

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 Special Meeting Thursday, February 11, 2010 2:00 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, Town Clerk Carin Faulkner, Planning & Zoning Administrator Deborah Hill.

- I. **CALL TO ORDER:** Mayor Tuman called the meeting to order at 2:00 p.m. in the North Topsail Beach meeting room.
- II. **APPROVAL OF AGENDA:**
 - Alderman Swantek made a motion to approve the agenda. Alderman Yawn seconded the motion.
 - There was discussion on amending the agenda to include a discussion on pushing sand on the beach.
 - There was discussion on what it was going to take to start the process.
 - Alderman Macartney stated the push can be discussed tomorrow during the NTB SPC meeting.
 - The agenda was approved unanimously.
- III. **ADOPTION OF ORDINANCE R-09-02 – An Ordinance Amending the NTB Zoning Map for Tax Parcel ID 805-3 Owned by Michael R. & Alice D. Remedios:**
 - Alderman Macartney made a motion to adopt Ordinance R-09-02. Alderman Swantek seconded the motion.
 - The motion passed unanimously.

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 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.

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-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.

Adopted this the 11th day of February, 2010.

**IV. MOBILE VENDOR & ITINERANT MERCHANT ORDINANCE WORKSHOP –
Deborah J. Hill, MPA, Planning & Zoning Administrator:**

- Ms. Hill handed out scratch sheets and definitions from the state. She said there were some questions on the definition of a public beach.
- Mayor Tuman, with Mr. Edes in agreement, stated that reference to the definition be included in the ordinance.
- Discussion on revising Permit Application to reflect where vendor is allowed to do business (tax parcel and zoning).
- Discussion on rights of commercial and residential owners.
- There were no questions or concerns with the other definitions. The definition of public beach will be added.
- There were no problems with Section 4-1 as amended with Mayor Pro Tem Yawn's statement.
- Ms. Hill recommended removing the schedule of taxes from Chapter 4 and passing it with the budget each year (with the fee schedule). It will remain the same until something else is adopted by way of a budget amendment. The Board decided it will adopt the schedule of taxes at the same time this ordinance is passed.
- Discussion on seasonal beach vendors. Ms. Hill says that the word vendor is used as a catch all phrase and that it is not defined by the state. The state defines

peddlers, itinerant merchants, and specialty market operators. She said vendors typically fall within peddlers or itinerant merchants and the state defines those.

- Ms. Hill asked Mayor Pro Tem Yawn if seasonal beach vendors are itinerant merchants who operate on the beach. The word seasonal was deleted. Section 4-35 is now titled Beach Vendors.
- Discussion on if each cart should have a license or if each business can have multiple carts under one license.
- The Town Manager indicated that Alderman Farley wishes to have an unlimited number allowed.
- The Board discussed that peddlers can have a maximum of six units (carts) with each license.
- Discussion on how many licenses will be issued annually.
- The Board discussed issuing 12 licenses (with up to 6 mobile units per license).
- Mr. Edes explained to audience that this is not an ordinance yet, this is a workshop, and it is conceptual at this time.
- There was further discussion on limiting the number of vendors allowed on the beach vs. the rest of the Town and the Board compromised at 6 on the beach, 6 in the rest of the Town with a maximum of six mobile units.
- Mr. Yawn stated that right now in the rest of the Town, we allow an unlimited number of licenses as long as the vendors follow the ordinances.
- Mr. Edes is going to research giving priority to vendors who previously had a license.
- Period of operation was changed to annually. The times were changed to 9 a.m. to dusk. The license is in effect from April 1st to March 31st.
- There was discussion on the number of signs. The Board decided on 2 signs for beach mobile vendors, six square feet.
- There was discussion on whether the umbrella and chair rental business could operate under this ordinance. Mr. Cook who owns the business addressed the Board. He described his business.
- The Board changed the hours of operation to dawn until dusk.
- Number 11 (nudity) was deleted because it is covered under other laws.
- The Board changed the amount of liability insurance to \$1 million.
- There was discussion about reworking the privilege license to indicate that the holder is going to adhere to all Town Ordinances.
- Mr. Edes said he would like to look at the application for privilege license.
- Ms. Hill indicated that the application and license is printed out using the Town's permitting software and that it may be something that will have to work on with the software company.
- The information about the application is not to be included in the ordinance, but will be recommendations to the Town Manager.
- Mr. Edes said that the Board may want to consider a forfeiture clause.
- There was discussion on the Shrimp Lady business and that they need to get legal, because they are located in the right-of-way. There was discussion about creating a seasonal marketplace on government land to give the fruit stand and Shrimp Lady a place to sell. Ms. Hill was asked to have the Planning Board advise the Board of Aldermen on this issue.

- Mr. Edes said there are special provisions for seafood sales. That is for waiving the fee and not the location. Ms. Hill said that she will look into the zoning of the areas near where the Shrimp Lady is doing business.
- Mayor Tuman suggested that the work that has been completed at this meeting be documented and be available for adoption by the Board of Aldermen at the next regular meeting.

V. **ADJOURNMENT:** Mayor Pro Tem Yawn made a motion to adjourn. Alderman Macartney seconded the motion. The motion passed unanimously. The meeting adjourned at 3:38 p.m.

APPROVED:

Daniel Tuman, Mayor

ATTEST:

Carin Z. Faulkner, Town Clerk

Approved on: 3/ /2010