let the new board decide on it. Mayor Pro-Tem Newsome said he was an Alderman until that date and would make changes on what is necessary. He said until that date he would act with full authority.

Attorney Dotson reminded them this public hearing was on the proposed amendment. He said from the on set he had asked them to hire a planning consultant. It does not matter if you have 5 or 50 on the planning board. If you have guidelines and they do not follow them they are acting arbitrarily. The zoning ordinance does not give

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guidance required. It is decided on the basis of what they are willing to read. If you set guidelines and they comply then they get things approved. If they don't comply then they will not be approved. He said there were problems with the subdivision and zoning ordinances and briefly explained. Attorney Dotson said he was not recommending the board be increased or that the wording "with or without cause" be inserted. He only answered legal question on case. It is for the board to decide policy on amending the ordinance. They have a right to do this if they have a basis.

Melinda Whitney

Why go from 5 to 7 on the planning board? The planning board composition will impact on the Town whether there are 5 or 7 members. Mayor Pro-Tem Newsome said they studied other towns such as Emerald Isle, Swansboro, Carolina Beach, Wrightsville to determine how their planning boards work and he explained what he found. He said using 7 they were trying to increase the expertise on our planning board.

Peter Hillyer

Mr. Hillyer read the following statement from Mrs. Ginny Hillyer, Planning Board member:

November 26, 1990

Statement for the Record  
North Topsail Beach - Public Hearing

On July 30, 1990 there was a Special Town Meeting attended by the Town Board (exceptions: Alderperson Tippet, Attorney Dotson) and the entire Planning Board. At the end of the meeting I requested and received permission to poll the Town Board on two issues, density and building height. Alderman Hall was the only person who favored higher density and buildings taller than 35 feet.

Therefore, two days later at the Town Board meeting of August 1, 1990 when the Aldermen voted to rezone from R-20 to R-15 their decision was not only contrary to their indicated direction, it was a surprise and disappointment to the Planning Board.

I understand the Town Board's decision was not well received by the public attending the meeting either.

Alderman Newsome was quoted in yesterday's Star News that this Zoning Ordinance change affecting the Planning Board "is a way to handle, for example, an unresolvable personality conflict". Since the controversial re-zoning issue was sent up to the Town Board by a unanimous vote to deny by the Planning Board, where will the purge on non-agreeing Planning Board members stop?? And if this dictatorial direction continues will you allow only the agreeing segment of the citizenry entrance into a public meeting?

If Aldermen Hall and Newsome, who appear to be sponsoring this Ordinance change, truly represent the people of North Topsail Beach why weren't they reelected on September 18, 1990? Perhaps not enough people agree with them.

I do not agree with them. I question their motives for attempting to set up a puppet system. I am a member of the Planning Board



and although appointed by the Aldermen my responsibilities extend beyond them to the public and to myself. If I cannot disagree publicly with Alderman Newsome, or anyone else then North Topsail Beach has lost its democracy and I've lost my freedom of speech.

Ginny Hillyer

Mr. Hillyer said this board has done a wonderful job and he would like for them to retire gracefully from the scene. He said he was disappointed with this last minute proposed change in the planning board ordinance.

Margaret Stackleather

She said she had no problem with increasing members from 5 to 7 but was concerned about the phrase with or without cause because it is demeaning when you are willing and do the job the best you can.

Bill Rogers

The board wants to add developer and builder for their expertise but the majority of them have not read subdivision regulations and other requirements. The board may be making a mistake because it will take awhile for them to catch up.

Alderman Keister said they are using foresight future voters will appreciate. We are responsible up to the time we have to vacate seats. Lets start the new board off with a new slate instead of correcting mistakes this board made.

Benny Tripp

He said he does not see how 2 more members could hurt the planning board and he commended the board for action that may help North Topsail Beach. Is there any available means now to dismiss someone? Mayor Knowles said nothing other than lack of attendance at meetings. Attorney Dotson said there is a basis for dismissal when member violates general statutes on conflict of interest, personal interest, etc. Mr. Tripp asked if other towns have ways to dismiss planning board members. Attorney Dotson said he was not familiar with enough towns to address this.

Melinda Whitney

Will we be setting precedence by putting with or without cause in ordinance? Attorney Dotson said Jacksonville does not have this clause and he did not know about the county. Mrs. Whitney asked if they could be assured their comments were acted on or will the board do what they want. Attorney Dotson said the board receives comments on whether citizens are in favor or opposed to action and then the board decides.

Peter Hillyer

Mr. Hillyer said he was not personally opposed to changing from 5 to 7 members but he did object to with or without cause. The best way is to have set terms and if removed specify reason for removal. The planning board works hard and does their homework.

Ed Warsaw

Do you need to increase from 5 to 7 members and has the planning board found a need for additional expertise? He said he does not see why they don't ask the planning board if they need additional help. Alderman Hall said if they do not know they need help why would they ask for it. Mr. Warsaw said generally they know when they

need help.

Ben Whitney

Concerning expertise on the planning board. The town has a paid official, building inspector, at every planning board meeting. Don't they have faith in his expertise? Alderman Hall said Mr. Thompson does a good job but Mr. Parr does not think so. He said Mr. Parr appointed Mr. Kalm who is outside the realm, and asked Mr. Thompson not to attend the meetings. Mr. Kalm said he was asked for help when the planning board thought Mr. Thompson was going to resign and they only asked for advice.

Jim Harris

What does the planning board do? Mayor Knowles explained their duties and said they only make recommendations to the Board of Aldermen.

Bill Parr

He said he did not object to increasing the planning board from 5 to 7, but did not see the need. However, if the Board of Aldermen think it's a good idea he does not object, but when they talk about a builder and developer he does have a problem with it. When members are selected their occupation is not addressed. Mr. Parr said the phrase with or without cause is ludicrous. The people on the planning board are trying to do their jobs but would feel they were in jeopardy because aldermen would want to dismiss them because of a personality conflict. He explained when he was asked to serve on the planning board and for what term. Mr. Parr expressed his opinion on the reason for requested changed and his difference with the Building Inspector, which have been resolved.

RECESS:

The board requested a recess at 3:55 p.m. Mayor Knowles called the meeting back to order at 4:15 p.m.

PUBLIC HEARING  
CONTINUED:

Mayor Knowles read Section II paragraph 3 concerning contributions from private agencies/organizations and paragraph 4 concerning appointing committees and employees and authorization of expenditures. He said paragraph 3 needed to be deleted because the planning board is not authorized to accept funds. All funds must come through the town.

A discussion was held on whether or not the planning board needs authority to appoint committees to help them. Alderman Hall said they should be able to appoint committees to help them. Mayor Knowles suggested this remain as a separate paragraph but delete authorize expenditures. The wording would read "appoint such committees as the board sees fit, subject to budget approved by the Board of Aldermen".

No further comments were received. A motion was made by Mayor Pro-Tem Newsome and seconded by Alderman Keister that the public hearing be closed at 4:26 p.m. Passed unanimously.

Mayor Knowles advised they did not have the required 2/3 majority of the board present so they could not vote on this amendment at this time.



PUBLIC HEARING  
AMENDMENT TO  
SUBDIVISION  
ORDINANCES:

Mayor Knowles opened the public hearing at 4:27 p.m. and asked Building Inspector Thompson to explain the proposed changes to the subdivision ordinance.

Mr. Thompson said the amendments are clearing up technical aspects of the subdivision regulations, and the planning board has voted to recommend the changes to the Board of Aldermen. Mr. Thompson reviewed each proposed section change as follows:

Section 306.3-does not let you know who the planning board recommends approval to. Added: recommend to the Board of Aldermen.

Section 307.3-certification of dedication requiring all streets, alleys, water/sewer lines, etc. be dedicated to the Town of North Topsail Beach. Eliminate: water/sewer because these systems are privately owned.

Section 308-certification of land surveyor and engineer required. Change: wording from required to where appropriate.

Requirement that exact location of flood zone areas be on final plat. This requires too much area on final plat. Change: Designation of the flood hazard zone and areas subject to Coastal Barrier's Resources Act from the community's flood insurance rate maps.

Section 402.6-Subdivisions providing public access to the water every 1320 feet along the shoreline adjacent to the subdivision. Change: to allow acceptance of one public access with parking (this gives flexibility).

Section 405.24-Private streets. This section does not give specifications for private street construction. Change: added specifications for private streets in subdivision.

Section 405.7-Design standards on streets and roads. Change: added the word "private" streets.

Section 407.2-Recreation and Open Space. There was no motion by any member of the planning board to change this section, but they did discuss counting the number of dwellings.

Bill Parr

Does the subdivision ordinance change require a public hearing by the planning board and would it not be out of order to consider something that has not been part of the planning board discussion or public hearing? Also, who initiates change? Mr. Thompson advised the planning board initiates change. Mr. Parr advised that discussion on open space/recreation area would be out of order. Attorney Dotson said the planning board does need to look into this and their review might be required in the subdivision ordinance. Mr. Thompson advised it has been discussed at several meetings but nothing was specifically addressed. If opening section up allows change then it has been addressed in a public hearing. Attorney Dotson said to satisfy requirement

this provision should be looked at by the planning board. The recommendaiton presented may or may not fit and maybe they will have other recommendations that will work. Briefly discussed what may happen to someone with a small lot.

Bill Rogers

On one project they did a joint public hearing, with statement, and felt they did not need more space because of recreation in the area (ocean, etc.) and somehow the board put this in. To leave this section in would be good because it gives someone flexibility to negotiate with developer and he explained why.

Marty Bostic

In one of his projects a section was set aside for recreation but individuals living there declined development because they did not want to maintain area. In subdivision who decided what parcel will be dedicated?

Mr. Thompson said if we can not address this issue he recommends we eliminate it and address other sections.

Attorney Dotson advised if the planning board had a hearing on subdivision changes then the board could vote on amendment without 2/3 voting requirement.

No further comments were received on subdivision changes.

A motion was made by Mayor Pro-Tem Newsome and seconded by Alderman Keister to close the public hearing on subdivision changes at 4:50 p.m. Passed unanimously.

SUBDIVISION  
ORDINANCE  
AMENDMENTS:

A motion was made by Mayor Pro-Tem Newsome and seconded by Alderman Keister to adopt the subdivision ordinance amendment with the exception of Section VIII and IX which refer to recreation and open space requirements, (Section 407.2 of Subdivision Ordinance). Passed unanimously.

AN ORDINANCE AMENDING SECTION 305, SECTION 306.3, SECTION  
307.3(a). SECTION 308, SECTION 402.6, SECTION 405.7, SECTION 405.24  
OF THE SUBDIVISION ORDINANCE OF THE  
TOWN OF NORTH TOPSAIL BEACH

BE IT RESOLVED BY THE NORTH TOPSAIL BEACH BOARD OF ALDERMEN THAT:

SECTION I: Section 305 Sketch Plans for Major Subdivisions,  
Paragraph 305.1 Number of Copies & Contents is  
amended to read as follows:

Prior to the preliminary plat submission, the subdivider may submit to the Planning Board two (2) copies of a sketch plan of the proposed subdivision or three (3) copies if the abbreviated procedure is to be used containing the following information. (subparagraphs a-j remain as originally adopted).

SECTION II: Section 306.3 Review Procedure, paragraph 2 is  
amended to read as follows:



The Planning Board shall, in writing, recommend approval, conditional approval with recommended changes to bring the plat into compliance, or disapproval with reasons within sixty (60) days of its first consideration of the plat, to the Board of Aldermen.

SECTION III: Section 307.3 Submission Procedure, paragraph 7, subsection (a) Certificate of Ownership & Dedication is amended to read as follows:

(a) Certificate of Ownership and Dedication

I hereby certify that I am the owner of the property shown and described hereon, which is located in the subdivision jurisdiction of the Town of North Topsail Beach and that I hereby adopt this plant of subdivision with my free consent, establish minimum building setback lines, and dedicate all streets, alleys, walks, parks, and other sites and easements to public or private use as noted.

<u>Date</u>	<u>Owners</u>
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SECTION IV: Section 308 Information to be Contained in or Depicted on Preliminary & Final Plat under Information, paragraph 6 (page 23) and paragraph 20 (page 24) are amended to read as follows:

-The registration numbers and seals of the professional engineers where appropriate.

-Designation of the flood hazard zone and areas subject to the Coastal Barrier's Resources Act (CBRA PL 97-348) from the community's Flood Insurance Rate Maps (FIRM).

SECTION V: Section 402 Suitability of Land, Paragraph 402.6 is amended to read as follows:

All subdivisions adjoining water areas shall provide for public access to the water. Such access shall include a ten (10) foot easement every 1320 feet along the shoreline adjacent to the subdivision. Other options for access to the water areas may be presented to the Planning Board and the Board of Aldermen for approval. A subdivision of less than 1300 feet shall also provide public access to the water areas and must be presented to the Planning Board and Board of Aldermen for approval. The purpose of these facilities shall be approved by, and shall be dedicated to the Town of North Topsail Beach and shall be directly accessible to state or town maintained street. Where a public boat dock or launching ramp is provided by the State, County or other public agency within or contiguous to the area to be subdivided, such facility may count toward meeting

the requirements of this section. Dedicated streets which run to the mean high water line may count toward meeting the requirements of this section also.

SECTION VI: Section 405 Streets, paragraph 405.7 Design Standards is amended to read as follows:

The design of all private streets and roads within the jurisdiction of this ordinance shall be in accordance with the accepted policies of the North Carolina Department of Transportation, Division of Highways, as taken or modified from the American Association of State Highway Officials (AASHO) manuals. The most current edition of the N. C. Department of Transportation, Division of Highways' Subdivision Roads Minimum Construction Standards, shall apply for any items not included in this ordinance, or where stricter than this ordinance.

SECTION VII: Section 405 Streets, Paragraph 405.24 Private Streets is amended to read as follows:

Private streets may be permitted in subdivisions provided that all construction and maintenance responsibilities are assigned to a homeowners association established in accordance with N. C. 1 Ownership Act, the Town of North Topsail Beach shall not in any way be responsible for the maintenance nor shall the Town accept the streets for future maintenance.

All private streets shall:

- a. Have a minimum width of eighteen (18) feet pavement;
- b. Have a minimum width of twenty-four (24) foot right-of-way;
- c. Shall meet all Department of Transportation standards.

SECTION VIII: All laws and clauses in conflict with these ordinance amendments are hereby repealed.

SECTION IX: These ordinance amendments shall be effective immediately upon adoption.

DULY ADOPTED THE 26TH DAY OF NOVEMBER, 1990.

PUBLIC HEARING  
ZONING  
ORDINANCE  
AMENDMENT:

A motion was made by Mayor Pro-Tem Newsome and seconded by Alderman Keister to go back into a public hearing to discuss proposed zoning ordinance changes. Passed unanimously.

Mr. Thompson said Section 5.1 of zoning ordinance says changes and amendments can be accomplished by the Board of Aldermen and Section 5.3 says every change has to go to the planning board. He advised



this was discussed in a workshop and it needs to be changed so both state either the planning board or the Board of Aldermen.

Attorney Dotson said the proposed change states the planning board shall hold a public hearing but suppose the planning board does not want to hold a public hearing for an interested party. He suggested the wording be changed from "shall" to "may". General discussion held on whether or not to change wording. Mr. Thompson recommended they leave the wording as proposed.

Bill Parr

There is a conflict in the zoning ordinance. One section says all changes go to the planning board and one says to the Board of Aldermen.

Attorney Dotson asked if the recommended change on zoning came from the planning board. Mr. Parr said no, and Mr. Thompson said they have not had a public hearing on this yet.

Alderman Hall asked if this hearing was in order. Attorney Dotson said they could have this hearing but could not vote. Every proposed change should go to the planning board first but it is not intended to restrict the Board of Aldermen. If someone applies to the Board of Aldermen they should be sent to the planning board. He suggested the proposed amendment be sent to the planning board for their review and recommendation.

Mr. Thompson said the other proposed change is to Section 8 of the zoning ordinance. Section 8 allows duplex in R-15 but if you read Section 8.6 definitions it does not. He said there has not been a recommendation from the planning board on this change.

Attorney Dotson advised this needs to be submitted to the planning board for their recommendation.

Mr. Thompson said in the past this board has changed the zoning ordinance without recommendations from the planning board, on the advice of Tom Cassell.

Larry Sneed - Wilmington, N. C.

He said he recommended an application for rezoning be completed, with time frame for planning board action. It can be written in clear language that the planning board must act on every application, what their time frame is, and what the time frame is for the Board of Aldermen to act on request. He said he thought the Board of Aldermen changing the zoning ordinance without going to the planning board opened up a big problem.

No further comments were received. A motion was made by Mayor Pro-Tem Newsome and seconded by Alderman Keister to close the public hearing at 5:15 p.m. Passed unanimously.

ZONING  
ORDINANCE  
AMENDMENT:

A discussion was held on whether or not to send the 2 subdivision amendments not approved and the proposed zoning ordinance amendments to the planning board for their review. Attorney Dotson

said they need to send this to the planning board. You may or may not agree with their recommendation but you need to follow procedures. A motion was made by Mayor Pro-Tem Newsome and seconded by Alderman Keister to send the 2 subdivision amendments on Section 407 and the zoning ordinance amendments back to the planning board for immediate attention. Passed unanimously.

CAMA GRANT  
FUND  
DISBURSEMENT  
PROCEDURES:

Town Manager Britt advised he was unable to get anyone here from CAMA to discuss the disbursement procedures on grant due to illness. A motion was made by Mayor Pro-Tem Newsome and seconded by Alderman Keister to delete this item until a later date when someone from CAMA can be here. Passed unanimously.

FINAL PLAT-  
VILLAGE OF  
STUMP SOUND:

Building Inspector Thompson said the planning board, at their November 15, 1990 meeting voted to recommend approval of the final plat for the Village of Stump Sound subject to the approval of the letter of credit by the Board of Aldermen and verification that sewer was available. The Board of Aldermen approved the letter of credit November 21, 1990, and Mr. Dave Adkins with D. E. M. has advised him that sewage allocation from other projects could be reallocated to this project. After brief discussion a motion was made by Mayor Pro-Tem Newsome and seconded by Alderman Keister to approve the final plat for the Village of Stump Sound. Passed unanimously.

RECESS:

The board requested a recess at 5:20 p.m. Mayor Knowles called the meeting back to order at 5:38 p.m.

CABLE TV  
WORKSHOP:

Mayor Knowles introduced Mr. Sam Wilson with Falcon Cable.

Mr. Wilson reviewed the letter he received from the Town and addressed the following issue of concern expressed in the letter. (1) Bank financing: Financing is becoming difficult for businesses but Falcon Cable is solvent and can provide information to this effect if needed. (2) Repair: Service is on call 24 hours a day for repair work; (3) petition on cable service: He is unfamiliar with this. Town Manager Britt will provide him with a copy for his review; (4) rate increase without service increase: This is a corporate decision. Everyone within the corporate limits of North Topsail Beach will be served with cable.

All aspects of the proposed franchise were discussed. Following are items changed or deleted:

1. Section 4 - paragraph 8 concerning grantee being convicted of producing, originating, amplifying, transmitting or distributing over its cable system obscene matter was deleted. Mr. Wilson advised he had no way to screen HBO, SHO, etc.
2. Section 7 - paragraph C concerning reimbursement to the Town for expenses incurred in connection with the granting or renewal of the franchise was deleted.
3. Section 14 - concerning emergency alert override system, Section 15 - Interconnection and Section 16 - Secured Non-Commercial



Programming, Section 17 - Educational and Governmental Access and Miscellaneous Service Provisions. The board agreed to have this provided for in 24 months time. Mr. Wilson said with 2 years they will tie all these into system with fiberoptic lines.

4. Section 18 - paragraph A concerning penalties. The board agreed to change the wording "not more" to "at least".
5. Section 22 - Rates & Changes. The board requested change to time frame on notification of changes on charges from 90 days to 30 days.
6. Section 30 - Standby Power. The board agreed to this being provided in 24 months time.

No other changes were made. Town Manager Britt said he will prepare a new copy of the proposed franchise with corrections.

ADJOURNMENT: A motion was made by Alderman Hall and seconded by Mayor Pro-Tem Newsome to adjourn the meeting at 6:10 p.m. Passed unanimously.

Ann Vause  
Ann Vause, Town Clerk

TOWN OF NORTH TOPSAIL BEACH  
SPECIAL BOARD MEETING  
November 30, 1990

PRESENT: Mayor Pro-Tem Leland Newsome, Aldermen Weldon Hall and William Keister, Alderperson Charlotte Tippet, Town Manager Gary Britt, and Town Clerk Ann Vause. Mayor W. Rodney Knowles, Alderman Nathan McDaniel and Town Attorney Marshall Dotson were absent.

CONVOCATION: Mayor Pro-Tem Newsome called the meeting to order at 3:00 p.m. and declared a quorum present.

AMENDMENT TO  
ORDINANCE  
ESTABLISHING  
THE PLANNING  
BOARD:

Mayor Pro-Tem Newsome presented the amendment to the ordinance establishing the planning board and ask if there were any questions or discussion. Alderman Hall said he did not like the words "without cause" in the section on membership and vacancies and requested it be deleted. After brief discussion a motion was made by Alderperson Tippet and seconded by Alderman Keister to adopt the following amendment to the ordinance establishing the planning board and delete the words "without cause" from Section 1. Passed unanimously.

AN ORDINANCE AMENDING SECTION 1. MEMBERSHIP &  
VACANCIES, AND SECTION 6 ZONING ORDINANCE OF THE ORDINANCE TO  
ESTABLISH THE PLANNING BOARD FOR THE TOWN OF NORTH TOPSAIL BEACH

BE IT RESOLVED BY THE NORTH TOPSAIL BEACH BOARD  
OF ALDERMEN THAT:

SECTION I: Section 1. Membership & Vacancies of the Ordinance  
to Establish the Planning Board for the Town of  
North Topsail Beach is amended to read as follows:

The Planning Board shall consist of seven (7) members.

All members shall be citizens and residents of the Town of North Topsail Beach and shall be appointed by the Board of Aldermen to serve at the pleasure of the Board of Aldermen. Members shall be appointed for a term not to exceed two (2) years and may be removed at any time with cause by the Board of Aldermen. Vacancies occurring for reasons other than expiration of term shall be filled as they occur for the period of the unexpired term. Faithful attendance at the meetings of the Board is considered a prerequisite for the maintenance of membership on the Board. A vacancy shall automatically exist on the Board if a member is absent from 25% or more of the Board's advertised meetings within a year.

SECTION II: Section 11. Zoning Ordinance of the Ordinance to Establish the Planning Board for the Town of North Topsail Beach is amended by deleting paragraph 2 concerning contributions from private agencies and organizations.

SECTION III: Section 11. Zoning Ordinance of the Ordinance to Establish the Planning Board for the Town of North Topsail Beach is amended by changing paragraph 3 to read as follows:

The Planning Board is authorized to appoint such committees and to authorize such expenditures as it may see fit, subject to limitations of funds provided for the Planning Board by the Board of Aldermen in the town's annual budget.

SECTION IV: All laws and clauses in conflicts with this ordinance amendment are hereby repealed.

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

DULY ADOPTED THE 30th DAY OF November, 1990.

Alderman Hall said the board just passed the amendment increasing the planning board from 5 members to 7 and he would like to address the 2 new members. Town Manager Britt advised this was out of order because it was not identified as an agenda item and to add this you would need a full board present. After brief discussion a motion was made by Alderman Keister and seconded by Alderperson Tippet to delete names of 2 new members until a full board was here to address them. Passed unanimously.

WATER STUDY: Mayor Pro-Tem Newsome said McKim & Creed has completed a water study for North Topsail Beach and made recommendations on what should be done for fire fighting capability. He said he did not know what they could do except use for information and have the study accepted by the board.

Alderman Hall said there were some things in the study that the Town can do nothing about within the next few years. He ask Town Manager Britt to contact the chairman of the County Commissioners and advise them we have the study and here are our problems. Advise them the study recommends two (2) 500,000 gallon elevated tanks



see what their intentions are because there is no way for the town to do this without a bond referendum. Alderman Hall said this was a good study. Mayor Pro-Tem Newsome said the proposed cost for one (1) tank that holds a million gallons is \$3,233,573. Alderman Hall said the county owns the water system. He said we know the system and what we need at the north end. He requested Town Manager Britt see what the county will do about relocating the part of S.R. 1568 where problem is and if it is not to be built soon suggest they go ahead and lay new water lines. We have ample potable water but not for fire fighting. Town Manager Britt advised on an average day we have enough potable water but not during peak hours and he explained why.

Alderman Keister ask if booster pump will be put at Verona this year. Town Manager Britt advised yes, planned improvements were incorporated in the study and this pump was taken into consideration.

A motion was made by Alderman Keister and seconded by Alderperson Tippet to accept the water study by McKim & Creed. Passed unanimously.

Alderman Hall suggested lifting building moratorium where lines are up to new water lines. Town Manager Britt advised this was not identified as an agenda item. Alderman Hall said he considered it part of the water study. Mayor Pro-Tem Newsome said moratorium was put on pending water study from McKim & Creed and we made lifting as part of water study.

Town Manager Britt said the study indicates what problems are and made recommendations on how to correct them. This was the reason for the moratorium in the first place. Alderman Hall said the moratorium was put on because we did not know fire fighting capability.

A motion was made by Mayor Pro-Tem Newsome that moratorium be lifted where 10" and 12" lines have been installed and will be lifted elsewhere when others installed. Alderperson Tippet said we need to wait until this is legal. After discussion the motion died for lack of a second.

CAMA GRANT  
DISBURSEMENT:

Town Manager Britt introduced Mr. Herstein, Manager of the Wilmington area CAMA office, to discuss grant disbursement.

Mr. Herstein reviewed the planning grant and said CAMA grants were available for beach accesses, land use planning, etc. He said the funds come from the State and Federal Government and he explained problem of coordinating 2 budget cycles to ensure funds. To deal with this problem they came up with a schedule on funding cycle which assist in planning when money comes in. Mr. Herstein explained when and how local governments are notified about grants. He said the planning official in his office who coordinates and assist local governments is Haskell Rhett and he will help you determine areas you want to consider for grant. The grants are based on priority system. If the grant is awarded a contract is signed and project is completed based on specifications. Once the grant is awarded the local government selects a planner to do the project, and his agency reviews their credentials to be sure they meet the criteria.

A discussion was held on county beach accesses and funds for future accesses they may not build, and which of the four (4) CAMA district offices handles Onslow County. Alderman Hall expressed concern that county money for accesses is being used to protect Maritime Forest. Mr. Herstein advised he would check and get back to the town.

Mayor Pro-Tem Newsome thanked Mr. Herstein for coming to explain how the grant disbursement works.

CONSTRUCTION  
AGREEMENTS -

COSTA BAY:

Mr. Keith Fisher said he ask to be on the agenda to discuss Sea Oats Project B ( ~~the~~ Costa Bay). The project is a 5 story ~~story~~ condominium project that had permits issued by the county and CAMA prior to North Topsail Beach incorporation. The only thing they needed were building permits but before they could be obtained the board put a moratorium on buildings over 35' in height and this building is 72' in height. Mr. Fisher requested the moratorium be lifted so they could build the project. He said his clients agreed to construct whatever is necessary for fire fighting capability. Mr. Fisher said there is a 12" water line within 800' of this project and they would run the line to the project to be sure there was sufficient water and fire fighting capability.

Mr. Rossie Thompson, Building Inspector, said the proposed project was over 35' in height and he could not issue permit unless the moratorium is lifted. He said the water line may not be sufficient as far as building certificate is concerned. Mr. Fisher said they would go to any extent to insure it is done right, and to make sure every occupant in the building is protected. Mr. Thompson advised the board they may be setting a precedent by lifting the moratorium for one project.

Mr. Fisher advised he talked with Attorney Dotson about the project and in reviewing the board minutes it appears once the water study is received by the board they can take whatever action they want.

Alderman Hall said we have the water study, and know the problems. In lifting the moratorium we know what has to be done, the developer will have to do what we require and the remainder will be taken care of by the State.

Building Inspector Thompson said there are certain requirements for certain buildings. The Department of Insurance approves the 4 story building prior to them beginning construction not for occupancy. On the 12" water line, there may be problem further up the beach. Will this help them with potable water or hurt them?

After further brief discussion a motion was made by Alderman Hall and seconded by Alderman Keister that Mr. Thompson be authorized to investigate and issue whatever permits necessary, make sure conditions are met and that moratorium on Costa Bay Project be lifted. Passed unanimously.

ADJOURNMENT:

A motion was made by Alderman Hall and seconded by Alderperson Tippet to adjourn the meeting at 3:45 p.m. Passed unanimously.

*Ann Vause*

Ann Vause - Town Clerk



1

TOWN OF NORTH TOPSAIL BEACH  
REGULAR & ORGANIZATIONAL BOARD MEETING  
DECEMBER 5, 1990

**PRESENT:** Mayor W. Rodney Knowles, Mayor Pro-Tem Leland Newsome, Aldermen Nathan McDaniel, Weldon Hall & William Keister, Town Manager Gary Britt, Town Attorney Marshall Dotson and Town Clerk Ann Vause. Alderperson Charlotte Tippet was absent. Also present were Aldermen elect Mariane Harkins, Melinda Whitney, Peter Hillyer, Edward Warsaw and Stella Tripp.

**CONVOCATION:** Mayor Knowles called the meeting to order at 7:00 p.m., in the West Onslow Beach Volunteer Fire Department building and declared a quorum present.

**MINUTES:** A motion was made by Alderman Keister and seconded by Mayor Pro-Tem Newsome to accept the minutes of the Regular Board Meeting October 3, 1990, Special Board Meeting October 15, 1990, Public Hearing/Special Board Meeting October 24, 1990, Regular Board Meeting November 7, 1990, Special Board Meeting November 16, 1990, Special Board Meeting November 21, 1990, Special Board Meeting November 26, 1990, and Special Board Meeting November 30, 1990, as written. Passed unanimously.

**OATH OF OFFICE:** Chief Roland Melton called the special session of Onslow County Court to order as follows:

"Oh yes, Oh yes, Oh yes, Special Session of Onslow County District Court is in session for the purpose of administering the oaths of office to the Mayor & Board of Aldermen elect of the Town of North Topsail Beach, the Honorable Judge Franklin Grady presiding".

Judge Grady administered the oath of office and constitutional oath to the Mayor & Aldermen elect. He congratulated and thanked each board member.

**RECESS:** The board called for a recess at 7:23 p.m. Mayor Knowles called the meeting back to order at 7:30 p.m.

**PLAQUES:** Mayor Knowles told the approximately 40 citizens present this was the first elected Board of Aldermen for North Topsail Beach. The first meeting, before incorporation was in 1988 at Pokeys (now O'Kellys). We had a hard time finding 6 people that would serve on the board. It took Weldon Hall 6 months to get us to agree and get together. Of course, our last election saw a lot of people running for office and a lot of interest in the Town. Since incorporation we have had good times and hard times. The merit of this board and what they accomplished will take years to measure. He said he had never worked with people who took

their work as serious and were as dedicated as this group of people. We have worked together for 2 years and have done some things right. The good that has been done outweighs any negatives that have occurred. He said he was proud to have been with this first group.

Mayor Knowles presented the former Board of Aldermen with plaques that expressed appreciation for their hard work and dedication. He especially thanked Mr. Weldon Hall and said without his hard work and dedication we would not be here today. Mayor Knowles also presented a plaque to Town Attorney Marshall Dotson for his service and dedication. Former Mayor Pro-Tem Newsome presented a plaque to Mayor Knowles.

MAYOR  
PRO-TEM:

Mayor Knowles advised the board needed to appoint a Mayor Pro-Tem for the current year. Alderman Hillyer nominated Alderman Mariane Harkins and Alderman Warsaw seconded the nomination. Passed unanimously.

TIME, PLACE  
& DATE OF  
REGULAR  
MONTHLY  
MEETING:

A motion was made by Mayor Pro-Tem Harkins and seconded by Alderman Hillyer to hold the regular monthly meeting the first Wednesday of each month at 7:00 p.m. in the West Onslow Beach Volunteer Fire Department building.

ATTORNEY:

Mayor Knowles said Town Attorney Marshall Dotson has been ask to stay on as town attorney and he has agreed.

SPECIAL  
MEETING:

Mayor Knowles advised there would be a special meeting Wednesday, December 12, 1990, at 7:00 p.m., in the West Onslow Beach Volunteer Fire Department building and an agenda for this meeting would be ready on Friday, December 7th.

Mayor Knowles said he looked forward to working with the new board and thanked the citizens for attending tonight. Also, refreshments were available and he welcomed citizens to socialize with the new board.

ADJOURNMENT:

A motion was made by Mayor Pro-Tem Harkins and seconded by Alderman Hillyer to adjourn the meeting at 7:40 p.m. Passed unanimously.

Ann Vause  
Ann Vause - Town Clerk



TOWN OF NORTH TOPSAIL BEACH  
SPECIAL BOARD MEETING  
DECEMBER 12, 1990

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

**CONVOCAATION:** Mayor Knowles called the meeting to order at 7:00 p.m., in the West Onslow Beach Volunteer Fire Department building and declared a quorum present.

**FINANCE OFFICER:** Town Manager Britt advised that according to North Carolina Law the board is required to appoint a finance officer. Ann Vause has been doing the work since day one but was never officially appointed. He explained the duties of the finance officer and commended Mrs. Vause for the work she has done. After brief discussion on internal control and auditors comments a motion was made by Mayor Pro-Tem Harkins and seconded by Alderman Hillyer to appoint Ann Vause finance officer. Passed unanimously.

**PERSONNEL ORDINANCE:** Mayor Knowles said the board needs to review personnel ordinances. Alderman Whitney said there was a lot of information to review and she has several questions. She requested a workshop to review proposed ordinances, current personnel, job descriptions, etc. After lengthy discussion on budget, comparisons on ordinances and EEO guidelines a motion was made by Mayor Pro-Tem Harkins and seconded by Alderman Tripp to table personnel ordinance until they could have a work session on this, tonight after meeting or on Saturday morning. Passed unanimously.

**SPECIAL MEETING:** The board decided to hold a personnel workshop on Saturday, December 15th, at West Onslow Beach Volunteer Fire Department building.

**PERSONNEL FREEZE:** Mayor Pro-Tem Harkins said several positions are authorized in the budget but they have not had a chance to look at them. She suggested a personnel hiring freeze to cut spending in some places. Mayor Knowles advised this may cause some problems because we are interviewing land use consultants and a police officer leaves next week. The only hiring would be for replacement of someone leaving. General discussion on number of current employees, number approved in the Fiscal Year 1990-91 budget, hours employees work and the amount of comp time being accumulated.

Some citizens were present and made comments concerning the proposed freeze, number of police officers needed for protection and safety of citizens and the fact that the town has a manager and he should be the one to decide how many employees are needed to do the work.

After discussion no action was taken by the board.

S.R. 1568: A motion was made by Alderman Hillyer and seconded by Alderman Warsaw to have a discussion on S.R. 1568. Passed unanimously.

Mayor Knowles reviewed the past problems with S.R. 1568. He said the last time it washed over was November 5, 1990, and that he talked with Governor Martin and DOT representatives Estelle Lee and Doug Bowers. Mayor Knowles advised the State has S.R. 1568 relocation on high priority list but before work is done there is a 99% chance an environmental impact study will be required. This means we are looking at construction about 1992. The Governor and DOT will send us a report. He said there is nothing this board can do now, but at the January 2nd meeting he wants the board to consider a resolution expressing hope this project will be done in an expedient manner. Discussion was held on developer who was to complete the road and whether or not the town could refuse construction permits to developer if taxes were not paid. Also, discussed was requirement for environmental impact study and why it was not required when developer built first portion of the road.

Attorney Dotson advised the board to be sure right-of-ways were in place. If the State decides to give this road to the town then the town could apply to build a passable emergency road until the State and CAMA get together and put in permanent road. Mayor Knowles said we will know the intentions of the State before the first of the year.

#### EXECUTIVE SESSION:

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

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

Mayor Knowles advised that during the executive session the board instructed the Town Attorney to discuss a termination of the contract for 11 acres with Three Associates and report back to the board.



PERSONNEL  
WORKSHOP:

Mayor Knowles advised there would be a special meeting Saturday, December 15, 1990, at 10:00 a.m., in the West Onslow Beach Volunteer Fire Department building. He said the purpose of the meeting was to have a personnel workshop.

ADJOURNMENT:

A motion was made by Mayor Pro-Tem Harkins and seconded by Alderman Hillyer to adjourn the meeting at 9:49 p.m. Passed unanimously.

Ann Vause

Ann Vause - Town Clerk

TOWN OF NORTH TOPSAIL BEACH  
SPECIAL BOARD MEETING  
DECEMBER 15, 1990

PRESENT:

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

CONVOCATION:

Mayor Knowles called the meeting to order at 10:00 a.m., in the West Onslow Beach Volunteer Fire Department building and declared a quorum present.

PERSONNEL  
WORKSHOP:

Town Manager Britt explained the information package sent to the board. He requested the board bear in mind that we were a resort town and we required more services, personnel and equipment than a town our size that is inland.

The board decided to use Topsail Beaches personnel ordinance as a base and insert what they wanted for North Topsail Beach. The following sections were reviewed:

In General:

Purpose: Leave as presented.

Merit Principles: Requested attorney look at paragraph concerning protection against coercion for political purposes.

Administration - personnel records: Insert educational records.

Recruitment & Appointment:

General Purposes: Change pay range to pay ranges.

Recruiting Area/Residency Requirement: Requested Town Manager Britt look at ~~residency requirement &~~ recruiting area with Town Attorney.

Telephone Requirement: Leave as presented.

Probationary Period: Leave as presented.

Part-Time & Temporary Employment: Eliminated sentence concerning group health insurance coverage to volunteer fire department.

Employment of Relatives: Leave as presented.

Personnel Actions:

Merit Pay Raise: Leave as presented.

Promotions: Remove sentence concerning recruiting from outside the Town work force when qualified town employees are not available.

Transfers: Leave as presented.

Demotions: Leave as presented.

Resignations: Leave as presented.

Suspension: Leave as presented.

Dismissal: Add the board shall be advised of pending dismissal of department head.


Layoff: Change title to: Layoff/Reduction in Force.

Reinstatement: Leave as presented.

Disciplinary Action: Add to paragraph (a) Disciplinary Action Defined "evidenced and documented". Add under paragraph (1) Dismissal paragraph on immoral, indecent and fraternizing behavior. Remove the word appreciably from subparagraph on reporting to work under influence of alcohol, drugs, etc. Add to paragraph (2) Written Reprimand subparagraph on use of profane, etc. language the word "gestures". In paragraph concerning violation of category 2 offense change word "may" in first sentence to "will" and word "will" in six sentence to "may".

RECESS:

At 1:15 p.m., Mayor Knowles recessed the meeting until Monday, December 17, 1990, at 7:00 p.m., in the West Onslow Beach Volunteer Fire Department building.

  
Ann Vause - Town Clerk



TOWN OF NORTH TOPSAIL BEACH  
CONTINUED SPECIAL MEETING  
DECEMBER 17, 1990

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

CONVOCATION: Mayor Knowles called the meeting to order at 8:00 p.m., in the West Onslow Beach Volunteer Fire Department building and declared a quorum present.

PERSONNEL  
WORKSHOP:

Mayor Knowles said this meeting was a continuation of the one held December 15, 1990, on personnel policy.

The board reviewed the following:

Conditions of Employment:

Grievance Procedure: Remove from "Conditions of Employment" section and add to "Personnel Actions" section.

Employer/Employee Relations Policy: New Section to be added under responsibility of the employee.

Responsibility of the Department Head: Leave as presented.

Attendance: Leave as presented.

Performance Evaluation: Leave as presented.

Outside Employment: Leave as presented.

Political Activity: Eliminate number 5, subparagraph (b) concerning being candidate or holding political office.

Solicitations: Leave as presented.

Gifts & Favors: Leave as presented.

Use of Town Supplies & Equipment: Leave as presented.

Safety: Add the words "and equipment" to first sentence.

Hours of Work: Paragraph C, subparagraph (2), Police Personnel, eliminate everything beyond the third sentence. Paragraph C, subparagraph (3), change to conform to Town Hall personnel

provisions. The same will be done with subparagraph (4) Public Works personnel.

The board discussed sections on residence requirement, violation of policy, recruiting area, and disciplinary action. After discussion they decided to add an additional sentence to paragraph (d), subparagraph (1) Dismissal which will read as follows: " Any act or conduct which may be detrimental to the morale of the town and employee".

RECESS: Mayor Knowles called for a recess at 8:05 p.m. He called the meeting back to order at 8:20 p.m.

PERSONNEL  
WORKSHOP:

Discussion was held on comp time versus overtime for hours worked beyond 40 hours in pay period. After discussion the board recommended overtime be paid. If comp time is accumulated it should be used in current pay period of date accrued.

Leave of Absence:

Holidays: Add Veterans Day, eliminate day after Thanksgiving and have day before or day after with Christmas Day. This gives the employees a total of 10 holidays.

Vacation Leave: Leave as presented.

Sick Leave & Maternity Leave: Used definition from Jacksonville Ordinance.

Worker's Compensation: Add Jacksonville provision.

Civil Leave: Leave as presented.

Military Leave: Leave as presented.

Rest Periods: Leave as presented.

Leave Without Pay: Leave as presented.

Fringe Benefits:

Social Security: Leave as presented.

Medical Care Insurance: Added section from Jacksonville Ordinance.

Employee Development: Leave as presented.

Retirement Benefit: Leave as presented.

Longevity Pay: Deleted.

Christmas Bonus: Deleted.



The board did not discuss Classification and Pay Section of Ordinance.

Discussion was held on whether or not to change amount paid to the Board of Aldermen for meetings. No action was taken.

ADJOURNMENT: A motion was made by Alderman Hillyer and seconded by Alderman Whitney to adjourn the meeting at 10:25 p.m. Passed unanimously.

Ann Vause

Ann Vause - Town Clerk

TOWN OF NORTH TOPSAIL BEACH  
SPECIAL BOARD MEETING  
DECEMBER 27, 1990

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

CONVOCATION: Mayor Knowles called the meeting to order at 7:00 p.m., in the West Onslow Beach Volunteer Fire Department building and declared a quorum present.

TERMINATION  
OF LAND  
PURCHASE:

Attorney Dotson reviewed all aspects of land purchase between the Town of North Topsail Beach and Three Associates for 11 acres on Highway 210. He advised he talked with the property owners, per board instructions, and they advised they did not intend to give back the down payment (\$25,000), but would work with the Town on the balance due. They advised if the town wanted to terminate the purchase it needed to be done before the end of the year. They said they did not want the 31st to go by and have this thrown into next year because it would cost them money. They would agree to accept the deed back but if it was not done by the first of the year they would not consider it and would talk with their attorney. If you do default and they get the land back the only thing to remember is that it may effect your bond rating in the future. The board ask if the owners would agree to give the \$25,000 back to the town and Attorney Dotson advised no and explained why. Discussion was held concerning repercussions to the board members, whether or not citizens can file suit against them, if it would be wise to have a public hearing on this before termination of contract, why the former board decided to purchase this property, projects that require immediate attention and why tax money should be spent on other items before considering the purchase of land off the island for public works garage and storage of town equipment during storm, etc.

Former board member Leland Newsome explained what was allocated in this years budget for town hall facilities, fire department at the north end of town, and other needed projects. He said with this in mind there was still enough money for the purchase of this land the under agreement. He explained what other towns had done concerning the purchase of land out of their limits for storage. Mayor Pro-Tem Harkins said we have responsibility to tax payers to keep tax rate low as possible. This does not mean we have to scrimp but we do not want to buy extra things unless directed by taxpayers. She said you would need buildings on the land, probably a metal building in this case, this was not a good idea and explained why.. Alderman



Hillyer said buying land across the waterway is desirable but a good price is not big enough reason to buy too much land. We are looking at the purchase from a different angle, just because we have money we do not need to spend it. Alderman Warsaw ask the Town Manager if he saw this as priority issue and how it ranked with other priorities. Town Manager Britt said this fits in 5 year plan, everything they said about the purchase is true and a lot of towns purchase land off islands and explained why. However, his main concern was financial priorities. He explained fund balance as of June 30th, and the fact that we received more tax money then anticipated, but, this land is not an immediate financial priority and does not have to be dealt with first. He said he would be less concerned if sales tax distribution would not change next year. Next year and possibly future years they will go back to distribution by per capital method instead of ad valorem method. With this in mind, and the point where the town is now he said he would have to agree that priorities such as fire department, water and fire fighting capabilities would have to be carefully scrutinized and explained why. Town Manager Britt reviewed problems with water at peak times, type of fire fighting capability needed and he said even if the cost is shared we are still looking at about \$100,000 - \$150,000 a year for the town's share. With the economy and State revenue crunch the way it is it will impact on local governments and for this reason he would be more comfortable if this expense was not made at this time.

A motion was made by Alderman Warsaw and seconded by Mayor Pro-Tem Harkins to terminate this purchase. Discussion held on whether or not the board should wait to terminate purchase. Attorney Dotson advised if the board had reservations and felt that a public hearing would help or if they were satisfied with investigation, etc. or they do not think it is in the best interest of the Town to purchase this land then they need to take action now. He said people are reluctant to deal with towns and explained what he meant. Attorney Dotson presented the proposed resolution to terminate purchase of land. The resolution was read by Alderman Warsaw.

Former board member Leland Newsome ask if they give back the land who will be responsible to the citizens for the money already paid? He said money can only be spent for the betterment of the town and can not be given away.

After discussion and reading of resolution Alderman Warsaw withdrew his motion and made the following motion: A motion was made by Alderman Warsaw and seconded by Mayor Pro-Tem Harkins to adopt the following resolution concerning property purchased from Three Associates:

NORTH CAROLINA  
ONSLOW COUNTY

WHEREAS, on the November 16, 1990, the former Board of Alderman for the Town of North Topsail Beach voted to purchase a tract of land located outside the corporate limits of the Town of North Topsail Beach on N.C. Highway 210 from the Partnership known as the Three Associates for the sum of \$325,000 and executed a Purchase Money Note and Deed of Trust to the Seller for the sum of \$300,000.00 payable \$25,000 on December 31, 1990, and thereafter payable in annual installments of principal and interest; and

WHEREAS, subsequent to the purchase of said property an evaluation of the site for the purposes of the Town of North Topsail Beach and an evaluation of the current needs of the Town of North Topsail beach has been made by the present Board of Aldermen which Board was duly elected and seated on December 5, 1990, and based upon said evaluation the present Board of Aldermen is of the opinion that the land purchase referred to above was not in the best interest of the Town of North Topsail Beach and the site is not suitable for the immediate needs of North Topsail Beach or its citizens; and

WHEREAS, the Board of Aldermen has determined that it is in the best interest of the Town of North Topsail beach that the resources of North Topsail Beach and its citizens be applied in the Town limits of North Topsail Beach to the orderly administration of North Topsail Beach and to projects conducive to the health, safety and welfare of the town and citizens of North Topsail Beach; and

WHEREAS, the Town of North Topsail Beach has requested that the Three Associates accept a re-conveyance of the property in question in full satisfaction of any balance due on the Purchase Money Note and Deed of Trust executed by the Town of North Topsail Beach and the Seller has agreed to accept such re-conveyance upon these terms and conditions.

NOW, THEREFORE, be it resolved by the Town of North Topsail Beach as follows:

That the Mayor and the Clerk of the Town of North Topsail Beach be and they are hereby authorized to execute and deliver to the Three Associates a Special-Warranty Deed re-conveying the 11 acre tract purchased from the Three Associates by the Town of North Topsail Beach in exchange for the cancellation and release by the Three Associates of the Purchase Money Note and Deed of Trust executed by the Town of North Topsail Beach and all obligations of the Town of North Topsail Beach thereunder.



DULY ADOPTED THIS THE 27TH DAY OF DECEMBER,  
1990.

EASEMENT ON  
YOW PROPERTY:

Mayor Knowles said the developers of Village of Stump Sound were requesting a 3 foot easement on Town property because the fence company that installed a fence around their property put it 3 foot on property that was conveyed by the developer to the Town. Mayor Pro-Tem Harkins asked if the planning board had seen easement and reviewed easement request. She was advised no. A motion was made by Mayor Pro-Tem Harkins to refer this back to the planning board. Attorney Dotson advised the planning board approved the final plat of Village of Stump Sound but the contractor just put the fence in the wrong place. The developer is asking that the board to give them an easement for the fence to be within 3 foot of easement. Either the town needs to give them an easement or they need to tear the fence down and install it in the original location.


Mr. Larry Sneed, representative of Village of Stump Sound developers, said when fence company put up the fence it was not properly put in the 10 foot easement section but was put 3 foot into the 45 foot section for parking. He said they were asking for 3 foot easement along side of the easement property line until such time as the fence needed to be replaced. Alderman Warsaw ask if a time limit such as 10 years would be appropriate. This 10 year limit was discussed between Mr. Sneed and the Board of Aldermen. Mr. Sneed agreed any conditions which would eliminate the need to remove the fence should be implemented.

After discussion Mayor Pro-Tem Harkins withdrew her motion to refer this matter to the Planning Board. Attorney Dotson suggested they instruct the attorney to prepare easement for the boards review and grant easement subject to their approval. He said he would get with developer and review easement request.

A motion was made by Alderman Hillyer and seconded by Mayor Pro-Tem Harkins to grant easement subject to approval of easement and time frame. Passed unanimously.

ADJOURNMENT:

A motion was made by Alderman Warsaw and seconded by Alderman Whitney to adjourn the meeting at 7:47 p.m. Passed unanimously.

  
Ann Vause - Town Clerk