

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, April 1, 2010 7:00 P.M.

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

NOT PRESENT: Alderman Dick Macartney

- I. **CALL TO ORDER:** Mayor Tuman called the meeting to order at 7:00 p.m. in the North Topsail Beach meeting room.
- II. **PLEDGE OF ALLEGIANCE:** Alderman Swantek led those present in the Pledge of Allegiance.
- III. **APPROVAL OF AGENDA:**
 - Alderman Lanci made a motion to approve the agenda as presented. Mayor Pro Tem Yawn seconded the motion.
 - The agenda was approved unanimously.
- IV. **PUBLIC HEARINGS & PRESENTATIONS:**
 - A. **Presentation on ¼% Sales Tax – Onslow County Commissioner – William Keller:**
 - Commissioner Keller gave a 30 minute presentation on the proposed ¼% sales tax which will be on the ballot for Onslow County voters in May.
 - He explained that the County Commissioners are giving presentations throughout the County to educate citizens on the facts so they can have an informed vote.
 - B. **Public Hearing – Updates to the Official Zoning Map:**
 - Alderman Swantek made a motion to open the public hearing. Alderman Lanci seconded the motion. The motion passed unanimously.
 - Ms. Deborah Hill, Planning and Zoning Director gave a presentation on the updates to the official zoning map. She indicated that there were four areas that need corrected. She pointed these corrections out on the map.
 - Mr. Scott Chaisson made a comment about the rezoning request which appears on the Consent Agenda. He was curious if his lot was also zoned incorrectly

along the way. Ms. Hill indicated that his property was zoned as CON-D on zoning maps dated 1982, 1992, and 2007. Mayor Tuman indicated that Mr. Chaisson's rezoning will be before the Board of Aldermen next month.

- Mayor Pro Tem Yawn made a motion to close the public hearing. Alderman Lanci seconded the motion. The motion passed unanimously.
- Mayor Pro Tem Yawn made a motion to suspend the rules in order to change the agenda to adopt the updates of the zoning map. Alderman Swantek seconded the motion. The vote was 3 to 1 with Alderman Farley voting against. Alderman Farley said he voted against it because he did not have enough information. He would like a completed map that staff is comfortable with to vote on. The motion did not pass since it was not passed with two-thirds of the membership of the Board. Mayor Pro Tem withdrew his motion and announced that the Board of Aldermen will address this item next month.

V. **MANAGERS REPORT:**

- A. **Update on Army Corps of Engineers Dredging Project:** Mr. Foster reported that he met with the Corps of Engineers and Southwind and approved the final inspection. The final audit will likely determine that approximately 185,000 cubic yards of dredged material was deposited at the north end of NTB.
- B. **Update on Sand Push:** Mr. Foster reported that the project is 80-85% complete. April 1st was the deadline for the project. N.C. Wildlife Resources Commission has been contacted for an extension on the project.
- C. **Update on Comprehensive Employee Classification & Pay Study:** Mr. Foster reported that the position description questionnaires were sent to the contractor, MAPS. MAPS staff will be conducting employee interviews the week of April 12th.
- D. **Board & Committee Vacancies:** Mr. Foster reported that there are openings on the Board of Adjustment and Planning Board. Mr. Rowland has asked to be considered for reappointment to the Planning Board. Mr. Riggelman will not be serving another term, so Ms. Suzanne Gray will take his place as a regular member. Mrs. Rowland has asked to be considered for reappointment on the Board of Adjustment. Ms. Hamilton is moving and Mr. Rowland will take her place as a regular member once her resignation is submitted.
- E. **Update on Debris Monitoring Services:** Mr. Foster reported that the bid opening for the debris monitoring services contract will be on April 30th.
- F. **Other Potential Topics:** Mr. Foster reported that budget preparation is on schedule. He and Mr. Smith are finalizing the revenue sources and they will be meeting with individual department heads.

VI. **OPEN FORUM:**

Richard Durham, resident of Winter Haven – Mr. Durham explained that a group of Winter Haven residents were trying to get the Town to allow them to securely mark the borders of the property at the end of Reeves Street since they have riparian rights to that property. He explained that in 2006 a CAMA permit was issued for work to be done to the area. Since that time there were disputes between property owners. He said his goal is to have this area clearly marked so that there will be no question as to who has what rights to the property.

Haven & Scott Chaisson of 5733 17th Avenue – Mrs. Chaisson explained that their rezoning request went before the Planning Board and was denied. She said that she would like their rezoning request be changed to R-10 instead. She explained that there was an additional request along with the rezoning for the Town to abandon the end of 17th Avenue.

Mayor Tuman instructed Mr. and Mrs. Chaisson to make their change in rezoning request to the Planning Board. He said that the Chaisson's should make their request for abandonment of the end of 17th Avenue formally in writing to the Town Manager for the Board of Aldermen to consider.

VII. **CONSENT AGENDA**

- Alderman Farley requested that the Board pull the minutes of March 4th, the Request for Public Hearing – Building Height, and the ONWASA Report from the Consent Agenda. Alderman Lanci seconded the motion.
- The Consent Agenda as amended passed unanimously.

Consent Agenda items:

- A. ~~Request for Public Hearing – Proposed Amendments to Section 7-60 & 7-143 (Building Height Definition and Height Recommendation)~~
- B. **Request for Public Hearing – Rezoning (Application # R-10-01)**
- C. **Approval of Minutes:** March 1, 2010, ~~March 4, 2010~~ and March 16, 2010
- D. **Department Head Reports:** Finance Department, Fire Department, Inspections Department, Planning Department, Police Department
- E. **Committee Reports:** Planning Board, Board of Adjustment, TISPC, ~~ONWASA~~

VIII. **OLD BUSINESS**

- A. **Recommendation on Proposal from Winter Haven Property Owners Regarding Sound End of Reeves Street:**

- Mr. Foster explained that he had a meeting with the Winter Haven property owners which included the owners of the properties adjacent to the end of Reeves Street and the residents who would like to make improvements to the area.
- Mr. Foster explained that the residents were seeking to preserve and protect their rights to the property to get to the water.
- He said that he told them that the Town owns the 50 foot right of way down there and any improvements in that area would not be justified for the purpose other than maintaining the road.
- He said that a CAMA permit was issued incorrectly by the Town.
- He said that he identified 6 items that would address the problems in that area:
 1. That the “Winter Haven Property Owners Only Sign” should be removed since it was public right of way.
 2. That the rock parking area on the north side of the street should be removed.
 3. ~~That the Town recognizes the Winter Haven property owner’s riparian and traditional right to use the end of the street as a light canoe, boat and kayak boat launch.~~
 4. The Town would level and improve the boat launch for that purpose.
 5. The railroad ties are removed by the property owners.
 6. That the property owners would be reimbursed \$100.00 for the erroneous issuance of a CAMA permit, since the property owners had no such standing.
- He said that he felt that everyone came to a compromise at the meeting and he recommended the Board adopt the 6 items as policy.
- Mr. Edes requested that the item regarding riparian rights should be removed; he has not looked at all of the deeds and does not want the Town to formally acknowledge it.
- Alderman Swantek made a motion to approve the Town Manager’s recommendation. Alderman Lanci seconded based on the removal of number three.
- The motion passed 3 to 1 with Mayor Pro Tem Yawn voting against.

B. Proposal for Crossover Across from Osprey:

- Mr. Donald Lowe of Osprey subdivision addressed the Board and made his proposal for the Town to accept a 15 foot easement from Mr. Jeffreys for a crossover.
- Mr. Lowe took questions from the Board.
- Mr. Foster made his recommendation to the Board. He suggested that the Board not take any action. He suggested that Mr. Lowe and his HOA speak with Mr. Jeffries to work on developing the access.
- Mayor Pro Tem Yawn made a motion to accept the Town Manager’s recommendation to not accept donation of this easement and to not construct a crossover at this location. Alderman Lanci seconded the motion.
- The motion passed 4 to 0. Alderman Swantek was not in the room to make his vote and was not excused so his vote was counted as an aye.

C. Temporary Suspension of Requirements on Privilege Licenses:

- There was discussion that the last Board may have acted prematurely in terminating the issued privilege licenses effective the end of November since all privilege licenses are effective for the fiscal year through June 30th.
- Mayor Pro Tem Yawn made a motion to extend the privilege licenses through June 30, 2010 for the two vendors who have them.
- Alderman Farley seconded the motion.
- Mr. Edes recommended that the Board rescind the previous Board's action and then vote to extend it. Mayor Pro Tem Yawn withdrew his motion.
- There was discussion on what the Board is going to do to solve the issue of the location of the vendors, which is the main issue.
- Mayor Pro Tem Yawn indicated that he felt the issue was not with the privilege licenses; rather, the issue is that some with privilege licenses apparently are violating parts of Chapters 4 or 7 of our Town Code. There was discussion of having the Planning Board look at solutions to the issue.
- Alderman Farley made a motion to rescind the motion made last year to terminate the privilege licenses effective November 30th and to extend them through June 30th. Alderman Swantek seconded the motion.
- The motion passed 3 to 1 with Mayor Pro Tem Yawn voting against.

D. Resolution Designating Guidelines for Committees:

- Mayor Tuman explained that a February 2004 resolution designating guidelines for committees was passed that stated that no members of the Board of Aldermen could be members of a standing committee, that placed restrictions on reappointments to standing committees, and put in place automatic forfeiture of membership with a failure to attend three consecutive meetings.
- Mayor Tuman prepared a resolution that will amend those rules.
- Alderman Farley made a motion for the Board to not consider these changes. Alderman Lanci seconded the motion.
- After discussion Alderman Farley withdrew his motion.
- Mayor Pro Tem prepared a similar resolution. He made a motion to approve the resolution he prepared which emphasizes that they are guidelines for standing committees only. He read Resolution 2010-8 - A Resolution Designating Guidelines for Standing Committees of the Town of North Topsail Beach aloud.

Mayor Tuman called for a 5 minute recess.

- Alderman Lanci seconded the motion.
- The motion passed 3 to 1 with Alderman Farley voting against.

E. Reactivate the Beautification & Recreation Committee:

- Alderman Lanci made a motion to reactivate the Beautification and Recreation Committee and to appoint Alderman Swantek to serve on the committee. Mayor Pro Tem Yawn seconded the motion.
- Alderman Swantek agreed to serve as chairman of the committee and pointed out that the charter indicates that he would need to be voted in as chair by members of the committee.
- The motion passed unanimously.

F. Appointment of Board Member as Liaison to Onslow County Emergency Operations Center (EOC):

- Alderman Swantek made a motion to appoint Alderman Lanci as NTB Board Member liaison to Onslow County EOC.
- Mayor Pro Tem Yawn seconded the motion.
- The motion passed unanimously.

G. Appointments to Board of Adjustment & Planning Board:

- Mr. Foster indicated that Mr. Gary Rowland would like to be reappointed to the Planning Board and that Mr. Don Harte will be appointed as a regular member.
- Mr. Foster indicated that Mrs. Paula Rowland would like to be reappointed to the Board of Adjustment and that Mr. Gary Rowland will be appointed as a regular member when a resignation is received by Ms. Hamilton.
- Alderman Swantek made motion to appoint Mr. Rowland and Mr. Harte to the Planning Board and Mrs. Rowland and Mr. Rowland to the Board of Adjustment. Alderman Lanci seconded the motion.
- There was discussion about being specific about the dates on the terms, with May 1, 2013 being the date.
- The motion passed unanimously.

IX. NEW BUSINESS:

A. Resolution in Appreciation of the Army Corps of Engineers & Southwind Construction:

- Mayor Tuman read Resolution 2010-9 – A Resolution in Appreciation of the Army Corps of Engineers and Southwind Construction Company aloud.
- Mayor Pro Tem Yawn made a motion to adopt the resolution. Alderman Lanci seconded the motion.
- The motion passed unanimously.

B. Resolution in Appreciation of Local Fire Departments:

- Mayor Tuman read Resolution 2010-10 – A Resolution of Appreciation – First Responders and Support – Ocean Sound Village Fire aloud.

- Alderman Swantek made a motion to adopt the resolution. Alderman Lanci seconded the motion.
- The motion passed unanimously.
- Mayor Tuman expressed his gratitude for the response of the departments.

C. Request for Public Hearing – Proposed Amendments to Section 7-60 & 7-143 (Building Height Definition and Height Recommendation)

- Alderman Farley led discussion on the need for a public hearing and the proposed changes.
- Alderman Lanci made a motion to conduct the public hearing at the next Board of Aldermen meeting. Mayor Pro Tem Yawn seconded the motion.
- The motion passed 3 to 1 with Alderman Farley voting against.

D. Minutes of March 4, 2010:

- Alderman Farley made a motion to correct his comment on Page 7 of 7 to reflect that he sent his regards to Mrs. Rowland for admonishing the Board of Adjustment for removing Mrs. Swantek and approve the minutes as amended.
- Mayor Pro Tem Yawn seconded the motion.
- The motion passed unanimously.

E. Committee Report – ONWASA:

- Alderman Farley indicated that the agenda, minutes and video of the meetings are available on the ONWASA website.
- Alderman Farley reported that ONWASA proposed a base rate fee which will be charged to people who would like to have their water turned off while they are away. It will be around \$11.90. He said it will raise about \$400,000. This item will be taken up again at the next meeting.
- Alderman Farley prepared a written report which will be given to the Town Manager.

X. OPEN FORUM:

Richard Durham, resident of Winter Haven – Mr. Durham said at the meeting between the Winter Haven residents and the Town Manager he asked about how to satisfy the land owners. He asked that the Board consider speaking with Ms. Peele about the money that was spent on the project. He said that their proposal lines up with the Town's CAMA Land Use Plan. He read items from page 87 of the plan regarding public access. He thinks that the Board's decision is against providing public access.

Thomas Leonard of 218 Coastal Drive – Mr. Leonard spoke about the Board's decision on privilege licenses and that it gave him the impression that the Town may not renew the Shrimp Lady's license because of where the business is located. He asked the Board to think about the ramifications of that and urged the Town to talk to the family to work out the issue.

Ryan McAlister, Planner/CAMA LPO – Mr. McAlister spoke about the passing of Mr. Edgar Floyd "Ed" Brooks Jr. who had worked with the Town of North Topsail Beach closely throughout the years in his role as NC Department of Coastal Management CAMA Minor Permit Program Manager. He asked for a moment of silence. Mr. Foster indicated that Jan Brodmerkel, Project Manager for the Federal Project lost her daughter this morning in a traffic accident.

XI. **ATTORNEY'S REPORT:** Mr. Edes reported that the Board had directed at the retreat for him to meet with the Town Manager, Town Clerk and Planning and Zoning administrator each month in an effort to have a stronger flow of information about existing case and heading off potential cases. He reported that he met with the Town Manager and Town Clerk yesterday and the rest of his report will be given in Closed Session.

XII. **MAYOR'S REPORT:** Mayor Tuman announced that the Coastal Resources Commission (CRC) had a meeting last week and the key topic was to discuss their charge by the legislature to investigate the use of terminal groins. He said this is of interest to this Town because we have an inlet and a bad situation at the New River Inlet and that a groin could potentially do wonders in addressing this issue. The CRC took positive action. He read a statement that CRC prepared. He said he looks forward to the legislature approving the usage of terminal groins. He thanked Alderman Lanci for her public testimony at the DRC. He also indicated he will be absent for next month's meeting.

XIII. **ALDERMEN'S REPORT:**

Alderman Farley: Mr. Farley wished everyone a happy Easter. He stated that he is not a supporter of any sales tax. He thinks everyone in the County pays their fair share of taxes.

Alderman Swantek: Mr. Swantek wished everyone a happy Easter. He welcomed those who would like to serve on the Recreation and Appearance Committee. He reported that he has made contacts with some individuals who are willing to help with the race. He also spoke with someone who will be willing to give a briefing to the Board on the use of wind turbines.

Mayor Pro Tem Yawn: Mayor Pro Tem Yawn announced that he will be running next month's meeting in Mayor Tuman's absence. The Town will be voting on adopting the zoning map next meeting. There will be a NTB Shoreline Protection Committee meeting on April 16th with discussion on beach nourishment funding and also discussion by the Board on a Capital Improvement Plan. He said that Ms. Hill and the Planning Board are looking into having a seasonal marketplace where the produce guy and the Shrimp Lady can operate. He said that Sunday is his favorite holiday, opening day of baseball.

Alderman Lanci: Ms. Lanci commented on meeting brevity and said that the Board is not adhering to it. She reported that the TISPC went to D.C. to lobby representatives

about our Federal project. She said she also made sure to talk about our CBRA designation. She said they are very aware of the report and they are very support of us.

Alderman Farley made a comment about offshore drilling and asked the public to submit their input to the Board on it.

XIV. **CLOSED SESSION – Per G.S. 143-318.11(3)** To consult with attorney:

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

Mayor Tuman called for a five minute recess.

XV. **ADJOURNMENT:** Alderman Farley made a motion to adjourn. Alderman Lanci seconded the motion. The motion passed unanimously. The meeting adjourned at 11:23 p.m.

APPROVED:

Daniel Tuman, Mayor

ATTEST:

Carin Z. Faulkner, Town Clerk

Approved on: 5/6/2010