

# *Town of North Topsail Beach*

Daniel Tuman, Mayor  
Michael Yawn, Mayor Pro Tem  
Aldermen:  
Richard Farley  
Deborah Lanci  
Dick Macartney  
Robert Swantek



Steven H. Foster  
Town Manager

Carin Z. Faulkner, MPA  
Town Clerk

## **Board of Aldermen Regular Meeting Thursday, February 4, 2010 7:00 P.M.**

**PRESENT:** Mayor Daniel Tuman, Mayor Pro Tem Michael Yawn, Aldermen Richard Farley, Robert Swantek, Dick Macartney, Deborah Lanci, Town Attorney Brian Edes, Town Manager Steve Foster and Town Clerk Carin Faulkner.

- I. **CALL TO ORDER:** Mayor Tuman called the meeting to order at 7:00 p.m. in the North Topsail Beach meeting room.
- II. **INVOCATION:** Pastor Bobby Owings of Surf City Baptist Church gave the invocation.
- III. **PLEDGE OF ALLEGIANCE:** Alderman Swantek led those present in the Pledge of Allegiance.
- IV. **APPROVAL OF AGENDA:**
  - Mayor Pro Tem Yawn stated that there are two items that the Town Attorney has requested to be added to the agenda to be discussed in Closed Session.
  - The agenda was approved unanimously.
- V. **PUBLIC HEARINGS & PRESENTATIONS:**
  - Alderman Swantek made a motion for the Board to go into a public hearing. Alderman Macartney seconded.
  - The motion passed unanimously.
  - No one from the public came forward to speak on this case.
  - Mr. Ryan McAlister, Town Planner read the staff report as follows:
    - A. **Public Hearing – Rezoning Request: REZONING CASE # R-09-02  
REZONING APPLICATION FROM B-1 TO R-5 FOR 0.17 ACRES  
IDENTIFIED AS TAX PARCEL ID 805-3 OWNED BY MICHAEL R. &  
ALICE D. REMEDIOS LOCATED ON THE SOUTHEAST SIDE OF  
SEASHORE DRIVE AND AT THE END OF SLOAN STREET ON THE  
OCEAN SIDE IN STUMP SOUND TOWNSHIP.**

**BACKGROUND:** Michael R. & Alice D. Remedios are submitting a rezoning application and requesting that their 7,306 square foot lot -identified as 354 Sea Shore Drive (Tax Id # 805-3) and further described by the Boundary Survey for Lawrence M Spears & Wife Judith B. Spears by Charles F. Riggs dated 13 February 1995 - be rezoned from Business District B-1 to Multifamily Residential R-5 (attachment 1). Notice of a Public Hearing has been made as required by State statutes and NTB Town Code (attachment 2). The zoning of the property has remained unchanged from B-1, as indicated by The West Onslow Beach Official Zoning Map effective January 15, 1982, the 1992 and current 2007 Zoning Map (attachments 3, 4, 5). However, permits and a certificate of occupancy for a single family dwelling were issued in 1995 (attachments 6-9).

**ANALYSIS OF THE APPLICATION:** The following analysis of this application is provided in response to the policy guidelines stipulated in North Topsail Beach Town Code Section 7-93:

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

**Staff Comment:** The surrounding properties are zoned R-5, R-10 and B-1 (attachment 5).

**Statement by Applicant:** This house was built in 1994. I purchased in '95. It was ALWAYS the assumption that this was residential – the first that I have heard otherwise was last week. Except for the campground, this neighborhood is entirely residential, mine is the only home (lot) zoned B-1. Impact is significant for the refi and resale.

**Arguments in Support:** An email was received from by Mr. Larry Spears, former owner of 354 Sea Shore Drive (attachment 10).

**Arguments in Opposition:** none received.

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

**Staff Comment:** The property consists of a residential single family dwelling, which was permitted by Town staff in 1995. Residential use is consistent with the surrounding residential structures.

**Statement by Applicant:** My entire street is residential – to allow me to be zoned for business would be a detriment to the rest of the neighborhood.

**Arguments in Support:** none received.

**Arguments in Opposition:** none received.

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

**Staff Comment:** The single family structures are a conforming use for R-5 and are considered a “nonconforming use as currently zoned, B-1. Zoning below R-5 would

not meet district requirements of Section 7-129 and would create a dimensional non-conformity. All permitted uses are listed in North Topsail Beach Town Code Section 7-128; however, the existing use is single family residential, permitted by Town staff in 1995.

**Statement by Applicant:** Residential should be the only permitted use of this property given that the whole street is single family homes.

**Arguments in Support:** none received.

**Arguments in Opposition:** none received.

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

**Staff Comment:** The character of the neighborhood will not be adversely affected as the change in zoning is consistent with adjacent zoning and use.

**Statement by Applicant:** This change would simply ensure that character of the neighborhood would NOT materially change.

**Arguments in Support:** none received.

**Arguments in Opposition:** none received.

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

**Staff Comment:** **The proposed change is inconsistent with the 2009 NTB CAMA LUP:** P.9 The Town supports quality future development reflecting the spectrum of housing needs ranging from single-family homes to multi-family development in the form of duplex and triplex housing. Although this policy reflects support for medium density development, the town will not rezone any property to a density less than R-10 (10,000 square feet). (Page 89) However, the recommendation to break precedence is based on extenuating circumstances:

- 1) The non-conforming use was not created by the owner, but has caused a hardship in the owner's ability to refinance a lot of record and a non-conforming use permitted by Town staff in 1995;
- 2) Zoning to R-5 is in accord with sound planning principles as the lot meets the district requirements of Section 7-129 and zoning to any other district in compliance with the 2009 NTB CAMA LUP would create a dimensional non-conformity.

**Arguments in Support:** none received.

**Arguments in Opposition:** none received.

**RECOMMENDATIONS:** The Planning Board recommends that the Board of Aldermen approve Ordinance R-09-02 (attachment 9), rezoning Tax Parcel ID 805-3 from B-1 to R-5 and that Ordinance R-09-02 include a Statement of Consistency justifying the decision to accommodate the property owner due to the extenuating circumstances, as specified.

- Mr. McAlister took questions from the Board. He agreed that this house was probably not rebuildable due to CAMA setback regulations.
- Mr. Remedios was addressed and he indicated that if the lot was zoned R-10 that it will also alleviate his financing problem. He stated that the seller of the property had not disclosed that it was on a commercially-zoned lot when

the house was sold to him in 1996; and that he did have both sewer service and public water. He was also aware of the CAMA issues.

- Mayor Pro Tem Yawn pointed out that the subdivision plat from 1960 showed many of these lots in this subdivision were full-sized at that time, but that on the zoning map of 1982 many had been subdivided into half-sized lots, and wondered how that had occurred. He also stated that there is good reason in general not to zone a 7400 square foot lot to R-5 since it would allow expansion of the structure footprint or tearing down the house and building as duplex, thereby increasing density in violation of our CAMA Land Use Plan.
- Alderman Macartney made a motion to close the public hearing. Mayor Pro Tem Yawn seconded the motion. The motion passed unanimously.
- Alderman Swantek made a motion to deny the R-5 rezoning and instead rezone it R-10 to be in compliance with the CAMA Land Use Plan. Mayor Pro Tem Yawn seconded the motion.
- Mr. Remedios went on record stating that he agrees to the R-10 rezoning and he will modify his application accordingly.
- The motion passed unanimously.

Below is a copy of the original ordinance that was presented to the Board of Aldermen with changes made to reflect the R-10 rezoning that was passed at this meeting. The final ordinance was formally adopted at a meeting held on February 11, 2010.

#### **ORDINANCE R-09-02**

**AN ORDINANCE AMENDING THE NORTH TOPSAIL BEACH ZONING MAP FOR TAX PARCEL ID 805-3 0.17 ACRES (7306 SQ. FT.) OWNED BY MICHAEL R. & ALICE D. REMEDIOS.**

**WHEREAS**, the Board of Aldermen of the Town of North Topsail Beach has considered the recommendation of the Planning Board to amend the Zoning Map to rezone property described below from Business District-1 (B-1) to ~~Multifamily Residential District-5 (R-5)~~ Residential District R-10 and finds that;

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

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

C. There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change.

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

E. The proposed change is in accord with any land use plan and sound planning principles, ~~with the exception of 2009 NTB CAMA LUP Policy number 9.~~ **Statement of Consistency:** ~~The recommendation to break precedence is based on extenuating circumstances:~~

~~1) The non-conforming use was not created by the owner, but has caused a hardship in the owner's ability to refinance a lot of record and a non-conforming use permitted by Town staff in 1995;~~

~~2) Zoning to R-5 is in accord with sound planning principles as the lot meets the district requirements of Section 7-129 and zoning to any other district in compliance with the 2009 NTB-CAMA LUP would create a dimensional non-conformity.~~

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Aldermen of the Town of North Topsail Beach that the North Topsail Beach Zoning Map be amended as follows:

That the site, identified as now or formerly as Onslow County Tax Parcel ID 805-3 be rezoned to ~~R-5~~ R-10 as indicated on the boundary survey for Lawrence M. Spears & Wife Judith B. Spears by Charles F. Riggs & Associates dated 13 February 1995.

The description of the site to be rezoned is indicated on the attached map, produced by Onslow County GIS and the boundary survey for boundary survey for Lawrence M. Spears & Wife Judith B. Spears by Charles F. Riggs & Associates dated 13 February 1995.  
That all ordinances and portions of ordinances in conflict herewith are hereby repealed.

**VI. COMMITTEE REPORTS:**

**A. PLANNING BOARD:** Sue Tuman presented the Planning Board report. It read as follows:

The regular January Planning Board meeting was held on January 14, 2010.

In Old Business the Planning Board continued their discussion regarding the Zoning Map, making 2 recommendations:

1. Consensus of the Planning Board was to have Staff request Onslow County GIS correct zoning from Con-D to R-20 for Tax Parcels 763-1.4 and 763-1.8 as shown on the Town's Official Zoning Map adopted by the Board of Aldermen on March 1, 2007.
2. Consensus of the Planning Board was to have Staff request Onslow County GIS correct zoning from CUR-10 to R-10 for Tax Parcels 813-7.15 and 813-7 owned by TP Inc.

There was no New Business.

In the Discussion Section of their meeting the Planning Board and Staff reviewed North Topsail Beach's Ordinance on Building Height and had a discussion on the definition of Building Height Restrictions.

**B. BOARD OF ADJUSTMENT:** Alternate member Gary Rowland read the Board of Adjustment report. It read as follows:

The Board of Adjustment met at their regularly scheduled meeting on January 21, 2010. Mrs. Rowland swore in Mr. Richard Peters as an alternate member.

Mrs. Swantek was recused by majority vote from considering an appeal by Mr. and Mrs. Thomas Leonard (# A-09-01). The Board voted unanimously to rehear the Leonard's request for a variance (V-06-02). The Board will reconvene on February 18, 2010 at 1 p.m.

- The Town Attorney and Mr. Rowland took questions from the Board regarding the appeal.
- Mayor Pro Tem Yawn spoke about posting the Board of Adjustment minutes on the website and fixing an error in the last minutes.

C. **TISPC (Topsail Island Shoreline Protection Commission):** Alderman Macartney read the TISPC report on the January 26<sup>th</sup> TISPC meeting. It read as follows:

The proposal by North Topsail Beach to modify the group's mission to include shoreline protection of the estuarine shoreline among other changes was referred to a committee made up of the Beach Protection committee chairs from the three towns. Those would be I and David Ward from Surf City and someone to be selected at Topsail Beach.

Nine members of the 11 possible members of the Commission were presented and introduced themselves. The missing members were to be selected Beach Chair for Topsail Beach and our own Deb Lanci.....more about her later.

The USACE Wilmington District gave an update on the two federal projects. Leading that presentation was Jan Broadmerkel, the Project Manager assisted by Doug Green, a lead planner since 2001 but soon to retire from the Corps. As far as our joint project with Surf City, it is 10 miles long with 828 properties affected. The initial cost will be \$118.4 Million and the 50 year cost is projected to be \$552 million. The project will take 4 years to complete since it will use Hopper dredges rather than pipeline dredges. The project is public as of January 22 and is in the mandatory 45 day review period. As far as sand, there is 11.5 million cubic yards for initial and a total of 31.1 million cubic yards over the entire 50 year project life.

This year the Corps will basically be shepherding the project through reviews with a July date for submittal to the Southeast Division and when it is forwarded to Washington DC we are hoping for a Civil Works Review meeting in September. The schedule for 2011 is to get a chief's report from the Corps and then a review by the Assistant Secretary of the Army for Civil Works all needed before the project can be included in the Water Resources Development Act which is where Congress appropriated funds normally. However we are working with Marlowe and our Congressmen Jones and McIntyre to get contingent inclusion in a WRDA bill if one is created.

Bottom line the Corps expects our town officials, the shore protection commission, and the general public to keep waving the flag for this project as we will be more effective than leaving up the Corps alone....

The recent Marlowe report given to the Commission commented that the letter Walter Jones sent to the US Fish and Wildlife Department about removing the CRBA designation from NTB was “well received”. There was discussion about how to continue the lobbying of Washington officials and it was decided for the TISPC to go as a group separated from the American Shoreline and Beach Protection Association Coastal Summit....Since the meeting the date of March 18<sup>th</sup> has been selected and each town should select a lobbying representative to attend...the expense to be cover by the TISPC.

As the last item of business the Commission elected its officers for the year. Michael Curley, alderman from Surf City was elected Chairman and Deborah Lanci, our elected representative was elected as Vice Chair. Mr. Macartney indicated that the TISPC was working to have their minutes posted on the Surf City website.

**1. Appointment of Representative to Meet with Congress/Congressional Staff on March 18<sup>th</sup>:**

- Alderman Macartney nominated Alderman Lanci as the NTB representative to meet with Congress/Congressional Staff on March 18<sup>th</sup>. Alderman Swantek seconded. The Board voted unanimously for Alderman Lanci to represent NTB.
- The final EIS (Environmental Impact Statement) for the NTB beach nourishment project is on the Town website. The cut-off for comments is March 1<sup>st</sup>.

**D. ONWASA (Onslow Water and Sewer Authority):** Alderman Farley reported the following:

- County Commissioner W.C. Jarman was elected ONWASA chairman.
- \$31,000 was approved to spend on testing for silica in the water. ONWASA is looking into mitigating it.
- He reported that the use of deep well injection has been brought up again. He is not in support of this method.
- There was discussion on water conservation and its importance.

**VII. MANAGER’S REPORT:**

**A. Appointment to Board of Adjustment:**

- Alderman Yawn made a motion to appoint Ms. Marianna Harness as an alternate to the Board of Adjustment contingent upon her completing training.
- Alderman Lanci seconded the motion. The motion passed 3 to 2 with Aldermen Swantek and Farley voting nay.

**B. Update to DOT Contract:**

- Mr. Foster reported that Mr. Smith sent a check to NCDOT for \$45,000 for the paving project. The check was sent back because the cost of the project ended up being \$12,500 less.

**C. Update on Old Church Property:**

- Mr. McAlister updated the Board on the status of this proposal.
- The coastal wetlands were delineated by NTB and will be in delineation with the Army Corps of Engineers for the 404 wetlands. They are finalizing their maps now.
- The Town is waiting on the Corps to complete the second appraisal.

**D. Pay Classification & Compensation:**

- There was previous communication with the NC League of Municipalities on doing a pay classification and compensation study for Town staff. Mr. Foster said it should take about 2-3 months.
- There was eagerness to have it completed prior to the next budget.
- The Board voted unanimously to authorize the Town Manager to proceed with a study not to exceed \$25,000 to come out of the Town's contingency fund.

**E. Update on New River Dredging Project:**

- The project manager was asked if the current plan could be modified to place sand further south. He said that they could not change the scope of the project as they would need to adhere to what was permitted.
- They will be working on this project from February 18<sup>th</sup> to April 8<sup>th</sup>.
- The scope of the project is 185,000 cubic yards of sand and they will stretch as far as they can (approx. one mile).
- There was discussion on trucking in sand to get further down the beach.
- Mr. Foster said that more permits may be needed for that and that he will check on it.

**F. Debris Monitoring Contract:**

- Mr. Foster reported that FEMA recommends that the Town have a debris monitoring contract to have an outside company monitor the amount of debris removal after a storm. He explained that this is required for reimbursement from FEMA.
- Mr. Foster will solicit bids for this contract. No action is necessary from the Board.

**G. Hiring of Finance Officer:**

- Mr. Foster announced that the Town has hired Breck Smith as Finance Officer.

**VIII. OPEN FORUM:**

**Gary Rowland of 127 S. Permuda Wynd** – Mr. Rowland said that the Town should look at its nepotism policy. He also recommended that the Town review the building height restriction.

**IX. CONSENT AGENDA**

- Mayor Pro Tem Yawn made a motion to approve the Consent Agenda. Alderman Lanci seconded the motion.
- Mayor Pro Tem Yawn pointed out the importance of the census.

- Alderman Swantek had a question about Budget Amendment 5. Mr. Smith and Mr. Foster addressed his questions and his concerns will be examined further during the budget process.
- The Consent Agenda passed unanimously.

**Consent Agenda items:**

- A. **Resolution No. 2010-2: A Resolution Designating Official to Sign Papers and Otherwise Represent the Board Regarding Mosquito Control**
- B. **Resolution No 2010-3: Resolution Affirming Support of the 2010 Census and Partnership with the U.S. Census Bureau**
- C. **Request to Payoff Terex Loader**
- D. **Budget Amendments 3, 4, & 5**
- E. **Request to Accept Bids for Landscaping Services**
- F. **Request to Approve Tax Refunds**
- G. **Approval of Minutes:** January 7, 2010
- H. **Department Head Reports:** Finance Department, Fire Department, Inspections Department, Planning Department, Police Department

X. **OLD BUSINESS**

A. **Approval of Building Operations Ordinance:**

- Alderman Swantek made a motion to approve the building operations ordinance.
- Mayor Pro Tem Yawn seconded the motion.
- Alderman Farley made comment about allowing building on Sunday mornings. Mayor Tuman indicated that Sundays are allowable by Town Manager approval (or designee) only.
- The motion passed 4 to 1 with Alderman Farley voting nay.

B. **Draft of Mobile Vendor & Itinerant Merchant Ordinance:**

- Mayor Tuman entertained a motion to have a workshop before the end of February. Alderman Lanci agreed to such motion.
- Mayor Tuman added that prior to the workshop the Board will look at the ordinance and submit changes to the Town Manager.
- The Board agreed to have a Special Meeting on Thursday, February 11<sup>th</sup> at 2:00 p.m.

C. **Approval of Contract with Holland & Associates for Survey of Phase One Property Owners:**

- Alderman Macartney made a motion to table the two contracts and instead authorize the Town Manager to arrange a workshop with Mr. Ravella and the Board. Alderman Lanci seconded the motion.

- Alderman Macartney amended his motion to remove having a workshop with Mr. Ravella. The motion failed 3 to 2 with Aldermen Macartney and Lanci voting aye.
- Mayor Pro Tem Yawn made a motion to table discussion of a survey until July of this year, formally reject the Ravella proposal and a workshop with him, thank him for his proposal, and schedule a workshop to discuss beach nourishment. The motion was amended to only include the tabling of consideration of the Holland & Associates proposal to do a survey. The motion passed unanimously.
- Mayor Pro Tem made a motion to formally reject the Ravella Proposal and that formally reject the notion of a workshop with Mr. Ravella. Alderman Macartney seconded the motion. The motion passed 3 to 2 with Aldermen Macartney and Lanci voting nay.

**D. Approval of Contract with Peter Ravella Consulting for a Financing Plan for Phase One of the CP&E Beach Nourishment Project:** This item was addressed along with Old Business Item C.

**XI. NEW BUSINESS:**

**A. Resolution No. 2010-4 - Resolution to Support Passage of the Article 46 Option Sales Tax:**

- Mayor Pro Tem Yawn revised the original resolution to urge the Board of Commissioners to apply all of the tax revenue to property tax relief only rather than applying it to education, public safety, and property tax relief.
- Mayor Tuman repeated the changes to the resolution.
- The resolution passed 3 to 2 with Aldermen Farley and Swantek voting nay.

**B. Resolution No. 2010-5 - Resolution in Support of the Adoption of the Ad Valorem Method of Sales Tax Distribution:**

- Mayor Tuman read the resolution.
- Alderman Swantek made a motion to pass the resolution. Alderman Lanci seconded the motion.
- The resolution passed unanimously.
- Mr. Foster will send the resolution to the other Onslow County municipalities.

**C. Recommendation to Onslow County on Occupancy Tax Distribution:**

- Alderman Yawn read a motion in the form of a resolution. It read as follows:

Whereas the town of North Topsail Beach contributes significantly to the NTB Beach Fund, and the beaches of North Topsail Beach are the primary recreational beaches for the citizens of Onslow County; and the visitors to our beaches drive significant tax and business revenue for Onslow County; and the Town of North Topsail Beach currently distributes all of the town's occupancy taxes and a portion of the town's property taxes into a special Beach Fund, I do move that we request that Onslow County distribute all of the occupancy taxes collected by the county in FY2009-10 and beyond from properties in North Topsail Beach back to NTB to be placed into our Beach Fund.

- Alderman Macartney seconded the motion. The motion passed 4 to 1 with Alderman Farley voting nay.

**D. Schedule, Location, & Format for a Board Retreat:**

- Mayor Pro tem Yawn stated that he wanted to hold a Town retreat in Town Hall with the Mayor facilitating. He indicated that he wanted to focus on setting priorities for the Town, discussing those priorities, the Town Manager's performance plan, and budget goals.
- The Board agreed to meet for a retreat on Tuesday, March 9<sup>th</sup> from 9:00 a.m. to 4:00 p.m. This will be an open meeting and the public is welcome to attend.
- Alderman Macartney suggested that beach nourishment should be a separate four hour meeting. The Board agreed to have a special meeting of the NTB Shoreline Protection Committee on February 12<sup>th</sup> at 9:00 a.m.
- The Board was asked to submit retreat topics to Mayor Tuman (chosen facilitator) by March 1<sup>st</sup>.

**E. Request for a Town Race:**

- There was discussion about having a foot race in the Town to promote off season housing on a Saturday and then a golf tournament on that Sunday.
- Alderman Swantek made a motion for the Town Manager to explore having a foot race and golf tournament. Donald Martin agreed to be the contact person for golf. The motion was amended to include Alderman Swantek as liaison.
- There was also discussion of a committee of interested people to work on the planning and execution of this event. There was also discussion of the many activities required to put on this event.
- Alderman Farley seconded the motion. The motion passed unanimously.

**XII. OPEN FORUM:**

**Thomas Leonard of 218 Coastal Drive** – Mr. Leonard spoke about the direction of the Board. He urged the Board to have a regular schedule for the NTB Shoreline Protection Committee meetings. He made suggestions about organizing the foot race. He thinks it is a good idea.

**XIII. ATTORNEY'S REPORT:** Mr. Edes indicated that he will present his report in closed session. He welcomed Mr. Foster.

**XIV. MAYOR'S REPORT:** Mayor Tuman thanked everyone for coming. He reported that the DOT will be repaving S.R.1568 with a different paving material called slurry mix. He said that he looked at a road that was paved with the mix and that it looks nice.

**XV. ALDERMEN'S REPORT:**

**Alderman Lanci:** Alderman Lanci indicated that she would like to revisit the items that were recommended by Frank Clifton at the retreat.

**Alderman Macartney:** Alderman Macartney asked that citizens send e-mails to the Board on their thoughts on beach nourishment so that the Board can address the issues that are important to the people.

**Mayor Pro Tem Yawn:** Mayor Pro Tem Yawn said that he was proud of the Board tonight.

**Alderman Swantek:** Alderman Swantek thanked everyone for coming out. A lot was covered and it had to be done.

**Alderman Farley:** Alderman Farley said Happy St. Valentines Day and thank you.

- XVI. **CLOSED SESSION:** Mayor Pro Tem Yawn made a motion to go into Closed Session. Alderman Lanci seconded the motion. The motion passed unanimously.

The Board went into recess.

The closed session was to consider the following item:

Closed session per North Carolina General Statute § 143-318.11. Closed sessions. Section 3. To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged.

Alderman Swantek made a motion to go out of closed session. Alderman Lanci seconded the motion. The motion passed unanimously.

- XVII. **ADJOURNMENT:** Alderman Farley made a motion to adjourn. Mayor Pro Tem Yawn seconded the motion. The motion passed unanimously. The meeting adjourned at 10:19 p.m.

**APPROVED:**

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Daniel Tuman, Mayor

**ATTEST:**

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Carin Z. Faulkner, Town Clerk

Approved on: 3/4/2010