

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, March 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:** Mayor Tuman gave the invocation.
- III. **PLEDGE OF ALLEGIANCE:** Mayor Tuman led those present in the Pledge of Allegiance.
- IV. **APPROVAL OF AGENDA:**
 - Mr. Foster indicated that he would like the Board to amend the Consent Agenda and add an Item E for a Request for Tax Refund that came from Onslow County.
 - Mayor Pro Tem Yawn made a motion to approve the agenda as presented with the addition of Consent Agenda Item E, Request for Tax Refund. Alderman Lanci seconded the motion.
 - The agenda was approved unanimously.
- V. **PUBLIC HEARINGS & PRESENTATIONS:**
 - A. **Update on Sewer System – Michael Gallant, PE, Pluris Representative:**
 - Mr. Gallant reported that he submitted the Department of Environmental and Natural Resources (DENR) application package for the expansion of the Pluris plant. It is in a 60-90 day review period.
 - Pluris is working with contractors to finalize bids to get the final costs in line for the project.
 - The expansion is a one million gallon a day membrane bioreactor plant with two infiltration lagoons. He said it is a significant increase in quality compared to what is currently being used.
 - The construction is going to take 9 months and should start in late spring. They hope to have the project finished before the end of 2010.

- There was discussion on getting sewer to an area on the south end of the Town near the Surf City line. Mr. Gallant said that he would speak with Pluris about it.
- Mr. Gallant took questions from the Board.
- Mr. Gallant took questions from the audience.

B. Build-Out and Non-Conforming Lot Study – Robert Will, Community Development Planner, Eastern Carolina Council:

- Mr. Will went over the study he performed for the Town.
- He said the purpose of the study was to determine the amount and location of potential future growth within the Town which will be used to estimate any future needs and as a benchmark to evaluate existing growth policies and existing zoning regulations.
- He explained where he got the data he used for the study and his findings.
- He said the Town still has room to grow. He encouraged infill development in the in the neighborhoods that are mostly full to help preserve the open space and character of the Town.
- Mr. Will took questions from the Board.

C. Proposal from Winter Haven Property Owners Regarding Sound End of Reeves Street – Richard Durham:

- Mr. Durham owns property in the Winter Haven subdivision. He read a letter to the Board in regards to what a group of residents would like to do in the area of Town owned property at the sound end of Reeves Street.
- Mayor Tuman made a recommendation to have the Town Manager, Public Works director and Fire Marshal address the proposal and make recommendations to the Board as to what is appropriate, since this is Town-owned property. The Town Manager will respond to the proposal.
- Mr. Foster explained some of the concerns Town Staff had about the proposal, which was public safety and mixing private and public use. He said that his recommendation is for the Town to rock it properly and to remove the “Winter Haven Residents and Guests Only” sign.
- Mr. Durham took questions and comments from the Board.
- Mayor Pro Tem Yawn made a motion to table this item until next month so that he can review the plats and look at the property. Alderman Swantek seconded the motion.
- The motion passed unanimously.

VI. COMMITTEE REPORTS:

- A. **PLANNING BOARD:** Planning Board Chairman Gary Rowland presented the Planning Board report to the Board of Aldermen as it was prepared for the Board Packet.

- B. **BOARD OF ADJUSTMENT:** Board of Adjustment Chairman Gary Miller presented the Board of Adjustment report to the Board of Aldermen as it was prepared for the Board Packet.
- C. **NTB SHORELINE PROTECTION COMMITTEE:** Alderman Macartney indicated that the next meeting will take place during one hour of the Board Retreat on March 16th. The minutes of the last meeting are online.
- D. **TISPC (Topsail Island Shoreline Protection Commission):** Alderman Macartney read the TISPC report on the February 23, 2010 TISPC meeting as it was prepared for the Town Clerk.
- E. **ONWASA (Onslow Water and Sewer Authority):** Alderman Farley reported the following:
- Alderman Farley and Mr. Foster met with the executive director of ONWASA. They went over two small projects for NTB.
 - One of the projects is to replace a section of water line near Shipwatch townhouses. There have been several leaks in that area. This work will not affect the road at this location.
 - The second project discussed was the suggestion that ONWASA work with the Town to coordinate the repair of water lines with road repair. The Town could use Powell Bill money to fix the road and this would eliminate the need to dig up a road after it has been paved. ONWASA agreed to do it and our Board would have to devote the money to it. Mr. Foster said coordination of efforts and saving money is the key.
 - ONWASA has approved a draft water conservation plan.

VII. **MANAGER'S REPORT:**

- A. **Update on Army Corps of Engineers Dredging Project:**
- Mr. Foster reported on the progress Southwind Construction is making on the project.
 - He reported that they are currently pumping sand near building three of Topsail Reef.
- B. **Update on Sand Push:**
- Mr. Foster reported that Right of Entry letters were sent out to approximately 900 property owners.
 - The Board met this week and let the contract to Carter Construction Company.
 - They are on-site and ready to push and the Town is waiting on the CAMA permit.

C. Update on Comprehensive Employee Classification & Pay Study:

- Mr. Foster reported that the Board gave him authorization to contract with a qualified company to do an employee classification and pay study and that he found MAPS Inc. for \$7,600.
- He reported that the representative from MAPS Inc. came and met with the Town employees and will be filling out questionnaires. The Town hopes to have an updated pay and classification system and policies.

D. Update on Resurfacing of SR 1568 (New River Inlet Road):

- Mr. Foster reported that the NC DOT plans to finish the patching and will pave the road in September or October.

VIII. OPEN FORUM:

No one came forward.

IX. CONSENT AGENDA

- Alderman Macartney made a motion to approve the Consent Agenda. Alderman Lanci seconded the motion.
- The Consent Agenda passed unanimously.

Consent Agenda items:

A. Budget Amendment # 6

B. Call for Public Hearing – Reprint of the Zoning Map

C. Approval of Minutes: February 4, 2010 and February 11, 2010

D. Department Head Reports: Finance Department, Fire Department, Inspections Department, Planning Department, Police Department

E. Request for Tax Refund

X. OLD BUSINESS

A. Adoption of Mobile Vendor & Itinerant Merchant Ordinance:

- Alderman Macartney made a motion to adopt Chapter 4, Licenses, Taxation and Miscellaneous Business Regulations as amended and in accordance with what was presented in the Board Packet.
- Alderman Lanci seconded the motion.
- There was discussion.
- Mayor Pro Tem suggested a correction to 4-1 (b) to read “prohibited by the Town’s ordinances” instead of “prohibited by this section.”
- Mayor Pro Tem suggested a correction to 4-34 “sales and service stand” to the plural “sales and service stands.”

Mayor Tuman called a 3 minute recess.

- Alderman Macartney made an amendment to his motion to make the corrections that Mayor Pro Tem Yawn suggested, the addition of the “s” on “stands” and the change to “prohibited by the Town’s ordinances.” Alderman Lanci seconded the amendment to the motion.
- The amended motion passed 3 to 2 with Mayor Pro Tem Yawn and Alderman Farley voting against.
- Mayor Pro Tem Yawn indicated that the passing of the amended ordinance means that the privilege license fees were removed. He suggested that the Board do something to make sure the fees are still in effect.
- Alderman Macartney made a motion that the Town keep the old fee schedule until addressed by the Board in the next budget. Mayor Pro Tem Yawn seconded the motion.
- The motion passed 4 to 1 with Alderman Farley voting against.

B. Request to Award Landscaping Services Contract:

- Ms. Faulkner indicated that Staff recommends Encore Landscape Management for the contract.
- Staff took questions from the Board.
- Alderman Swantek made a motion to table this item. He indicated that he would like to investigate if the Town’s Public Works department can do the work to save the Town money.
- There was more discussion.
- Alderman Swantek withdrew his motion.
- Alderman Macartney made a motion to contract with Encore Landscape Management for landscape maintenance services per Staff recommendation. Alderman Lanci seconded the motion.
- The motion passed 3 to 2 with Mayor Pro Tem Yawn and Alderman Farley voting against.

XI. NEW BUSINESS:

A. Resolution No. 2010-7 – A Resolution Honoring June Marie Doherty:

- Mayor Tuman expressed his thoughts at the passing of Mrs. Doherty, a fine citizen, volunteer, and good friend. He read the resolution.
- Alderman Lanci made a motion to pass Resolution 2010-7, A Resolution Honoring June Marie Doherty. Mayor Pro Tem Yawn seconded the motion.
- The motion passed unanimously.

B. Request for Legal Cost Quote for Easement Documents Related to a Beach Nourishment Project:

- Mayor Pro Tem Yawn explained that before the Town goes through any beach nourishment projects the Town will need to have easements from oceanfront property owners and possibly other properties.

- Mayor Pro Tem Yawn is requesting that the Town receive a cost estimate from the Town Attorney for having the work done to do the easement work. He suggested that he starts with a quote on Phase One.
- Mr. Edes said that this was doable and that he would investigate. He said he can get quotes by next meeting. He said he would like look into other firms that specialize in real estate, several Board members agreed.
- The Board directed the Town Manager to ask the Town Attorney to get quotes on the cost of the easement work for the entire Town.

XII. OPEN FORUM:

Gary Rowland of 127 S. Permuda Wynd – Mr. Rowland made a recommendation to the Town attorney in regards to including a “hold harmless” clause to the property owner for anything that occurs as a result of exercising either the license or the easement. He also said not to read into residents not signing the letter as an indication that they do not want beach nourishment. He said education is important.

XIII. ATTORNEY’S REPORT: Mr. Edes did not have a report.

XIV. MAYOR’S REPORT: Mayor Tuman announced that the Board will be having a retreat on March 16th to do some planning for the coming year. He stated that the public is welcome to attend.

XV. ALDERMEN’S REPORT:

Alderman Lanci: Ms. Lanci indicated that the Board is doing a good job and they are getting through the meeting faster each time. She reported that we are making some progress on terminal groins. She asked that citizens continue to contact their state senators and congressmen.

Alderman Macartney: Mr. Macartney reported that Ms. Lanci made an impassioned plea at the public hearing for terminal groins. She and he are going to Washington D.C. to talk about issues important to this Town. He asked that citizens provide input to them before they go. He said that the Town’s progress so far since Mr. Foster was hired is very impressive.

Mayor Pro Tem Yawn: Mr. Yawn thanked the Mayor for his resolution for June Doherty, he said she was a great woman and he enjoyed working with her on the Planning Board. He explained his 3-2 votes. He said 36 for vendors is too many and he wanted to go with the lowest bid. He emphasized that legal representation is important for the easement work.

Alderman Swantek: Mr. Swantek pointed out that the property valuation is going to be -43.82%. He said that he is against the ¼% sales tax because the money should come back to the Town.

Alderman Farley: Mr. Farley indicated that the Town's value will be at \$845 million verses the \$1.5 billion. He sent his regards to Mrs. Rowland for admonishing the Board of Adjustment for removing Mrs. Swantek.

XVI. **ADJOURNMENT:** Alderman Swantek made a motion to adjourn. Alderman Lanci seconded the motion. The motion passed unanimously. The meeting adjourned at 9:26 p.m.

APPROVED:

Daniel Tuman, Mayor

ATTEST:

Carin Z. Faulkner, Town Clerk

Approved on: 4/1/2010