

RECOMMENDATION: the Planning Board recommends that the Board of Aldermen schedule a joint workshop on the Hazard Mitigation Plan in September to provide updates to the Hazard Mitigation Plan, after considering public comments.

B. Public Hearing: To consider public comments on amendments to Town Code Chapter 9 and an Ordinance to declare Beach Vitex an invasive species, public nuisance and unlawful to plant.

Alderman Tuman made a motion to open the Public Hearing to consider public comments on amendments to Town Code Chapter 9 and an Ordinance to declare Beach Vitex and invasive species, public nuisance and unlawful to plant. Alderman Peters seconded the motion, motion passed unanimously.

No one from the Public came forward to speak.

Alderman Tuman made a motion to close the Public Hearing. Alderman Farley seconded the motion, motion passed unanimously.

Alderman Swantek made a motion to adopt the Ordinance, approve the proposed amendment to Chapter 9 and authorize application to North Carolina Beach Vitex Task Force for granting funding. Alderman Peters seconded the motion.

Motion passed 4-1 with Aldermen, Tuman, Peters, Swantek and Mayor Pro Tem Hardison voting for and Alderman Farley voting against.

Public Hearing: Beach Vitex

ATTACHMENTS:

1. An Ordinance to declare Beach Vitex an invasive species, public nuisance and unlawful to plant.
2. Proposed amendment to Chapter 9.

AN ORDINANCE OF THE TOWN OF NORTH TOPSAIL BEACH, NORTH CAROLINA TO DECLARE BEACH VITEX (*Vitex rotundifolia*) A HIGHLY INVASIVE PLANT AND THEREFORE A PUBLIC NUISANCE, AND TO MAKE IT UNLAWFUL TO PLANT OR MAINTAIN BEACH VITEX WITHIN THE CORPORATE BOUNDARIES AND BEACHES OF NORTH TOPSAIL BEACH AND TO PROVIDE FOR ERADICATION

WHEREAS, the beaches of North Topsail Beach are among the Town's most valuable natural resources, providing areas for public recreation, attraction of tourists and other visitors, and providing a major boost to the area economy; and

WHEREAS, there are four known species on the Federal Endangered Species List: loggerhead sea turtles (*Caretta caretta*), piping plovers (*Charadrius melodus*), and sea beach amaranth (*Amaranthus pumilus*), green turtles (*Chelonia mydas*) which would be severely threatened by the plant known as Beach Vitex (*Vitex rotundifolia*); and

WHEREAS, there are other species including, but not limited to, Sea Oats (*Uniola paniculata*), Bitter Panicum (*Panicum amarum*), Seashore Elder (*Iva imbricata*), and American Bunchgrass (*Ammophila breviligulata*) that are severely threatened by the invasive growth of Beach Vitex; and

WHEREAS, Beach Vitex destroys these plants which protect our dunes, and provides little, if any, protection for dunes, therefore significantly increasing the likelihood of damage to the dunes, the beaches and therefore Town infrastructure and State passageways; and

WHEREAS, Beach Vitex, a plant species that is not native to North America, much less the Town of North Topsail Beach, has been found growing in many places within the Town; and

WHEREAS, the spreading and persistence of Beach Vitex has caused harm and will continue to cause harm to native species; and

WHEREAS, the Board of Aldermen for the Town of North Topsail Beach, North Carolina has determined the following regulations are necessary to reduce the threat of the invasive beach Vitex species; and

NOW, THEREFORE, BE IT ORDERED BY THE BOARD OF ALDERMEN OF THE TOWN OF NORTH TOPSAIL BEACH, NORTH CAROLINA;

Section 1. Declaration of Public Nuisance

The plant known as Beach Vitex (*Vitex rotundifolia*) is hereby found and is declared to be a public nuisance due to the significant negative impacts this plant has upon the public beaches, sand dunes, endangered, threatened, and other native species, both plant and animal, noted above.

Section 2. Planting of Beach Vitex Prohibited

Beach Vitex shall henceforth be referred as a "prohibited plant". It shall be unlawful for any person, nursery or landscape owner to install Beach Vitex for use in landscaping or as dune vegetation within the municipal town limits of the Town of North Topsail Beach. Also, citizens finding the invasive Beach Vitex plant on their property will be expected to assist the town in an eradication and a control program.

Section 3. Eradication

In cooperation with the following organizations, said list not being exhaustive, the U.S. Fish and Wildlife Service, N.C. Cooperative Extension, The Carolina Beach Vitex Force (North and South Carolina branches), N.C. State University, a program(s) will be developed and recommended to eradicate and abate Beach Vitex from municipal limits. Upon identification of any Beach Vitex plant, the property owner shall contact the CAMA LPO, if not first identified by a Member of the Beach Vitex Task Force. The property owner shall agree to eradication of the plant from said property pursuant to an acceptable means of removal and disposal as determined by the N.C. Beach Vitex Task Force.

WHEREAS, this ordinance shall become effective immediately upon its passage and the Town Clerk shall place a copy of the ordinance in the ordinance book

ADOPTED AND APPROVED by the Board of Aldermen of the Town of North Topsail Beach, North Carolina this 4th day of September 2008.

- C. **Topsail Area Comprehensive Transportation Plan:** Ms. Hill stated that Mr. Bray came to the Planning Board meeting August 14, 2008 and gave his presentation. She stated that they need the Board of Aldermen to concur with the capacity deficiencies that allows the Transportation Plan Steering Committee to continue development of their plan.

Alderman Peters asked if the Town is to continue to recommend that they want bike Paths everywhere. Ms. Hill stated that is already part of the review, NTB is the only locality that did in fact submit their bike path plan to the committee. Alderman Peters asked about Hwy 210 becoming three lanes. Ms. Hill stated that they are suggesting three lanes all the way down to Surf City and out to Hwy 17. Ms Hill stated if there are specific recommendations the Town wants they can e-mail then to her and she will get them to the committee.

Alderman Peters made a motion to approve Topsail Area Comprehensive Transportation Plan as presented. Alderman Tuman seconded the motion. Motion passed unanimously.

- D. **Discussion and possible action regarding proposed amendment to Resolution Designating Guidelines for Committees of the Town of North Topsail Beach:**

Alderman Swantek proposed a motion taking February 2004 Resolution and the last 2/4 of March 2004 Resolution and combining them so they meet the criteria for the Town's use today. He stated the second paragraph should read all members will be registered voters and residents of the Town, the same with number three. He stated with the standing Committees it should read all Committee members shall be property owners or residents of the Town when appointed to the Committees. He stated that the last part of it will be that the Committee shall elect Chairman and Vice Chairman, the Town Clerk to provide the record of its meetings. Alderman Peters seconded