

# *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, May 6, 2010 7:00 P.M.**

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

**NOT PRESENT:** Mayor Daniel Tuman

- I. **CALL TO ORDER:** Mayor Pro Tem Yawn called the meeting to order at 7:00 p.m. in the North Topsail Beach meeting room.
- II. **PLEDGE OF ALLEGIANCE:** Mayor Pro Tem Yawn led those present in the Pledge of Allegiance.
- III. **APPROVAL OF AGENDA:**
  - Alderman Macartney made a motion to approve the agenda as presented.
  - The agenda was approved unanimously.
- IV. **PUBLIC HEARINGS & PRESENTATIONS:**
  - A. **Public Hearing – Updates to Official Zoning Map (continued):**
    - Mr. McAlister reported that the necessary changes were made but that there was a recommendation to table the public hearing.
    - Mr. Humphries recommended that the Board not approve the map with the changes from CU R-10 to R-10 tonight as it was not advertised.
    - Alderman Swantek made a motion to table the public hearing. Alderman Farley seconded the motion.
    - The motion passed unanimously.
  - B. **Public Hearing – Rezoning Case # R10-01 & Request to Abandon a Portion of 17<sup>th</sup> Avenue:**
    - Mr. McAlister read the Staff report on this rezoning case and the request to abandon a portion of 17<sup>th</sup> Avenue.
    - The applicant will be applying for the R10 rezoning. The R10 zoning was not advertised for public hearing because they had originally asked for a MHR zoning. The Board will only be addressing the request to abandon.

- Mr. McAlister read the Staff report on the request to abandon a portion of 17<sup>th</sup> Avenue.
- Mr. McAlister took questions from the Board.
- Alderman Swantek made a motion to open the public hearing. Alderman Lanci seconded the motion. The motion passed unanimously.

The following residents made comment at the public hearing:

**Haven Chaisson of 5733 17<sup>th</sup> Avenue** - Ms. Chaisson explained that the reason she is asking for the Town to abandon the portion of 17<sup>th</sup> Avenue is because she has maintained the area for several years. She said that all of the streets to the north and south of her are abandoned at the end.

**Sammy Parker of 17<sup>th</sup> Avenue** - Mr. Parker owns land adjacent to the requested area and said that he would like to keep the property looking nice. He has been working on trying to get this done for a while. His family has owned the adjoining properties since the late 60's and would like it tied together.

**Rufus Murray of 5925 17<sup>th</sup> Avenue** – Mr. Murray spoke against abandoning the street. He said that years from now people may want to have access. The Town should keep all of the streets that they own. He said the access to the water is not good at the end of the street. He said that the CAMA Land Use Plan states that you do not abandon streets like that.

**Walt Strickland of 106 Phil Harris Lane** – Mr. Strickland spoke against the Chaisson's request for rezoning and abandoning the end of the street.

- Mr. McAlister addressed questions from the Board. He clarified that the Town is not addressing a request to abandon the street, just a portion of 17<sup>th</sup> Avenue. There was discussion on granting an easement or access as a compromise, but there was consensus not to do that since the Town would lose riparian rights.
- Alderman Swantek made a motion to close the public hearing. Alderman Farley seconded the motion. The motion passed unanimously.
- Alderman Lanci made a motion to deny the abandonment of a portion of 17<sup>th</sup> Avenue. There was discussion. The motion passed unanimously.

**C. Public Hearing – Proposed Amendment to Section 7-60 & 7-143 (Building Height Definition and Height Recommendation):**

- Mr. McAlister read the Staff report.
- Mr. McAlister took questions from the Board.
- Alderman Macartney made a motion to open the public hearing. The motion passed unanimously.

The following residents made comment at the public hearing:

**Paul Dorazio of 131 Old Village Lane** – Mr. Dorazio spoke in favor of establishing the height limit to at least 48 feet to help with the architectural features of homes in the Town. He also mentioned the petition of over 400 homeowners asking to keep it at the 50 foot limit that was done four years ago.

**Richard Peters of 602 New River Inlet Road** – Mr. Peters spoke against the 50 foot height limit and said he would rather it be 45 feet.

**Gary Rowland of 127 S. Permuda Wynd** – Mr. Rowland asked the Board to consider this carefully and said that there are many nonconforming homes because of the 5 foot difference.

**Thomas Leonard of 218 Coastal Drive** – Mr. Leonard said there are more important things the Town needs to be looking at.

**Ed Tennent of 149 Old Village Lane** – Mr. Tennant spoke in favor of the 50 foot height limit because it encourages variety and flexibility in the architecture.

- Alderman Macartney made a motion to close the public hearing. Alderman Farley seconded the motion. The motion passed unanimously.
- Alderman Macartney made a motion to approve the recommendation made by Staff in its entirety (50 foot height limit – measured from the top of the slab). Alderman Lanci seconded the motion.
- There was discussion by Alderman Lanci, Farley, Swantek and Mayor Pro Tem Yawn.
- The motion failed 3 to 2 with Aldermen Lanci and Macartney voting in favor.
- Alderman Swantek made a motion to approve a height limit of 48 feet and a measurement from the top of the lowest slab. Mayor Pro Tem Yawn seconded the motion for discussion.
- The motion passed 3 to 2 with Alderman Farley and Mayor Pro Tem Yawn voting against.

V. **MANAGERS REPORT:**

A. **Update on Comprehensive Employee Classification & Pay Study:** Mr. Foster reported that Town Staff has received its first copy of the employee handbook prepared by MAPS and are reviewing it. Many of the changes made to the handbook were more modern definitions and FLSA updates. Pat Thomas from MAPS will be coming in June to make a presentation to the Board of Aldermen. Mayor Pro Tem Yawn requested an electronic copy of the manual.

B. **Update on Debris Monitoring Contract:** Mr. Foster reported that proposals have been received from four contractors. Staff will analyze the proposals and will be bringing their recommendation to the Board at the June meeting.

C. **Update on Status of Town Insurance:** Mr. Foster skipped this item.

- D. **Update on Application to Division of Water Resources:** Mr. Foster reported that application cycle for State funding of local projects begins in September. He is still working on the budgetary portion of the application, but will have it completed soon.
- E. **Discussion on Easements:** Mr. Foster said that he wanted to discuss this item with the Board because he did not have a clear direction on what to do. Mayor Pro Tem Yawn suggested that the Town put this on hold for a while. He would like to have a permit in hand before the Town starts working on this.
- F. **Reminder of Next Budget Meeting:** Mr. Foster indicated that the Board is in need of having another budget workshop to prepare the FY2010-2011 budget. There was discussion and the Board agreed that May 13<sup>th</sup> at 9:00 a.m. would be a good time to meet.
- G. **Schedule Meeting for Capital Improvement Plan Preparation:** Mr. Foster indicated that the Board still needs to meet to work on the preparation of a CIP. Mr. Foster suggested a date of June 15<sup>th</sup>. Alderman Macartney said that he would like some information from Mr. Foster on the CIP for the current budget preparation. Mr. Foster agreed that he would have some information for the BOA for this year's budget, but also indicated that the CIP is an involved process and that it will not be ready for implementation until next year.

Mayor Pro Tem Yawn stated that he felt the vendor situation in Town is resolved and that the Town is back to business as usual, with a return to normal issuance of privilege licenses starting in the new fiscal year on July 1<sup>st</sup>. The Town Manager agreed. Mayor Pro Tem Yawn thanked Town Staff for their hard work in resolving this.

- VI. **OPEN FORUM:** No one came forward.
- VII. **CONSENT AGENDA**
- Alderman Macartney made a motion to approve the consent agenda as presented. Alderman Swantek seconded the motion.
  - The Consent Agenda was approved unanimously.

**Consent Agenda items:**

- A. **Approval of Minutes:** April 1, 2010, April 16, 2010, and Closed Session Minutes (12/7, 12/15, 1/4, 1/5, 3/1)
- B. **Department Head Reports:** Finance Department, Fire Department, Inspections Department, Planning Department, Police Department
- C. **Committee Reports:** Planning Board, Board of Adjustment, TISPC, ONWASA
- D. **Call for Public Hearing: Rezoning Application (#R-10-02)**
- E. **Call for Public Hearing: Conditional Use Application (#CU-10-02)**

**VIII. OLD BUSINESS****A. Appointments to the Recreation and Appearance Committee:**

- Alderman Macartney made a motion to appoint Mr. Donald Martin and Ms. Emma Zak to the Recreation and Appearance Committee.
- The motion passed 4 to 1 with Alderman Farley voting against.

**IX. NEW BUSINESS:****A. Approval of Framework for Public Informational Meetings:**

- Alderman Macartney explained that the permit for the private phase of the Town's beach nourishment project is going to be issued soon (this summer). He said that if the Town is going to move forward with a project that property owners need to understand what needs to be paid. He said that the Town is going to open Town Hall and give presentations on where the Town is on the project and how the Town proposes to finance the project.
- Mayor Pro Tem Yawn read a letter that was drafted to be sent to property owners announcing the public informational meetings.
- Alderman Macartney made a motion to approve the letter. Alderman Swantek seconded the motion.
- The motion passed 4 to 1 with Alderman Farley voting against
- Staff and Mayor Pro Tem Yawn went through a slide show presentation which will be presented at the informational meetings.
- Alderman Macartney made a motion to approve the presentation.
- The motion passed 4 to 1 with Alderman Farley voting against.

**B. Approval to do a Web Based Survey on Beach Nourishment:**

- There was discussion about the survey and the Board had consensus on sending it to all property owners after the informational meetings.
- Alderman Macartney suggested that the survey be tabled for now.
- Alderman Swantek made a motion to direct staff to begin work on a survey. Alderman Lanci seconded the motion.
- The motion passed 4 to 1 with Alderman Farley voting against.

**C. Approval of a Letter to Phase One Property Owners**

- This item was discussed with Item A.

**D. Proposed Creation of a Lobbying Committee:**

- Mayor Pro Tem Yawn made the following motion:  
*"I move that North Topsail Beach expand our current CBRA Committee (currently composed of Don Martin and Gene Graziosi) to a standing committee known as the Government Advocacy Committee. This committee shall take specific direction from the Board of Aldermen as to issues and positions to take and would advocate via personal contact, organized letter-writing, organized email communications, and organized telephone calls.*

*This committee may advocate County, State, or Federal government agencies or private agencies as directed by the Board of Aldermen.”*

- Alderman Macartney seconded the motion.
- Mr. Humphries indicated that the Board needs to take into account conflicts of interest when they are appointing members to this committee. They need to ensure that members are not receiving a financial benefit from their activities.
- The motion passed 4 to 1 with Alderman Farley voting against.

**E. Proposed Adoption of NTB 20<sup>th</sup> Anniversary Resolution:**

- Mayor Pro Tem Yawn announced that May 2<sup>nd</sup> was the mark of the Town’s 20<sup>th</sup> Anniversary. He read the Resolution 2010-12 – A Resolution Commemorating the Town of North Topsail Beach’s 20<sup>th</sup> Anniversary.
- Alderman Swantek made a motion to adopt Resolution 2010-12. Alderman Lanci seconded the motion.
- The motion passed unanimously.

**F. Proposal to Pay off Fire Truck:**

- Alderman Swantek made a motion to table this item. Alderman Lanci seconded the motion.
- The motion passed unanimously.

**VIII. OPEN FORUM:**

**Richard Peters of 601 New River Inlet Road** – Mr. Peters commented on the committee reports portion of the BOA agenda getting moved to the consent agenda. He said that the citizens need to know what was conducted. He also feels that the reports add to citizen participation. He said it is extremely important that the Town people know about the issues.

**IX. ATTORNEY’S REPORT:** Mr. Humphries thanked everyone for having him come and participate in this meeting.

**X. MAYOR’S REPORT:** Mayor Pro Tem Yawn thanked everyone for coming out. He reminded everyone that the Beach Sweep is this weekend. He announced that on June 5<sup>th</sup> at Morris Landing in Holly Ridge there will be an environmental day. He thanked Town Staff for their hard work in preparing for this meeting.

**XI. ALDERMEN’S REPORT:**

**Alderman Lanci:** Ms. Lanci commented that this meeting was one of the best attended we’ve had and that the Board is getting there on meeting brevity. She reported that she, Mayor Pro Tem Yawn and Mr. Foster made a presentation to Topsail Reef HOA and that it went really well. She said that it would be good if the Board members could communicate to other large HOAs.

**Alderman Macartney:** Mr. Macartney commented that public input is important. He thinks the beach nourishment forums will be well attended. He reported that the Town had its first budget meeting and that there will be a revenue neutral budget. The next budget meeting will be on May 13<sup>th</sup> at 9:00 a.m. He encouraged everyone to come to the meeting and make their thoughts known. The Town is running pretty well.

**Alderman Swantek:** Mr. Swantek announced that the new Recreation and Appearance committee was formed with himself, Don Martin, and Ms. Zak serving and he hopes they can get some others to come on board. He said that the committee has a budget and that they will be reorganizing and getting the Town in shape for the tourists. He is looking forward to the Town run and the golf tournament which will be at North Shore in October. He said that a gentleman will be contacting him next week about doing a presentation on turbines.

The Board went into a two minute recess. Mayor Pro Tem Yawn announced that the Board will be meeting in Closed Session after the recess.

- XII. **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.

Alderman Macartney made a motion to go out of closed session. The motion passed unanimously. Alderman Macartney reported that no action was taken in closed session.

- XIII. **ADJOURNMENT:** Alderman Swantek made a motion to adjourn. The motion passed unanimously. The meeting adjourned at 9:29 p.m.

**APPROVED:**

---

Daniel Tuman, Mayor

**ATTEST:**

---

Carin Z. Faulkner, Town Clerk

Approved on: 6/3/2010