

Town of North Topsail Beach

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

Aldermen:
Richard Grant
Connie Pletl



Alice Derian, ICMA-CM
Town Manager

Melinda Mier
Town Clerk

Nature's Tranquil Beauty

Planning Board

Program for Public Information (PPI) Committee

Regular Meeting Draft Minutes

Thursday, September 8, 2022, at 5:00 PM

2008 Loggerhead Court, North Topsail Beach NC 28460

Present: Hanna McCloud – Chair, Paul Dorazio – Vice Chair, Pat Stigall, Fred Fontana, Lisa Brown, Susan Meyer, Stu Harness.

Absent: Gunnar Mathews, Scott Morse.

Present Other: Deborah Hill – Planning Director, Kate Winzler – Clerk to the Planning Board, Town Manager Alice Derian, IT Director Ricky Schwisow.

CALL TO ORDER Mrs. McCloud called the meeting to order at 5:07 p.m.

ADOPTION OF THE AGENDA Mr. Dorazio made a motion to adopt the agenda. Ms. Stigall seconded. The motion passed unanimously, 7-0.

PUBLIC COMMENT none.

OLD BUSINESS

RULES OF PROCEDURE Planning Director Hill invited the Planning Board to review their rules of procedure and make any desired recommendations. Ms. Stigall asked if the current rules of procedure include how to address a recalcitrant citizen in attendance at a Board meeting. Ms. Hill replied that the Chair facilitates the meeting, and if there is a contentious issue on the agenda, a police officer will typically attend the meeting to assist with the removal of such persons. Ms. Meyer offered parliamentary procedure. Mr. Fontana noted that rule number four states the Board decides whether to hear a request from an individual or group. There was discussion. Mr. Fontana asked if there have been any issues with the way the rules of procedure are written and what the purpose of the review was. Ms. Hill responded there have been no issues; the Board is invited to review their rules on an annual basis. Ms. Brown recognized the the AICS Code of Ethics that Ms. Hill offered to the Planning Board and asked if the Board of Aldermen had adopted documented ethical standards. Ms. Hill said she did not believe so, although Alderman Pletl addressed the topic in the spring, but no action was taken. Ms. Brown suggested uniformity across Town Boards. Ms. McCloud asked for a review of the rules of procedure by an outside entity. Ms. Hill explained that the current rules of procedure originated from a University of North Carolina School of Government template, and suggested

review by the Cape Fear Council of Governments (COG). Ms. Hill noted that Wilmington's rules of procedure include an ethics section.

Vice Chair Dorazio made a motion that we accept this as our rules. Ms. Stigall seconded the motion. The motion passed unanimously, 7-0.

Ms. Meyer asked if the rules of procedure could be amended later, to which Ms. Hill confirmed. Ms. Brown noted that the Board could adopt a separate ethics policy.

NEW BUSINESS

TOWN CODE § 10-47 EXEMPTIONS Planning Director Hill reviewed the staff report and introduced draft verbiage regarding exemptions for the Planning Board's review. Ms. Brown suggested that anyone could use the litter exemption to excuse being on the dune. Ms. Brown explained that she picks up a bag of trash on the beach every morning without climbing onto the dune and suggested removing this exemption. Ms. Meyer asked about a beach clean-up, to which Mr. Fontana suggested that would be an activity authorized by the Town Manager. Ms. Stigall asked about the practicality of enforcement and who is responsible. Ms. McCloud offered that a ticket had been issued for walking on the sandbags. Ms. Meyer noted that violations occur regularly at high tide, but at that time the beach patrol cannot patrol. Ms. McCloud asked who citizens should call if they see someone digging into the dunes. Ms. Hill responded either Town Hall or the police. Ms. Stigall said on the weekend no one is at Town Hall to respond. Ms. Meyer stated that calls are routed on the weekends, and she had been advised to call the police department and not engage with the offender. Ms. Stigall agreed with not arguing with offenders. She believes there needs to be a system for reporting and enforcement. There was discussion. The Board suggested education and outreach to the public for beach rules. Ms. McCloud used the successful abandoned property enforcement as an example of effective enforcement. Ms. Stigall reiterated the need for written instructions on whom to call when a violation is witnessed, offering that making rules is one thing, but those rules are ineffective until they are enforced. Ms. Hill asked IT Director Schwisow if such information was posted on the Town's website. Mr. Fontana asked for clarification on "extension activities." Ms. Hill explained agricultural activities. Ms. Brown noted that extension activities would have to be approved by the Town Manager. Mr. Fontana asked if the Town Manager would have to approve all three types of activities listed: research, conservation, or extension activities. Ms. McCloud replied yes. Ms. Hill gave a historical beach vitex example. There was discussion. The Board suggested the following draft:

- (a)The town hereby encourages responsible dune management activities including proper construction and maintenance of improved dune walkover structures, the use of shared and/or community beach accesses, the proper installation and maintenance of sand fencing, and planting of native, salt-tolerant dune vegetation. Therefore, this article shall not apply to the following activities:
1. As authorized by the Town Manager, persons engaged in research, conservation, or extension activities;
 2. Federal, state, and local officials engaged in official regulatory activities;
 3. Development activities authorized or permitted by the local, state or federal officials;
 4. Dune or property maintenance activities including planting or fertilization of vegetation, sand fence installation, and minor dune repairs; and

5. Activities within the developed portion of the dune system.

Vice Chair Dorazio made a motion to recommend to the Board of Aldermen the draft as amended. Ms. Meyer seconded the motion. The motion passed unanimously, 7-0.

Planning Director Hill explained to the Planning Board that once a modification to a land use ordinance has been reviewed by the Planning Board, the Board of Aldermen may make changes without remanding it back to the Planning Board. In this situation, it was beneficial that the Board of Aldermen referred it to the Planning Board for input. Ms. McCloud noted at the recent Board of Aldermen meeting, it was suggested that the Town should abide by CAMA's rules regarding dune disturbance yet following CAMA's rules created this situation in the first place. Ms. Meyer offered that CAMA makes rules for the entire coast, whereas North Topsail Beach has specific needs that CAMA may not be able to address. Ms. Hill stated that if the Town wants Division of Coastal Management standards that is fine, if the Town understands what those standards are. There are two types of development applications received by the Town presently- the first being the biggest, highest, most, furthest development possible; and the second looking to protect the dunes, asking how to work with the builders and landscapers. Ms. Hill stated that the development Ms. McCloud referenced was permitted by CAMA and the Town. She expressed frustration that the topic has been remanded to the Planning Board five times only for the Board of Aldermen to respond that the Town should follow the Division of Coastal Management guidelines.

Mr. Fontana stepped out of the room at 6:04 p.m.

Ms. Stigall voiced that she thinks some it is the lack of will to make a difficult decision; sometimes it is hard for city government to take a stand on emotionally charged topics.

Mr. Fontana returned at 6:06 p.m.

No further action was taken.

DISCUSSION

Planning Director Hill reviewed several ordinance text amendments. She noted that EZ Docks require CAMA permits because they are considered a platform area within the public trust and will also require zoning and floodplain permits. She voiced encouragement to the Building Codes Administrator to require a simple building permit for them as well.

Planning Director Hill asked if the Board wanted to continue requiring variances for ADA exempted cargo lifts that encroach more than four feet into the setback. No action was taken.

Planning Director Hill explained that one method of controlling density is through the definition of parking spaces. The number of required parking spaces is directly impacted by the number of bedrooms in a proposed structure. Currently the Town defines a parking space as a minimum of one hundred sixty square feet. She asked the Planning Board if they wanted to redefine a parking space as one hundred eighty square feet minimum, becoming more restrictive. There was discussion. No action was taken.

Planning Director Hill noted the hyperlink in the agenda for the upcoming regional planning board workshops and offered to send the dates to the Planning Board and Board of Adjustment.

Planning Director Hill stated that a draft of the zoning map updates will be available for review at the November Planning Board meeting, and if approved it will be sent to the Board of Aldermen for adoption in December.

Planning Director Hill stated that CRS was submitted on August 30, 2022 and is awaiting review comments. She is preparing for a possible 2023 CRS verification visit and is seeking CRS credit for habitat protection.

Planning Director Hill stated that the 2022 North Carolina Legislation related to planning and development regulation has not been published to the University of North Carolina website, but a draft copy is included in the agenda packet for review. Ms. Stigall noted the changes to the ABC Commission legislation.

Planning Director Hill noted the hyperlink to the 2021 North Carolina legislation changes related to planning and development regulation, most of which were included in the 160D update. She explained the hyperlink to a recent case involving the City of Wilmington and short-term rentals, as well as a hyperlink to 2021 North Carolina land use litigation.

Planning Director Hill explained that the state of emergency was lifted in August of 2022, thereby remote meetings by appointed boards or quasi-judicial boards are no longer allowed without meeting the conditions outlined in the hyperlink.


Planning Director Hill thanked the Planning Board for serving together, as she will be celebrating her sixteenth year as Planning Director for North Topsail Beach. She recognized Vice Chair Dorazio for serving nineteen years on the Planning Board. She also recognized Chair McCloud for her years of service on the Planning Board.

ADJOURNMENT Mr. Dorazio made a motion to adjourn. Ms. Stigall seconded. Motion passed unanimously, 7-0.

The Planning Board meeting adjourned at 6:28 p.m.

APPROVED

This 10th day of November 2022


Hanna McCloud
Chair

CERTIFIED

This 10th day of November 2022


Kate Winzler
Clerk